



Statement of Common Ground

Chichester Harbour Conservancy &
Havant Borough Council

February 2021

Introduction

1. This Statement of Common Ground (SoCG) is a jointly agreed statement between Chichester Harbour Conservancy (CHC, the Conservancy) and Havant Borough Council (HBC, the Council) in relation to the Pre-Submission Havant Borough Local Plan (HBLP) and the representations submitted by Chichester Harbour Conservancy (respondent no. R281) in response to both Regulation 19 consultations in 2019 and 2020.
2. Established by its own Act of Parliament in 1971, Chichester Harbour Conservancy is the principal guardian for Chichester Harbour Area of Outstanding Natural Beauty (AONB), with duties formally discharged by the four Local Authorities through a signed Memorandum of Agreement (2019-2024).
3. This statement sets out the areas of common ground and also identifies an area of uncommon ground in the Northney Marina housing allocation. A summary table is included at Appendix 1.

Summary of Common Ground

4. Havant Borough Council undertook a Regulation 19 consultation on the Pre-Submission Havant Borough Local Plan 2036 between the 1st February 2019 and 18th March 2019. The Conservancy submitted representations in relation to this version of the plan and as a result, amendments were made to policies E4, E5, E14 and H13. These have been considered to satisfactorily address the suggestions made as no further comments have been made in the most recent consultation.
5. The Council undertook a further Regulation 19 consultation on the changes to the Pre-Submission Local Plan between the 3rd November 2020 and 17th December 2020. Chichester Harbour Conservancy continues to raise concerns in relation to the Northney Marina mixed use allocation within policy KP3.

KP3 | Hayling Island

Northney Marina Development Allocation

6. Chichester Harbour Conservancy continue to raise concerns about the allocation at Northney Marina being included in the Havant Borough Local Plan.
7. Northney Marina is a proposed mixed use allocation which is identified to accommodate about 40 dwellings alongside 1,000 sqm of employment, commercial and service uses (Class E) which support the function and operation of the marina. Both parties agree that the quantum of development provided by the allocation would constitute 'major development'.
8. In addition, it is agreed the site is within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and that development should only occur in exceptional circumstances (in the context of the National Planning Policy Framework). CHC consider the allocation does not meet the relevant criteria within the NPPF which sets out the key considerations for major development within the AONBs, and that policy KP3 is unsound on that basis.
9. Paragraph 172 of the NPPF sets out:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues..... The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

 - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) any detrimental effect on the environment, the landscape and recreational opportunities."*
10. Chichester Harbour Conservancy do not consider the Council has demonstrated exceptional circumstances for the proposed development, nor that the development would be in the public interest. The respective Parties' position is set out in detail below.
11. Furthermore, CHC consider that in allocating the site, the Council has not satisfactorily discharged its statutory duty to have regard for the purpose of conserving and enhancing the natural beauty of the AONB under the Countryside and Rights of Way Act of 2000.

A

The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

12. The 2020 Pre-Submission Plan identifies sufficient sites to deliver 10,773 dwellings (including 40 dwellings at Northney Marina) against an objectively assessed need figure of 10,433 between 2016 and 2037. The Conservancy's representations highlight that the plan has identified sufficient sites to meet the Borough's objectively assessed need, without the development of 40 dwellings at Northney Marina within the protected landscape. However, the Council notes that objectively assessed needs should be considered as a minimum and contends that it is reasonable to provide a buffer for flexibility in the line with the NPPF (para 11). The Conservancy understand this but do not consider this buffer should be provided within the protected landscape.
13. The site comprises predominantly brownfield land, already built up with an existing operational marina in the AONB comprising a mixture of single and two storey marina buildings, boat storage, car parking and other related uses. As such, the Council considers development would be viewed in this context, as opposed to an undeveloped and unspoilt greenfield site in the AONB. The Conservancy understand that Northney Marina was included within the AONB when it designated in 1964, and it is therefore assumed that it met the criteria for designation. The Conservancy is of the view that the site should be viewed in this context, and not in isolation from the rest of the AONB.
14. Policy KP3 in the 2020 Pre-Submission Plan identifies the Northney Marina as an opportunity for the island to offer excellence in marine leisure. In particular, the regeneration of the island offers the potential to provide significantly enhanced and additional commercial and leisure activities, where development can be shown to be appropriate in the context of environmental designations. This is reaffirmed by the Council's regeneration strategy¹ which recognises the opportunity for economic growth and recognises the contribution that marina sites make towards Borough's economy. The Conservancy disagree and consider that the provision of 40 dwellings would not constitute an addition to the existing excellent Marine leisure activity.
15. Havant Borough Council is satisfied that sustainable development could be achieved on the site.
16. It remains the continued concern by the Conservancy that the allocation would provide major development in the protected landscape of the AONB constitutes unsustainable development.

¹ [A Regeneration Strategy for Havant Borough 2018 – 2036](#)

B

The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way.

17. The Conservancy comment that the adoption of the Local Plan would not be hindered by “developing outside the designated area.” Indeed, the Council confirm that the AONB was considered throughout the development of the spatial strategy in the HBLP. The Housing Constraints and Supply Analysis² identifies the AONB as a designation of national importance and recognises a finite amount of undeveloped land available in the Borough within the context of environmental designations. The Council therefore recognises the importance of new development being provided in a sustainable way that makes best use of this finite resource.
18. The Conservancy raise concern that the Council is pursuing an allocation at Northney Marina on the basis on repairs being secured to the sea wall at Sparkes Marina. Whilst the Draft Local Plan (Regulation 18) included a joint allocation Northney and Sparkes Marinas (H30), the 2019 and 2020 Pre-Submission versions of the Plan seek to clarify there is not a link. Instead, criterion tt. of Policy KP3 simply refers to the need for the development to secure repairs to the sea wall at Sparkes Marina.
19. Both parties agree that the repairs to the sea walls do not provide justification for the allocation. Whilst HBC consider that the repairs to these sea walls would provide a key benefit of the development at Northney Marina, they are not an overriding consideration to the allocation of the site. Northney Marina is not proposed as an allocation to fund the sea wall at Sparkes Marina. Amendments within Policy KP3 are included within the Pre-Submission Plan that seek to address this.

² [Housing Constraints and Supply Analysis \(December 2017\)](#)

C

Any detrimental effect on the environment, the landscape and recreational opportunities

20. The key issues from the Conservancy's representations are the impacts on landscape, environment and recreational opportunities. These can be summarised as follows.
21. The Conservancy highlight the proposed development would detrimentally impact on existing landscape views within the Chichester Harbour AONB. The Council note and acknowledge the need for development to be sensitively designed having regard to the setting of the AONB. Policy KP3 includes various safeguards and developer requirements accordingly. There is a clear requirement for a Landscape and Visual Impact Appraisal to assess the likely impact of the development on the AONB, as well as three individual developer requirements (criterion uu., ww. and yy.) which require the design of the development to have regard to the landscape and scenic beauty of the AONB and its wider setting.
22. CHC raise concerns that access to the site is entirely within Flood Zone 3, and that significant investment in the road and drainage infrastructure would be required to allow pedestrian, vehicle and emergency vehicle access to the site year round. The Council is in agreement and has assessed flood risk in allocating sites through the Strategic Flood Risk Assessment 3. Detailed Flood Risk Assessment work has confirmed that any proposed buildings can remain safe and not subject to flooding, by siting proposed residential development on the highest ground within the site and raising the level of the commercial area. Criterion yy. of Policy KP3 specifically requires low profile buildings to be appropriate to the character of the AONB accordingly. The Conservancy does not anticipate the buildings will flood. The issue remains along the road access to the Marina from Northney Road which when flooded will prevent access to the buildings.
23. The Conservancy's representations also refer to the impact on the SPA, SAC and Ramsar designations and the Site of Special Scientific Interest Impact Risk Zone. Similarly, Policy KP3 includes appropriate developer requirements (criterion ss., tt., and xx.) to ensure the impacts on designated sites are appropriately assessed. In this respect, the Council can confirm that Natural England have not raised an objection to the allocation.
24. The CHC highlight concerns in relation to the lack of local facilities in relation to the site, and the urbanisation of the countryside. In the context of the emerging Local Plan, the Council does not consider any part of the Borough to be 'rural' (in the context of the rural exceptions allowed by the NPPF) and whilst there are areas on Hayling Island and other areas of the Borough that are rural in character, these are not sufficiently far from the nearest built up area to consider them in need of their own local housing or jobs offer.
25. CHC disagree with this point and state that the Chichester Harbour AONB is one of the finest landscapes in rural England and that due to its small size and being adjacent to

³ [Strategic Flood Risk Assessment \(Havant Local Plan Sites\) \(November 2018\)](#)

developed areas means it is even more important to conserve and enhance its designated status.

Conclusion

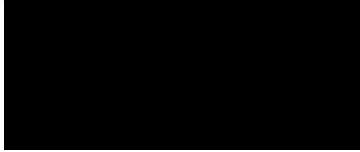
26. The main area of disagreement between the Conservancy and the Council relates to the mixed-use allocation at Northney Marina. The Conservancy remain of the view that the Council has not demonstrated that there are “exceptional circumstances” for major development in the AONB and that it has not been demonstrated that the development is in the public interest. Furthermore, CHC consider it unsustainable to have development so close to the water in light of climate change and sea level rise etc. Therefore, they conclude that the allocation at Northney Marina is not sustainable.
27. Conversely, the Council consider that the Northney Marina allocation is sound, and that there a robust justification for its inclusion in the Local Plan. Policy KP3 outlines relevant developer requirements to ensure that development proposals appropriately consider and address the environmental constraints of the site. On this basis, it is considered to be a sustainable location for development.

Signatories

This statement has been prepared and agreed by the following organisations

Havant Borough Council

Signature



Simon Jenkins

Director of Regeneration and Place

Date: 18th February 2021

Chichester Harbour Conservancy

Signature



Dr Richard Austin

AONB Manager

Date: 18th February 2021

Appendix 1- Table showing areas of common and uncommon ground

Subject	Agree	Disagree
That the Northney Marina allocation is entirely within the AONB	✓	
That the scale of development identified by the allocation at Northney Marina constitutes major development	✓	
That development within the AONB should only occur in exceptional circumstances as set out in paragraph 172 of the National Planning Policy Framework	✓	
That the access road to the site is subject to flooding	✓	
That the allocation is justified within a protected landscape <ul style="list-style-type: none"> That there are exceptional circumstances that justify the allocation within a protected landscape; and That the allocation is within a protected landscape is in the public interest 		✓
That the allocation sustainable		✓
That the allocation provides a potential benefit to the leisure industry		✓
That the repairs to the seawall at Sparkes Marina (south of Hayling Island) is not linked to the allocation at Northney Marina	✓	
That no part of Havant Borough should be considered 'rural' in the context of the Local Plan but there are parts that are rural in character		✓
That the mixed use allocation within policy KP3 is sound		✓