
Site Address:	Shallows, Woodgaston Lane, Hayling Island, PO11 0RL		
Proposal:	Supplementary wall to existing sea defences; cladding to same with associated earthworks.		
Application No:	APP/15/00534	Expiry Date:	09/07/2015
Applicant:	Mr J Butler	Team:	Team 1
Agent:	Locke Design Ltd	Case Officer:	David Eaves
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located in the countryside to the west of the residential properties in Woodgaston Lane. Shallows itself is accessed off a sperate lane which also leads to the adjacent Local Nature Reserve. Shallows is a detached dwelling set in ample grounds which lead down to Chichester Harbour. The existing sea defence consists of a concrete low sloping wall, low bank and ditch with taller bank to landward side of the ditch. There are two existing concrete slipways within the site which allow access to the fore shore. There is also a ditch marking the western boundary of the site. To the east of the application site is an area of concrete blocks backed by a hedge.

The site contains a number of oak and other trees subject to Tree Preservation Orders, however the works under consideration are not considered to impact on these trees.

2 Planning History

APP/13/00391 Fell 1No. Oak; crown raise to 5m 12No. Poplars; all trees within Woodland 1 of TPO 1414. Per June 2013

01/65724/000 First floor extension under new gable to replace existing balcony
Per Nov 2011

3 Proposal

Supplementary wall to existing sea defences; cladding to same with associated earthworks.

The proposal effectively provides a new sea wall incorporating the existing sea wall but providing a taller timber clad wall this would then be backed by an 'L' shaped reinforced concrete structure. The land behind the wall currently containing a ditch would be raised and a large perforated pipe would be provided. The wall and land behind would have a height of 3.4m. The two slipways would be fitted with tide gates, these would have a height of 3.12m.

4 Policy Considerations

National Planning Policy Framework
Technical Guidance to the National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

The Local Planning Authority is advised that the Conservancy has no objection to this application, but asks that the following matters be negotiated if possible:-

- appropriate conditions be included on any permission to ensure that:
 - The works are carried out outside the overwintering bird season (October to March inclusive);
 - contractors carrying out the work do so in accordance with the submitted method statement and are aware of the status and legal obligations attached to the designated sites covering the foreshore area adjacent to the proposed sea wall,
 - that all materials, equipment and machinery will be stored in a compound within the curtilage of the property; and
 - the area of Orchids is clearly marked during the works to avoid these being trampled by contractors.

Environment Agency

The Environment Agency has no objection to the proposal as submitted.

The LPA are advised that a Flood Defence Consent application for the works has been submitted to the EA and is currently under consideration.

Natural England

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Solent Maritime Special Area of Conservation (SAC) and the Chichester and Langstone Harbours Special Protection Area (SPA) which are European sites. The site is also listed as the Chichester and Langstone Harbours Ramsar site and also notified at a national level as the Chichester Harbour Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation

objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natura 2000 sites – No Objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

The applicant is proposing to carry out works outside of the wintering bird season and to construct the sea defence from the landward side only.

SSSI No objection – with conditions

This application is in close proximity to Chichester Harbour Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

- All those involved with the works should be informed of the status and legal obligations attached to the designation and where the boundary of the protected area is.
- All materials, equipment and machinery will be stored in a designated compound within the curtilage of the property.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Chichester Harbour SSSI is notified.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

Coastal Engineering

the Eastern Solent Coastal Partnership has no objection to this application.

Advice

That the applicant inform the EA and Natural England of these works as a courtesy and to seek confirmation that no consenting is required.

Officer Comment: Separate consent from the EA is being sought in relation to Flood Defence Consent and NE have been consulted in relation to the application.

Hampshire Wildlife Trust

No comments received.

County Ecologist

Application site, in common with adjacent sites, supports a population of green-winged orchids: it is clear that this area of Hayling is a hotspot for this species, containing areas of unimproved grassland, a dwindling habitat. the proposed works area will not directly impact the orchids but there is potential for works access/material storage to result in trampling and/or compaction which could affect the plants.

At this site, the small colony of orchids is situated at the north-eastern end of the site, well-away from the foreshore and proposed construction works. It is proposed to delineate a 'safe' works access route through the grounds so as to direct pressure away from the orchids: this route needs to be marked out whilst the orchids are visible above ground – i.e. between April and June (so if not already done this route should be marked ASAP). As with the previous application I consider this to be a sensible solution. I do not consider that further ecological works are needed.

The proposed works will entail physical alteration to the existing foreshore defences and therefore works will take place within Chichester & Langstone Harbours SPA and Ramsar site, Solent Maritime SAC and Chichester Harbour SSSI. Although the works are highly unlikely to result in significant impacts to these designated sites I would recommend that consultation is sought with Natural England. The main issue would be noise and visual disturbance to overwintering bird species associated with the SPA – restrictions on the timing and levels of construction noise would be sufficient to negate any impacts.

Royal Society for the Protection of Birds

No comments received.

Hampshire Biodiversity Information Centre

Within 50m Protected & Notable Species - Smooth Brome, Wild Pansy, green winged orchid.

Adjacent SINC - Gutner Farm

Adjacent Wader and Brent Goose Strategy - Solent Wader and Brent Goose Strategy Site

Within 500m SSSI - Chichester Harbour

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 2

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of Chichester Harbour Area of Outstanding Natural Beauty
- (iii) Impact upon the International and National designations for habitat and wildlife applicable to Chichester Harbour and protected species.
- (iv) Flood Risk issues
- (v) Impact on trees
- (vi) Other matters

(i) Principle of development

The proposal relates to the improvement of an existing sea defence which is in a deteriorating state of repair. Subject to the sea defence meeting the requirements of the EA and coastal engineers and meeting the other requirements set out below it is considered that such works are acceptable in principle.

(ii) Impact upon the character and appearance of Chichester Harbour Area of Outstanding Natural Beauty

The works are required to improve the existing deteriorating sea defences and are designed to be faced with timber which is not untypical of sea defences around the harbour. The development has been considered by Chichester Harbour Conservancy who raise no objection to the proposals. It is considered that the proposals would have a limited and acceptable impact on the character and appearance of the Area of Outstanding Natural Beauty.

(iii) Impact upon the International and National designations for habitat and wildlife applicable to Chichester Harbour and protected species.

The site is located adjacent to Chichester Harbour SPA/SSSI/Ramsar sites and Site of Special Scientific Interest (SSSI). This SSSI is part of the Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar and the Solent Maritime Special Area of Conservation (SAC). These areas are of national and international importance for nature conservation. The site is also adjacent to a site of Interest for Nature Conservation. As such the Local Planning Authority has consulted Natural England, Hampshire County Council Ecology and Hampshire & Isle of Wight Wildlife Trust.

Natural England has confirmed that subject to conditions the development is unlikely to have a significant effect on any European site as the applicant is proposing to carry out the works outside of the wintering bird season and to construct the sea defence from the landward side only. In terms of the SSSI, no objections are raised by NE due to the nature and scale of the development. Conditions are required in relation to the status of the protected area and the storage of equipment and machinery.

In relation to protected species, the County Ecologist has assessed the proposals. The development needs to take account of orchids on the site and to prevent noise and visual disturbance to overwintering bird species. Restrictions on the timing and

levels of construction noise would be sufficient to negate any impacts. These conditions are recommended below.

The development is considered to have no significant impact on adjacent designated sites or on site protected species.

An Appropriate Assessment has been carried out in relation to the impact on the designated 'European' sites as required by the Habitat Regulations Regulation 61. The assessment concludes that:

...there would be no significant effects as a result of implementation of the proposal on the Solent Maritime SAC, the Chichester and Langstone harbour SPA and the Ramsar Convention Site.

(iv) Flood Risk issues

In relation to flood risk, the area has in the past been subject to sea flooding. The Environment Agency and the Coastal Engineers have considered the proposals and have confirmed that they have no objections to the works in relation to flood risk. It is therefore considered that the works are acceptable in relation to flood risk and should improve the existing sea defence.

(v) Impact on trees

Whilst there are trees subject to TPO's on the site the works are not anticipated to result in any impact on these features of the wider site.

(vi) Other Matters

The proposed development would require additional consents in addition to planning permission. A flood defence consent from the EA is required (and is being applied for) and a licence may be required from the Marine Management Organisation. Informatives are recommended to be added to the Decision Notice.

8 Conclusion

In conclusion, the principle of flood defence works are considered acceptable. The works would have an acceptable impact on Chichester Harbour Area of Outstanding Natural Beauty. Given the sensitive nature of the site in relation to wildlife and international and national designations the application has been scrutinised in detail and conditions are recommended to ensure the development would not be harmful to ecological interests.

The works would improve the existing sea defence in terms of flood risk and are considered acceptable by the EA and Coastal Engineers. There is not considered to be any impact on trees.

In the light of the above assessment planning permission can be recommended subject to the conditions set out below.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00534

(A) subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbA max) shall be undertaken during the bird overwintering period from 1st October to 31st March inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with Natural England.
Reason: To ensure that the development does not have a harmful impact on protected overwintering birds having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The development hereby permitted shall take place in accordance with the submitted Scope of works and method statement dated 5th May 2015 specifically including the undertaking of works with machinery from outside the designated SSSI/SAC/SPA and Ramsar sites.
Reason: To ensure that the development does not have a harmful impact on the ecology of the designated sites having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 The proposed construction works and machinery access shall take place so as to reduce the impact of the works to on site orchid species as set out in the Scope of works and method statement for supplementary sea defence wall dated 5th May 2015 and the On Site Orchid Distribution Plan.
Reason: To ensure that the impact of the construction works in relation to on site orchid species is adequately addressed and having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the provision to be made for a material storage compound and construction parking within the site have been submitted to and approved in writing by the Local Planning Authority. The approved compound shall be available prior to the commencement of any building works and throughout the contract period and no materials shall be stored anywhere else on the site.
Reason: To safeguard the amenities of the locality and in the interests of nature conservation and having due regard to policies CS12, CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 All those involved in the works hereby permitted shall be informed of the status of the adjacent Special Protection Area, Special Area of Conservation, Site of Special Scientific Interest and RAMSAR designations and their legal obligations in relation to such designations. This information should include the need to comply strictly with the requirements of the conditions imposed in relation to this planning application.

Reason: To ensure that the works are carried out as approved in order to prevent any harmful impacts on the protected areas having due regard to the Habitat Regulations 2010 and policies CS12, CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 Notwithstanding the submitted plans the tide gates to the slipways shown on drawing number 002 shall have a minimum height when in use of 3.4m OD.

Reason: To ensure that the flood defence feature is designed to a consistent height to help to avoid flooding having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Statement 2012 and Technical Guidance to the National Planning Policy Framework 2012.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

OS map + images of existing Drawing No. 001

Plan sections and elevation of proposed foreshore wall Drawing No. 002

Proposed Retaining Wall and Land Drain Drawing No. 100082-STR-001 Rev P2

Plan - Area of Green Winged Orchids

Scope of works and method statement for supplementary sea defence wall dated 5th May 2015

Reason: - To ensure provision of a satisfactory development.