



**HAVANT BOROUGH COUNCIL LOCAL
DEVELOPMENT FRAMEWORK
CORE STRATEGY EXAMINATION**

**Supplementary submission on behalf of
Chichester Harbour Conservancy**

Respondent number: 06/0051

Session 2 (7/8 September 2010)

Conservation, Landscape and Countryside

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1. Introduction

- 1.1 The Conservancy acts as the Joint Advisory Committee for the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and produces, on behalf of the four Local Authorities, the AONB Management Plan. Totalling 74km², Chichester Harbour is the smallest AONB in the South East region, yet is one of the most intensively used and offers a unique mix of sea, coast and land, with 41% of its area comprising water at high tide and an intertidal area covering 24km².
- 1.2 Chichester Harbour Conservancy submitted a detailed objection to the Pre-Submission Core Strategy in May 2010, setting out which parts of the Core Strategy we considered were 'unsound' and why. Our concerns centred on the lack of protection provided in the Core Strategy for the AONB and the various designated sites for nature conservation around Chichester Harbour, particularly given the level of growth proposed within the Core Strategy. Unfortunately, the most fundamental points relating to the AONB which have been consistently raised by the Conservancy over the last 3-4 years in response to the various Core Strategy consultation stages, had still not been addressed. Without these issues being addressed before adoption, we strongly believe that the Core Strategy will be 'unsound' when considered against the tests set out in PPS12.
- 1.3 Havant Borough Council has subsequently made various proposed changes to policy wordings to address some of these concerns, and the Conservancy, in conjunction with the RSPB and Hampshire & Isle of Wight Wildlife Trust, has been working with the Borough Council to ensure that these proposed changes are sufficient to overcome the concerns raised in our representations made in May 2010. We greatly welcome these proposed changes and we will set out in this statement (under the relevant Hearing Questions) our original objections and recommendations for making the Core Strategy sound; where the Council's proposed changes would partly or completely overcome these concerns; and where our objections remain unaddressed. We have included at Appendix 1 the Council's proposed changes, with further proposed changes agreed jointly by the Conservancy, the RSPB and Hampshire & Isle of Wight Wildlife Trust, which are considered necessary to make the Core Strategy sound. This statement will principally address Questions 23 and 24 of the Issues for Hearing Programme, under the topic of 'Conservation, Landscape and Countryside'.

2. Question 23: Will policies within the Core Strategy be effective in protecting the Borough's Environmental Assets?

- 2.1 The Conservancy believes that the following parts of the Submission Core Strategy will not be effective in protecting the Borough's environmental assets unless the recommended changes are made in order to make the Core Strategy sound.
- 2.2 Omissions from the Proposals Map booklet and paragraph 7.05:
- The 'Proposals Map Booklet' submitted with the Pre-submission Core Strategy does not include the AONB boundary, as recommended in paragraph 8.1 of PPS12. It also fails to include the locations of the various designated sites of importance for biodiversity and geodiversity, despite advice in paragraphs 5 and 6 of PPS9. This is inconsistent with National Policy. We recommend the inclusion of these designations within the Proposals Map Booklet, and suggest that this would supersede the need for the 'Nature Designations' map at Appendix 3 of the Submission Core Strategy. We also suggest that paragraph 7.03 should include reference to the AONB, rather than paragraph 7.05.
- 2.21 The Borough Council has now agreed to make these changes, as set out in Appendix 1 of this statement, and the Inspector is urged to accept these.

2.3 Low proportion of housing on previously developed land (paragraph 6.12):

The Pre-submission Core Strategy contradicts the statement in the Draft Core Strategy (June 2009 - paragraph 6.20) that delivering the 6,300 homes in the Havant Borough is expected to remain compliant with the 60% target identified in PPS3: Housing; and now states that approximately 51% of development is likely to take place on PDL, or only 42% if all available sites are taken forward. This is inconsistent with PPS3 and no justification or explanation is given within the text for why this target cannot be met in the Havant Borough. We would wish to either see reassurance that the 60% target will be met, or justification for why it cannot be met.

2.31 This remains unaddressed.

2.4 Incorrect titles/descriptions etc given to the Chichester Harbour AONB Management Plan (paragraph 7.12, 7.45 and 'Where else to look' box on page 88):

The Core Strategy fails to acknowledge the status of the AONB Management Plan as set out in Section 89 of the Countryside and Rights of Way Act 2000 (CRoW Act), by using incorrect references, for example, as a 'Chichester Harbour Conservancy document'. This means that these sections of the Core Strategy are not effective (deliverable) or consistent with the relevant legislation (Section 89 of the CRoW Act). The correct reference: 'Chichester Harbour AONB Management Plan' and acknowledgement that it has been adopted by the Borough Council should be provided.

2.41 The Borough Council has now agreed to make these changes, as set out in Appendix 1 of this statement, and the Inspector is urged to accept these. However, the Conservancy still wishes to see the word 'adopted' rather than 'endorsed' in relation to the AONB Management Plan in the text following the Council's proposed new AONB policy, as set out in Appendix 1 of this statement (the need for a AONB policy is covered in paragraphs 3.1 – 3.4 of this statement).

2.5 Incorrect definition of the Countryside and Rights of Way (CRoW) Act 2000 ('Where else to look' box on page 143):

The CRoW Act does not '*provide the legislative background to AONB designations*'. The National Parks and Access to the Countryside Act 1949 provides this legislative background. The CRoW Act introduced the 'duty of regard' under Part IV, Section 85 of the Act, which places a 'duty of regard' to the purpose of AONBs on public bodies. The CRoW Act also brought in the requirement for local authorities to produce an AONB Management Plan (section 89). This error means that this part of the Core Strategy is not effective (deliverable).

2.51 The Borough Council has now agreed to make this change. We would urge the Inspector to accept this change, including the additional words as set out in Appendix 1 of this statement.

2.6 Failure to acknowledge to the 'duty of regard' for the conservation of biodiversity (paragraph 7.03):

Section 74 of the CRoW Act 2000 places a duty on all public bodies to have regard to biodiversity conservation when carrying out their functions; and Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 re-emphasises and broadens this duty. This should be appropriately referred to and reflected in the Core Strategy to make it effective. We recommend either including reference to this in the paragraph 7.03, or in supporting text under a new biodiversity policy to replace Policy NRM5 ('Conservation and Improvement of Biodiversity') of the abandoned South East Plan, which is discussed in paragraph 2.19 of this statement.

2.61 This remains unaddressed.

2.7 Incorrect glossary definition of AONB (Glossary):

2.8 To state that AONBs are 'an area of countryside with significant landscape value' significantly underplays and misrepresents the national importance of AONBs, thereby making this part of the Core Strategy ineffective.

2.81 Our suggested definition has now been agreed by the Borough Council, as set out in Appendix 1 of this statement. We would urge the Inspector to accept this change.

2.9 Incorrect SSSI and SPA boundaries on the 'nature designations' map (appendix 3 of the Submission Core Strategy):

The map omits an area at Northney covered by these designations. This, again, means that the Core Strategy is not effective or deliverable. The correct SSSI and SPA boundaries should be shown (including part of the east coast of Hayling Island) – however, we recommend that this is included in the Proposals Map, as now agreed by the Borough Council, thereby superseding the need for this map.

2.10 Core Strategy presentation and structure (e.g. pg 72/73 and pg 142):

The lack of sub-headings and layout throughout the document can be difficult to navigate. For example, sub-headings are needed on pages 72 and 73 to assist the reader, and the statements in the 'where else to look' boxes which go further than describing the links provided, should be put into the main text, in order to make the Core Strategy effective.

2.101 This remains unaddressed.

2.11 Shortcomings of Policy CS1: 'Health and Wellbeing':

Point 12 of Policy CS1: 'Health and Wellbeing' is still not clearly putting across the message that additional moorings and berths would not be acceptable in Chichester Harbour, and therefore is not effective. We suggest an alternative wording in Appendix 1 of this statement.

2.111 The Borough Council has now agreed to change the wording. We would urge the Inspector to accept this change, but with the additional text as set out in Appendix 1 of this statement.

2.12 Lack of reference to the Solent Disturbance and Mitigation Project (paragraph 7.09 and policy CS10: 'Protecting and Enhancing the Special Environment and Heritage of Havant Borough'):

The Solent Disturbance and Mitigation Project is a comprehensive programme of work currently underway to assess the current and future impacts of recreational disturbance on the European designated sites within the Solent, which will be highly significant to future development within the Havant Borough. The Core Strategy fails to make sufficient reference to this project and therefore is not effective or deliverable. We recommend that the project is named in paragraph 7.09 and is included in policy CS10.

2.121 The Borough Council has now agreed to make these changes as set out in Appendix 1 of this statement. We would urge the Inspector to accept these changes.

2.13 Ambiguity of wording in paragraph 2.26:

Paragraph 2.26 states that *'the extension of the popular Hayling Billy Trail through the eastern side of Hayling Island and along the Solent, where possible, would be an attractive amenity for both local residents and visitors.'* This paragraph remains ambiguous and therefore not effective, and we

recommend that a paragraph is added, as set out in Appendix 1, to clarify the aim of this proposal while giving protection to the designated nature conservation sites.

2.131 This remains unaddressed.

2.14 Shortcomings of Policy CS19: 'Developer Requirements':

Policy CS19 'Developer Requirements' states that 'where on-site provision or financial contributions are made, arrangements for the ongoing maintenance of facilities will be required.' We believe that the policy should state 'for the lifetime of the development' in order to be effective. It is also vital that this policy includes a point about requiring avoidance or mitigation measures for recreational disturbance impacts.

2.141 The Borough Council has suggested additional wording under policy CS19; however, we urge the Inspector to make this into a separate point and that the additional wording above is also included, as set out in Appendix 1 of this statement.

2.15 Lack of flexibility relating to current uncertainty surrounding impacts of recreational disturbance (Policy CS9: 'Housing'):

Table 6.1 of the Habitats Regulations Assessment states that '*The Core Strategy should secure sufficient flexibility for the spatial distribution of development to be adjusted in order to respond to the findings and recommendations of this latest work once it is available*'. The Core Strategy does not currently acknowledge the need for this flexibility. We would also question whether the Core Strategy could be considered to be 'justified' (founded on a robust evidence base) prior to the completion and findings of the Solent Disturbance and Mitigation Project, given that this is such an important issue for the Borough. At the very least, the Core Strategy must incorporate the flexibility to respond to this research in order to make it effective and justified. We recommend additional wording be put into Policies CS5, CS6, CS9, CS10, CS15 and CS16 to provide the flexibility required in the Habitat Regulations Assessment, as set out in Appendix 1 of this statement. This includes recommended text marked with a * which could be included in a stand-alone policy as an alternative approach (see paragraph 2.19 of this statement).

2.151 The Borough Council has now agreed to additional wording to Policy CS9; and we would urge the Inspector to accept this change, but also incorporating the recommended changes and additions to the wording to the remaining policies as set out in Appendix 1.

2.16 Lack of evidence supporting effectiveness of mitigation measures for recreational disturbance (paragraph 6.5 of Habitats Regulations Assessment):

The conclusion in paragraph 6.5 of the Habitats Regulations Assessment states that '*It is considered that, subject to the measures outlined in section 6.4 being successfully adopted and implemented, effects connected with recreational pressure will be satisfactorily avoided and reduced*.' We would question whether this statement is 'justified' since the suite of mitigation measures outlined in section 6.4 have not been tested, or the results of the Solent Disturbance and Mitigation Project reported yet. Paragraph 6.5 goes on to state that '*An assessment of in combination effects is not required, because the effects of the Core Strategy have been removed*.' We would question the effectiveness (flexibility) of the Core Strategy in the absence of the findings of the Solent Disturbance and Mitigation Project – which may find that these measures would not all be effective or deliverable. We would therefore also question whether this second statement is 'justified'. We recommend additional wording be put into Policies CS5, CS6, CS9, CS10, CS15 and CS16 to provide the flexibility required, as set out in Appendix 1 of this statement. This includes

recommended text marked with a * which could be included in a stand-alone policy as an alternative approach (see paragraph 2.19 of this statement).

2.17 Recommendations from Habitats Regulations Assessment not incorporated (Policy CS17: Effective Provision of Infrastructure):

Page 65 of the Habitats Regulations Assessment recommends the inclusion of further policy wording to strengthen Policy CS17: 'Effective Provision of Infrastructure' relating to waste water. We would fully support the recommended inclusion of the following to make Policy CS17 effective:

(Development will be permitted where):

- *'sufficient water supply, surface water drainage, foul drainage and sewage treatment capacity already exist; or*
- *Additional capacity will be provided in time to serve any individual phase of the development without unacceptably reducing the level of service to existing users, or causing harm to the environment.'*
- *.... Developers will be expected to demonstrate that there is adequate capacity both on and off site to service the development.... When there is a capacity problem and improvements in off-site infrastructure are not programmed, developers will be expected to requisition or otherwise fund infrastructure improvements..'*

2.171 We also question why the recommendations relating to 'Use of local designations' in Table 10.2 of the Habitats Regulations Assessment are not reflected in the Core Strategy. A suitable approach is being developed as part of the soon to be published 'Solent Waders and Brent Goose Strategy (2010)' and the Core Strategy should at the very least refer to this Strategy in Policy CS10 (point 3) to make it effective. Our suggested addition is set out in Appendix 1 of this statement.

2.172 Alternatively, a new biodiversity policy, to address guidance lost from policy NRM5 of the South East Plan, could cover the requirements of the Solent Waders and Brent Goose Strategy (2010). This is included in our suggested approach in paragraph 2.19 below.

2.18 Confusion over the 'Coastal Zone' (Policy DM9):

Policy DM9 refers to the AONB; however, the title refers to the 'Coastal Zone' which has a different boundary to the AONB. This causes confusion and makes the Core Strategy ineffective, as, for example, an area of the AONB (the centre of Emsworth) would not be subject to the policy since it is not included within the 'Coastal Zone'. We recommend that this is addressed by removing reference to the AONB from Policy DM9 and providing a separate AONB Policy, as set out in Appendix 1 of this statement.

2.181 The Borough Council has now agreed to remove reference to the AONB from Policy DM9, and is proposing a separate AONB policy. We urge the Inspector to accept these changes, subject to our recommended changes/additions to the separate AONB policy set out in Appendix 1.

2.19 Possible new biodiversity policy to address flexibility issues and the loss of South East Plan Policy NRM5

Should the Inspector consider that the proposed additional wordings designed to address the issue of the current lack of flexibility in the Core Strategy to respond to the Solent Disturbance and Mitigation Project (as agreed by the three Conservation bodies and set out in Appendix 1 and marked with a *) are not an appropriate approach; we are in agreement with the RSPB by suggesting an alternative approach of introducing a standalone policy clearly setting out the

approach to the protection of the Borough's nature conservation assets, incorporating the principles set out in Policy NRM5 of the former South East Plan.

2.191 Key points we consider should be included in such a policy are as follows:

- the need to protect the European sites (including the supporting sites and features outside the boundaries of these sites) within and adjacent to the Borough from increased recreational disturbance arising from new development;
- the Council's 'duty of regard' as set out in Section 74 of the CRoW Act 2000 and Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006;
- the Council's commitment to implementing the Solent Waders and Brent Goose Strategy (2010);
- the Council's commitment to supporting the Solent Disturbance and Mitigation Project;
- the potential need to review the current proposed spatial and quantitative delivery of development within the Borough following the results and recommendations of the SDMP;
- the likely future need for a developer-funded, strategic approach to mitigation, including (but not necessarily limited to) alternative open space and access management measures, following the recommendations of the SDMP;
- the need for mitigation measures to be provided ahead of occupation of new housing and for the lifetime of the development;
- the precautionary approach to be taken in respect of proposals for new housing development in the Borough in the interim, with the potential requirement for appropriate assessment and avoidance/mitigation measures to be assessed on a case-by-case basis.

We would be happy to provide our advice in conjunction with the RSPB and Hampshire and Isle of Wight Wildlife Trust on the content of such a policy should the Inspector consider this to be a more appropriate approach.

3 Question 24: Should there be a separate policy to protect the AONB? Are local designations still relevant and useful? Should the gaps policy be retained?

- 3.1 The Conservancy believes that the Core Strategy will not be effective in protecting the Borough's environmental assets unless a separate AONB policy is provided within the Strategy. The Conservancy has consistently argued that the Core Strategy should include a specific policy to tackle the impact of development on the AONB, which covers a large proportion of the coastline in the Borough (approximately 50%).
- 3.2 Paragraph 11.8 of the South East Plan states that *'In planning terms they (AONBs) require the same focus on protection and positive land management as National Parks. Within the AONBs statutory Management Plans provide a policy and action framework which should influence and help determine planning, decision making, advice and resource allocation priorities for local authorities, government agencies and statutory undertakers. In particular, they should provide an underpinning for the development of AONB specific policy in local development frameworks (LDFs).'* While the South East Plan has now been abandoned; this approach remains a valid one and the loss of Policy C3 (AONBs) from the South East Plan makes a specific AONB policy within the Core Strategy even more vital.
- 3.3 We consider that the locally distinctive qualities and characteristics that make up the outstanding natural beauty of Chichester Harbour AONB provide the justification for a local interpretation of higher-level policy. We used examples in our original representation of other Local Authority's Core Strategies to demonstrate that this was an accepted approach, even before the South East Plan was abolished.
- 3.4 The Borough Council has now accepted the need for an AONB policy. We have been working with the Council on the wording of the policy, and our suggested further changes to the policy in order to

make it sound are set out in Appendix 1 of this statement (in red text). The Inspector is urged to accept the recommended additions, as set out in Appendix 1, to the draft AONB policy.

3.5 'Gaps'

The Conservancy strongly believes that the designation of 'gaps' between settlements is an essential tool for protecting the rural character of the AONB while preventing the coalescence of settlements and protecting their identity. We fully support the Borough Council's commitment to this approach, as referred to in paragraph 7.16 and Policy CS10 (9). However, we believe that an additional reference to gaps and to the protection of the predominantly open and undeveloped character of the AONB where gaps are not applicable, for example, the majority of the east coast of Hayling Island; is necessary within the new proposed AONB Policy. Our recommended addition to the proposed AONB policy is set out in Appendix 1 of this statement.

APPENDIX 1 – Havant Borough Council’s proposed changes to Core Strategy Policies – with further recommended changes jointly submitted by Chichester Harbour Conservancy (CHC), the Hampshire & Isle of Wight Wildlife Trust and the RSPB

Black text is the Borough Council’s ‘Summary Table of Proposed Changes to Landscape Policies’, Revision 2, 10th August 2010.

Red text is amendments to the Borough Council’s proposed changes, as agreed and proposed by the three Conservation bodies.

Blue text is additional changes agreed and proposed by the three Conservation bodies. Additions marked with a * represent those which could be covered by a standalone policy to replace NRM5 of the South East Plan.

All new suggested text and deleted is indicated in bold and underlined.

Core Strategy Reference	Further Proposed Changes	Additional CHC/ Wildlife Trust/RSPB Proposed Changes
<p>Policy CS1</p> <p>Health and Wellbeing</p> <p>Replace point 12</p>	<p><i>‘In Chichester Harbour Langstone Harbour and along the Hayling Waterfront involves the modification of existing moorings and berths. New additional moorings and berths will not be permitted. New jetties and slipways will only be permitted where it can be demonstrated that they are for essential public use. <u>No new infrastructure or modifications will be permitted where it cannot be demonstrated that there will be no net loss of inter-tidal habitat and that disturbance or other damage to the international site features will be avoided. All development and modifications shall conserve and enhance the existing features for which the highly sensitive landscape and / or nature conservation areas have been identified.</u>’</i></p>	

Insert new point 7

Suggest additional amendment to point 7 to avoid potential conflict with the protection of the European sites from recreational disturbance:

‘Contributes effectively to the opportunities for increasing cycling for all types of trips, creating and improving linkages within the borough, particularly along the stream corridors and along the coast between Emsworth, Havant and the borough boundary near Broadmarsh in accordance with the council’s Walking and Cycling Strategy and in accordance with the protection of designated nature conservation interests.’

Insert new point 8

And point 8, to similarly avoid potential conflict with European site protection:

Supports the increased footpath and cycle use through the design of development, linkage and signage where such measures will not lead to increased recreational disturbance to designated nature conservation sites.’

Amend supporting paragraph 2.26

Suggest following amendment to remove ambiguity of the wording relating to the proposed Hayling Billy Trail footpath:

<p>Insert new wording at end of paragraph 3.56</p>		<p><u><i>will carry out case-by-case assessment of all new tourist development which could impact on the European site interests, as set out under Policy CS10 and its supporting text.'</i></u></p> <p>Suggest the following amendments to highlight other important on-site mitigation measures which may be appropriate:</p> <p><u><i>'Where impacts cannot be avoided, mitigation schemes measures will be put in place as necessary, for example, these may take the form of on-site access management measures such as information boards to help visitors understand the local area and its wildlife, or measures to manage, screen or divert visitors from sensitive areas.'</i></u></p>
<p>Policy CS6</p> <p>Regeneration of the Borough</p> <p>Insert new wording to the end of the policy</p>		<p>Request the following additional text to clarify the approach to the assessment of impacts ahead of the results of the disturbance research:</p> <p><u><i>* 'Proposals which could impact on nearby nature conservation sites will be assessed on a case-by-case basis ahead of the Solent Disturbance and Mitigation Project, to ensure no adverse effects on the integrity of the designated interest features, as set out under Policy CS10 and its supporting text.'</i></u></p>

<p>Policy CS8</p> <p>Community Safety</p> <p>Amend wording of point 2.</p>	<p>Insert 'or the landscape.' after ...designated habitats.</p>	
<p>Policy CS9</p> <p>Housing</p> <p>Insert new wording at the end of point 1</p>	<p>...between 2006 to 2026, <i><u>unless following further research (eg the results of the Solent Disturbance and Mitigation Project) it is found that this level of housing cannot be distributed without adversely affecting the integrity of protected European conservation sites. Where further assessments show that part of the Core Strategy target cannot be delivered without adverse effects, which cannot be avoided or adequately mitigated, then the plan will only make provision for the level and location of development for which it can be concluded that there will be no adverse effect on will be made up to the closest level to the 6300 housing target for which it can be distributed without adversely affecting the integrity of any European sites, even if this level is below the 6,300 strategic target.</u></i></p>	

<p>Amend wording of point 4</p> <p>Insert new point 10</p>		<p><i>4. Achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding <u>landscape, character and built form.</u></i></p> <p>Suggest additional point 10:</p> <p><i><u>'Ensures protection of the European nature conservation site interests in line with policy CS10 and its supporting text.'</u></i></p> <p>(See suggested inclusion of new para 7.11 below.)</p>

<p>Policy CS10 Protecting and Enhancing the Special Environment and Heritage of Havant Borough</p> <p>Insert new wording at the end of point 2</p> <p>Amendment to supporting paragraph 7.09</p>	<p>Point 2 has been amended by removing the reference to the AONB Management Plan and replacing it with the following text:</p> <p><i>‘Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published <u>findings</u> and recommendations, and future related research’ .</i></p> <p>(A new policy has been included to cover the AONB).</p> <p>‘Research is under way’ is replaced by <i>‘The Solent and Disturbance Mitigation Project, coordinated by the Solent Forum’</i> is currently under way...</p>	
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Insert new wording to point 3

Amendment to supporting paragraph 7.10

Suggest additional text to recognise the need to also protect off-site designated site features within the Borough:

3. Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest, including off-site features such as brent goose feeding sites and wader roosts (as identified in the Brent Goose Strategy (2002) or the updated Solent Waders and Brent Goose Strategy (2010))

Suggest additional amendment to para 7.10 to recognise that it is not only housing development that could lead to increased recreational pressure:

'It is anticipated that strategic mitigation/avoidance measures will be necessary across South Hampshire, in order to prevent additional recreational pressure on the European sites from the cumulative effects of ~~increased housing~~ new development in the sub-region.

<p>Insert new paragraph to following supporting paragraph 7.10</p>		<p>And inclusion of new para to follow current para 7.10, to address current uncertainties of impacts:</p> <p><i>* <u>'In the interim, the Council will carry out case-by-case assessment of all new development which could impact on the European site interests. Mitigation measures may be required to avoid or reduce impacts. However, where uncertainty of the impacts or the effectiveness of mitigation measures exists, development will not be permitted, irrespective of conformity with other policies in the Core Strategy, unless otherwise in compliance with Regulation 62 (in relation to overriding public interest) of the Conservation of Habitats and Species Regulations 2010.'</u></i></p>
<p>Policy CS10</p> <p>Amend wording in paragraph 7.03</p> <p>Amend wording in point 2. & paragraph 7.12</p>	<p>...a number of locally listed buildings, an Area of Outstanding Natural Beauty, 14 conservation areas...</p> <p>Reference to the AONB has been removed from the policy but remains in paragraph 7.12</p>	

<p>NEW CS POLICY covering the AONB</p> <p>Insert new wording in 'where else to look' box</p>	<p>See suggested wording at end of table</p> <p><i>'National Parks and Access to the Countryside Act 1949: Provides the legislative background to AONB designations'.</i></p> <p><i>CRoW Act 2000: 'Brought in the requirement for local authorities to have a 'duty of regard' to <u>the purpose of AONBs</u> and to produce an AONB Management Plan.'</i></p> <p>Include reference to CHC Design Guidelines for New Dwellings and Extensions & Chichester Harbour AONB Management Plan</p>	
<p>Policy CS11</p> <p>Green Infrastructure</p> <p>Insert new wording at the end of point 4</p> <p>Amend source of GI definition</p>	<p>...new green infrastructure <i>(including access management measures)</i> either through onsite provision...</p> <p>Amended to: 'South East Green Infrastructure Framework 2009'</p>	

<p>Amend wording at paragraph 7.20</p>	<p>PUSH published its Green Infrastructure <i>Final Strategy in June 2010</i>, which identifies...</p>	
<p>Policy CS13</p> <p>Flood and Erosion Risk</p> <p>Insert new wording in the final paragraph</p> <p>Insert new policy wording</p>	<p>...'ensure that development avoids areas at risk from coastal erosion <i>and coastal flooding</i> and that ...'</p>	<p>Recommended additions from Pages 65-67 of Habitats Regulations Assessment (relating to waste water treatment) should be included to strengthen Policy CS13.</p>
<p>Policy CS 14</p> <p>High Quality Design</p> <p>Amend wording in paragraph 7.45</p>	<p>Delete reference to 'Chichester Harbour Conservancy Documents' and add 'AONB Landscape Character Assessment and Design Guidelines for New Dwellings and Extensions' after 'AONB Management Plan'</p>	

<p>Amend wording in 'where else to look' box</p>	<p>Rename links to 'Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions' and Chichester Harbour AONB Management Plan' and add 'AONB Landscape Character Assessment'.</p>	
<p>Policy CS15 Concentration and Distribution of Development within the Urban Areas</p> <p>Insert new point 4</p>		<p>Request the following additional text to recognise the potential need to review the spatial distribution of development following the results of the SDMP and to clarify the approach to the assessment of impacts ahead of the results of the disturbance research:</p> <p><i>* <u>'However, it is recognised that the spatial distribution of development may need to be reviewed following the results and recommendations of the Solent Disturbance and Mitigation Project, in order to fully protect the European sites. In the interim, all development proposals that could impact on the European site interests will be assessed on a case-by-case basis, as set out under Policy CS10 and its supporting text.'</u></i></p>
<p>Policy CS16</p> <p>Strategic Site Delivery</p> <p>Insert new text to end of policy</p>		<p>Request the following additional text to recognise the potential need to review the approach to the delivery of housing within the strategic sites following the results of the SDMP and to clarify the approach to the assessment of impacts ahead of the results of the disturbance research:</p>

		<p><i>* <u>'The quantum and/or location of new housing development within the strategic sites may need to be reviewed following the results and recommendations of the Solent Disturbance and Mitigation Project in order to protect the European site interests. In the interim, all development proposals that could impact on the European site interests will be assessed on a case-by-case basis, as set out under Policy CS10 and its supporting text.'</u></i></p>
<p>Policy CS17</p> <p>Effective Provision of Infrastructure</p> <p>Insert new policy wording</p>		<p>Recommended additions from Pages 65-67 of Habitats Regulations Assessment (relating to waste water treatment) should be included to strengthen Policy CS17.</p>
<p>Policy CS 19</p> <p>Developer Requirements</p> <p>Insert new wording at the end of point 6</p>	<p>Green infrastructure (including access management measures)</p>	

<p>Insert new point 3</p>	<p>3. If the land has been identified within the <u>South East Hampshire Coast and Isle of Wight Brent Goose Strategy (2002) or the updated Solent Waders and Brent Goose Strategy (2010) as providing habitat for Brent Geese or waders</u> then it must be demonstrated that any impact on this habitat can be fully mitigated.</p>	
<p>Policy DM4</p> <p>Static Holiday Caravan Development</p> <p>Insert new policy point</p> <p>Insert new supporting text</p>		<p>Recommend inserting additional policy criterion to recognise that static holiday homes could contribute to recreational pressure of European sites or impact on landscape:</p> <p><u>'3. The development would not otherwise impact on designated landscape or nature conservation interests.'</u></p> <p>Recommend additional supporting text to clarify the approach to the assessment of impacts ahead of the results of the SDMP:</p> <p><u>'Static holiday caravan sites are frequently associated with the coastal area, and therefore extensions or enhancement to such sites could lead to increased recreational pressures on the European sites. It is recognised that the results and recommendations of the Solent Disturbance and Mitigation Project may lead to the need to restrict and/or mitigate the effects of new tourist development, including static caravan sites. In the interim,</u></p>

		<p><u><i>all development proposals that could impact on the European site interests will be assessed on a case-by-case basis, as set out under Policy CS10 and its supporting text.'</i></u></p>
<p>Policy DM9 Development in the Coastal Zone</p> <p>Amend wording in point 1</p> <p>Amend wording to correctly identify the protected areas</p> <p>Insert new policy wording</p>	<p>Reference to the AONB has been removed.</p> <p>Amendments have been made</p>	<p>Recommend further amendments to ensure protection of designated sites:</p> <p><u><i>'5. Upgrades existing footpaths and ensures that public access is retained and provided to connect existing paths along the waterfront where appropriate, where it can be demonstrated that it will not result in increased recreational disturbance to designated sites.'</i></u></p> <p><u><i>8. Provides recreational opportunities that do not adversely affect the character and appearance of the coast, or impact on designated nature conservation interests.</i></u></p>

<p>Policy DM9</p> <p>Development in the Coastal Zone</p> <p>Amend 'where else to look' box</p>	<p>Remove reference to AONB legislation.</p>	
<p>The Proposals Map</p> <p>Amend boundary to include AONB boundary</p>	<p>Proposals Map will be amended</p>	
<p>The Proposals Map</p> <p>Amend to show Coastal Zone</p> <p>Amend to show designations</p> <p>Amend to show brent goose and wader sites</p>	<p>Proposals map has been amended</p> <p>Proposals map will be amended to Show SPA, SAC, SSSI, Ramsar, SINCs and Local Wildlife sites</p>	<p>Further recommend the Proposals Map included the brent goose and wader sites from the new Wader and Brent Goose Strategy (2010).</p>

<p>Glossary</p> <p>Amend AONB definition</p>	<p><i>'Is a nationally important landscape designated for its outstanding landscape value, with the primary purpose of conserving and enhancing natural beauty. AONBs have been confirmed by Government as having the highest status of protection in relation to landscape and scenic beauty'.</i></p>	
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Policy CS

Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Development will be permitted where it:

- Carefully assesses the impact of individual proposals, and their cumulative effect, on the **Chichester Harbour AONB**, and its setting;
- is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;
- Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan) ; and
- ~~Meets~~ ~~Does not detract from~~ the policy aims of the Chichester Harbour AONB Management Plan.

Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.

~~Development should not undermine the integrity of rural gaps, or the predominantly open and undeveloped character of the AONB.~~

Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less *harm* ~~and there is a case for overriding public interest which outweighs the landscape value of the area as set out in national policy, coupled with deliverable, long-term mitigation of the impacts.~~ ~~and that the benefits of the development clearly outweigh any adverse impacts.~~

Development proposals that would be significantly detrimental to the special qualities of the Chichester Harbour AONB ~~or and~~ its settings will not be permitted.

Supporting text

Chichester Harbour AONB is a unique landscape comprising sheltered open water areas with contrasting narrow channels. The movement of the tide exposes bare mudflat and saltmarsh creating a wide, open and remote wilderness. The undeveloped character of the harbour is almost unique on the south coast and its status as a Ramsar wetland, a Special Protection Area, a ~~Candidate~~ Special Area of Conservation and a Site of Special Scientific Interest reflect its European importance to nature conservation. The largely flat hinterland includes highly productive farmland, as well as woodlands and hedgerows that contribute to the rural character of the area. The flatness of the landscape makes the AONB particularly vulnerable to visual intrusion from inappropriate development, both within or adjacent to the boundary, which can often be seen from significant distances across inlets, the main harbour channels, or open countryside. The Borough Council will have particular regard to these characteristics in determining development proposals affecting the AONB.

Chichester Harbour Conservancy has produced an AONB Management Plan, which is **adopted endorsed** by Havant Borough Council, Chichester District Council, West Sussex County Council and Hampshire County Council. The Conservancy has also produced an AONB Landscape Character Assessment and Design Guidelines for New Dwellings and Extensions, both of which have been endorsed by the Borough Council. The AONB Management Plan and its supporting documents identify the distinctive features and characteristics of the landscape and provide the framework for the management and ongoing spatial planning of Chichester Harbour AONB. Proposed development affecting the AONB should be of the highest design quality and applicants are encouraged to seek pre-application advice from Chichester Harbour Conservancy.