

KENDALL'S WHARF EASTERN ROAD PORTSMOUTH**CONSTRUCTION OF NEW COASTAL DEFENCES CONSISTING OF A EARTH EMBANKMENT TO THE NORTH WEST; RAISING OF ACCESS ROAD, INSTALLATION OF SHEET PILE WALL TO THE SOUTH-EAST BOUNDARY AND ASSOCIATED LANDSCAPING WORKS****Application Submitted By:**

Mrs Gillian Branson

On behalf of:

Portsmouth City Council

RDD: 1st May 2019**LDD:** 1st August 2019

This application forms part of a major infrastructure project, to reduce the risk of coastal flooding, accompanied by an Environmental Statement (ES). There are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment. These arrangements include consideration of the adequacy of the information provided, consultation, reaching a reasoned conclusion on the significant environmental effects of the proposed development, publicity, and informing the consultation bodies and public of both the decision and the main reasons for it. The local planning authority must take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application.

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the principle of the development is acceptable in the location proposed and whether the submitted Environmental Statement adequately assesses the significant environmental impacts of the proposed scheme having regard to the international and national nature conservation designations and heritage assets in and around the area. Other important issues include the design of the proposed scheme, highway impacts, impacts on residential amenity, and impacts on a safeguarded site within the Hampshire Minerals and Waste Plan.

Context for the application

The applicant is within the Eastern Solent Coastal Partnership (ESCP) on behalf of the city council. ESCP was formed in 2012 to provide a comprehensive coastal management service acting for and directly employed by the four partner authorities: Portsmouth City Council, Havant Borough Council, Fareham Borough Council and Gosport Borough.

The new coastal defences are designed to reduce the risk of coastal flooding to a 1 in 500 year [0.2% AEP] flood event over the next 100 years.

Due to its extent, the wider North Portsea Island Coastal Flood and Erosion Risk Management (FCERM) scheme has been designed into phases. This application covers the Phase 4a works at Kendall's Wharf - the construction of a set-back earth embankment with short length of sheet-pile wall between the northern and southern extents of Kendall's aggregate wharf on the north east side of North Portsea Island. The access road would be raised at the tail end of the embankment and a flood gate would be installed in the future.

The works would include the reinstatement of the coastal path in a new alignment along the bund, once the construction work has been completed. The path is not indicated on the Council's records of rights of way and no representations to suggest it has such a status have

been made to the local planning authority. If the path were considered to be a right of way, a legal order would be required to effect the permanent new alignment, and the applicant could apply to the Council for an appropriate permanent diversion order. If this were necessary, whether a permanent diversion order should be made and confirmed is a freestanding question separate from this planning application.

Site

The North Portsea Island FCERM scheme covers approximately 8.4km of the Portsea Island coastline from the Mountbatten Centre in the west, along Ports Creek in the north, and as far as Milton Common in the east. The application site is a section approximately 0.24km long, extending from the north to south of the Kendall's aggregate wharf. The site is linear and is completely set back from the existing coastline behind the Kendall's aggregate wharf. The seaward site boundary will be 20m off the toe of the new structure and above the mean high water spring mark. The works are planned over one winter, expecting to start site setup from August 2019 with completion by April 2020. During construction, there will be a need to occupy various areas around the main construction site as haul roads, materials storage compounds and site facilities and offices.

This application relates to the first part of the fourth phase of construction works (Phase 4a - Kendall's Wharf). The Phase 4a frontage is located on the north-east corner of Portsea Island. Kendall's Wharf is an operational aggregates wharf to the east of the Eastern Road. It is privately owned and operated by Aggregate Industries, and the proposed defence structures would be located landward of the wharf.

The area around the frontage is largely industrial in character and dominated by the aggregate wharf itself. The site access provides routes to recreational and amenity facilities including the Andrew Simpson Outdoor Activity Centre, Tudor Sailing Club, Baffins Milton Rovers football club and playing fields and pedestrian access to the informal coastal path and foreshore.

The site is located within Flood Zone 3 and is adjacent to Chichester and Langstone Harbours Special Protection Area (SPA), Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site), Solent Maritime Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

The existing defences around North Portsea Island consist of a mix of structures, including concrete and earth revetments, mass concrete walls and rock armour revetments. Most of the structures were constructed between the 1930s and 1980s. The predominant structure types around Phase 4a are a section of sheet pile wall and a series of informal earth bunds with no engineering or structural analysis. Many of the structures are approaching the end of their serviceable lives, and as part of the ODPS some structures were assessed as having less than five years residual life. Topographic surveys have shown that many of the defences around North Portsea Island are lower than the level required to provide a 1 in 200 year Standard of Protection, and in any event the approach is now to provide a 1 in 500 year standard. Kendall's Wharf creates a break in continuity of flood protection from the completed Phase 1 Anchorage Park scheme to the north and the planned Phase 4b Eastern Road scheme to the south (see Photo 1.1 below for current images). To not provide adequate coastal defences would be placing the surrounding residential and recreational areas at an unacceptable risk.

For all other phases a marine licence application has been made to the Marine Management Organisation (MMO) but this is not required for Phase 4a as the works are inland of existing wharf infrastructure and does not affect the area below mean high water springs.

Proposal

Permission is sought to replace existing flood defences.

The Phase 4a scheme consists of construction of a 120m earth embankment along an inland route positioned between the Phase 1 works by Anchorage Park and the existing access road

for the wharf/other organisations. The access road would be raised (with planned future installation of a flood gate included into the design). At the southern end, the existing sheet-piling would be replaced by newer and deeper sheet piling, with timber cladding, until it meets with the planned boundary with the later Phase 4b Eastern Road. Following construction, proposed landscaping is sought to mitigate small losses of vegetation during site works that is designed to offer greater diversity and improve habitat.

The proposed replacement structures would be built with a crest height of +4.6mAOD. This would provide a 1 in 500 year standard of protection for the next 100 years.

Relevant planning history

Planning and other applications have been permitted for the previous phases as follows:

- o Phase 1 Anchorage Park (October 2014) with planning permission ref 14/01387/FUL and marine licence ref MLA/2014/00506;
- o Phase 2 Milton Common and removal of Great Salterns Quay (October 2015) with planning permission ref 15/01769/FUL and marine licence ref MLA/2015/00436; and
- o Phase 3 Tipner Lake (September 2016) with planning permission ref 16/01820/FUL and marine licence ref MLA/2016/00436.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation), and saved policies DC21 (site contamination), LH1 (Langstone Harbour open coastal area) and LH2 (Coastal zone line) of the Portsmouth City Local Plan.

The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (paragraph 14). However, as set out in paragraph 177, the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. This issue is addressed further in this section and in the comments section of this report.

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. The proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

- 38 Core planning principles for decision making
- 54 Consider if otherwise unacceptable development made acceptable by conditions or planning obligations
- 80 Significant weight on the need to support economic growth through the planning system
- 95 Promote public safety, reduce vulnerability, increase resilience
- 109 Highways refusal only if an unacceptable impact on safety or road network severe
- 130 Refuse poor design that fails to improve the character and quality of an area
- 149 Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change etc
- 174-176* Protect and enhance biodiversity and ecological networks, including the hierarchy of international, national and locally designated sites (SPA/SAC/Ramsar, SSSI etc)
- 177 Presumption in favour of sustainable development (para 11) does not apply where AA required under Birds or Habitat Directives
- 178 Sites should be suitable for its proposed use where affected by contamination
- 180 Impacts of noise, air quality and light pollution should be mitigated and managed
- 189 Applicants should describe the significance and potential impact on any heritage assets
- 190 LPAs to identify and assess significance of any heritage asset
- 193 Great weight should be given to the asset's conservation
- 194 Any harm/loss of a designated heritage asset requires clear and convincing justification

- 195 Where leads to substantial harm, should be refused (unless substantial public benefits)
196 Where leads to less than substantial harm, to be weighed against public benefits
199 Weight to non-designated heritage assets of archaeological interest (where significant)

*When determining planning applications, LPAs should apply the following principles (para 175):

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats... should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Policy 26 of the Hampshire Minerals and Waste Plan (adopted in 2013) is also relevant to the determination of this planning application. This policy seeks to protect waste management infrastructure that provides strategic capacity against redevelopment and inappropriate encroachment. In this case, as the proposal would be located in close proximity to a 'safeguarded site' it is important that the potential impacts of the proposal on the operation of the safeguarded site are considered.

This application is also supported by an Environmental Statement as the proposals fall within the definition set out in Schedule 2, Infrastructure Project, 10 (m) of the Town & Country Planning (Environmental Impact Assessment) Regulations: 'Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works', which would be likely to have significant effects on the environment.

As set out in the above mentioned regulations and the 'Planning Practice Guidance (Department of Communities and Local Government)', there are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment (EIA). This includes consideration of the adequacy of the information provided, consultation, publicity, and informing the public of the decision and the main reasons for it. The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining the planning application. Further assessment of the submitted Environmental Statement will be made in the comments section of this report.

In this case, the HRA process requires a 'competent authority' to decide whether or not the coastal defence works can proceed having considered the following 'appropriate assessment requirements' to (1) determine whether a plan or project may have a significant effect on a European site, and (2) if required, undertake an appropriate assessment of the proposal and decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment undertaken. This issue is addressed further in the comments section of this report.

CONSULTATIONS

Ancient Monuments Society

No comments received.

Marine Maritime Organisation

Any works within the Marine area require a licence from the Marine Management Organisation - the applicant should take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Hants & IOW Wildlife Trust

No comments received.

RSPB

No comments received.

Southern Gas Network

No comments received.

The Portsmouth Society

No comments received.

Network Rail

Network Rail offer no comments.

National Planning Casework Unit

No comments received.

Ecology

The Information report sets out the approach taken to the European designated sites, stating that "During the development of the EIA, avoidance and reduction measures have been included for activities where it has been identified that the proposed works could have a likely significant effect on the features of the Chichester and Langstone Harbours SPA and Ramsar sites (refer to Table 21.1 in the Conclusions chapter of the ES). These measures have been included in the construction methodology and the Construction Environmental Management Plan [CEMP] for the scheme to ensure that they are implemented.

However, a recent ruling by the Court of Justice of the European Union (CJEU) in the case of People Over Wind and Sweetman v Coillte Teoranta (C-323/17) has stated that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account at the screening stage of an HRA when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site. Therefore, the avoidance and reduction mitigation measures included for the Kendall's Wharf phase of the NPI FCERM scheme have not been considered in this Screening stage but instead are considered in the appropriate assessment stage in the following section".

This provides PCC as Competent Authority with the most recent case law-informed process, with the required mitigation measures set out in the Appropriate Assessment summarised in Table 6.2. This table sets out the proposed measures to avoid or reduce the potential effects, concluding that providing these are implemented, there will be no residual adverse effect on any attribute of the sites' conservation objectives. I would support this approach and conclusion.

Two planning conditions are suggested in the report as follows, which I agree would be suitable:

o Installation of the sheet piles will be undertaken using vibro piling techniques as standard. Percussive piling will only be used when necessary to achieve the required design depth. If percussive piling is required, a soft start procedure will be implemented for a minimum of 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: To reduce the effect of acoustic disturbance upon passage and over wintering birds and ensure the conservation status of the Chichester and Langstone Harbours SPA and Ramsar site.

o Heras fencing, or similar, with debris netting to full height, or solid readyhoard type fencing, will be placed around the northern and southern ends of the works area as shown on the site boundary plan (drawing reference NPI_DD_03-RHD-MS-Z3-DR-C- 0021) in Appendix U of the ES. This will screen the works area and prevent visual disturbance from people and machinery to birds using the adjacent foreshore and the roost site along the northern boundary of the aggregate wharf, the Baffins football pitches, the foreshore south of Kendall's Wharf and the TSC slipway.

Reason: To prevent visual disturbance of passage and over-wintering birds using the area and ensure the conservation status of the Chichester and Langstone Harbours SPA and Ramsar site.

Additionally, further detail on site-level habitats and species is recommended:

o Prior to commencement, a reptile mitigation strategy shall be submitted to and approved in writing by the LPA. The strategy shall be in line with the measures set out within Section 9.2.3.3 of the submitted Environmental Statement (ESCP, April 2019), as updated by a pre-construction reptile assessment. Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

o Prior to commencement, a Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to and approved in writing by the LPA. The strategy shall be in line with the measures set out within Section 9.2.3 of the submitted Environmental Statement (ESCP, April 2019) and include clear demonstration of biodiversity habitat net gain through the use of an approved suitable biodiversity metric calculation. Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

o Development shall proceed in accordance with the measures set out in Section 9.2.3 of the submitted Environmental Statement (ESCP, April 2019). Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

Langstone Harbour Board

No objection raised to the proposals. LHB comment:

1. As works are scheduled over the wintering bird season construction workers should follow best practice techniques and advice to limit noise in order to minimise disturbance to SPA bird assemblages feeding or roosting close to the site.
2. Any lighting used during the construction should be installed to ensure it has no adverse impacts upon the safe navigation of ships visiting the wharf, as well as other vessels in the vicinity.

Queen's Harbour Master

No comments received.

Historic England

No comments are offered and it is suggested the views of your specialist conservation and archaeological advisers be sought, as relevant.

Natural England

The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017:

Natural England confirm that the proposed works are located in adjacent to: Chichester and Langstone Harbours Special Protection Area (SPA), Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site), and Solent Maritime Special Area of Conservation (SAC). NE advises that providing the works are carried out in strict accordance with the details of the application submitted, it can be concluded that the application will have a significant effect on any SAC, SPA or Ramsar site, either individually or in combination with other plans or projects.

Marine and Coastal Access Act 2009:

The works, as set out in the information supplied by the applicant, are not sited within or near to a Marine Conservation Zone. We are therefore confident that the works will not hinder the conservation objectives of such a site.

Wildlife and Countryside Act 1981:

NE confirm that the proposed works are located adjacent to Langstone Harbour SSSI; the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified.

Biodiversity and protected species:

NE has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response.

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, NE recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by your retained ecologist.

The submission of an approved BMEP will help ensure your authority meets the requirements of Section 40 of the Natural Environment and Rural Communities Act (2006), which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process.

NE recommends that any permission secures a Biodiversity Mitigation and Enhancement Plan (BMEP) that covers the following aspects:

- I. A detailed landscape/ planting plan - expected to utilise appropriate native species.
- II. The biodiversity mitigation and enhancement measures outlined in the Ecology Chapter (Chapter 9) of the submitted Environmental Statement.
- III. A detailed agreed reptile mitigation plan.
- IV. Creation of habitat features such as wildlife ponds, habitat piles, etc.
- V. Provision of new bat roosting and bird nesting opportunities within the area of proposed works and located adjacent to green infrastructure.

Other Relevant Matters:

NE notes that this planning consultation entails the proposed Phase 4a works around Kendall's Wharf which will be delivering the SMP (Shoreline Management Plan) and PICSS (Portsea Island Coastal policy) of 'hold the line' for this section of the coastline. Habitat loss concluded in the SMP's HRA will be compensated for through the Regional Habitat Compensation Programme (RHCP).

NE notes that a Construction Environmental Management Plan (CEMP) and method statement will be produced to guide and control construction activities and to minimise impacts. The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

In order to further reduce environmental pressures, it is recommended that the following best practice measures should be adhered to:

* The applicant should ensure that only coatings and treatments that are suitable for use in the marine environment are used in accordance with best environmental practice. All reasonable precautions will be undertaken to ensure no pollutants enter the waterbody.

- * The applicant should ensure that all equipment, temporary structures, waste and/or debris associated with the licensed activities is removed upon completion of the licensed activities.
- * Vibro piling should be used as standard, percussive piling should only be used if needed to drive a pile to its design depth. A soft-start procedure should be used if percussive piling is required.

Environment Agency

No comments received.

Portsmouth Water

The proposal is outside a Source Protection Zone catchment for PWC drinking water supply sources and therefore no further comments are offered from a groundwater quality protection perspective.

Southern Water

A plan provided of SW records indicates the approximate position of public sewerage infrastructure within the site (although the exact position of any public apparatus must be determined on site by the applicant).

Please note:

- No development or new tree planting should be located within 5 metres on each side of the external edge of the public critical 1100mm combined rising main and critical 2850mm treated effluent trunk sewer.
- The impact of proposed piling and protection measures shall be assessed/agreed with SW.
- All existing infrastructure should be protected during the course of construction works. The impact of any works within highway / access road on public apparatus shall be assessed and approved, in consultation with SW, under NRSWA enquiry (to protect public infrastructure).

In order to protect drainage apparatus, SW requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

Due to recent changes in legislation regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Marine & Coastguard Agency

No comments received.

Highways England

No comments received.

Archaeology Advisor

Attention is drawn to the heritage chapter (ch.13) of the Environmental Statement (ES), which is endorsed to you. Para 13.6 indicates that there are no archaeological sites currently recorded in the vicinity although there is the potential to encounter deeply buried deposits related to the harbour foreshore. Paragraph 13.1 indicates that the Environmental Statement for phase 4 is informed by the results of archaeological work associated with phases 1 - 3. Para 13.6 indicates that no archaeological remains were identified during works in phases 1-3. Para 13.7.1 recognises that in the area of potential deeply buried archaeological remains relating the foreshore the proposed works would involve surface preparation only and would not be likely to impact on buried archaeological remains. As a result para 13.7.2 suggests that no mitigation is merited. This is accepted and consequently it is advised that the permission is not burdened by any archaeological provision.

Highways Engineer

Whilst the site access junction with Eastern Road does operate in excess of capacity during peak period it is not anticipated that the additional trip generation likely to be associated with this development would have a material impact on the operation or safety of the local highway network.

Whilst no objection is raised in principle to the proposal, the nature of the work is such that a construction management plan will be required ensuring safe and appropriate provision for pedestrians and cyclists diverted from the existing route and access to retained operations at the wharf / Portsmouth Water Sports Centre / Tudor Sailing Club whilst the works are undertaken.

Such provision is not detailed in the application beyond a reference in section 8.4 of the design and access statement explaining that: 'The existing footpath and planned [temporary] diversion along the Eastern Road is shown in Figure 8.1. The diversion will require an increase in pedestrian traffic to a currently shared pedestrian and cycle path alongside Eastern Road. The design and implementation of the cycle path diversion is being progressed by Portsmouth City Council's Transport, Environment and Business Support Team and will involve clear signage at both extents of the diversion.'

As a consequence any consent should only be granted conditional on the provision and approval of a construction management plan prior to the commencement of works.

Contaminated Land Team

A supporting report entitled 'Portsea Island Coastal Defence Works Phase 4 Contam Land Strategy Portsmouth Council v1 and associated appendices' (dated February 2019) has been reviewed. The testing for reuse of materials should be expanded to include asbestos where appropriate, and a Method Statement submitted to detail where imported/recovered soils will be segregated and stored, moved. These are general matters and the process used by the coastal partnership on other sections are appropriate, and the above strategy is accepted. The contractors Method Statement (the soil management on site detailing where and how soils will be stored) should be submitted for approval, with relevant planning conditions requested.

Environmental Health

The application is accompanied by an Environmental Statement (ES) which refers to an acoustic report, submitted as Appendix T. The report includes a baseline acoustic survey, an assessment of the various activities involved in the construction and their likely impact and recommended mitigation.

The report concludes that the most significant impacts on the nearest residential use will be during night hours if there is to be percussive piling. An assessment has also been made on the impact on the water birds and it has been assessed that noise from the works may have an impact up to 100 metres from the works and that any percussive piling may have an impact up to 160 metres from the works.

Mitigation identified within the report include employing the measures as described within BS5228-1 "Code of practice for noise and vibration control on construction and open sites" and the use of enclosures and barriers around static equipment should night works prove necessary.

Further mitigation is given in the ES. Should night works be required, no more than 3 nights shall be worked in a 7 night period and notification to residents and the Local Authority will be notified 7 days prior to the commencement of evening/ night works within 100 metres of residential dwellings. In terms of the impact on ornithology it is stated in Section 9 of the ES that soft start procedures will be used for any percussive piling.

Other than ensuring that any mitigation is implemented, no other comments or recommendations are offered.

Leisure/Arb Officer

No arboricultural objection is raised to this proposal.

Much of the trees and vegetation within the site are generally low quality and appear largely unmanaged - works have been undertaken when considered necessary on safety grounds.

Collectively the trees form a screen which hides Kendall's Wharf and the marine aggregate storage from public view when using the A2030 - Eastern Road.

Previously cleared vegetation from an earlier phase of flood defence works has regenerated as bramble and nettle scrub - remediation having been deferred until completion of this, the adjoining section of works. Once remediated and replanted there should be seen a net improvement in the quality of the landscape adjacent to Langstone Harbour.

Mineral And Waste Consultation

Kendall's Wharf is identified under Hampshire Authorities Minerals and Waste Plan policies 19: Aggregate wharves and rail depots and 17: Aggregate Supply - capacity and source. The aim is to maintain and maximise infrastructure to ensure that there is sufficient capacity for the importation of marine-won sand and gravel and other aggregates.

It is considered that the proposal will not have a significant impact upon the safeguarded site in the Hampshire Minerals and Waste Plan and therefore no objection is made to this proposal.

Coastal And Drainage

Overall, the drainage strategy looks reasonable but clarity sought by the LLFA on detailed points.

Asset Management Service

No comments received.

REPRESENTATIONS

None received.

COMMENT

The main issues to be considered in the determination of this application are whether:

- o the principle of the development is acceptable in the location proposed;
- o the Environmental Statement adequately assesses the significant environmental impacts of the proposed scheme and, where appropriate, sets out the measures to avoid, reduce and, if possible, offset any major adverse effects of the development;
- o the design of the scheme is acceptable;
- o the proposal would have a significant impact on Chichester and Langstone Harbours Special Protection Area (SPA), Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar site), Solent Maritime Special Area of Conservation (SAC) and SSSI;
- o the proposal would have a significant impact on the safeguarded site in the Hampshire Minerals and Waste Plan (site PT027 - Kendall's Wharf);
- o the proposal is acceptable in highway terms, including during the construction period, and
- o the proposal would have any significant impacts on the amenity on nearby residents.

Principle

As identified in the Portsmouth Plan, new coastal defences are a key piece of infrastructure required to support the wider economic growth and regeneration of the city, and to protect existing residents and businesses. In addition, the Council's own coastal defence strategy for the city (as set out in its Shoreline Management Plan) is to 'hold the line' in terms of protection from flooding and thus prevent parts of the city becoming permanently lost to flood waters.

This application represents part of Phase 4 of the larger 'North of Portsea Island CFERM' project to deliver those new coastal defences. Therefore, it is considered that the principle of the scheme would be fully in accordance with the Portsmouth Plan, in particular Policy PCS16 (Infrastructure and Community Benefit), and be of significant benefit to the city as a whole.

Environmental Statement

The application is accompanied by an Environmental Statement, in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations. This describes the Environmental Impact Assessment, which assesses the potential environmental effects of the development during the construction and completed scheme (beneficial or adverse), the degree of impact, and mitigation measures to avoid, reduce or offset negative impacts. The issues covered are: coastal and flood defence, flora and fauna, information associated with the Habitats Regulations Assessment, fisheries and fish ecology, landscape and visual amenity, water environment, archaeology and heritage, noise and vibration, traffic and transportation, ground conditions and land quality, health and air quality, amenity, recreation and socio-economics, and commercial and recreational navigation (some of these issues are discussed further in this report). The Statement concludes that:

"...Phase 4a, around Kendall's Wharf, will maintain continuity of flood defences between Anchorage Park (Phase 1, to the north) and the subsequent phase of Eastern Road (Phase 4b, to the south) while operations around the aggregate wharf harbour frontage will remain unaffected.

There will be local and temporary disturbance and disruption during the construction phase caused by plant machinery, foreshore access, site deliveries and the unavoidable need to remove vegetation within the scheme footprint. During construction, views and access will also be slightly impacted temporarily but in an area prone to regular change and industrial activities. Upon completion, the site environment will be reinstated and re-planted, with improvements where achievable.

Whilst there will be short-term, localised impacts on the environment, a full recovery is expected. In addition, the scheme will provide wider environmental benefits, such as:

- o protecting the harbours from uncontrolled pollution incidents resulting from the flooding or erosion of potentially contaminated land;
- o helping to reduce disturbance to birds through improved screening; and
- o the new defences will require limited on-going maintenance, therefore future disturbance to the environment will be avoided."

It is considered that the likely environmental impacts of the development have been adequately assessed in the Environmental Statement (ES) and subject to the imposition of appropriate conditions to secure the mitigation measures are considered acceptable.

There are no impacts arising from the Phase 4a works on the marine environment as the works are all inland of existing wharf infrastructure and does not approach the foreshore or water body. No new pathways for contamination would be created and the post-construction design of the area would enhance the visual and landscape character of the area as well as the amenity and environmental value of the area. Standard environmental management measures would be put in place through the Construction Environmental Management Plan (CEMP) for approval by planning condition. The various chapters of the ES are addressed further in the following paragraphs.

Design

The design of the new defences is as an earth embankment to the north, raised access road and timber-clad sheet pile wall to the south.

The application includes a detailed description, drawings and other images (included in the submitted Environmental Statement) of the design options that were explored for the new defences and reasons why the preferred option was chosen (this design selection process also

included consultation with local residents and other stakeholders). In addition, and as discussed further in this report, the location and design of the new defences is constrained by the international and national nature conservation designations protecting Chichester & Langstone Harbours.

Due to the increased standard of protection, the wider scheme for new coastal defence structures would, once completed, be higher than the existing defences. This would naturally have an impact upon the views of the harbour. This would be mitigated by the new structures incorporating raised sections or paths to allow continued enjoyment of the coastal environment. This has a significant environmental benefit by screening European protected bird species from disturbance but would be less relevant for the Phase 4a section as the views of the harbour are already restricted by woodland and wharf infrastructure.

New landscaping and planting to mitigate the impact of some minor losses during construction (such mitigation is considered necessary and appropriate and would be secured via a suitably worded condition), it would take time for this to become established so for a period of time the new defences would appear more stark when compared to the existing. However, it is considered that the design solution put forward, when considered in conjunction with the submitted Environmental Statement and other material considerations, is appropriate and acceptable for this location.

The inclusion of a path on the earth embankment as part of the design of the new defences is also considered to be a benefit of the scheme.

In light of the above, it is considered that the proposed design of the defences would be acceptable when considered against the NPPF, local planning policies and other material considerations.

Impact on nature conservation and water environment

The site for the new defences is adjacent to the Chichester & Langstone Harbour's Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site). These designations highlight the significance of the flora, fauna (including rare and vulnerable birds) and wetland habitat in the area. For example, research has shown that Langstone Harbour forms part of the overwintering site for over 5% of world's population of Dark-bellied Brent Geese, as well as being a site of international importance for the Black-tailed godwit, Dunlin and Redshank.

As previously stated, the applicant has provided an Environmental Statement (ES) which assesses the potential environmental effects of the development on the bird population in the area. The ES highlights that the greatest impacts of the proposal could occur during the construction phase and in particular that disturbance - visual and noise impacts - would be caused by the excavation and piling phases. The ES submitted recognises that to reduce the impact on this significantly important site for birds:

- o Visual screening through opaque site boundary (such as readyhoard) or Heras fencing with debris netting will be erected at the northern boundary near the foreshore and at the southern boundary along the football field and alongside the closest points to the foreshore.
- o Installation of the sheet piles will be undertaken using vibro-piling techniques as standard. Percussive piling will only be used when necessary to achieve the required design depth. If percussive piling is required, a soft start procedure will be implemented for a minimum of 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Therefore, it is considered that to prevent any significant adverse impacts to the bird population in this area, it is necessary and appropriate to secure the proposed mitigation measures via suitably worded conditions.

As previously stated, the proposal includes work adjacent to Chichester & Langstone Harbours SPAs, SAC and Ramsar Site, which are also known as 'European designated' sites. Where a

project is likely to have a significant effect on the conservation objectives of an 'European designated' site (either alone or in combination of other plans or projects) and it is not directly with or necessary to the management of the site, the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) requires that the applicant provides information to enable the competent authority to carry out an 'Appropriate Assessment' of the implications for that site in view of that site's nature conservation objective.

Information for Habitats Regulations Assessment has been prepared to support the application for Phase 4a (Kendall's Wharf) of the North Portsea Island Flood and Coastal Erosion Risk Management [FCERM] scheme. This report provides the information required to enable the LPA to determine the implications of the Kendall's Wharf phase of the NPI FCERM scheme on the relevant designated European nature conservation interests. A full scheme level HRA was first prepared at the outline design stage of the North Portsea Island FCERM scheme development, to identify any likely significant effects from its overall delivery on the European sites. The full scheme HRA was prepared to demonstrate that the scheme is deliverable in its entirety, following assessment of the environmental impacts and the mitigation that is required.

Information for HRA (at Appendix O of the ES) relevant specifically to the Kendall's Wharf frontage confirms that the detailed design and construction proposals will not have a significant adverse effect on the integrity of the relevant European sites. It provides an overview of the HRA process and methodology followed, a summary of the proposed works for the Kendall's Wharf frontage, information on the relevant European sites and their interest features, screening of the activities and potential effect pathways and assessment of whether the proposed works could have a significant adverse effect on the integrity of the relevant European sites, either alone or in-combination with other plans and projects.

Where potentially significant adverse effects were identified, appropriate mitigation measures are proposed to ensure the protection of the designated site features. The Kendall's Wharf phase of the North Portsea Island FCERM scheme does not include any marine works. As such, there is no realistic pathway for effects from the proposed works on the Solent Maritime SAC. Furthermore, given the relatively modest scale of the landward works, and accounting for the incorporated mitigation measures to ensure that there is no significant disturbance of non-breeding birds, concludes that the proposed works are not likely to have a significant adverse effect on the integrity of the Chichester and Langstone Harbours SPA and Ramsar site, either alone or in-combination with other plans or projects.

Furthermore, as set out in the consultation responses, Natural England advises that providing the works are carried out in strict accordance with the details of the application submitted, it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site, either individually or in combination with other plans or projects.

The ES identifies potential impact on protected species but mitigation by clearance of landward vegetation in the works footprint being undertaken outside of breeding/nesting bird seasons and for destructive search for reptiles during site vegetation clearance in September 2019 to avoid damage and would include moving any found to a receptor site expected to be along the Anchorage Park frontage.

Linked to the removal of vegetation, the ES also identifies the potential visual impact would be mitigated by vegetation replanted with native, hardy and quick growing species suited to the environment. The submission includes a landscape plan and planting schedule. Seeding to all new embankments would seek to blend in with their surroundings within one or two growing seasons. It is considered necessary and appropriate to secure the mitigation measures via suitably worded condition to ensure there is no significant adverse landscape impact.

In conclusion, it is considered necessary and appropriate for the Local Planning Authority to secure the mitigation measures set out in the submitted Environmental Statement (in the form of appropriately worded conditions) to reduce the environmental impacts the proposed scheme could have on this significantly important coastline and water environment.

Subject to the imposition of those conditions, it is considered that this application would not cause significant harm or have any significant adverse impacts on the protected flora and fauna, water environment and special interest features of the area. As such, this proposal is considered to be acceptable in biodiversity terms in accordance with the 'Habitats and biodiversity' section of the NPPF Para.s 174-177), Policy PCS13 of the Portsmouth Plan and other material considerations.

Impact on heritage assets

Within Phase 4a, the ES notes there are no assets with a heritage value that require consideration of their setting. The asset closest is within the Phase 4b area and is Great Salterns House which is a grade II listed building; it is a considerable distance from the Phase 4a works and would not give rise to any significant impact.

Works undertaken to date at adjacent sites at Phase 1 (Anchorage Park), Phase 2 (Milton Common and Great Salterns Quay) and Phase 3 (Tipner Lake) beyond has yielded no finds of any archaeological or paleontological significance. The ES concludes the Phase 4a works are therefore likely to have little or no archaeological impact. An archaeological restraint area has been identified from the archaeological alert layer of the historic environment record within the woodland to the north of Kendall's Wharf. Information from Hampshire County Council suggests it relates to prehistoric deposits which may be possible in this location which are likely to be buried at depth.

In the consultation response from the city's archaeology adviser the conclusions of the ES are accepted that no mitigation is merited and the permission is not burdened by any archaeological provision.

As such, this proposal is considered to be acceptable in heritage terms in accordance with para 197 of the NPPF and local planning policies.

Impact on safeguarded 'Minerals and Waste' site

As set out previously in this report, the new coastal defences would be located close to a safeguarded waste site (PT027 - Kendall's Wharf - Aggregates) therefore consideration must be given to the potential impacts such a proposal would have on the safeguarded site.

It is considered that this application would not have any adverse impacts on the safeguarded waste site. The Minerals and Waste Planning Authority does not consider raise objection and the proposal is not considered to have a negative impact on the operation of the site.

Highways issues

The highway issues associated with this application relate to the construction of the new defences. Due to the location of the site compounds / haul routes and the temporary closure / diversion of footpaths it would cause disruption to the local transport network.

The Highways Authority comment that whilst the site access junction with Eastern Road operates in excess of capacity during the peak period it is not anticipated that the additional trip generation likely to be associated with the Phase 4a works would have a material impact on the operation or safety of the local highway network.

Whilst no objection is raised in principle to the proposal, the Highways Authority considers a construction management plan necessary prior to the commencement of development to ensure safe and appropriate provision for pedestrians and cyclists diverted from the existing route and access to retained operations at the wharf / Portsmouth Water Sports Centre / Tudor Sailing Club whilst the works are undertaken.

Impact on amenity

Recreational users of Portsmouth Water Sports Centre / Tudor Sailing Club / Baffins Rovers FC and the coastal path would also be inconvenienced by any temporary path closures / diversions.

The nearest residents in Anchorage Park are some distance from the proposed Phase 4a works and separated by the Morrisons supermarket and customer car park between their properties and the coastal path, across Eastern Road. They are likely to be affected by the construction of the new defences and in particular the construction traffic / delivery of materials to site.

In conclusion, any impact of temporary noise and general disturbance during the construction period would be considered to be outweighed by the significant benefit created by the new coastal defences as a substantial number of homes and businesses would have greater protection from a flood event.

Conclusion

This application would deliver a key and essential piece of infrastructure for the city in the form of new coastal defences and contribute to the city's wider economic growth and regeneration.

It is considered that the likely environmental impacts of the development have been adequately assessed in the submitted ES, and subject to the imposition of appropriate conditions to secure the mitigation measures, are considered acceptable and overall the scheme would not be likely to give rise to significant harm or have any significant adverse impacts.

During the construction period there is some potential for disruption and inconvenience. There would be local and temporary disturbance and disruption during the construction phase caused by plant machinery, foreshore access, site deliveries and the unavoidable need to remove vegetation within the scheme footprint. During construction, views and access would also be slightly impacted temporarily but in an area characterised by and industrial activities. Upon completion, the site environment would be reinstated and re-planted, with improvements where achievable. However, it is considered that the completed development would not lead to any adverse effects on the local highway network and would protect local residents/businesses from risk of tidal flooding.

In light of the above, this application is considered acceptable.

The introduction to this report explains there are specific arrangements for considering planning applications that have been subject to an Environmental Impact Assessment, taking into account the information in the ES, the responses to consultation and any other relevant information when determining a planning application as well as requirements to inform relevant parties (by notifying the Secretary of State and Natural England of the committee's decision and recommended conditions).

RECOMMENDATION That the Committee confirm in their decision that they have taken into account the environmental information as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, all matters in the Officer's report including comments received by statutory consultees and other interested parties and all other material considerations; and then, grant

Conditional Permission

Conditions

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

2) Unless otherwise agreed in writing with the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

Site boundary plan - NPI_DD_03-RHD-MS-Z3-DR-C-0021_S4_T02;

General arrangement plan - NPI_DD_03-RHD-MS-Z3-DR-C-0011_S4_T02;

Chainage plan - NPI_DD_03-RHD-MS-Z3-DR-C-0005_S4_T02;

Landscape plan - NPI_DD_03-RHD-MS-Z3-DR-C-0181_S4_T02;

Permanent access road and drainage layout - NPI_DD_03-RHD-MS-Z3-DR-C-0121_S4_T02;

Permanent access road details sheet 1 of 3 - NPI_DD_03-RHD-MS-Z3-DR-C-0122_S4_T02;

Permanent access road details sheet 2 of 3 - NPI_DD_03-RHD-MS-Z3-DR-C-0123_S4_T02;

Permanent access road details sheet 3 of 3 - NPI_DD_03-RHD-MS-Z3-DR-C-0124_S4_T02;

Permanent access road long sections - NPI_DD_03-RHD-MS-Z3-DR-C-0128_S4_T02;

Temporary access road site and drainage layout - NPI_DD_03-RHD-MS-Z3-DR-C-0129_S0_T02;

Temporary access road details - NPI_DD_03-RHD-MS-Z3-DR-C-0131_S4_T02;

Permanent access road southern drainage layout - NPI_DD_03-RHD-MS-Z3-DR-C-0132_S4_T02;

Temporary access road site and weight bridge - NPI_DD_03-RHD-MS-Z3-DR-C-0137_S0_T02;

Permanent access road details - NPI_DD_03-RHD-MS-Z3-DR-C-0141_S4_T02;

Precast concrete kerb details - SD/1100/03; and,

Typical pedestrian crossing - SD/1100/05.

3) The following mitigation measures to minimise the visual and noise impacts during the overwintering bird period (31st October to 1st March inclusive) shall be implemented in full:

(a) Visual screening through opaque site boundary (such as readyboard) or Heras fencing with debris netting shall be erected at the northern boundary near the foreshore and at the southern boundary along the football field and alongside the closest points to the foreshore to a specification and alignment to be submitted to and approved in writing by the local planning authority beforehand; and

(b) Installation of the sheet piles will be undertaken using vibro-piling techniques as standard. Percussive piling will only be used when necessary to achieve the required design depth. If percussive piling is required, a soft start procedure will be implemented for a minimum of 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

4) (a) Notwithstanding the information already submitted, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (to include the detailed mitigation measures set out in the submitted Environment Statement) has first been submitted to and approved in writing by the Local Planning Authority, and

(b) The approved plan shall be fully implemented and maintained until the development is completed.

5) (a) No works pursuant to this permission shall commence until a Construction Traffic Management Plan to include:

o construction vehicle routing,

o the provision of loading / offloading areas,

o wheel wash facilities,

o site office and contractors parking area, and

o provision for temporary reopening of public footpaths outside of construction hours, has been submitted to and approved in writing by the Local Planning Authority, and

(b) The approved plan shall be implemented and maintained until the development is complete.

6) All planting, seeding or turfing comprised in the approved details of landscaping shown on landscape drawing reference NPI_DD_03-RHD-MSZ3-DR-C-0081 PD (in Appendix U in the ES) and agreed planting schedule (included in Appendix V in the ES) shall be carried out in the first planting and seeding season following the completion of the development; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7) No works pursuant to this permission shall commence until a Method Statement detailing a sampling plan for testing and monitoring the land for contamination and the remediation requirements, using information obtained from the site investigations, has been submitted to the Local Planning Authority. The submitted Method Statement should be approved in writing by the Local Planning Authority prior to that monitoring and remediation being carried out on the site.

8) If during the construction phase contamination not previously identified is found to be present at the site then no further development of the affected area shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the approved Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and such remediation works must be fully implemented in accordance with the approved details.

9) Upon completion of the remediation detailed in the approved Method Statement, a report (produced by a competent person) shall be submitted to and approved in writing by the Local Planning Authority verifying that any remediation scheme required and approved under the Method Statement has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Such verification shall comprise;

- (a) as built drawings of the implemented scheme;
- (b) photographs of the remediation works in progress;
- (c) Certificates demonstrating that imported and / or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved report.

10) No development shall take place at the site until a detailed drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority of:

- (a) the layout of all existing sewer and drainage infrastructure at the site;
- (b) the proposed means of foul and surface water sewerage disposal; and,
- (c) measures to be undertaken to protect any existing public sewer and other drainage infrastructure;

and the approved measures to protect existing public sewer/drainage infrastructure drainage and the approved drainage scheme shall be implemented in full.

11) (a) No development shall take place at the site until a Biodiversity Mitigation and Enhancement Plan (BMEP) shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall be in line with the measures set out within Section 9.2.3 of the submitted Environmental Statement (ESCP, April 2019) and include clear demonstration of biodiversity habitat net gain through the use of an approved suitable biodiversity metric calculation;

- (b) The measures in any approved BMEP shall be fully implemented and a verification report shall be submitted to and approved in writing by the local planning authority that the approved BMEP measures shall have been carried fully in accordance with the approved scheme; and
- (c) the approved BMEP measures shall thereafter be retained.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

3) To minimise disturbance as far as practicable to overwintering birds due to the proximity of Chichester & Langstone Harbour's Special Protection Area (SPA), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), and supporting high tide sites, in accordance with policy PCS13 and PCS23 of the Portsmouth Plan and the objectives of the NPPF.

4) To protect the nature conservation interests of the site and minimise any significant effect on the special feature interests of Portsmouth & Langstone Harbour's Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), and to protect and minimise any significant effects to the amenity of local residents, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF.

5) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network.

6) To conserve and enhance biodiversity and minimise adverse environmental impacts on the Chichester & Langstone Harbour's Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site). In addition, to secure a high quality setting for the development in the interests of the visual amenity of the area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

7) To minimise adverse environmental impacts on the Chichester & Langstone Harbour's Special Protection Area (SPA), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site), and to ensure that the site is free from prescribed contaminants, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF and saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

8) To minimise adverse environmental impacts on the Chichester & Langstone Harbour's Special Protection Area (SPA), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site), and to ensure that the site is free from prescribed contaminants, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF and saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

9) To minimise adverse environmental impacts on the Chichester & Langstone Harbour's Special Protection Area (SPA), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site), and to ensure that the site is free from prescribed contaminants, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF and saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

10) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

11) To maintain, protect and produce a net gain in biodiversity and minimise adverse environmental impacts on the Chichester & Langstone Harbour's Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site). In addition, to secure a high quality setting for the development in the interests of the visual amenity of the area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan, the aims and objectives of the NPPF and the Natural Environment and Rural Communities Act 2006.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.