

'Appropriate Assessment' are that there would be no significant effects as a result of implementation of the proposal on the Solent Maritime SAC, the Site of Special Scientific Interest (SSSI) the Chichester and Langstone Harbour Special Protection Area and the Ramsar Convention Site. The proposal is therefore recommended for permission.

1 Site Description

- 1.1 This application concerns the recycling of shingle beach material along Hayling Seafront. Appendix A demonstrates the stretch of foreshore the subject of this application.
- 1.2 The majority of the application site is owned by Havant Borough Council although the stretch of coast surrounding Sandy Point Nature Reserve is owned by Hampshire County Council.
- 1.3 Hayling Island is located on the south coast of England, fronting The Solent. Waves refract around the Isle of Wight meaning that Hayling is often subject to greater wave attack than other areas in the Solent, posing a greater risk from overtopping. The Eastoke Peninsula is a densely populated area of extremely low-lying land with a history of serious flood events particularly from the effects of wave overtopping. The implementation of Beach Management Activities (BMA) has effectively helped to reduce the flood risk to this area.
- 1.4 The Eastoke Peninsular and The Ness abuts Chichester Harbour. Chichester Harbour is an Area of Outstanding Natural Beauty (AONB), Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), and RAMSAR site. Part of the application site is also within the Sinah Common Site of Special Scientific Interest (SSSI) and abuts the Sandy Point Nature Reserve and the Beachlands Site of Interest for Nature Conservation (SINC).
- 1.5 The proposed Solent and Dorset Coast Special Protection Area extends from Lulworth Cove at its western end through to West Sussex in the east. This boundary encompasses sea areas identified as being the most important feeding areas for tern colonies of existing SPAs (Sandwich tern, Common tern, Little Tern), adjoining Chichester and Langstone Harbour SPA and Ramsar, Portsmouth Harbour SPA and Ramsar and Solent Maritime SAC. The Solent and Dorset Coast proposed SPA was re-consulted upon, in terms of designation between September 2016 and January 2017. No decision has been made to formally adopt this designation at the time of writing this report.
- 1.6 The South Hayling Island Beach Management Plan (2017-2022) covers a stretch of coastline approximately 8.4km long; the Eastoke Managed frontage is 2.2km in length and is included in this area. The Beach Management Plan stretches from the Hayling Island Sailing Club (HISC) on Black Point Spit in the east to the Ferry Boat Inn in the Langstone Harbour entrance in the west. There are 1555 residential properties and 170 commercial properties at risk from a 1 in 200 year flood event over the next 5 years from tidal flooding along the southern frontage at Eastoke.
- 1.7 The site comprises of the beach areas along the southern frontage above mean low water springs (MLWS). This includes the HBC compound along Southwood Road and the area behind the Inn On The Beach which may need to be used as part of the haul route and a secondary compound.

2 Planning History

APP/12/00999 - Construction of a new rock armour revetment, together with three new groynes. In addition there will be two access and drainage points, a beach recharge, refurbishment of the splash wall and improved access and stop logs at Bosmere and Nutbourne Road.,

Permission granted subject to conditions 14/12/2012

APP/10/00769 - Removal of Condition 8 of Planning Permission 09/53949/008 to remove the restriction on the quantity of beach material that can be moved per annum. Permission granted subject to conditions, 10/12/2010

09/53949/008 - To periodically recycle material from between Eastoke Corner and the "Inn On The Beach", and from "The Ness" inside Chichester Harbour back to Eastoke frontage, over a 10 year period.,
Temporary permission granted 18/01/2010 expiring 30 September 2019

05/53949/007 - Coastal defence works - beach renourishment of southern Eastoke frontage.
Permission granted subject to conditions 10/11/2005

03/53949/006 - Recycling of shingle beach material along Hayling Seafront from land west of Inn on the Beach to Eastoke Corner and from The Ness inside Chichester Harbour back to the Eastoke frontage over a 5 year period.,
Temporary permission granted 09/05/2003

97/53949/005 - To periodically recycle shingle beach material from between Eastoke Corner and Inn on The Beach and from 'The Ness' inside Chichester entrance channel back to the Eastoke Peninsula over a 5 year period. Permission granted 18/06/1997

97/53949/004 - To periodically dredge Chichester Harbour approach channel and deposit the arising onto the foreshore at Eastoke, Hayling Island over a 5 year period, Permission granted subject to conditions 18/06/1997

95/53949/003 - Coast protection works consisting of 4 stub rock groynes and 370m of rock revetment and shingle recycling,
Permission granted subject to conditions 28/02/1996

3 Proposal

- 3.1 The current Planning Permission 09/53949/008 allows for ongoing beach recycling works, however this consent expires in 2019. This application proposes a permanent permission, an extension of its boundaries, and additional sources of shingle for recycling and recharge. Although the South Hayling Island Beach Management Plan (2017-2022) funding period is for the next 5 years only, the permissions being sought are for as far into the future as possible. This would allow the continuation of beach management without having to reapply for the same licences and consents, making large savings to the project.
- 3.2 As part of this application a number of safeguards have been put place to protect the environment into the future. Integral to the new approach of this Planning and Marine Licence application is the Monitoring and Management Plan, as set out in the Environmental Statement. The Monitoring and Management Plan is proposed to be adapted to reflect changes on the ground and make the document an adaptive tool to enable the Coastal managers to provide protection to the residents and community of Eastoke, whilst protecting the environment in this dynamic environment.
- 3.3 The Eastern Solent Coastal Partnership (ESCP) are also looking to extend the permission to include the whole of the southern frontage, from the Ferry Boat Inn to the Hayling Island Sailing Club (see appendix A), allowing analysis of the whole sediment cell to be undertaken. This allows for greater flexibility in how Beach Management Activities are run, and unlocks additional sources of material to protect Eastoke.
- 3.4 Normally the most suitable timing for the proposed works, from the applicant's perspective, is before Easter and September to avoid the more frequent stormy period

during the winter, as the recently deposited material is most vulnerable with rapid movement. The summer period following Easter will allow the sediment to naturally sort, thus developing resilience to storms in the following winter.

- 3.5 The operation comprises the use of heavy earth moving equipment including a 360 degree excavator and articulated dump trucks. The material is loaded into dump trucks by the 360 degree excavator and transported along a haul route on top of the shingle storm beach. The material is then placed and graded using a bulldozer. Following the completion of the operation, the bulldozer will then be used to tidy the haul route and profile the front face of the beach. All extraction takes place on the seaward side of the haul route.
- 3.6 Material has previously and will continue to be recycled from The Ness, the Coastguard Revetment, Open Beach and West Beach. Extraction also takes place from the Chichester Harbour Approach Channel. This application requests that an additional potential source of shingle at Gunner Point can be used to recycle additional material back to the Eastoke Managed Frontage. These areas are illustrated in Appendix B.
- 3.7 In addition, localised movement of shingle along the Langstone Harbour entrance channel is proposed, to prevent localised erosion issues. Also, a small volume of sand recycling around Hayling Island Sailing Club is proposed to enable continued use of their pontoon.
- 3.8 The operation has historically taken three weeks to complete, with an average of five articulated dump trucks, one 360 degree excavator and a bulldozer. This is based upon a 20,000m³ operation; however variations in the quantity required will vary the duration of the operation or the construction plant required.
- 3.9 The proposal intends to increase the contractor working hours from the previously permitted 0700 hours and 1900 hours. The application proposes working hours of 06.00 - 22.00 hrs Monday to Friday and not at weekend or recognised public holidays. No machinery is allowed to be operated outside of these hours which include delivery, collection and maintenance. In addition, no weekend working is permitted, except in cases of emergencies. The application outlines that the previous timing restrictions have added to the impact of the works rather than helping to reduce impacts on residential amenities and the highway network. The contractor is obliged under the terms of the contract to douse the haul route when applicable during dry spells, to minimise dust pollution during this operation.
- 3.10 The Council as Local Planning Authority has obligations under Regulation 81 of the 2010 Habitats Regulations (as amended) to undertake an 'appropriate assessment' to ensure that any negative effects on the European site are identified and mitigated, and these are outlined in Appendix C. The application is therefore supported by an Environmental Statement and Habitat Regulations Assessment, which proposes a range of measures to ensure the proposed activities do not have a detrimental and negative effect on either the European designated sites or any habitats of importance found within the Hayling Seafront.
- 3.11 In registering a planning application, a Local Planning Authority also has to have regard to the provisions of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). Whilst coastal defence works are identified as a type of development under Schedule 2 of the EIA Regulations which may require an EIA, dependent upon whether the works would have significant effects, the maintenance and reconstruction of such works are specifically excluded from the requirement for an EIA under the Regulations. The proposal to recycle shingle beach material back to the Eastoke frontage to maintain the beach profile is considered to be maintenance and reconstruction of coastal work to combat erosion. Notwithstanding this the applicant has submitted a comprehensive Environmental Statement. The EIA work has considered water quality; marine, surface water and bathing conditions.

3.12 The application was submitted with the following documentation:

- Beach Management Plan
- Environmental Statement
- Habitats Regulations Assessment
- Planning Statement
- Water Framework Directive Assessment
- Construction Environmental Management Plan (CEMP) - in relation to the works to be undertaken in September 2017

3.13 In addition to seeking planning consent for the scheme a variety of other licences, consents and permission will need to be secured where the work is undertaken on the coast and adjacent to sites of nature conservation importance. These include:

- Marine Licence from the Marine Management Organisation
- Chichester Harbour Conservancy Works Licence
- Hampshire County Council Works Licence
- Natural England support

4 Policy Considerations

National Planning Policy Framework 2012

The 2010 Habitats Regulations

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)

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)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS6	(Regeneration of the Borough)
CS8	(Community Safety)

Havant Borough Local Plan (Allocations) July 2014

AL4	(Coastal Change Management Areas)
AL1	(Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester District Council

No Objection

Chichester Harbour Conservancy, The Harbour Office

The Local Planning Authority is advised that the Conservancy has no objection to this application.

Countryside Access Team

No Objection

County Archaeologist

Thank you for your recent consultation. I would draw your attention to the Planning Statement para 4.4 and the BMP Non Technical Summary table 7.1 which set out the archaeological considerations. Section 14 of table 7.1 indicates that the archaeological potential is low and will be mitigated by only moving material within the active beach, and will avoid any impact on the Second world war beach defences. It also indicates that should archaeological material be encountered provisions will be made to have it inspected and a judgement made as to best practice. At presents with the intention to work within active each material only such potential is low.

I would not raise any archaeological issues.

Council Ecologist

Response following submission of Construction Environmental Management Plan (CEMP)

I have reviewed the submitted Construction Environmental Management Plan (CEMP) (ESCP, May 2017) which seeks to provide details of proposed beach management activities for the initial phase of works in September 2017, entailing the movement of beach materials from parcels 2-7 over to Eastoke as well as some local movements within parcel 8. It is anticipated that most recharge material will be from existing beach supplies although some offshore materials may be required.

The CEMP details how ecological surveys will be used to determine precise haul routes (in order to avoid vegetated shingle) and how pre-works ecological walkover surveys will be used to identify any ornithological issues. There are clear procedures for addressing any pollution incidents, with spill kits and other resources available at key locations.

In summary, the submitted CEMP is acceptable and therefore should be implemented as proposed. Recommended condition:

Development shall proceed in accordance with the submitted Construction Environmental Management Plan (CEMP) (ESCP, May 2017) unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be implemented in strict accordance with the agreed details. Reason: to protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Initial consultation response

I was able to attend a site meeting in January 2017 to discuss the proposals with the project team. I'm therefore confident that I have a sound understanding of the site and the detailed proposals. Ecological surveys and monitoring is ongoing and will be used to inform specific measures going forward.

I have reviewed the submitted Environmental Statement, Habitats Regulations Assessment, ES Non-technical Summary and appendices (all ESCP, March 2017). These are substantial yet necessary works situated within and in close proximity to areas of ecological importance. Some areas of the foreshore support overwintering bird species whilst nesting shorebirds and non-breeding terns are present at the eastern and western extremities of the site. There are areas of vegetated shingle, coastal grassland and drift line vegetation present within the proposed works area and accordingly there

are several layers of designation present.

A series of mitigation measures are proposed, to include pre-works bird and vegetation surveys, with scope to temporarily halt/divert works to avoid sensitive features.

Restrictions on the timing of works to certain periods will be used at the eastern and western ends and be subject to ongoing monitoring and Natural England consultation to see if these can be amended.

There will undoubtedly be some residual but temporary impacts to certain ecological features. However, based on the information presented we can have confidence that impacts are understood and can be effectively mitigated.

If you are minded to grant permission, can I suggest that all ecological mitigation measures are secured by condition.

Development shall proceed in accordance with the ecological avoidance and mitigation measures detailed within the Hayling Island Beach Management Plan Environmental Statement and Hayling Island Beach Management Plan Habitats Regulations Assessment (ESCP, March 2017) unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be implemented in strict accordance with the agreed details. Reason: to protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

I would also echo the comments from Natural England (response dated 15th May 2017) that a Construction Environment Management Plan (CEMP) should be submitted prior to each phase of works.

County Minerals

No response

Environment Agency

Response following submission of Construction Environmental Management Plan (CEMP)

Following recent discussions with Havant Borough Council and the Eastern Solent Coastal Partnership we are now in a position to recommend a revised condition for the above proposed works.

Planning Condition(s):

Condition - Bathing Waters

In the event that works within 1km of Beachlands West, Beachlands Central and Eastoke Bathing Water Areas have to be undertaken during the Bathing Water Season (May - September):

1) The Construction and Environmental Management Plan (CEMP) will be updated prior to each campaign. It will identify how works will comply with the requirements of the Bathing Waters Directive to ensure that the works are acceptable and will not have an impact on the Water Framework Directive Bathing Water Protected Area. The updated CEMP will be approved by the Environment Agency and once approved the CEMP shall be adhered to at all times.

2) The applicant is required to contact the Environment Agency at least one week prior to the commencement of works.

Reason: To protect bathing water quality and bathers in accordance with the Bathing Water Directive.

Initial response

We can confirm that the Environment Agency has no objection in principle to the

proposed development as submitted; however, we request that the following planning condition(s) be attached to any planning permission granted in order to make the development acceptable. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Planning Condition(s):

Condition

In the event that works within 1km of Beachlands West, Beachlands Central and Eastoke Bathing Water Areas have to be undertaken during the Bathing Water Season:

1.The proposed works must not be undertaken between 1st May and 1st September.

2.The applicant is required to contact the Environment Agency at least one week prior to the commencement of works.

Reason: To protect bathing water quality and bathers in accordance with the Bathing Water Directive.

Advice to Local Planning Authority (LPA) / Applicant:

Water Framework Directive

The proposed works are within the EU designated bathing waters of Beachlands West, Beachlands Central and Eastoke, and the works are scheduled to take place during the bathing season which runs from May to September. Mobilised sediment may pose a risk to bathing water quality particularly if it is associated with bacteriological contamination. While we accept that the levels of suspended sediments will be relatively low as a result of the coarse materials to be used, this still represents an additional risk to bathing water quality.

The applicant is required to contact the Environment Agency at least one week prior to the commencement. This is to allow both the Environment Agency and the Local Council to consider whether the Bathing Water Season needs to be closed earlier, before the end of September.

It is important that sediment disturbance from the proposed works is kept to a minimum to avoid detrimental impacts on bathing water quality. The risk to bathing water compliance can be completely mitigated by all works being undertaken outside of the bathing water season. However, we acknowledge that these works are proposed to take place in summer partly to reduce impacts on over-wintering birds.

Environmental Health Manager

No objection

Hampshire County Council - Public Rights of Way

Government guidance considers that the effect of development on a right of way is a material consideration (para. 7.2, Rights of Way Circular 1/09) and that rights of way and green infrastructure should be protected and enhanced, including by adding new rights of way to the network (para. 75 and 109, National Planning Policy Framework). This is in line with the aims of the Hampshire Countryside Access Plan 2015-2025. Rights of way and green infrastructure are also afforded consideration under Policies CS1, CS11, CS13, DM11 and DM12 of the Havant Borough Core Strategy (2011).

Comment

The Countryside Service supports this proposal for seeking to protect the integrity of the

rights of way and Countryside Sites which fall within the affected area, including:

- Havant Footpaths 104, 118, 504, 515
- Shipwrights Way (long distance walking route)
- Sandy Point (SSSI)
- The Kench (SSSI)

Should the proposal require any Temporary Closure Orders of a right of way, we ask that it is applied for at least 6 weeks before the commencement of works, and include a Health and Safety Risk Assessment which would seek to minimise any dust, noise or other obstruction to the right of way during the period of the works. Further information can be found at: <http://www3.hants.gov.uk/row/making-changes/temp-closures.htm>

Informatives

Should permission be granted for this application, we request that the applicant is made aware of the following requirements through informatives:

1. There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and we would therefore encourage the applicant to contact us as soon as possible to discuss any works of this nature.

2. Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.

3. No builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

4. If there is likely to be an effect on the footpath in terms of dust, noise or other obstruction during the period of the works, we suggest that a Health and Safety Risk Assessment be carried out, and if there is deemed to be a risk to users of the footpath, the applicant should contact the County Council directly to discuss the Temporary Closure of the footpath for the duration of the works. Temporary Closure Orders should be applied for at least 6 weeks prior to the commencement of works and details of how to apply can be found at

<http://www3.hants.gov.uk/row/making-changes/temp-closures.htm>

5. Any damage caused to the surface of the public right of way by construction traffic will be required to be restored to the satisfaction of the Rights of Way Officer, to not less than its minimum width, on the completion of the build.

Hampshire Wildlife Trust

Thank you for consulting the Wildlife Trust on this application. We are aware that these proposals are in line with the approved strategy: the North Solent Shoreline Management Plan - 'hold the line' and the need to protect the assets located along the south Hayling coast therefore we have no objections to the proposals. We also support the environmental monitoring proposed in Section 3.3.3 of the Habitats Regulations Assessment¹ (HRA) to help mitigate/lessen/prevent the impacts of the proposed beach management works on the natural environment and the environmental restrictions detailed in Figure 3.2 of the HRA.

However, in line with the Government's drive to minimise impacts on and, provide net gains in biodiversity where possible, we consider that these proposals could provide opportunities to enhance parts of the coastline and provide sanctuary areas for wildlife. As such, we would like to recommend that further consideration be given to enhancement measures that could provide sanctuary areas for breeding waders such as ringed plover and high tide roosting sites for the assemblage of waders that utilise the area throughout the year.

Consideration could also be given to the creation of exclusion areas, for example at Gunner Point and Sinah Common and/or other areas along the Hayling coast. Such measures, if supported by interpretation could help inform users of the coastal defence works and also the sensitive nature of the vegetated shingle habitats and ground nesting and roosting birds.

It is acknowledged that some strategic mitigation measures are in place for over-wintering birds already but these do not help protect the vegetated shingle habitats or breeding birds, which, as you will be aware, are highly susceptible to trampling and disturbance.

The above advice is given based on the information made available at this time and may change should further or amended details be submitted. We trust that you will find our comments helpful and if you wish to discuss these matters further, please do not hesitate to do so. I also ask that you keep the Trust informed of the progress and outcome of this application.

Development Engineer

The Highway Authority has no adverse comment to this application.

Landscape Team, Havant Borough Council

The landscape team have no adverse comments regarding this application.

Marine Management Organisation

No response

Natural England Government Team

Response following submission of Construction Environmental Management Plan (CEMP)

Further to our response (15 May 2017) on the above application, we have been discussing with Lucy Sheffield at ESCP about the potential conditions recommended by Natural England. ESCP has suggested two 'catch-all' conditions which incorporate all the issues raised by Natural England to safeguard the environment, whilst allowing for adaptability. We have reviewed the proposed conditions and can confirm that these are acceptable from Natural England's perspective.

The proposed conditions are :

Condition 1

The Environmental Mitigation Plan (EMP), which is a live working document will be updated initially annually for the first 5 years and then on a rolling five yearly programme to come into line with the Beach Management Plan. Any changes to the environmental mitigation measures identified in the EMP will be agreed with Natural England.

Condition 2

Construction and Environmental Management Plan (CEMP); this will be updated prior to each campaign, it will identify how works will comply with the EMP to ensure that the works are acceptable and will not have an impact on the protected species or designated sites. The CEMP will be approved by NE and once approved the CEMP shall be adhered to at all times.

Initial response

No Objection – subject to conditions

Without the mitigation measures included in the application for the Continuation with Beach Management Activities, the proposals would:

- have an adverse effect on the integrity of the Solent Maritime Special Area of

Conservation, the Chichester and Langstone Harbours Special Protection Area and Ramsar site and the Solent and Dorset Coast potential Special Protection Area

- damage or destroy the interest features for which Sinah Common, Langstone Harbour and Chichester Harbour Sites of Special Scientific Interest have been notified.

In order to make the development acceptable, the following mitigation measures are required.

We advise that appropriate planning conditions or obligations are attached to any planning permission to secure these measures.

1. The South Hayling Island Beach Management Plan 2017-2022 Technical Report (January 2017) as submitted with the application shall be reviewed and approved by the local planning authority and Natural England every 5 years.

2. To ensure an adaptive risk management approach, the following annual reports shall be submitted to the local planning authority and Natural England for approval;

- Annual Vegetated Shingle and Bird Monitoring Report to be used to inform the amount of shingle to be extracted from more sensitive areas
- Annual Beach Monitoring Report
- Annual Beach Management Report to include details of agreed haul routes and volumes and locations of sediment for extraction and deposition prior to each campaign.

3. There will be no works at Gunner Point and Langstone Harbour entrance (BMP Units 6, 7 and 8) between March and August to protect vegetated shingle communities, annual vegetation of drift line and nesting birds.

4. In other areas there will be no working 1.5 hours before and 1 hour after high tide during the over winter bird period (October to March inclusive). These include Gunner Point, Langstone Harbour Entrance and Chichester Harbour Entrance (BMP Units 1, 2, 6, 7 and 8).

5. There will be an annual vegetated shingle survey in July / August which will feed into the Annual Vegetated Shingle and Bird Monitoring Report, and will inform where the haul route can go in the following year to protect in particular the seed bank in the shingle.

6. In BMP Units 1 to 5, there will be an Ecological walkover survey immediately prior to works in the nesting season (March to August inclusive). An exclusion area will be provided if nesting birds are discovered (minimum of 5 metre buffer distance). Additional surveys will be carried out if required to ensure that birds have not nested in the meantime.

7. The extraction of sand from around the Hayling Island Sailing Club (BMP Unit 1) will only be undertaken in order to keep the Hayling Island pontoon usable. The locations and volumes of sand to be extracted in BMP Unit 1 will be agreed with Natural England prior to each campaign, informed by vegetation surveys and details of accretion.

8. Prior to the commencement of each campaign, a Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority and Natural England. The Construction Environmental Management Plan shall identify the steps and procedures that will avoid or mitigate the impacts on the designated sites. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the local planning authority.

Internationally and nationally designated sites

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

and Dorset Coast potential SPA, which are European sites. The site is also listed as the Chichester and Langstone Harbour Ramsar site¹ and also notified at a national level as Sinah Common, Langstone Harbour and Chichester Harbour Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The assessment completed by the applicant concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the mitigation measures built into the proposal that seek to avoid all potential impacts. On the basis of the information provided and the proposed conditions listed above, Natural England concurs with this view.

This application is within Sinah Common, Langstone Harbour and Chichester Harbour SSSIs. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Planning Policy

Policy Status: The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan provide the development plan for the borough.

All the above documents are available at <https://www.havant.gov.uk/localplan>

The following policies are of particular relevance to this scheme:

Policy CS15 (Core Strategy): Flood and Coastal Erosion Risk states that the council will work with partners to implement the Coastal Policy Zones in the North Solent Shoreline Management Plan. That plan, amongst other things, identifies policies for future coastal defence investment.

Policy AL4 (Site Allocations) Coastal Change Management Areas is clear that proposals for new or replacement coastal defence schemes will be permitted where it can be demonstrated that the works are consistent with the management approach for the frontage presented in the relevant Shoreline Management Plan, and there will be no material adverse impact on the environment or that these impacts can be mitigated. Together, these policies are designed to manage flood risk and coastal change. The proposed scheme is designed to manage flood risk at Eastoke, which is clearly in line with this aim. As set out in the documentation supporting the application, the North Solent Shoreline Management Plan which was approved in 2010, recommends a policy of 'Hold the Line' for the whole of the South Hayling Island coastline. The Eastoke Sectoral Strategy, which covers the whole of the Eastoke Peninsula was approved and adopted in 2006, recommending 'Hold the Line' to a 1 in 200 year (0.5% annual) Standard of Protection (SoP) through Beach Management along the main southern

frontage.

In addition, policy CS6 Regeneration of the Borough expresses the borough's desire to bring about the regeneration of South Hayling Island, lending further support to this proposal.

There is therefore clear policy support for the principle of this scheme. In considering the details, however, you should have particular regard to policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough, as a number of sections of frontage are covered by nature conservation designations: Chichester and Langstone Harbours SSSI, SPA, RAMSAR, SAC, Hayling Beach SINC and a Local Nature Reserve as well as uncertain Site for Waders and Brent Geese.

Portsmouth City Council

No Objection

Property Management (formerly County Estates Department) Hampshire County Council

No response

Property Services Manager

With reference to APP/17/00342 I would advise that the Estates Team has no objection to the application.

Public Health Team

No response

Ramblers Association

No response

Royal Society for the Protection of Birds

No response

Southern Water

No Objection

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: 300

Number of site notices: 20.

Statutory advertisement: 14/04/2017

Number of representations received: 2

- 6.1 There must be a better alternative. The current system is environmental vandalism. Not only is it harmful for the stones to be always going back into the sea but even more harm is done to marine life by then dredging for more stones. Marine animals, fish and plants all suffer. Additionally, the beach is decimated by this method of flood protection. Other places have found more permanent means to protect the coastline: creating lagoons with electricity producing turbines, placing offshore defences, making reefs etc. Also, it cannot be long term economic to have the current method of having to recycle on a regular basis

rather than find a permanent solution. Surely, more research should be done.
Officer comment: *Section 7 considers the environmental impact of this application.*

6.2 Loss of a private view.

Officer comment: *Loss of a private view is not a material planning consideration.*

7 Planning Considerations

7.1 This proposal is in a location and of a type that affects the natural environment in an area of Local, National, European and International ecological importance. The Council, as competent authority, are therefore required to undertake an 'Appropriate Assessment' under Regulation 81 of the 2010 Habitats Regulations before Planning Permission can be granted given:

- the potential importance to nature conservation of the application site given its proximity to Chichester and Langstone Harbours SPA, and the wetland of international importance designated under the RAMSAR convention and the Solent Maritime SAC;
- the duration of the operation;
- the involvement of the coastal processes which is fundamental to the maintenance of these sites.

7.2 Notwithstanding the view that an EIA is not required, in determining the planning application regard has to be had to the ecological importance of significant stretches of the Hayling Seafront, and to the advice contained in National Planning Policy Framework.

7.3 In light of the details submitted by the applicant, together with an assessment of the view of relevant consultees, the officer's Appropriate Assessment is attached at Appendix C. This concludes that, subject to proper mitigation measures, the proposed development would not have a significant effect on the European site.

7.4 As the Appropriate Assessment has ascertained that the proposal will not adversely affect the integrity of the European site, it is appropriate to continue to consider the proposal under the provisions of the development plan. The development plan identifies the main considerations in relation to the proposal as:

- (i) Environmental effects
- (ii) Impact on neighbouring properties
- (iii) Effect on tourism
- (iv) Highway implications

- (i) Environmental effects

7.5 Solent European Maritime Site (SAC) and Chichester Harbour (SPA/Ramsar site):

The majority of the application site is outside of both the SAC and SPA/Ramsar designations. The only works to take place within the SAC and SPA/Ramsar are those at The Ness. The works would take place on shingle completely devoid of any vegetation and will not, given the short period of activity in the locality, have a detrimental impact upon migratory or waterfowl species which frequent the Harbour. Notwithstanding this, the works will be adjacent to an area where a high number of both migratory and nationally important birds roost during the winter months.

7.6 For this reason, Natural England have advised that to avoid damage and disturbance to breeding and ground nesting birds an ecological walkover will be carried out immediately prior to works in nesting season only on Beach Management Plan units (BMP) 1 to 5

(March to August inclusive). In addition an exclusion area for nesting birds discovered (minimum of 5 metre buffer distance). Furthermore additional surveys will be carried out if required to ensure that birds have not nested in the meantime. It has also been agreed that no works to take place in BMP units 6 to 8 between March and August inclusive, as a known nesting site. Following these comments the applicant has submitted a Construction Environment Management Plan (CEMP) 2017, which covers the proposed September 2017 works. This document includes the measures requested above. Natural England and the Council's Ecology consultant have been re-consulted on the CEMP 2017 and have confirmed that in their opinion, given the siting of the works and the time restrictions placed on works during the over wintering period, there will be no harm to this species or any over-wintering birds, provided that these measures are followed. A condition is proposed to ensure that the works are carried out in accordance with the CEMP.

7.7 For future phases of the work an updated CEMP would be required, which would include details of all avoidance and mitigation measures in relation to ecological features, to be informed by ongoing survey and monitoring works for this dynamic coastal environment. These measures are considered to be appropriate and are secured through conditions.

7.8 SSSI and SINC

The information submitted with the application considers those areas on Hayling Seafront foreshore that support features of ecological interest and those which should be avoided by the haul route and associated works. Whilst most areas can successfully be avoided there are two areas that cannot. Both of these areas are in the SSSI. Survey work is undertaken annually. These surveys show that there is no vegetation along the proposed haul route in both these areas and therefore the proposal is not likely to affect any flora of importance. Notwithstanding these findings the alignment of the haul route must be controlled in order to ensure vegetated areas adjacent to the haul route are protected from damage. These protection measures are secured through the CEMP 2017 and subsequent phases of the coastal defence works.

7.7 Sandy Point Nature Reserve

The Nature Reserve is fenced off from the foreshore where works will take place. The haul route can be satisfactorily accommodated without encroaching into any adjacent areas of vegetated shingle. On this basis the works are not considered to have any significant impact on this site.

(ii) Impact on neighbouring properties

7.8 As has been outlined in paragraph 3.9 this application seeks to extend the hours of operation of the works. The applicant has outlined that the previous timing restrictions have added to the impact of the works, through disturbance to neighbours of getting machinery in the correct locations, in order to carry out the beach replenishment work. Whilst the proposed increase in working hours would have some additional impact on amenity, the impact upon residents in the vicinity of the proposed works can be kept to a minimum by the imposition of conditions limiting the hours, days and season of the operation as well as the routing of vehicles to and from the application site. Whilst there will be short term inconvenience each year for local residents, and in particular those living in properties in Eastoke which would otherwise be at risk from tidal inundation, they will benefit in the medium/long term from the annual replenishment of the beach defences. Furthermore the Environmental Health team have considered this application and subject to appropriate controls outlined above, have raised no objection to this application.

(iii) Effect on tourism

7.9 The conditions proposed relating to limiting hours, days and season, and operation route,

will minimise the effect on the tourist function of Hayling Island. The proposed works will benefit Hayling Island in terms of sustaining a sea defence, the absence of which would place many of the Island's tourist facilities at risk from flooding.

(iv) Highway implications

- 7.10 The Development Engineer has not raised any concerns relating to the proposal subject to conditions set out within the Construction Environmental Management Plan 2017 (CEMP). This is consistent with the conditions applied to the previous permissions.

8 Conclusion

- 8.1 The scheme is required to implement the strategic policy accepted under the adopted Shoreline Management Plan and Eastoke Sectoral Strategy. During the lifetime of the scheme, the beach will protect the Eastoke Peninsula from flooding to a 1 in 200 year event. It will not have a detrimental impact on flooding from other sources including surface water, sewer and groundwater sources.
- 8.2 In addition the proposed CEMP would mitigate any impact on designated areas, as such the proposal would conserve the environmental integrity of the protected site and permission is therefore recommended. Planning conditions would limit the time of year, times of day and times of delivery. The CEMP would ensure best practices are adopted to protect the integrity of the protected sites, impact on residential properties, minimise pollution risks and noise during construction. In the event that minor changes are needed in the design of any features of this scheme as it progresses, there are provisions within planning procedures to allow for these without the need for further permission, but each judgement would be a matter of fact and degree.
- 8.3 Overall it is considered that the proposal would bring significant benefits to Hayling Island, through continuing to defend the coast line and therefore protecting residential properties, the tourism industry and wider economy of Hayling Island. The conclusions of the 'Appropriate assessment' are that there would be no significant effects as a result of implementation of the proposal on the Solent Maritime SAC, the Site of Special Scientific Interest (SSSI) the Chichester and Langstone Harbour Special Protection Area and the Ramsar Convention Site. The proposal is therefore recommended for permission.

9 **RECOMMENDATIONS:**

- (A) That the Development Management Committee, as 'competent Authority' for the purposes of an Appropriate Assessment under Regulation 81 of the 2010 Habitats Regulations, adopts the Appropriate Assessment at Appendix C which concludes that the proposed development would not have a significant effect on the European site subject to appropriate mitigation & conditions as detailed in Appendix C, including Table 1; and
- (B) That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00342 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:
 BEACH MANAGEMENT PLAN - NON TECHNICAL SUMMARY - REVISION 1.0
 ENVIRONMENTAL STATEMENT - BEACH MANAGEMENT PLAN - REVISION 1.0
 ENVIRONMENTAL STATEMENT APPENDICES - BEACH MANAGEMENT PLAN - REVISION 1.0
 HABITATS REGULATIONS ASSESSMENT REVISION 1.0
 PLANNING STATEMENT - BEACH MANAGEMENT PLAN REVISION 1.0
 WATER FRAMEWORK DIRECTIVE ASSESSMENT REVISION 1.0
 AERIAL BOUNDARY PLAN
Reason: - To ensure provision of a satisfactory development.
- 3 Development shall proceed in accordance with the ecological avoidance and mitigation measures detailed within the Hayling Island Beach Management Plan Environmental Statement and Hayling Island Beach Management Plan Habitats Regulations Assessment (ESCP, March 2017) unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be implemented in strict accordance with the agreed details.
Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011
- 4 The activities hereby permitted shall only take place between 06.00 - 22.00 hours on Mondays - Fridays and not at all on weekends and all recognised Public Holidays. Except when Emergency works are required, which need to take place as and when necessary.
Reason: To limit the impacts on neighbouring properties, the highway network and features of ecological importance in the area in accordance with policies CS11 and CS16 of the Havant Borough Core Strategy 2011
- 5 Development shall proceed in accordance with the submitted Construction Environmental Management Plan (CEMP) (ESCP, May 2017) for the September 2017 programme unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be implemented in strict accordance with the agreed details.
Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.
- 6 Prior to the commencement of each phase/campaign of development activities a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of all avoidance and mitigation measures in relation to ecological features, to be informed by ongoing survey and monitoring works. In addition it will identify how works will comply with the requirements of the Bathing Waters Directive, to ensure that the works are acceptable and will not have an impact on the Water Framework Directive Bathing Water Protected Area.
Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Appendices:

- (A) Site location plan
- (B) Beach Management activity and deposition sites

- (C) Officers Appropriate Assessment supplemented by appendix C table 1 - Appropriate Assessment – mitigation and likely significant effects of the proposed South Hayling Island Beach Management Plan to advise the Habitat Regulations Assessment
- (D) Site areas, compounds and haulage routes
- (E) Access routes and haul routes
- (F) Habitats and Environmental restrictions in Construction Environmental Management Plan (CEMP)
- (G) Design profile of coastal defences