



Havant Borough Council
Development Management
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

BY EMAIL ONLY

2nd February 2026

Dear David,

Application: APP/25/00900 - Proposed MOT testing station

Location: Yacht Building Yard, Mill Rythe Lane, Hayling Island

Thank you for consulting Chichester Harbour Conservancy on the above planning application. Chichester Harbour Conservancy is a unique organisation in that it is the only Harbour Authority with statutory responsibility for conserving natural beauty within a National Landscape (formerly AONB). Further details are explained in the Appendix to this response.

Please note that the above case has been considered following consultation with the Planning Committee Members at Chichester Harbour Conservancy.

Chichester Harbour Conservancy's Response

HOLDIN OBJECTION ON THE FOLLOWING GROUNDS:-

- 1) The application site is currently in mixed storage use (labelled as 'boat yard/car park' on the submitted plans) including marine storage and forms part of the Hayling Yacht Company site (a marine-related business). In the context of Core Strategy Policy CS2 and Planning Principle PP02, a change of use to non-marine employment use should be resisted in the absence of a business case demonstrating that the marine business no longer needs the site and a detailed analysis in terms of the on-going viability of the marine business, were this land to no longer be available to it and the proposed access through the site used by the proposed MOT testing station.
- 2) The proposed building would be a large utilitarian structure visible from Havant Road as well as the Harbour and in the absence of plans of the proposed building and a visual impact assessment forming part of the application, it has not been demonstrated that the proposals would conserve and enhance the natural beauty of the National Landscape.

- 3) The application fails to demonstrate that the proposed use would not cause a harmful level of impact to the adjacent nature conservation sites in terms of noise disturbance and air/water/light pollution, in this highly sensitive location in close proximity to Brent Geese fields and internationally important intertidal habitats and within the Dark Skies of the National Landscape.**

The applicant should provide further information to address these points in order for Chichester Harbour Conservancy to be satisfied that the proposals would not cause a loss of marine-related use or harm the viability of Hayling Yacht Company as a marine-related business, would not cause harm to the natural beauty of the National Landscape, and would not cause disturbance and pollution to the nearby designated nature conservation sites. If further information is submitted that demonstrates no harm regarding these points, then Chichester Harbour Conservancy will consider removing its objection.

Reasoned Justification

1.0 Site description

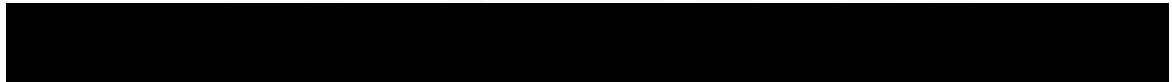
- 1.1 Hayling Yacht Company (HYC) is a boat yard located on the east coast of Hayling Island, at the head of the southern part of Mill Rythe, a tidal inlet of 2 arms divided by the headland of Verner Common. The site lies within the National Landscape and in the rural area as defined in the Havant Borough Core Strategy. The boat yard has been operating on the site since 1935, and provides customers with dry land winter storage, maintenance and repair service and facilities, osmosis treatment and pontoon berthing.
- 1.2 The boatyard is accessed via Mill Rythe Lane which also gives access to a wider industrial area incorporating various business units including dog grooming, motorhome sales, motorcycle sales and car repairs. Being employment land, it is safeguarded under Policies CS2 and DM3 of the Core Strategy and The Conservancy's own Planning Principle 02 – a material planning consideration through its Management Plan, whose aims are to be met through Core Strategy Policy CS12.
- 1.3 Paddocks adjoin to the west, used by a Donkey Sanctuary. There is an isolated run of housing on the northern side of the junction of Mill Rythe Lane and Havant Road. Apart from the collection of commercial buildings, the site is surrounded by countryside with the northern side of Mill Rythe Lane more wooded in character. Fields south of the site are important for Brent Geese and Waders under Policy DM23 of the Site Allocations DPD.
- 1.4 There are a mixture of buildings at and around the site, which have a wholly commercial, utilitarian appearance of single and two storey scale and a mixture of materials from brick, render and corrugated cladding. The site is enclosed by 3.8m high boundary walls / fences and a line of mature trees are situated alongside the southern and western site boundaries.
- 1.5 The large boat sheds and other buildings are visible from the wider landscape and water to the north, including from the foreshore public footpath, and from the water to the east and southeast, including from the main Harbour channel, viewed in the context of the

surrounding boats and their masts, the adjacent industrial buildings, and against a backdrop of mature trees.

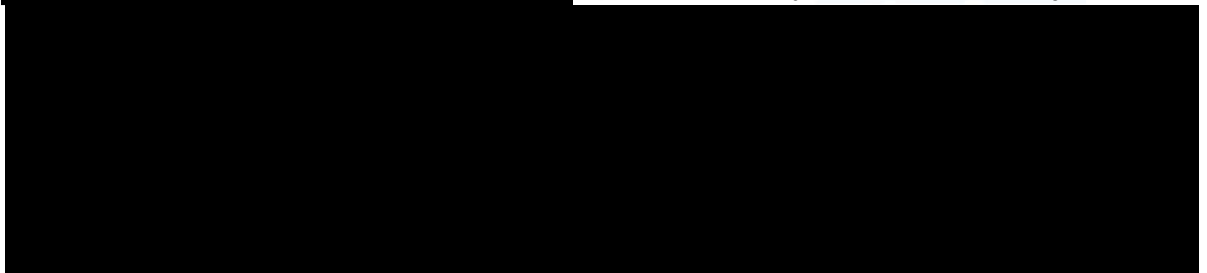
- 1.6 The red site outline is located within an enclosed car parking/boat storage area to the east of the main boatyard (labelled boat yard/car park in the image below). The area also contains various temporary type buildings.

2.0 Relevant recent planning history

2.1



The Conservancy advised that an objection



- 2.2 Older planning history for the employment area generally and adjacent land on the south side of Mill Rythe Lane comprises the following, the first application below being of key relevance to the current proposals:-

APP/13/00981 – Southern part of Howards Yard: Change of use of the southern 45% of Howards Yard to use as mixed storage with associated portacabin office and lighting to be used with and accessed through Hayling Yacht Company. **Conditionally approved 18.12.2013. The case officer's report stated "The proposal is to use the site for mixed storage for a range of items such as boats, marine items, cars, camper vans, caravans and other items. The long-term aim is boat storage as it is intended as an extension of Hayling Yacht Company but this will probably take a while to establish."** The Conservancy supported the change to a marine-related use and did not object to this application.

APP/13/01153 - Howards Car Spares: County Matters Application for change of use to civil engineering depot with office, materials recycling facility and extension of site into adjacent paddock for use for plant operator training. **Withdrawn 17.12.2013.**

APP/13/00055 - Land on south side of, Mill Rythe Lane: Change of use to open boat and jet-ski storage with associated containers and works including fencing. (Revised application.) **Withdrawn 18.10.2013.**

APP/12/00301 - Land on south side of Mill Rythe Lane. Change of use to open boat storage with associated containers and works including fencing. **Withdrawn 31.5.2012.**

10/73876/001 - Land on south side of Mill Rythe Lane. Erection of 7No. B1/B2 marine related business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking (revised application). **Refused 13.4.2010. Appeal dismissed 24.1.2011.**

09/73876/000 - Land on south side of Mill Rythe Lane. Erection of 7No. B1/B2 business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking. **Withdrawn 8.9.2009.**

08/53376/014 - Howards, Mill Rythe Lane. Change of use of part of building, currently being used in connection with car/plant breaking and the storage and sales of car/plant spares, to M.O.T. testing B2 use. **Conditionally approved 3.2.2009.**

01/53376/011 - Howards, Mill Rythe Lane. Retrospective application for use of land south east of Howards as open storage associated with the permitted use of the adjacent site for the dismantling of vehicles and plant and retailing of vehicle and plant parts obtained from such processes. Hard surfacing of area in concrete and erection of 3.5m high boundary fence. **Conditionally approved 29.4.2004, subject to S.106.**

97/53376/009 - Land south of, Mill Rythe Lane. Construction of a workshop/office building within a fenced open storage yard, all for the purpose of vehicle and plant dismantling and recycling (including ancillary retailing) with ancillary customer car parking provision. **Conditionally approved 19.2.1998.**

93/53376/007 - Land to the South of Mill Rythe Lane. Outline - for construction on the south side of Mill Rythe Lane of (i) a workshop/office building within a fenced open storage compound, all for the purpose of vehicle and plant dismantling and recycling (including ancillary retailing) with ancillary customer car parking provision and (ii) a house with domestic garage. **Conditionally approved 5.6.1997.**

3.0 Proposed development

- 3.1 The application seeks 'outline' permission for the use of the site shown outlined in red as a registered MOT test centre for use by Hayling Automotive Ltd. No plans of the building have been submitted at this stage, only an outline of the location of the building and indicative adjacent parking. The site would be accessed through the Hayling Island Yacht Company land as shown on the proposed site plan below (second plan).
- 3.2 The supporting statement says that the site is an overspill car park area to the boat yard and is presently vacant. The site is a level concrete hard standing area. The statement says that the established vehicle entrance within the site will lead to the proposed yard, and that the new building will be a single-storey steel framed structure that will follow the typology of the adjoining workshops and environment (PPC cladding and profiled roof treatments, aluminium windows and doors).
- 3.3 The statement suggests a building of 150m², with an overall ridge height of 6.1m. The supporting statement states that 'the accommodation is to be used solely for the purpose's DOT vehicle testing and will not be used in conjunction with any other trade, business, or commercial enterprises'. (It is assumed that 'DOT' should read 'MOT').
- 3.4 The statement says that the proposal would maintain the established commercial use of an otherwise redundant area of land that would serve no other purpose. It states that a full ecological impact assessment has been commissioned and will be provided as part of any

reserved matters. An arboricultural impact assessment has not been included, despite the proximity of mature trees alongside the boundaries of the site.

- 3.5 The statement says that the external lighting will be controlled by time switch and photo electric cell to ensure the most energy efficient use of external lighting and avoid unnecessary light pollution, with lights positioned to direct light spill away from the main approach road and adjoining buildings. Surface water would be disposed of to the existing storm network, with an oil separator installed.

4.0 Related Planning Policy framework

- National Planning Policy Framework (NPPF) (Revised Dec 2024), paragraphs 11, 135, 189.
- National Planning Practice Guidance (NPPG) (2014 onwards).
- Havant Core Strategy Policies CS2 (Employment), CS12 (Chichester Harbour AONB), DM3 (Protection of Existing Employment and Tourism Sites).
- Havant Local Plan Allocations Policy DM23 (Sites for Brent Geese and Waders).
- Chichester Harbour Management Plan 2025-2030 – Policy Aim 4: Conservation of Nature, and 4.4: A Naturally Beautiful Landscape.
- CHC Planning Principles PP01 (Great Weight for a Nationally Important Landscape), PP02 (Safeguarding Marine Enterprise), PP04 (New Commercial Development within the Rural Area), PP09 (Dark Skies and Light Pollution).
- Joint CH AONB Supplementary Planning Document (SPD) (2017).
- Chichester Harbour Landscape Character Assessment (CBA update 2019).

5.0 Key issues:

Principle of the proposed development

- 5.1 Policy CS2 of the Havant Core Strategy states that planning permission will be granted for development proposals that protect marine businesses located on waterfront locations from non-marine related employment and other uses. This is expanded upon in paragraphs 3.22 and 3.26 which stress the importance of marine leisure activities within the Borough.
- 5.2 This is reflected in Planning Principle PP02 from the Chichester Harbour National Landscape Management Plan, which states that marine businesses are part of the cultural heritage of the National Landscape, significantly contributing to the local economy, and points out that once a marine business diversifies away from its original function it is unlikely to revert back to marine use. It states that if a marine site becomes financially unviable, the preference will be to retain the marine use with a revised business model. It states that a change of use should be avoided, and where this is sought, the marketing requirements set out in the adopted Local Plan should be followed and this should be part of a planning application.
- 5.3 No marketing evidence has been submitted relating to the importance (or otherwise) of the site in terms of the overall operation and viability of the boatyard and berthing facilities, and no evidence has been submitted to demonstrate that a more sequentially suitable town or local centre site is not available within the Borough. In addition, the proposed

vehicle access leading through much of the existing boatyard appears convoluted and impractical, potentially impacting on the operation of the boatyard.

Impact on Chichester Harbour National Landscape

- 5.4 Paragraph 189 of the NPPF states that great weight should be given to conserving and enhancing National Landscapes (NLs). This responsibility finds expression through Core Strategy Policy CS12 and has recently been strengthened through Section 245 of the Levelling -up and Regeneration Act of 2023, where local authorities are now charged with furthering the purposes of NLs.
- 5.5 The site is relatively well screened from Mill Rytte Lane and Havant Road to the north and west due to the existing buildings, boundary enclosures and mature tree screening. However, a building of 6.1 metres in height as suggested in the statement, would be visible above the boundary treatments and through the two lines of trees in the winter months from Havant Road to the west, as demonstrated by the visibility of the red crane situated on the site in the photo below.



- 5.6 The proposed building at 6.1 metres high would be more clearly visible from the Harbour to the east, although would be viewed in the setting of the other large commercial sheds, and behind the various boats and their masts which are stored at the boatyard.
- 5.7 The proposed additional building would be likely to increase external lighting, which has the potential to negatively impact the Dark Skies of the National Landscape.
- 5.8 Overall, it would be difficult to argue that the proposed building would conserve and enhance the natural beauty of the National Landscape, particularly in the absence of any plans of the building, or a visual impact assessment to demonstrate this.

Conservation of nature / ecological impacts

- 5.10 Whilst the application site is not of significant ecological value, there is potential for construction works and the proposed use as an MOT testing facility to cause disturbance to the adjacent nature conservation sites, including the adjacent field to the south which is important for Brent Geese, as well as the nearby designated sites within the Harbour itself (SPA/SAC/SSSI/Ramsar). The location is of high ecological sensitivity. Noise and visual disturbance, waterborne and airborne pollution, and artificial lighting would all need to be properly assessed and it would need to be demonstrated that there would be no harmful effects to nearby ecological features. Policy DM23 of the Local Plan (Allocations) states that development proposals on or adjacent to an important Brent Goose site will need to demonstrate levels of impact, alone and in combination with other proposals subject to the tests of the Habitats Regulations. The current application does not demonstrate this.

6.0 Conclusions

- 6.1 The application site currently forms part of the Hayling Yacht Company site and in the context of Core Strategy Policy CS2 and Planning Principle PP02, a change of use to non-marine employment use should be resisted in the absence of a business case demonstrating that the marine business no longer needs the site, or a detailed analysis in terms of the on-going viability of the marine business, were this land to no longer be available to it.
- 6.2 The proposed building would be a large utilitarian structure visible from Havant Road as well as the Harbour and would not enhance the visual character of the NL, although it is acknowledged that it would be seen in the context of the surrounding industrial buildings and boatyard.
- 6.3 The application fails to demonstrate that the proposed use would not cause a harmful level of impact to the adjacent nature conservation sites, in this highly sensitive location in close proximity to Brent Geese fields and internationally important intertidal habitats.

Yours sincerely,

Linda Park

**Principal Planning Officer
Chichester Harbour Conservancy**

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Appendix

Chichester Harbour National Landscape

Chichester Harbour was designated as an Area of Outstanding Natural Beauty (AONB) in 1964. As of 22nd November 2023, all AONBs in England are referred to as 'National Landscapes'. Chichester Harbour is the smallest mainland National Landscape in England, and in terms of moorings, it is largest recreational sailing and boating harbour in Europe. Chichester Harbour is quite rightly regarded as a nationally important protected landscape.

Local Planning Authorities must give great weight to the primary purpose of the National Landscape designation.

The primary purpose of the National Landscape designation is to **conserve and enhance the natural beauty of the area**. In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met insofar as it is consistent with the conservation of natural beauty and the needs of agriculture, forestry, and other uses.

Chichester Harbour Conservancy

Chichester Harbour Conservancy was established in 1971. It is a unique organisation in that it is the only Statutory Harbour Authority with responsibility for the conservation of natural beauty within a National Landscape. Its purposes extend beyond that of other National Landscapes, to include leisure, recreation, and the conservation of nature.

The management of the National Landscape was formalised through the Countryside and Rights of Way Act of 2000 with Chichester Harbour Conservancy appointed as the Joint Advisory Committee (JAC) for the National Landscape.

All relevant authorities, including Local Planning Authorities, have a new strengthened duty as of 26th December 2023, under the Countryside and Rights of Way Act 2000, to 'seek to further the purpose' of conserving and enhancing the natural beauty of the National Landscape.

Chichester Harbour Conservancy's Planning Committee

Chichester Harbour Conservancy utilises a member-led Planning Committee to act on behalf of the Conservancy Board in responding to planning applications and consultations. Membership is derived from the Conservancy Board and the Statutory Advisory Committee. The Planning Committee meet every 4-6 weeks, to consider the larger or more controversial applications. The Conservancy's Case Officer reports, agendas, and minutes of past meetings are on the Conservancy's website.

<https://www.conservancy.co.uk/about-chichester-harbour-conservancy/planning/>

Chichester Harbour Statutory Management Plan

The Chichester Harbour Management Plan (2024-2025) details the Special Qualities of the National Landscape and features 15 policies to guide its management. Chichester Harbour Conservancy prepared the Management Plan on behalf of the Local Planning Authorities: Chichester District Council, Havant Borough Council, West Sussex County Council, and Hampshire County Council. Prior to adoption, the Plan was subject to a public consultation over 8 weeks. The Plan is a material planning consideration under Policy 43 of the Chichester Local Plan: Key Policies (2014-2029) and emerging Chichester Local Plan (2021-2039) Policy NE13, and Policy CS12 of the Havant Borough Core Strategy. This means it is relevant in making planning decisions within and around Chichester Harbour National Landscape.

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<https://www.conservancy.co.uk/about-chichester-harbour-conservancy/our-purpose/management-plan/>

<https://www.chichester.gov.uk/newlocalplan>

<https://www.chichester.gov.uk/planningpolicy>

<https://www.havant.gov.uk/planning-services/planning-policy/local-plan/core-strategy-and-allocations-plan-adopted-local-plan>

Chichester Harbour Planning Principles

Chichester Harbour Conservancy has developed 19 Planning Principles to guide development in and around the National Landscape. These Planning Principles can be read in Section 3 of the Management Plan. The Planning Principles directly inform whether a planning application is likely to be supported by the Conservancy.

<https://www.conservancy.co.uk/about-chichester-harbour-conservancy/planning/>

Chichester Harbour AONB Landscape Character Assessment

The purpose of the Landscape Character Assessment is to provide an understanding of the unique landscape character and special qualities of the Chichester Harbour National Landscape to inform the development of National Landscape Management Plans and wider planning policy. The Chichester Harbour AONB Landscape Character Assessment was first published in 2005, and subsequently reviewed in 2019. The Landscape Character Assessment is a material planning consideration.

<https://www.conservancy.co.uk/about-chichester-harbour-conservancy/planning/>

Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document (SPD)

Chichester Harbour Conservancy supported two Local Planning Authorities (Chichester District Council and Havant Borough Council) to jointly publish guidance on development proposals in Chichester Harbour National Landscape, which was adopted in 2017. It expands upon the relevant policies in the Local Plans, particularly relating to the design of replacement dwellings and extensions and provides photographic examples showing the impacts of developments and suggested techniques for limiting those impacts. The Joint SPD is a material planning consideration.

In addition to the guidance within the main part of the SPD, there are several further issues to consider if you are proposing to undertake development or works within the Chichester Harbour National Landscape. Applicants may need at least one of several consents, including: Planning Permission; other Local Authority Consents; a Marine Licence from the Marine Management Organisation; Consent from Natural England; Consent from the Environment Agency; and/or a Works Licence from the Chichester Harbour Conservancy (see below).

<https://www.conservancy.co.uk/about-chichester-harbour-conservancy/planning/>

National Landscape Impact Statement

All planning applications inside the National Landscape are required to submit a National Landscape Impact Statement to the Local Planning Authority as a requirement of the Local List. This Statement will detail how the application: a) will conserve and enhance natural beauty; b) complement the special qualities of the National Landscape; c) will deliver the adopted policies in the Statutory Management Plan. The level of detail provided in the National Landscape Impact Statement is expected to reflect the relative complexity of the planning application. A National Landscape Impact Statement is also required for planning applications outside of the boundary, but close enough and/or of a sufficient scale to affect the character and setting of the protected landscape.

<https://www.chichester.gov.uk/planningpermission#LocalList>

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Recreational Disturbance

Tens of thousands of coastal birds fly from as far as Arctic Siberia to spend the winter on the Solent. They need to be able to feed and rest undisturbed if they are to survive the winter and fly back to their summer habitats. Three Special Protection Areas (SPAs) have been designated to safeguard the birds. Over 60,000 new homes are planned around the Solent up to 2034. Research has shown that these will lead to more people visiting the coast for recreation, potentially causing additional disturbance to these birds. Developers of all new homes built within 5.6 kilometres of the SPAs are legally required to pay a levy to Bird Aware Solent. Some developments may require additional mitigation due to their size or proximity to a SPA.
<https://birdaware.org/>

Conservancy Works Licence

The Chichester Harbour Conservancy Act 1971 (Sections 45, 47 and 48) makes it an offence for any person to construct, alter, renew, or extend any works on, under or over tidal waters or tidal lands below the level of Mean High-Water Springs in Chichester Harbour unless licensed to do so by the Conservancy. The only exceptions are works specifically authorised by an Act of Parliament or the renewal of works which were in place on 1st August 1970. Most projects below Mean-High Water Springs are required to apply for a Works License. Approval must be gained before any works commence.
<https://www.conservancy.co.uk/about-chichester-harbour-conservancy/planning/>

Addendum

Natural England

Natural England is a non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs. It is responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology, and soils, are protected and improved. It also has a responsibility to help people enjoy, understand, and access the natural environment. Natural England advise that Chichester Harbour Conservancy's "knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's Statutory Management Plan, will be a valuable contribution to the planning decision."

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Summary of Environmental Designations at Chichester Harbour

Worldwide Designation	Ramsar Site	Wetlands are among the most diverse and productive ecosystems. Chichester and Langstone Harbours were recognised as a wetland of international importance when they were designated as a Ramsar Site in 1987, under the Ramsar Convention.
Nationally Important Designations	National Landscape	A National Landscape (formerly AONB) is a landscape which is considered so precious that it is protected for the nation. The criteria for designating a National Landscape include valuable wildlife, habitats, geology, and heritage, as well as scenic views. Chichester Harbour was designated as an AONB in 1964.
	Bass Nursery Area	A Bass Nursery Area is a place that is recognised as a haven for small school bass. Fishing for bass, or fishing for any fish using sand-eels as bait, by any fishing boat within any part of the Harbour as defined, is prohibited between 30th April and 1st November each year. Chichester Harbour was designated a Bass Nursery Area in 1990.
	Site of Special Scientific Interest (SSSI)	Chichester Harbour was designated a Site of Special Scientific Interest in 1970 because it was of special interest by virtue of its fauna, flora, geological or physiographical / geomorphological features.
	Special Area of Conservation (SAC)	A Special Area of Conservation is a site designated under the Habitats Directive. These sites, together with Special Protection Areas, are called Natura sites and they are internationally important for threatened habitats and species. Solent Maritime SAC was designated in 1994.
	Special Protection Area (SPA)	A Special Protection Area is a site designated under the Birds Directive. Chichester and Langstone Harbours SPA was designated in 1979.
	Water Framework Directive	This aims for good water quality and covers groundwater, surface water (rivers, canals, lakes, reservoirs, estuaries, other brackish waters, and coastal waters) out to one nautical mile from shore as well as wetlands. The Directive, which came into effect in 2000, gives shellfish harvesting waters and bathing waters special protection.
Locally Important Designations	Conservation Area	Conservation Areas protect special architectural and historical places of interest. There are ten Conservation Areas in and around Chichester Harbour.
	Dark Sky Discovery Site	Three Dark Sky Discovery Sites were defined in Chichester Harbour in 2017. They are particularly good sites for stargazing.
	Local Nature Reserve	Local Nature Reserves are particularly appropriate for educational, research or public information purposes. There are five Local Nature Reserves in Chichester Harbour.
	Local Wildlife Site	Local Wildlife Sites in West Sussex feature important habitats that complement Local Nature Reserves and the Site of Special Scientific Interest. They are the equivalent of a Sites of Importance for Nature Conservation in Hampshire. There are 16 Local Wildlife Sites in Chichester Harbour.
	Site of Importance for Nature Conservation (SINC)	Sites of Importance for Nature Conservation in Hampshire feature important habitats that complement Local Nature Reserves and the Site of Special Scientific Interest. They are the equivalent of Local Wildlife Sites in West Sussex. There are 25 SINCs in Chichester Harbour.