
Site Address:	9 Harbourside, Havant, PO9 1TJ		
Proposal:	Rebuild the existing concrete walling and revetment to the east of the slipway. Reduce the footprint of the concrete defences and return part to foreshore. Height of the new defence will be at 4.0m OD, raising by 5-10cm max. Reinforce the earth embankment to the west of the slipway with sheet piling, and raise bank by approx 50cm.		
Application Type:	Householder planning permission		
Application No:	APP/24/00822	Expiry Date:	23/12/2024
Applicant:	Mr Carrell		
Agent:	N/A	Case Officer:	Arleta Miszewska
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application relates to a property located on the southernmost part of Harbourside within a row of residential dwellings. To the south of the property is the Langstone Harbour coastline.
- 1.2 To the rear of the property, there is existing concrete slipway. To the east of the slipway, there is a concrete apron of approximately 2.5m width, with a low concrete wall to its northern edge, which separates the residential garden from the coastline. There is a timber fence on the southern edge of the concrete apron. To the west of the slipway, there is a very small proportion of the concrete apron beyond which is a natural ground covered with vegetation and an earth embankment. The concrete apron is enclosed with a timber fence.
- 1.3 The site is located within the Mill Lane Conservation Area which is a designated heritage asset. There is a public right of way running to the west of the site. It also lies with the Coastal Zone defined in the Havant Borough Local Plan (Core Strategy) 2011.

2 Planning History

- 2.1 There is no relevant planning history on the application site itself.
- 2.2 Other planning history of relevance:

APP/25/00162 - Land and coast adjacent to, Langstone Road, Havant - Flood and coastal erosion risk management scheme comprising a combination of raised earth embankments, raised footpaths/cycleways, sheet piled sea/flood defence walls with cladding and flood glass, provision of flood gates, associated landscaping and landscaping improvements (including street furniture), tree works and tree removals, realigned sections of cycleway/walkway, highway alterations and improvements, ecological improvements and temporary compounds and access, and all associated works. The proposal constitutes EIA development. **Pending**.

Officer comment - as described above, **APP/25/00162** seeks planning permission for a wider sea defence scheme in Langstone. Initially, the scheme aimed to extend further, to provide protection for dwellings located at Harbourside, however, due to no funding provided by the Environment Agency for this part of the scheme, it has not been included within the application.

3 Proposal

- 3.1 This application seeks planning permission to part-replace and upgrade existing sea defences located within the rearmost area of the residential curtilage of 9 Harbourside.
- 3.2 The submitted Design and Access Statement clarifies that the existing earth bank, located to the west of the concrete slipway, would be raised by 250mm and an imported clean clay-based fill would be added behind it to strengthen it. In time, the surface of the bank would regrow naturally returning to its original appearance. In addition, a row of steel sheet piles would be driven entirely into the bank so that they would not be visible. The concrete apron currently located to the west of the slipway would be removed.
- 3.3 Around the slipway, the earth would be levelled achieving a more natural appearance.
- 3.4 To the east of the slipway, there would be a row of sheet piles located where currently is the existing concrete apron and a low wall. The apron and the wall would be replaced with a new structure connected to the piles. The new concrete wall would be approximately 150mm higher than the existing and the new concrete apron would be narrower than existing, covering less land. The works would result in a large area of concrete and rubble being removed, releasing natural ground to be taken over by vegetation.
- 3.5 Finally, the existing timber fence would be replaced in its current position with a fence of the same height and style.
- 3.6 The submitted Design and Access Statement clarifies that the existing sea defences are in need of replacement due to their age and insufficient maintenance over long period of time. Future higher tides and more frequent storms will damage the existing defences further and increase the need for robust defence.

4 Policy Considerations

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 Erosion Risk

CS16 High Quality Design

CS20 Transport and Access Strategy

DM8 Conservation, Protection and Enhancement of Existing Natural Features

DM9 Development in the Coastal Zone

DM10 Pollution

Havant Borough Local Plan (Allocations) July 2014

AL1 Presumption in Favour of Sustainable Development

DM20 Historic Assets

Havant Borough Council Borough Design Guide SPD December 2011

Listed Building Grade: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy – this site is outside the National Landscape boundary, no comments made.

Climate Change Coordinator - in-principle support for this application due to the works being done to adapt to climate change, however, it is recommended that a full assessment is carried out by our Coastal Partners so that they can refer to the detail of the application.

Coastal Partners – supportive of a flood defence in this location, and supportive of the community bringing this forward; this section was only not taken forward as part of the wider Langstone Scheme due to lack of funding; the submitted plans are not those that were previously produced for this section of a flood defence scheme by Coastal Partners' consultants; if we are interpreting the plans correctly, the proposed structure seems broadly acceptable as a flood defence; the sea defences in this location are at the end of their life and the construction of a wall in this location will help to prevent potential breaches to the wall prior to other sections coming forward; it should be noted that in isolation, this short stretch will not function as an effective flood defence if the wall sections on either side are abandoned by their owners, as tidal water will flow around it; the status of any EIA falls outside of the remit of Coastal Partners but it would be remiss of us to not mention that this section was previously screened in as being EIA development, as part of the full Langstone Scheme; we note there is a lack of any environmental information/ecology reports submitted to support the application at present.

Officer comment: *An Environmental Statement has been submitted with this application.*

Conservation Officer – no objection; the proposal is to rebuild the existing concrete wall at the end of the rear garden of the application site, which is to the east of a slipway. The new wall would have an increased height of 5-10cm compared to the existing structure. The reinforcement of earth embankment to the west of the slipway would raise the bank by 50cm. Overall, these proposed works are not considered to have adversely affect the special character of the Mill Lane Conservation Area and therefore, would not result in harm to the designated heritage asset.

Hampshire County Council Mineral Planning Authority – no comments received.

Havant Drainage Engineers – no land drainage comment, possible input needed from Coastal Partners.

Highways –the section of seawall does not adjoin or abut an adopted highway and therefore there are no highway implications to the proposals itself; therefore the Highway Authority raise no objection subject to a condition for a CTMP given the constrained nature of vehicular access to the site.

Officer comment – *in response to these comments, the applicant has provided additional information regarding, inter alia, the location of the compound/delivery arrangements, types of vehicles requiring access, number of trips, and how pedestrians/other road users will be protected during deliveries, etc.*

The Highways Authority have reviewed the information and are satisfied that the proposal would be acceptable without the need for a pre-commencement condition.

Ecology

Initial response – an extremely sensitive location, comprising areas of international, national and local nature conservation value namely Chichester Harbour Site of Special Scientific Interest, Solent Maritime Special Area of Conservation, and Chichester & Langstone Harbours Special Protection Area and Ramsar site; detailed assessment of the potential impacts of proposed works, to include an analysis of how the proposal would potentially affect the nearby sensitive sites both directly and indirectly required; the proposed works will require assessment under the Habitats Regulations, the proposal will be eligible for mandatory Biodiversity Net Gain.

Final response - an Environmental Statement (EcoSupport, April 2025) and a Shadow Habitats Regulations Assessment (EcoSupport, April 2025) provide detailed ecological information in order to assess the potential impact pathways in this highly sensitive location; evidence has been submitted to prove that boundaries of all relevant national and international sites is taken to be mean high water, therefore, the proposed works appear to be located wholly outside the designated site boundaries, as such, impact pathways relate primarily to the construction-phase effects of waterborne and airborne pollution, accidental damage to adjacent protected areas, and noise and visual disturbance, these matters are detailed and discussed within the HRA; Coastal Partners have confirmed to Havant Borough Council that they anticipate no unforeseen negative consequences of this proposal during its operational phase; the impact pathways taken forward for further assessment within the HRA agreed; the HRA then proceeds to its second stage and considers effects on European site integrity concluding that the potential impact pathways can be effectively avoided or mitigated through either the implementation of careful working practices or through the sensitive timing of works (as detailed in section 6.1.1 of the HRA), which is agreed; the Construction Environment Management Plan (Cowan, January 2025) includes details of the required avoidance and mitigation measures, and includes details of an appointed Ecological Clerk of Works (EcOW) which is acceptable; there is still a substantive risk of impacts that have the potential to undermine these sites and the habitats and species for which they have been designated; risks to these habitats and species from the proposed works are manageable, subject to these works including professional ecological advice and supervision where required; no objection to the applicant's Shadow Appropriate Assessment. Condition recommended.

Additional response regarding BNG – as this is a householder application, it is exempt from BNG requirements.

Environment Agency – no objection; environmental permit required and should be applied for separately.

Environmental Health – in terms of noise, no observations to make.

Environmental Health (Contaminated Land Officer) – no response received.

Landscape – no objection.

Langstone Harbour Board – the site is situated on the boundary of a heavily designated site – Langstone Harbour SSSI, Chichester and Langstone Harbours SPA and Ramsar, and the Solent Maritime SAC and legal obligations with regard to the designated sites need to be

considered; it is recommended that the Applicant consult with a qualified ecologist to ensure the assessment is composed effectively.

Marine Management Organisation – general comments made in respect of Environmental permit, Marine Licensing, Environmental Impact Assessment and Marine Planning.

Natural England –

Initial response - further information required to determine impacts on designated sites; a Habitats Regulations Assessment (HRA) and a Construction Environmental Management Plan (CEMP) required.

Interim responses – further information required to determine impacts on Chichester and Langstone harbours special protection area (consideration of coastal squeeze impacts).

De minimus cannot be used for saltmarsh due to its scarcity, ecological value and continuing decline within Langstone Harbour. The HRA from the applicant should consider coastal squeeze impacts to the adjacent saltmarsh and conclude **adverse effect on site integrity.** with the strategic level compensation of the HCRP subsuming losses which will occur as a result of the hold the line impact from the property.

You yourselves should then concur with this in a similar HRA, and inform the EA to include the losses, however minor, in the HCRP balance sheet so that compensation can occur. We can then reach a stage as with other similar ones in Chichester Harbour where the development can proceed.

Final response - no objection, subject to securing mitigation and compensation due to the loss of intertidal sediment and saltmarsh habitat that will occur over the lifetime of the scheme as a result of 'coastal squeeze' adjacent to this HTL defence; this long-term loss requires compensation; the Environment Agency's Habitat Compensation and Restoration Programme (HCRP), is the agreed mechanism for the strategic coastal squeeze loss, and it may, if the appropriate habitat is available, agree to pick up the footprint losses of this scheme to fulfil the SMP policy. Essential mitigation measures for constructional impacts to designated sites are also outlined within the body of this letter. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Officer comment: *The requisite HRA has been undertaken by the LPA and concludes on the coastal squeeze issue: "The extent of habitats solely within frontage 1b is minimal and, in any case, is already accounted for within the HCRP and will be compensated for as the HCRP proceeds." A planning condition is recommended to ensure that the CEMP, EIA and sHRA are complied with.*

Planning Policy – no objection; the provision or improvement of sea defences is supported in principle by policies CS15 Flood and Coastal Erosion Risk and CS19 Effective Provision of Infrastructure; Policy DM9 Development in the Coastal Zone is relevant; Coastal Partners should be consulted on the acceptability and any particular requirements of the proposal.

Southern Gas Network – no response received.

Tree Officer – (informal), no quality trees on site to prevent the proposed development,

considering the special need for it.

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: 6

Number of site notices: 1

Statutory advertisement: Not applicable.

10 letters of support have been received. Summary of comments as follows:

- Well thought through
- Will also benefit adjoining properties
- Thought should be given to the sensitive planting and screening to create a net environment asset
- Essential work, the need to protect homes
- No impact on protected areas
- The views, rural character, landscape and trees will be preserved, sympathetic to the area
- Complimentary to the coastal defences being undertaken on the eastern side of Langstone by Coastal Partners
- Improvement to the existing weak sea defences in the area
- **The Friends of Langstone Harbour** - no objection in principle to the proposal; noted with planting appropriate planting alongside the north south bund wall there could be a net environmental gain.

In addition, the application also receives support from Councillor Gillian Harris.

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 and Environmental Impact Assessment (EIA)
- (ii) Impact on ecology on site and nature conservation sites
- (iii) Impact upon heritage assets, character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Highways
- (vi) Biodiversity Net Gain (BNG)

- (i) Principle of development and Environmental Impact Assessment (EIA)

7.2 The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for Havant Borough.

- 7.3 It is considered that the provision or improvement of sea defences is supported in principle by policies CS15 (Flood and Coastal Erosion Risk) and CS19 (Effective Provision of Infrastructure). Policy DM9 (Development in the Coastal Zone) sets out specific considerations for all development at the coast.
- 7.4 Therefore, the principle of the development is considered acceptable subject to compliance with relevant planning policies, in particular those safeguarding nature conservation, ecology, heritage assets and residential amenity.
- 7.5 Due to the nature of the proposed works and proximity to sensitive, nature conservation sites, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 is relevant, in that it has been concluded that the development amounts to a EIA development requiring an Environmental Statement. Under Regulation 3, the Council must not grant planning permission unless it has first taken the environmental information into consideration.
- 7.6 In accordance with the Environmental Impact Assessment (EIA) Regulations, the application submission includes the applicant's Environmental Statement (ES), which is required to provide the Local Planning Authority with sufficient information about the potential effects of the development before a decision is made on the planning application. The Statement contains information relevant to potential impacts of the proposed works, an analysis of how the proposal would potentially affect the nearby sensitive sites both directly and indirectly, and the effects of noise and visual disturbance and the direct loss of protected habitats. The findings are considered in the following sections of this report. For the purposes of this section of this report, the LPA is satisfied that the applicant has undertaken the EIA process appropriately and adequately.

(ii) Impact on ecology on site and nature conservation sites

- 7.7 The site is within an extremely sensitive location, immediately adjacent to areas of international, national and local nature conservation value, namely Chichester Harbour Site of Special Scientific Interest, Solent Maritime Special Area of Conservation, and Chichester & Langstone Harbours Special Protection Area and Ramsar site.
- 7.8 Accordingly, the application is accompanied by an Environmental Statement (EcoSupport, April 2025) and a Shadow Habitats Regulations Assessment (EcoSupport, April 2025, updated August 2025) providing detailed ecological information in order to assess the potential impact pathways in this highly sensitive location.
- 7.9 The applicant's ecologist has provided evidence of correspondence with Natural England's Data Science Service Manager that indicates that the online mapped boundaries of the SSSI, SAC, SPA and Ramsar do not reflect the original paper-mapped boundaries. The paper copy (made at the time of designation) constitutes the official legal boundary, and the online version has now been amended to mean high water for the SSSI, and similar amendments will be made to the international sites in due course. In summary, for the purposes of this application the boundaries of all relevant national and international sites is taken to be mean high water.
NB It is noted that the ES and HRA both make reference to the internationally designated sites being within the proposed development footprint and therefore a 'worst case scenario' is detailed (these documents were drawn up prior to NE's confirmation on boundaries).
- 7.10 Based on the above information, the proposed works appear to be located wholly

outside the designated site boundaries. As such, impact pathways relate primarily to the construction-phase effects of waterborne and airborne pollution, accidental damage to adjacent protected areas, and noise and visual disturbance. These matters are detailed and discussed within the HRA prepared in respect of the proposals. From a coastal process perspective, Coastal Partners have confirmed that they anticipate no unforeseen negative consequences of this proposal during its operational phase.

- 7.11 The Council's Ecologist has been consulted on the application and has agreed the impact pathways taken forward for further assessment within the sHRA. The sHRA then proceeds to its second stage and considers effects on European site integrity. It concludes that the potential impact pathways can be effectively avoided or mitigated through either the implementation of careful working practices or through the sensitive timing of works (as detailed in section 6.1.1 of the sHRA). The Ecologist has agreed with these proposed avoidance and mitigation measures and their effects.
- 7.12 The submitted Construction Environment Management Plan (Cowan, January 2025) includes details of the required avoidance and mitigation measures, and includes details of an appointed Ecological Clerk of Works (EcOW). The Council's Ecologist has confirmed that this is satisfactory and the submitted ecological information is acceptable.
- 7.13 The Ecologist has noted that whilst the proposed works would lie outside the boundaries of the identified national and international designated sites, there is still a substantive risk of impacts that have the potential to undermine these sites and the habitats and species for which they have been designated. The immediate area also contains habitats of principal importance as well as supporting various protected and notable species. The Ecologist has confirmed that risks to these habitats and species from the proposed works are manageable, subject to these works including professional ecological advice and supervision where required.
- 7.14 The Habitats Regulations require the LPA, as the competent authority, to carry out an Appropriate Assessment to determine whether the proposed development would have an adverse effect on the integrity of the nature conservation sites either alone or in combination with other sites and projects.
- 7.15 To aid the Council in carrying out the Appropriate Assessment, the applicant has provided a Shadow Appropriate Assessment (sHRA), which concludes the proposed development taken together with the mitigation measures would not have an adverse impact on the integrity of the identified sites.
- 7.16 The Council's Ecologist and Natural England have reviewed the sHRA and, following changes to it, with regard to addressing further matters related to impacts from coastal squeeze and the Environment Agency's Habitat Compensation and Restoration Programme (HCRP), both the Council's Ecologist and Natural England have concurred with the conclusions reached. Consequently, Natural England have confirmed that the Council can adopt the applicant's sHRA as the LPA's Appropriate Assessment.
- 7.17 On this basis it is considered that the application appropriately addresses its potential impacts upon the adjacent areas of international, national and local nature conservation value, and the proposals are in accordance with Policies CS11, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(iii) Impact upon heritage assets, character and appearance of the area

- 7.18 The site is located within the Mill Lane Conservation Area which is a designated heritage asset. The property is a two-storey detached dwelling with a large rear garden which extends down to Langstone Harbour and is enclosed by a low height wall.
- 7.19 The proposal is to rebuild the existing concrete wall at the end of the rear garden of the application site, which is to the east of a slipway. The new wall would have an increased height of 5-10cm compared to the existing structure. The reinforcement of earth embankment to the west of the slipway would raise the bank by 50cm.
- 7.20 Overall, these proposed works are not considered to have adversely affect the special character of the Mill Lane Conservation Area and therefore, would not result in harm to the designated heritage asset.
- 7.21 The proposal therefore meets the tests set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the relevant sections / policies of the revised NPPF and the adopted Local Plan.
- 7.22 Furthermore, the proposed works, due to their location, nature, scale and detail, are considered to be contextually appropriate and would not harm the character or appearance of the area or the visual amenities of the local residents or the users of the nearby public footpath. The development therefore meets the requirements of Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Impact upon residential amenity

- 7.23 The proposed works, due to their location and scale, would not adversely affect the residential amenities of the adjacent residents, in terms of light or outlook.
- 7.24 In terms of noise during construction, the Environmental Health Officer was consulted and made no observations on this occasion. Furthermore, it is also noted that no objections have been received from nearby residents and as such no concerns have been raised over the proposed development affecting their residential amenities.
- 7.25 In light of the above, it is considered that the development would have acceptable impacts on the amenities of the adjacent residents. The development therefore meets the requirements of Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

(v) Highways

- 7.26 Hampshire County Council as the Highways Authority commented on the application concluding that the section of seawall would not adjoin or abut an adopted highway and therefore there would be no highway implications. A Construction Method Statement detailing matters such as provision of long term facilities for contractor parking, arrangements for deliveries associated with all construction works, access and egress for plant and machinery, protection of pedestrian routes during construction and location of construction material and plant storage areas was initially recommended to be secured with a pre-commencement planning condition. The condition was recommended to ensure a safe management of construction and material deliveries given the horizontal and vertical clearance constraints on Mill Lane.
- 7.27 In response, the applicant has provided further information, including the location of the compound/delivery arrangements, types of vehicles requiring access, number of trips, and how pedestrians/other road users will be protected during deliveries, etc.

- 7.28 Having reviewed the information, the Highways Authority have raised no objection. In light of this, the application is considered acceptable in highways safety terms, and it is not considered necessary to impose any further conditions. The development is considered to meet the requirements of Policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011.

(v) Biodiversity Net Gain (BNG)

- 7.29 It is noted that this householder application is exempt from the requirements relating to Biodiversity Net Gain.

8 Conclusion

- 8.1 The application seeks planning permission for a part-replacement and upgrading of existing sea defences. Appropriate information has been submitted to demonstrate that the proposed works would have acceptable impacts on the sensitive ecological environment of this location. Natural England have not raised objection to the applicant's shadow HRA, which the LPA have subsequently adopted, and the Council's Ecologist is content with the proposals subject to conditions. The Council's Conservation Officer and Landscape Officer do not raise objections.
- 8.2 Officers are satisfied that the proposal would have acceptable impacts on the character and appearance of the area and residential amenities of the adjacent neighbours. No objection has been received from the Environmental Health Officer in relation to noise during construction phase. Following receipt of additional information the Highways Authority is satisfied that the proposal would have no adverse highways impacts. In light of the above, the application is recommended for planning permission subject to the conditions listed below.

9 RECOMMENDATION:

That the Development Manager be authorised to **GRANT PERMISSION** for application APP/22/01062 for the following reasons/subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan (1:1250)
Block Plan Proposed: Works to sea defences (October, 2024); Uploaded 15 April 2025
Site Plan and Block Plan: Works to sea defences (October, 2024); Uploaded 15 April 2025
Construction Environmental Management Plan (CEMP) by Cowan Consultancy Ltd, ref: EG/466661/EG, 13 January 2025; Uploaded 15 April 2025

Elevation and Typical Sections: Works to sea defences (October, 2024);
Uploaded 28 Oct 2024
Sections through Seawall: Works to sea defences (October, 2024); Uploaded
28 Oct 2024
Typical section through the proposed walling and apron: Works to sea
defences (October, 2024); Uploaded 28 Oct 2024
Shadow Habitats Regulations Assessment (EcoSupport, April 2025)
Highways Information Revised 18 November 2025
Highways information Further notes 22 12 2025
Flood Risk Assessment: Works to Sea Defences, October 2024
Environmental Statement (EcoSupport, April 2025)
Design and Access Statement (October, 2024)
Heritage Impact Statement: Sea Defence Works
Block Plan as Existing: Works to sea defences (October, 2024)

Reason: - To ensure provision of a satisfactory development.

3. Development shall proceed in strict accordance with the ecological avoidance, mitigation, compensation and enhancement measures detailed in the Shadow Habitats Regulations Assessment (EcoSupport, August 2025), Environmental Statement (EcoSupport, April 2025), and Construction Environment Management Plan (Cowan Consulting, January 2025) unless otherwise agreed in writing by the Local Planning Authority. All ecological avoidance, mitigation, compensation and enhancement measures shall be implemented as per the submitted details and in accordance with instructions from the appointed Ecological Clerk of Works.

Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2017, Environment Act 2021, Wildlife & Countryside Act 1981, NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

INFORMATIVES

- (1) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

Offering a pre-application advice service, and

Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

You sought and were provided with pre-application advice,

You were updated about issues raised by consultees and invited to address them.

- (2) ***Please be advised of the following consultation advice received in connection with your planning application, which may require action on your part:***

Environmental permit - The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.
- For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations

<http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.