
Site Address:	Langness, Woodgaston Lane, Hayling Island, PO11 0RL		
Proposal:	Replacement of existing sea defences and new slipway.		
Application No:	APP/14/00343	Expiry Date:	29/05/2014
Applicant:	Mr Atkin	Team:	Team 1
Agent:		Case Officer:	David Eaves
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This site is located in the countryside at the eastern end of Woodgaston Lane. It contains a detached two storey 1960's dwelling with a very shallow pitched roof with an external tank enclosure on the roof. The property is constructed in a buff brick with timber cladding at first floor. There is currently a flat roofed detached garage and outbuilding on the north side of the dwelling.
- 1.2 To the north of the site is a field owned in part by the applicant. To the east is a dwelling similar in design to the applicant's property and to the west a white rendered two storey dwelling with a plain tiled roof. The application site is separated from the property to the west by a public footpath which is in the applicant's ownership. The property has a south facing garden in excess of 60m which abuts Chichester Harbour Area of Outstanding Natural Beauty and the Sites of Special Scientific Interest.
- 1.3 The existing sea defences are in a poor state of repair with railway sleepers supported by metal posts. The sleepers have in some cases been lost and there has been some erosion of the material behind presumably the result of storm damage. The sleepers act to hold up a grass covered bank with a lower garden area beyond.
- 1.4 To the east of the site is Seafield House which has similar sea defences of railway sleepers but includes a timber slipway projecting over the foreshore and some boarding attached to the sleeper defences used as a probably temporary repair measure. Further east again the defences consist of lower concrete wall with bank behind.
- 1.5 To the west of the site is a public footpath which is understood to be within the applicants ownership. The footpath passes between Langness and Victoria Cottage and then runs in a westerly direction along the top of the foreshore. Victoria Cottage is an older property and has a flint and brick wall fronting the public footpath. The sea defences to the south of Victoria Cottage consist of a timber post enclosure filled behind with rubble material and a bank on which tamarisk trees are growing. This defence projects slightly further over the foreshore than the Langness sea defence.

2 Planning History

APP/12/00385

Demolition of existing 5 bed detached dwelling and garage. Construction of replacement 4 bed detached, timber frame dwelling clad with cedar shingles; replacement two storey garage, boat loft. (Revised Application.) Permitted June 2012

APP/11/01304

Demolition of existing 5 bed detached dwelling and garage. Construction of replacement 4 bed detached, timber frame dwelling clad with cedar shingles; replacement two storey garage, boat loft and new slip way and sea defences - Withdrawn.

09/56425/00

Extension of time limit for 04/56425/001 - Permitted

04/56425/001

Replace existing flat roof with pitched roof and additional accommodation, new entrance, garage and outbuildings (revised scheme) - Permitted.

04/56425/000

Replace existing flat roof with pitched roof and additional accommodation, new entrance, garage and outbuildings. - Withdrawn.

3 Proposal

- 3.1 Replacement of existing sea defences and new slipway. This work is proposed to seek to provide a replacement of the existing eroded defences and to provide a more robust sea defence. The line of the new defence will follow closely that of the existing defence and use new sleepers. The top of the existing sleeper 'wall' is shown to have a height of 3m and the top of the grass bank between 3.05m and 3.11m. The proposed top of the sleeper 'wall' would be 3.4m and the top of the bank 3.3m.
- 3.2 The proposal would include the provision of a slipway with a concrete surface, which would not project beyond the proposed sea defence and would slope up into the site with a maximum height of 3.4m.

4 Policy Considerations

National Planning Policy Framework 2012

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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Natural England

Further Comments:

I am satisfied that our response remains appropriate.

Original Comments:

The application site is adjacent to the Chichester Harbour 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).

Natura 2000 site – No Objection Subject to Conditions

Natural England advises your authority that the proposal is not likely to have a significant effect on the interest features for which the above SSSI/SAC/SPA/Ramsar sites are designated, either alone or in combination with other plans or projects subject to conditions or advice to the effect of the following attached to any permission granted:

- ☐ The works are to proceed as set out in the Method Statement, specifically including the undertaking of works with machinery from outside of the designated site.
- ☐ No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax) to be undertaken during the bird overwintering period (i.e. October to March inclusive).

Case officer Comment: The above conditions are recommended.

SSSI

Natural England is satisfied that, subject to the imposition of the above advice and the development being undertaken in strict accordance with the submitted proposals and the conditions set out above, these development proposals will avoid impacts upon the interest features of Chichester Harbour SSSI

Other advice

Natural England does not hold locally specific information relating to local sites, local landscape character and local or national biodiversity priority habitats and species. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies.

Case officer comment: Advice has been sought from HCC ecologist, Hampshire and IOW wildlife trust and Hampshire Bio-diversity Information Centre.

Chichester Harbour Conservancy**Further Comments:**

I confirm that the Conservancy maintains its 'no objection' to these proposals for a new sea wall and slipway, subject to the top of the slipway being at the height AOD required by the Environment Agency once the project has been completed.

It is hoped that the council may now – after due process – reach a favourable decision and allow Mr Atkin to implement these proposals so as to protect his home from further sea damage.

Original Comments:

The Local Planning Authority is advised that the Conservancy raises no objection to this application, subject to the following condition being imposed, as set out below and informatives being attached relating to the other consents that need to be sought, not least from Natural England, the Environment Agency and the Marine Management Organisation before these work can be implemented, so as to safeguard nature conservation interests and safe navigation in the harbour.

Case Officer Comment: The condition is the same as the recommended EA condition referred to below and the condition is recommended.

Environment Agency**Further comments:**

No additional comments to make.

Original Comments:

The Environment Agency will have no objection to the proposed development subject to the imposition of a planning condition.

Case officer Comment: A condition in relation to the matters raised is included in this recommendation and relates to the height of the sea defence wall and slipway and implementation/maintenance.

Separate Flood Defence Consent is required from the EA.

Case officer Comment: An informative is recommended in relation to the need for an FDC.

Royal Society for the Protection of Birds

No comments received.

Rights of Way Officer

No comments received.

Coastal Engineering**Final comments:**

I can confirm that the Eastern Solent Coastal Partnership has no further comment on this application.

Further Comments:

You asked for us to review comments previously made on this application which I attach.

We note that the slipway was included in the original application and therefore do not have any additional comment to add to our previous response.

The neighbours comments refer to the technical detail and specifics of design and construction. We have previously directed the applicant to the appropriate marine consenting bodies who will assess this as part of their process of determination a consent or licence.

Original Comments:

The Coastal Partnership team has no objection to the sea defence proposals as submitted. This includes an increase in the height of the seawall and replacement of an integral slipway to replace the already existing structure and built to the same height of the wall.

This location is considered to be a low energy coastal environment within the Mill Rythe Inlet north of Verner Common – part of Chichester Harbour. The scale and nature of the proposals are therefore deemed to have a limited impact on coastal processes within the locality.

Advice

With relation to the construction of seawall and slipway we have made number of recommendations to the applicant in respect of additional licences which will be required to be in place prior work on site commencing. These include:

i) Natural England should be consulted with regard to the impact of construction on the various environmentally designated areas adjoining the site;

Case officer comment: NE consulted on the proposals.

ii) As the proposed works to the slipway may extend below Mean High Water the applicant would be required to consult with the Marine Management Organisation to discuss any additional licenses under the Marine and Coastal Access Act 2009;

Case officer comment: Informative recommended.

iii) Chichester Harbour Conservancy should also be consulted about the application. The applicant should discuss with the Conservancy the requirement to apply for a works licence for this proposal.

Case officer comment: Informative recommended.

Hampshire & Isle of Wight Wildlife Trust

The site is located in an area that is highly designated under both UK and European law, and therefore there is the potential that the proposals could negatively impact on the interest features of the designated sites. However, having reviewed the documentation provided with this application we note that the proposals are generally aimed at repairing sea defences that were damaged as a result of the storms over the winter of 2013/2014. In addition the proposed development footprint does not appear to extend beyond the existing sea defence boundary.

In commenting on this application we have referred to the Environment Agencies Shoreline Management Plan, which provides the strategy for coastal defence in the region. As you will be aware coastal defence prevents the natural re-alignment of the coastline, which results in the coastal squeeze of the intertidal. The Shoreline Management Plan provides a strategic overview of coastal defence issues by balancing defences with re-alignments. Under the Shoreline Management Plan we note that the application site is included under policy SMP 13 (North Solent Shoreline – Selsey Bill to Hurst Spit); the 20 and 50 year management policy is 'hold the existing defence line'.

We are generally content that, based on the information provided, there will not be a likely significant effect on the interest features of the designated sites. However, we do note in the Method Statement that the proposed works involve driving Larssen sheet piles with an excavator coupled to a hydraulic vibro piler. There is no detail included as to the decibel noise level that the proposed works will generate, nor the actual timings as to when the work will be carried out. Given that the majority of the designations in the vicinity of the application site relate to wintering bird species that are susceptible to disturbance from noise during the winter period, we consider that a suitably worded condition should be placed on any planning permission, that your authority should be minded to grant.

This condition should be worded in such a way to ensure that no piling works are carried out during the winter period, which extends from the 1st October to the 31st March, inclusive. If it is not possible to avoid piling works during the winter months restrictions should be placed on the noise levels to be generated by the proposed piling works, and the methods used during the piling operations. For example this would include contractors adopting best practice with regard to operating machinery to reduce unnecessary noise and the implementation of a soft start approach to piling, whereby the noise levels start low and are gradually ramped up to the maximum.

Case officer comment: A timing condition is recommended to avoid unacceptable

impacts on overwintering birds.

County Ecologist

Final Comments:

Having reviewed the recently-submitted additional information in respect of orchid species at this site by the current owner I am now content that there are no outstanding ecological matters. This information includes a site plan showing the approximate distribution of the two orchid species present within Mr Atkin's landholding as well as some text describing how the orchids have proliferated over a number of decades of careful garden management. I consider the information provided to be acceptable and no further ecological survey work is required.

On the basis of the information submitted, I can see no overriding reason why the proposed works cannot take place provided that appropriate mitigating measures are in place. It is evident that Mr Atkin is aware of the value of these plants and has actively encouraged their spread to other areas of the Langness site – he is therefore best placed to deal with any mitigating measures in a sensitive manner. Provided that any works are undertaken so as to avoid direct impacts I see no reason why the required sea defence repair works should compromise the conservation status of these orchid species. In any case, it would appear that there is a suitable vehicular access route down the western side of the garden which would avoid the orchids (outliers notwithstanding). It would appear that the locations of plants are well known and remedial actions can be taken should there be a risk of damage to any individual plant – in fact it may even be easier to undertake works when the orchids are visible above ground. In any case, on balance and now that further information has been provided, this is not an overriding issue and I consider that no further action is necessary. All I would request is that Mr Atkin allows permission for his very useful data to be added to the database of the Hampshire Biodiversity Information Centre (HBIC).

Comment: An informative is recommended in relation to providing information to HBIC.

Original Comments:

Looking at the application documents I would concur with both Natural England and the Wildlife Trust that, subject to noise-limiting conditions, the proposals are not likely to result in a significant effect on the adjacent SPA. However, the issue of orchids - both green-winged orchid and autumn lady's tresses – has not been addressed to date. Both species are uncommon but locally abundant in grassland and, although not considered to be Notable species within south Hampshire, their presence is significant in biodiversity terms and both species have declined greatly due to the loss of species-rich grassland habitats. All necessary measures should therefore be taken to avoid damage to these plant species.

Given that these orchids have apparently been recorded on land immediately adjacent to the proposed works, I would recommend that the applicant commissions a botanical assessment of his land so that any potential impacts can be understood.

Green-winged orchid will be flowering now although autumn lady's tresses does not flower until late summer/early autumn. The applicant will need to take advice on what the most appropriate course of action would be to safeguard any orchids within the proposed works area.

Any appointed ecologist will need to attempt to map the distribution of green-winged orchids as soon as possible and predict, based on habitat distribution, the likely

distribution of the lady's tresses.

Hampshire Biodiversity Information Centre

On site - RAMSAR, SSSI, SPA, SAC

On Site - Protected and/or Notable Species - Green-winged Orchid

Within 50m - Protected and/or Notable Species - Golden-samphire, Early Meadow Grass.

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: 3, two raising objections (in several letters) 1 no objection (NE Hayling Residents Association).

Objections:

Summary:

Concerned about additional flood risk as a result of work

Concern at how works will join other sea defences without damaging them.

No indication as to how works would be carried out entirely on applicants own land without damage to my mud foreshore or sea defence.

Impact on important natural wildlife habitat of Chichester Harbour.

Application contains inconsistent information.

Impact on trees and other vegetation and effectiveness of sea defence.

Contested land ownership.

How will existing sea defence be supported, adequacy of proposals questioned?

Seek assurances that height of sea wall and slipway meet minimum height suggested by EA.

Existing flooding causes disputed.

Work needs to be carried out including machinery on applicants land only.

Concerns over timings of work and winter storms.

Flood risk concerns as our house built at lower height than applicants.

Concern over slipway and wave action resulting in flood risk.

Concerns regarding EA flood risk assessment.

Impact of slipway and wave action on mud and wildlife interests.

Additional flooding would undermine flint wall and use of public footpath is restricted.

Alternative slipway design and drainage features suggested.

Impact on orchids and timing of works questioned.

Condition requested in relation to repairs to our land from construction works.

Sea defence wall and slipway should be 3.4m AOD.

Comment: They are now shown at 3.4m height.

NE Hayling Residents Association state that they have no objection to this planning application.

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) Impact on the adjacent Public Footpath
- (vii) Other matters

(i) Principle of development

7.2 The proposal relates to the replacement of an existing sea defence which is in a deteriorating state of repair and its replacement with a new sea defence and slipway. 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

7.3 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 subject to a timing of works condition, and are supportive of works as they aid the effectiveness of sea defences in the area. 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.

7.4 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. As such the Local Planning Authority has consulted Natural England, Hampshire County Council Ecology and Hampshire & Isle of Wight Wildlife Trust.

7.5 Natural England has confirmed that the proposal is not likely to have a significant effect on the interest features for which these sites are designated, either alone or in combination with other plans or projects subject to the imposition of planning conditions in relation to construction methods and the timing of noisy works. The Wildlife Trust also recommends a noisy works timing condition. These conditions are recommended below.

- 7.6 In terms of on site protected species, the County Ecologist has commented in relation to on site orchid species and further information has been submitted during the course of this application which should if followed reduce the impact of construction works on these plants. A condition is recommended to link construction to the submitted information.
- 7.7 The development is considered to have no significant impact on adjacent designated sites or on site protected species.

(iv) Flood Risk issues

7.8 In relation to flood risk, the area has in the past been subject to sea flooding as evidenced by various photographs submitted during the course of the planning application. The Environment Agency and the Coastal Engineers have considered the proposals and have confirmed that subject to a condition they have no objections to the works in relation to flood risk. A number of concerns have been raised by neighbours with regard to flood risk, however, these have been forwarded to the EA and Engineers and they have maintained their no-objection stance, the plans have also been amended/clarified to address discrepancies in the details.. 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

7.9 Most of the application site is open without trees, however at the western end of the proposed works beyond the site are a group of Tamarisk trees/large bushes. Most of the trees are located outside of the works. One Tamarisk is located on the foreshore bank and the new defence works would be closer to the tree. It is however noted that the area of encroachment is already much disturbed following what appears to be erosion of the bank and subsequent infilling with materials and enclosure by a line of posts. It is considered that given the nature of the tree and its existing surrounding land disturbance the works are unlikely to result in an unacceptable impact.

(vi) Impact on the adjacent Public Footpath

7.10 To the west of the site is a public right of way. The works proposed are outside the line of the footpath which should remain as existing providing public access to the coastline to the west of the site.

(vii) Other matters

- 7.11 The proposed development would require additional consents in addition to planning permission. A flood defence consent from the EA is required and a licence may be required from the Marine Management Organisation. Informatives are recommended to be added to the Decision Notice.
- 7.12 Concern has been raised by third parties as to how the sea defence works would join existing neighbouring defences. The applicant has provided written details of the proposed works to the boundary with Seafield House sea defences with a section of steel driven vertically to support the end stop of these defences. At the Victoria Cottage End the plans have been clarified to show a line of existing posts returning to the new sea wall. These measures should ensure the continuity of the sea defences. Discussion as to the details of such works is of course encouraged between neighbouring residents by the Local Planning Authority.

- 7.13 Concerns have been raised with regard to the construction phase and a Method Statement for the works has been submitted which demonstrates that intrusive work will take place from the land side and not the foreshore. A planning condition is recommended to require compliance with the method statement.
- 7.14 Concerns in relation to land ownership are noted, however, the matter has been raised with the applicant who has stated that all works will take place on their own land. The Local Planning Authority do not have records of land ownership and planning applications are considered in the light of the submitted certificate confirming land ownership. Any land ownership disputes are considered to be a private legal matter.
- 7.15 It is noted that the causes of current flooding problems is contested, however, the application is considered on its merits and in the light of advice received from consultees including the EA and Coastal Engineers. Having examined this advice and the details of the application the proposed development is considered acceptable and would improve this section of sea defence.

8 Conclusion

- 8.1 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.
- 8.2 The works would improve the existing sea defence in terms of flood risk and are considered acceptable by the EA and Coastal Engineers. Impacts on trees are considered to be limited and acceptable and the public footpath running adjacent to the works will remain in situ. A number of other detailed matters have also been addressed during the course of the planning application. It is not considered that any of these issues would warrant a refusal of planning permission.
- 8.3 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/14/00343

(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 The levels of the development shall be constructed strictly in accordance with the approved plans so as to ensure:
1. That the proposed height of the sea defence wall is 3.4mAOD in accordance with the provided sea defence plan.
 2. That the top height of the new slipway is set no lower than 3.4mAOD and ties in with the sea defence wall.
- Reason:** To ensure that the slipway does not form a low point in the sea wall that will result in an increased flood risk and having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 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 letter from Mr Atkin dated 29th August 2014 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.
- 4 The development hereby permitted shall take place in accordance with the submitted Method Statement from Burras Ltd dated March 2013 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.
- 5 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.
- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:
- Site Location & Block Plans Drawing No. PA/SO/10/013/007 Rev C
Site Layout and Details Drawing No. PA/SO/10/013/006 Rev D
On Site Orchid Distribution Plan
Burras Ltd Method statement Sea defence Works dated March 2013
Letter dated 18th March 2014 from Mr Atkin
Letter dated 29th August 2014 from Mr Atkin
Letter dated 19th January 2015 from Mr Atkin

Reason: - To ensure provision of a satisfactory development.

