

Our ref: SB/AC/4794

Stephen Cantwell
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

24 October 2013

Dear Stephen

Re :Yacht Haven Development Site, Hayling Island

Further to our meeting on 25 September, I have set out below our responses on the key issues we discussed.

Status of AONB

AONBs have always had the highest landscape status, alongside National Parks. This was reconfirmed in the National Planning Policy Framework but is nothing new, and was certainly the case in 1996 when the previous consent for 6 houses was granted. Whilst the Framework represents a reframing of previous advice, it does not change the level of protection afforded to AONBs, and certainly has not increased their level of protection – how could it when AONBs have always enjoyed the highest level of protection?

It follows that the 1996 consent is a material of considerable weight. As we discussed at our meeting, the 1996 consent showed exactly the same land area for residential development, exactly the same number of houses, and an indicative layout with a similar disposition of plots and footprint sizes. We would argue that a good reason is needed not to determine the current application in the same way as the 1996 consent.

One thing that has changed since 1996 is that this is a full application, with consequent attention to the details of the design, resulting in the creation of a substantial visual separation between the plots on the western side of the site in order to reduce the visual massing of the scheme.

You mentioned that various ecological designations have come into force since 1996, which is true; but in ecological terms our proposal offers far more than the 1996 consent in relation to mitigation and enhancement, hence the ecological designations argue more strongly in favour of granting permission than was the case in 1996.

Landscape Planting

I enclose our enhanced landscaping proposals for the area in front of the proposed houses. The proposals have been designed to filter views from the sea whilst not completely obscuring views out for future residents. The land in question will be controlled in perpetuity

by a management company controlled through a Section 106 Agreement, and hence the planting will not be at risk of being removed by future residents.

We believe that the planting proposals represent a significant change to the likely visual impact of the proposals on the AONB, and as such we ask that your landscape officer gives them careful consideration. If further revisions are required to the planting proposals we will, within reason, be willing to make these.

You have raised the issue of the sizes of the plots and the houses themselves in landscape terms. The plot sizes, as noted above, were established by the 1996 consent, and whilst they are undoubtedly smaller than some of the very large plots found to the east, they are nevertheless substantial in their own right, measuring on average 935sqm. We must remember that the plot sizes are reduced because they do not extend down to the water's edge. This is because of or creation of a 'green' zone between the houses and the footpath/water's edge and this is a feature that you and previous other planning officers have show some enthusiasm for. We believe that both the proposed house types and the plot sizes will considerably enhance the area and are in keeping with it. As an example of how not to redevelop a former marine site for housing, I would suggest you visit Spinnaker Grange at the end of Northney Road, a little to the north of Yachthaven.

Planting Method Statement

To overcome the issue of poor quality soil in the area where landscape planting is proposed, I enclose a planting method statement prepared by our landscape architect. I have attached this as Appendix A to this statement

Surface Water Runoff from Raised Access and Impact on Trees

The surface of the access road was raised above its surveyed levels in 2009. This is confirmed in the letter from the ground worker who carried out this work see Appendix B. Therefore the access needs only minor localised additional raising in a low point at the south end of the access road. Surface water on this already metaled surface will act as existing draining to either side.

We also asked the landscape architect to assess if there was any impact on the trees from this minor work and he has added a paragraph concerning this in his letter Appendix A which confirms that the trees will be unharmed.

Coastal Path Link Along Access

In response to your request we did send a response by e-mail which we understand was going to be forwarded by yourself to the officer who suggested a costal link. Our response is added in Appendix C. We have not had any further correspondence on this matter.

Recent Use of Land and Buildings

I have enclosed a plan annotated with the various commercial uses which have existed on the site over the past decade. See Appendix D. All the buildings have had a commercial use, including elements of outside storage, and in the majority of cases these uses continue today. There has been outside storage across much of the eastern part of the site over the past decade, initially as a builders' yard for Fastnet Homes, and latterly as skip storage for a local firm. The skip storage ceased last year at the request of the Council, but only as a goodwill gesture rather than because of any threat of enforcement action. The outside storage is of long standing and could be recommenced, we believe without the need for planning permission.

Planning Permission for Moorings

Case law shows that planning permission is required both to use land for the permanent mooring of boats and for associated operational development. Our planning application seeks permission for a pontoon of 12 berths and as such covers both the use and operational aspects.

Ecological Impacts of Mud Berths

The enclosed photograph and receipt indicate where the 6 mud berths are located and how they have been used. Whilst not currently in use, no positive steps have been taken to abandon them, hence the use could recommence at any time – given that no operational development (such as a pontoon) is required.

Our research demonstrates that mud berths have greater ecological impacts than pontoon berths, because boats entering and leaving mud berths must go directly over eelgrass beds with resultant collateral damage, as opposed to boats berthed on the pontoon which can join the channel where the water is deeper. Hence the offer not to reinstate the mud berths represents a significant gain in ecological terms, and for this reason there should be no objection to the reinstatement of the pontoon, whose ecological impacts – in terms of piling – have been assessed by Natural England and found to be acceptable.

Formal Response to RSPB Comments

There is an opportunity to provide a stable and manageable level of human activity within this area of Chichester Harbour SPA. The private usage of the 12 pontoon berths with seasonal boat movement restrictions has been proposed. We consider that given this manageable level of boat numbers along with timing restrictions would not impact significantly on the bird populations in the area. The application fully recognises the International importance of the Chichester Harbour SPA, particularly the importance of the high tide roosts of Gutner Point and Verner Common. Indeed the topographical nature of the creek restricts timing and boat usage. Boat movements will naturally pass sensitive roosting areas through the middle of the creek the distances of which are not considered to impact on birds roosting upon the saltmarsh.

The positioning of the pontoon and relative boat hulls located on an area of the SPA in an area of a less sensitive nature and away from eelgrass beds will be mitigated for with the cleanup of current debris strewn along the Yachthaven foreshore from previous industrial past. This clean up will provide a clear gain and enhancement to the designated SPA in terms of this mitigation measure and is welcomed by Natural England, as to is the long-term management of the SINC coastal meadow and creation of a new coastal meadow wildlife resource. Both areas will be subject to long-term management and non human/dog access.

The granting of the application is also an opportunity to present as part of the proposals a comprehensive Yachthaven Ecological Management Plan. This can bring about major gains in terms of providing long-term management of the proposed Coastal Meadows and the monitoring of the Yachthaven bird and eelgrass populations. This ongoing monitoring can advise the Yachthaven Management Company to provide responsible advisors and implement measures with an on-going sympathetic approach to the ecology of the area. The Ecological Management Plan will be annually updated to reflect monitoring and management approaches. This on-going monitoring also allows for the opportunity that if an unforeseen ecological issue arises it can be monitored and appropriate measures taken.

Water Vole Surveys

Although water voles are known to rarely inhabit coastal saltmarsh areas their optimum habitat preferences tend to be slow flowing rivers and ditch systems. These water ways tend to have well established aquatic vegetation which is needed by the voles for foraging being essentially herbivores and which provides cover from predators. The lush vegetation is needed throughout the year for foraging. Water voles also require soft banks or mounds to provide suitable nesting burrow areas that will not be regularly flooded. Adult voles can escape from flooding burrows but young will unless moved quickly by the mother likely drown in the burrow from rising water levels.

Water voles will rarely occupy upper estuarine river systems (such as Yachthaven) but where they do so it is inherently adjacent to or includes reed fringed lagoons and ditch systems or other such water bodies which have reasonably stable water levels with essential foraging availability. Yachthaven has a lack of this mixture of requirements.

It is considered that Yachthaven would not provide the all year round foraging availability, stable water levels, having no other fresh or brackish water bodies close by or indeed suitable burrowing areas within the site or within close proximity. There is limited availability of lush aquatic vegetation for voles to forage and very limited aquatic vegetation to shelter from predators. The only suitable nest burrow areas are regularly inundated from flooding with no close vicinity alternative areas for voles to use. The habitats within and in close proximity are inappropriate for water vole and therefore would not be considered reasonable habitat to provide a viable self maintaining water vole population in this area.

During the Phase I surveys carried out on site and various further survey works show no signs of water vole were found to be present. It must be stressed however that it cannot be ruled out that transient dispersing water voles could rarely occur although as previously mentioned the habitat structure and environs of the site at Yachthaven would not provide the essentials for a viable sustaining population.

Viability

We can confirm that the scheme as proposed is viable, notwithstanding the fact that because of the length of time it has taken to determine the application, CIL has been introduced, which is very disappointing and frustrating for our client.

On the basis of all the points, I trust you will undertake a root-and-branches review of your position on our proposals, in light particularly of:-

- 1) The strength of the 1996 consent as a material consideration
- 2) The uses of the land which could be reinstated if nothing happens to the site
- 3) The ecological balance of advantage flowing from the proposals

Visual Impact and Landscaping (trees)

Further to our meeting on 25 September we publish in electronic format the Landscape Architect's final drawing 2313-101. This drawing has been updated to reflect the final scheme layout. As you know our Landscape Architect had discussion with Havant Borough Council's tree officer and the tree species chosen have been agreed to be the most ideal for

this exposed location. We have also provided a sheet of these tree species for reference and this is to be found in Appendix E.

We also submit our visual assessment elevation tabled at our September meeting which has accurately shown the landscape architects specimen trees and plotted them over the seaward side elevation. This is shown on drawing 4784/1310A Southern Context elevation with specimen and existing foreground trees.

If there is any further information you require to inform your deliberations, please let me know. As discussed, my client is most anxious for the application to be considered at Committee on 21 November. We look forward to a positive outcome.

Yours sincerely
pp PWP Architects

A handwritten signature in blue ink, appearing to read 'Stuart Bone', with a stylized, cursive script.

STUART BONE