

23/00798/FUL

WARD: HILSEA

NORTH PORTSEA ISLAND PHASE 5 COASTLINE BETWEEN PORTSBRIDGE CAR PARK (SOUTH) IN THE WEST TO ALTHORPE DRIVE IN THE EAST (INCLUDING ALL COMPOUNDS AND ACCESS TO THE PUBLIC HIGHWAY)

FLOOD AND COASTAL EROSION MANAGEMENT SCHEME COMPRISING A COMBINATION OF RAISED EARTH EMBANKMENTS WITH ROCK AND CONCRETE REVETMENTS (TO INCORPORATE A NEW COASTAL PATH), RETAINING WALLS, UPGRADING OF EXISTING SLIPWAY, ENCASING OF THE 2NO. BRIDGE ABUTMENTS, PROVISIONS OF ADDITIONAL SEATING AND VIEWING AREAS, IMPROVEMENTS TO EXISTING TIMBER FISHING PLATFORMS AND ASSOCIATED WORKS, COMPOUNDS, UTILITY DIVERSIONS, TREE REMOVAL & VEGETATION CLEARANCE, ECOLOGICAL IMPROVEMENTS, LANDSCAPING AND PUBLIC REALM FEATURES. THE PROPOSAL CONSTITUTES EIA DEVELOPMENT.

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RWPMKRMOJJ300](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rwpmkrmojj300)

Application Submitted By:

Coastal Partners

On behalf of:

Coastal Partners

on behalf of Portsmouth City Council

RDD: 26th June 2023

LDD: 17th October 2023

1.0 SUMMARY OF MAIN ISSUES

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

2.0 CONTEXT FOR APPLICATION

2.1 The need for and purpose of the North Portsea Island (NPI) Flood Cell 4 Flood and Coastal Erosion Risk Management [FCERM] Scheme is set out in full in Part 1 of the Environmental Statement (link [here](#)).

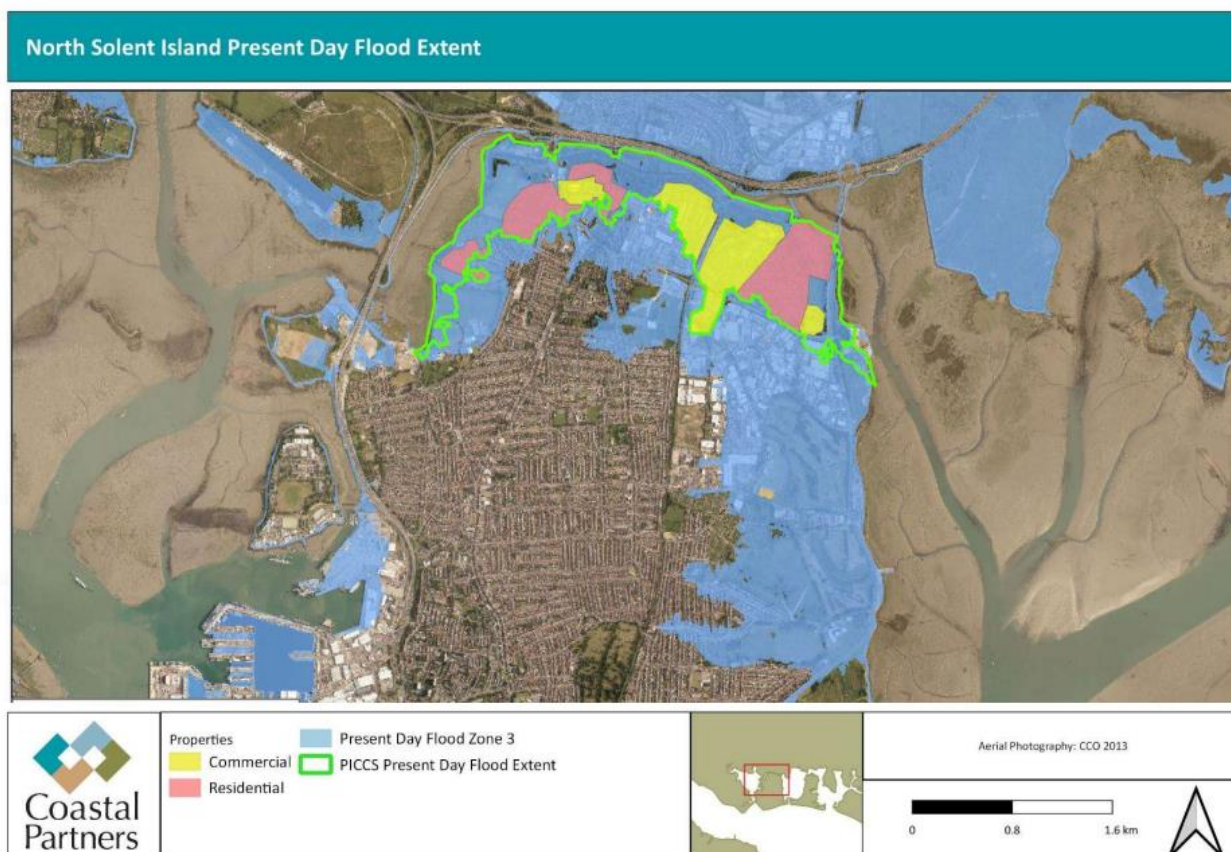
2.2 The Portsea Island Coastal Strategy Study [PICSS] was approved in 2011 and covers the whole of Portsea Island. The strategy confirms the North Solent Shoreline Management Plan [SMP] policy (2010) for Portsea Island of 'Hold the Line' and splits Portsea Island into 7 discrete flood cells. There is no interdependency of flooding between the 7 cells.

2.3 The PICSS identifies North Portsea Island as flood cell 4 and recommends that a 0.5% AEP (Annual Exceedance Probability) SoP (standard of protection) is sustained over the next 100 years through a combination of raising and replacing existing defences. This ES considers the full flood cell 4 proposed scheme, but with a focus on the Ports Creek (Phase 5).

2.4 The problem is that North Portsea Island (the location of the full proposed scheme) is a densely populated urban area, home to a mixture of residential and commercial properties along with several key infrastructure assets. PICSS identified the assets at risk from flooding along the full scheme frontage (based on a 0.5% AEP flood event in year 100) as listed below:

- 4,234 residential properties;
- 490 commercial properties;
- 2 MoD properties;
- 2 arterial road access routes on to Portsea Island (leaving only one other route operational to and from the city);
- The only rail route onto Portsea Island;
- 2 scheduled monuments;
- 89 electrical sub-stations; and
- Historic landfill sites (with potential to cause localised pollution).

2.5 Throughout North Portsea Island, many properties have threshold levels below the current coastal defence crest heights. In the event of a failure or breach of the current defences 1,906 residential properties and 160 commercial properties within the North Portsea flood cell would be at risk from a present-day flood event with a return period as low as 1 in 20 years (5% AEP). The present-day flood extent is illustrated below:

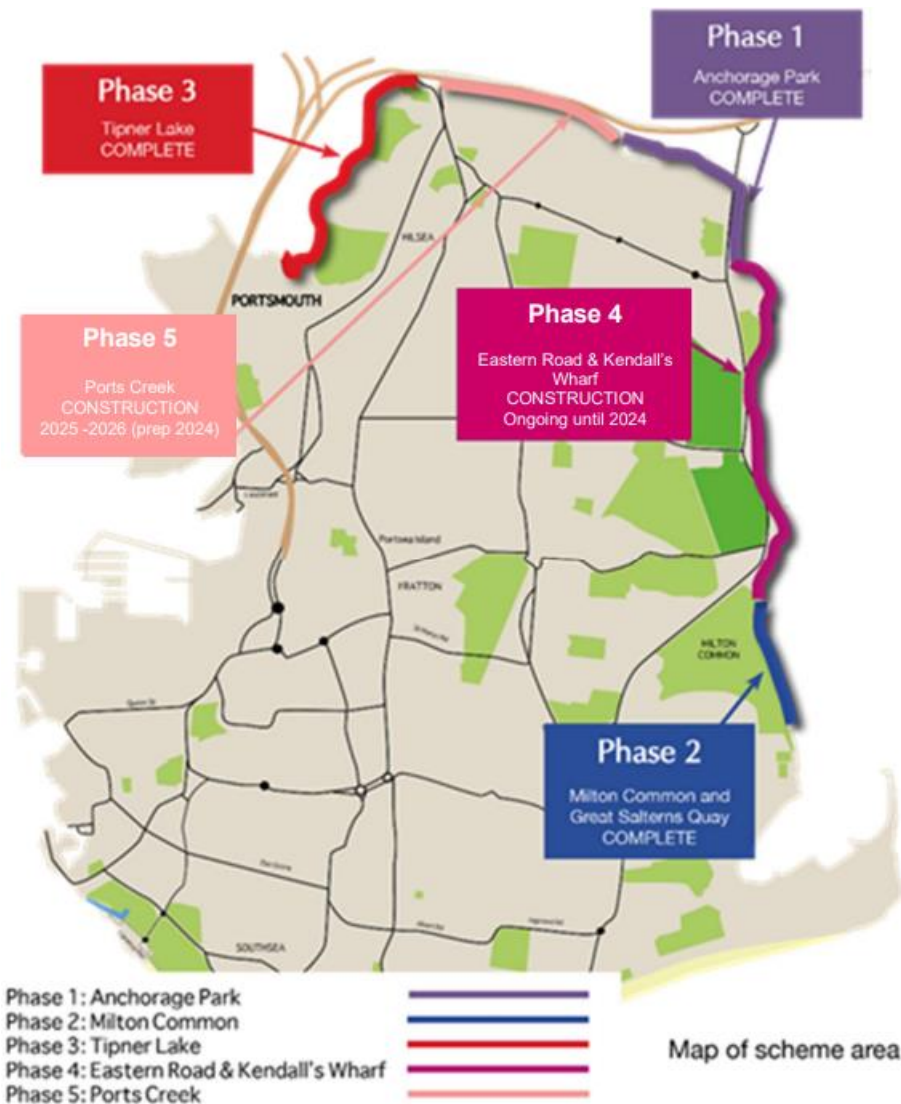


2.6 Visual inspections and intrusive structural investigations assessed the residual life of existing Flood and Coastal Erosion Risk Management (FCERM) assets around the full scheme frontage as less than 5 years. The table below summarises the current Standard of Protection (SoP) and residual life of the FCERM assets for each phase of the full scheme.

Table 1.1: SoP and residual life of current FCERM assets

Phase of works	Standard of protection	Residual life
Tipner Lake (South) – Phase 3	Built to a 1 in 500 (0.2% AEP)	100 years
Tipner Lake (North) – Phase 3	Built to a 1 in 500 (0.2% AEP)	100 years
Ports Creek – Phase 5	1 in 200 (0.5% AEP)	5 – 10 years
Anchorage Park - Phase 1	Built to a 1 in 500 (0.2% AEP)	100 years
Kendall's Wharf – Phase 4a	Built to a 1 in 500 (0.2% AEP)	100 years
Eastern Road (North) – Phase 4b	Built to a 1 in 500 (0.2% AEP)	100 years
Eastern Road (Mid) – Phase 4b	Built to a 1 in 500 (0.2% AEP)	100 years
Eastern Road (South) – Phase 4b	Being built to a 1 in 500 (0.2% AEP)	100 years
Milton Common - Phase 2	Built to a 1 in 500 (0.2% AEP)	100 years

2.7 The figure below shows the location of the proposed Phase 5 works in the context of the completed phases:



3.0 SITE DESCRIPTION

3.1 The Ports Creek frontage (Phase 5) covers a length of approximately 1.3 km and extends from the Ports Bridge roundabout in the west (OSGR465463,104552), along the southern bank of Ports Creek to the eastern side of the railway bridge in the east (466672,104178). The scheme runs between the Hilsea Lines Scheduled Monument and the A27. The actual boundary used for the consents extends further east, to include the access routes and compounds. There are significant areas of housing and

industrial/commercial development alongside the southern edge of the application site. The Portsbridge footbridge crossing the Creek towards its western end, and the railway line towards the east. There are areas of landscape and public access throughout the application area.

- 3.2 It should be noted that the planning area for this scheme (c. 25.65 Ha, 63.4 acres) is significantly larger than the area of actual engineering works, due to other heritage improvements and access to public highways needing to be included within the red line.
- 3.3 The Ports Creek section is the final phase of the scheme and fills the gap between the completed flood defences at Tipner (Phase 3) and those at Anchorage Park (Phase 1). This phase completes the flood defences for Flood Cell 1 in Portsmouth.

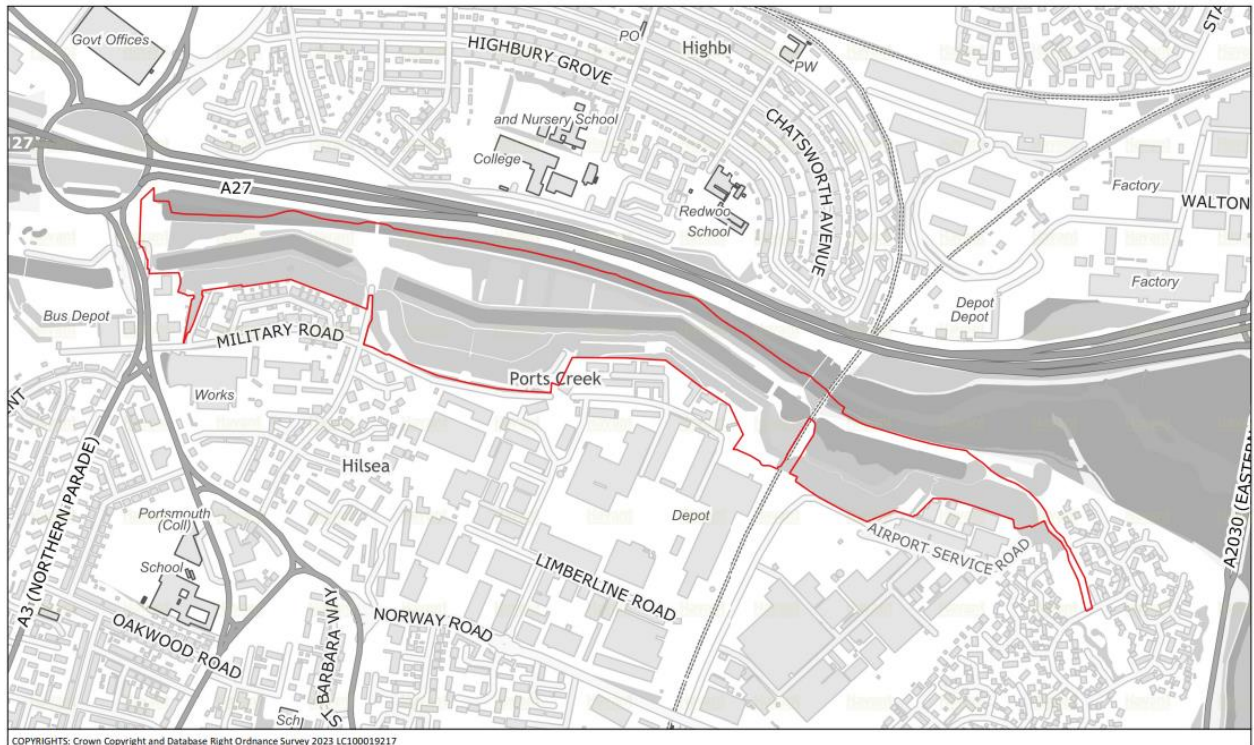


Figure 1 - Red Line Site Plan

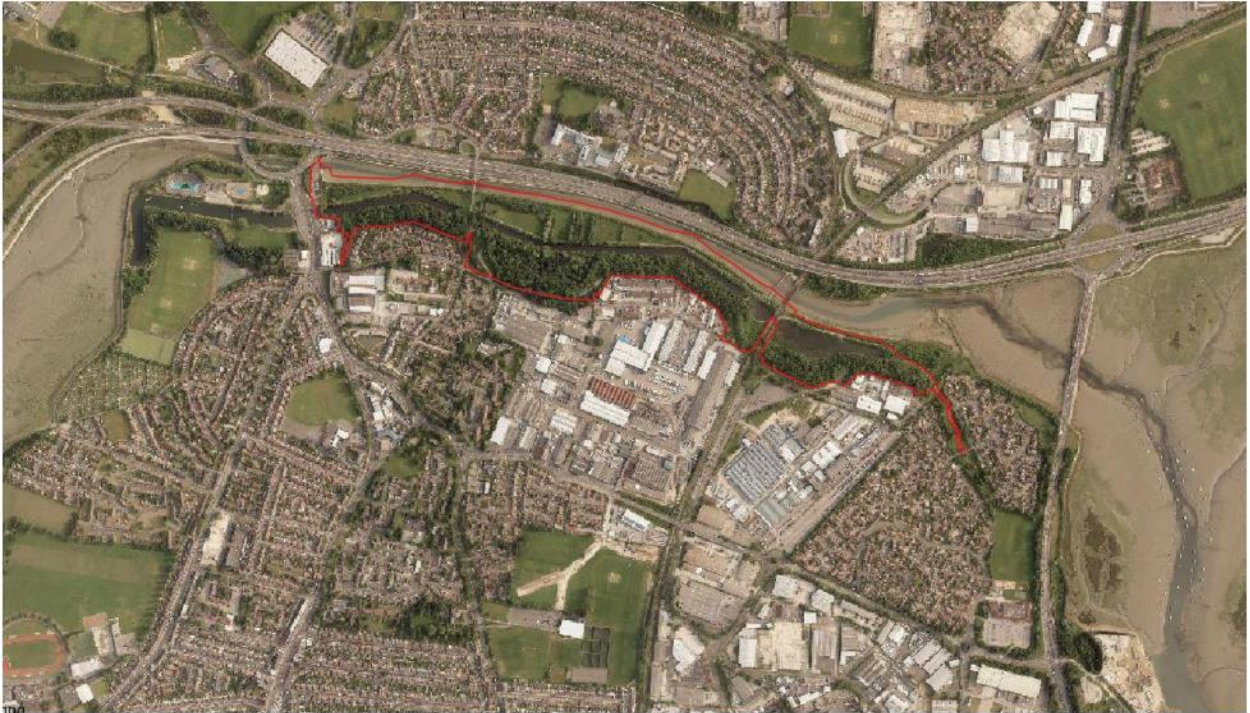


Figure 2 - Red Line Site Plan (Aerial Photo)

4.0 PLANNING CONSTRAINTS

4.1 The site is subject to the following designations:

- Solent and Dorset Special Protection Area (SPA)
- Chichester and Langstone SPA, RAMSAR site and Solent Maritime Special Area of Conservation (SAC)
- Portsmouth Harbour Site of Special Scientific Interest (SSSI)
- Langstone Harbour SSSI
- Milton Common Site of Naure Conservation Interest (SNCI)
- Hilsea Lines SNCI
- Farlington Marshes Local Nature Reserve (LNR)
- Hilsea Lines Conservation Area (No. 27) - <https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/development-and-planning-hilsea-lines-guidelines.pdf>

4.2 The following Listed Building Assets (Scheduled Monuments) are also in close proximity:

List Entry Name	List Entry Number	Link
Hilsea Lines	1001861	https://HistoricEngland.org.uk/listing/the-list/list-entry/1001861
Pickett Hamilton Fort, Hilsea	1001790	https://HistoricEngland.org.uk/listing/the-list/list-entry/1001790

5.0 POLICY CONTEXT

5.1 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)

Saved policy DC21 (Contaminated Land) of the Portsmouth Plan 2001-2011 is also relevant.

- 5.2 In addition, regard must also be had to the revised National Planning Policy Framework (NPPF) (December 2023), in particular Chapter 14 - Meeting the challenge of climate change, flooding and coastal change, 15 - Conserving and enhancing the natural environment and 16 - Conserving and enhancing the historic environment.
- 5.3 The Hampshire Minerals and Waste Plan (adopted in 2013) is also relevant to the determination of this planning application. This plan seeks to protect minerals and waste infrastructure that provides strategic capacity against redevelopment and inappropriate encroachment. In this case, as the proposal would be located in close proximity to the Hughes Waste 'safeguarded site' off Ackworth Road, Hilsea it is important that the potential impacts of the proposal on the safeguarded site are considered. This issue is addressed further in the comments section of this report.
- 5.4 This application is also supported by an Environmental Statement as the proposals fall within the definition set out in Schedule 2, Infrastructure Projects, of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 - Criterion 10(m) - '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.
- 5.5 As set out in the above mentioned regulations and the 'Planning Practice Guidance' (Department of Communities and Local Government), there are specific arrangements set out at [Paragraph: 046 Reference ID: 4-046-20170728](#) 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, 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.
- 5.6 Further assessment of the submitted Environmental Statement will be made in the comments section of this report.
- 5.7 As well as submitting this planning application, Coastal Partners have also made an application for a marine licence to the Marine Management Organisation (MMO)
- 5.8 Other Legislative Frameworks which are relevant to the proposal are:
 - Water Framework Directive - where permission is sought from the Environment Agency to ensure there is no deterioration to the existing status of relevant water bodies;
 - Waste Framework Directive - requiring a Site Waste Management Plan for the delivery of the scheme;
 - Wildlife and Countryside Act 1981 - approval including Natural England's overall advice regarding habitat regulation and marine license application;
 - Land Drainage Act 1991 and Water Resources Act 1991 and associated bylaws - where the Environment Agency can require flood defence consent, and in this instance has agreed that a Flood Risk Assessment forming part of the Design and Access Statement will cover their requirements;

- Natural Environment and Rural Communities Act 2006 - every public authority must ensure in undertaking its functions it has conserved biodiversity. By complying with the EIA regulations the project will have addressed the requirements of this legislation.
- Section 66 of the Listed Buildings and Conservation Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The Hilsea Lines Scheduled Ancient Monument and Conservation Area adjoin the sea defences and therefore the view of Historic England in terms of the need for Scheduled Ancient Monument consent is required.

6.0 RELEVANT PLANNING HISTORY

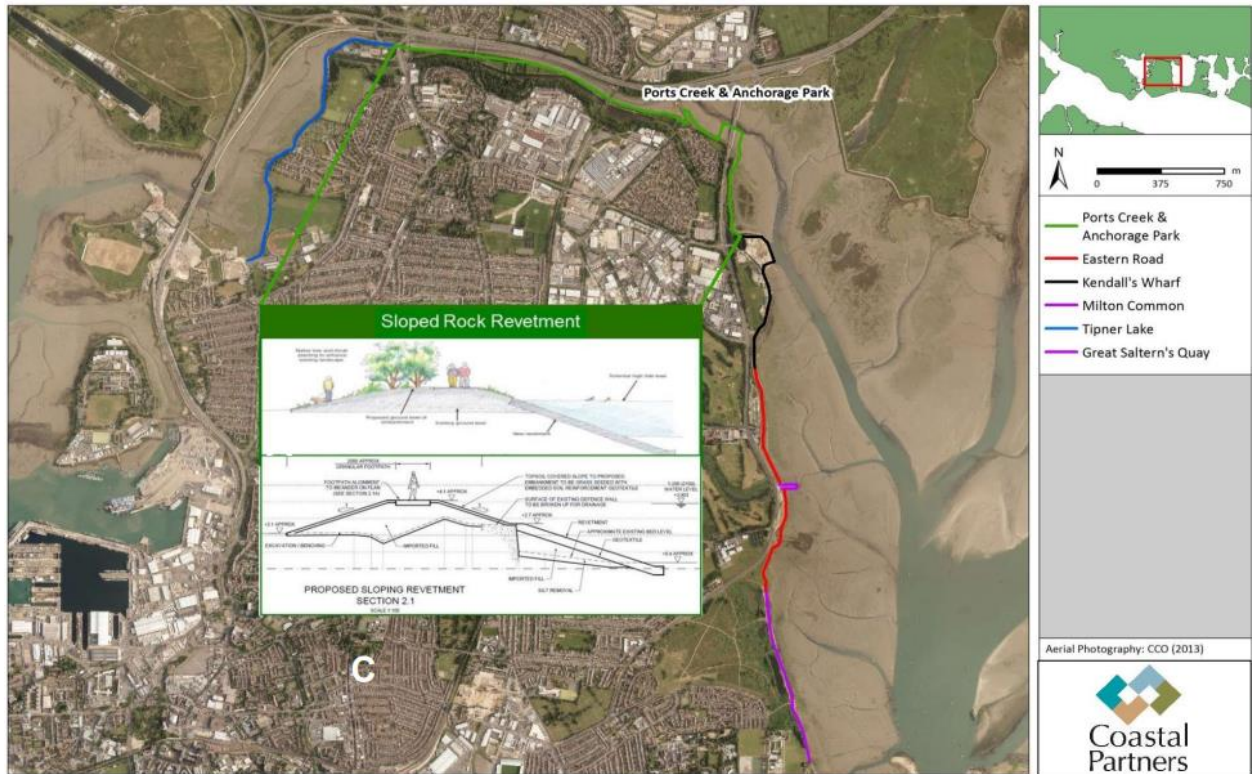
6.1 Due to the scale of the proposed scheme, there will be a significant number of historic planning applications within the red line boundary or immediately adjacent. Those considered to be of direct relevance and key to the design of this phase of the scheme include the following applications:

Ref.	Address	Proposal	Decision
16/01820/FUL	North Portsea Island Phase 3 Tipner Lake Between Mountbatten Centre and Portsbridge Roundabout Portsmouth	Construction of new coastal flood and erosion risk management structures adjacent to Tipner Lake consisting of a concrete sea wall and associated landscaping works	Granted - 10/02/17 Implemented & Completed
15/01769/FUL	North Portsea Island Phase 2	Construction of new coastal defences consisting of a rock revetment along the seaward side of Milton Common and three earth bunds on Milton Common together with the demolition of Great Salterns Quay and associated landscaping works. The planning permission has been implemented and the works are completed	Granted Implemented & Completed
14/01387/FUL	North Portsea Island Phase 1 Coastline Between Ports Creek Railway Bridge and Kendall's Wharf Portsmouth PO3 5LY	Construction of new coastal defences consisting of raised earth embankments with rock armour on the seaward side, together with wave walls to abut the A2030 Eastern Road bridge to tie into the new embankments (along the alignment of the existing coastal defences) and associated landscaped works including a shared footpath constructed along the full length of the new embankment.	Approved - 13/02/15 Implemented Completed

6.2 Other historic applications of relevance include those for a septic tank (A*34002/AA, 1991), footbridge (A*35260/AA, 1992) and a dam (A*31520, 1980)

7.0 PROPOSAL

7.1 This frontage extends from Ports Bridge, along the southern coastline of Ports Creek to the eastern side of the Ports Creek railway bridge, as summarised below:



The proposed works are adjacent and include a small overlap with the Hilsea moat. Hilsea moat comprises a series of four moats of which minor works are also anticipated in the moats to the east as part of the Scheme. Further details of all works proposed are provided below.

7.2 Planning permission is being sought for:

Flood and coastal erosion management scheme comprising a combination of raised earth embankments with rock and concrete revetments (to incorporate a new coastal path), retaining walls, upgrading of existing slipway, encasing of the 2no. bridge abutments, provisions of additional seating and viewing areas, improvements to existing timber fishing platforms and associated works, compounds, utility diversions, tree removal & vegetation clearance, ecological improvements, landscaping and public realm features. The proposal constitutes EIA development.

7.3 As set out in the Design and Access Statement submitted with the application, the works consist of upgrading the existing coastal defences to a 1 in 500 year (plus allowance for climate change to 2100) standard of protection against flooding. The lifespan of the scheme is 100 years including maintenance and covers a length of frontage of approximately 1.25km between the Ports Creek Roundabout at the west of the works and Ports Creek Viaduct at the east. The works comprise:

- Rock revetments
- Earth embankments
- Gabion retaining walls
- Reinforced Concrete walls
- Slipways
- Access
- Accommodation of existing services (e.g. outfalls)

- Encasement of the existing Port Creek Bridge abutment,
- Site clearance
- General reinstatement, public realm enhancements and landscaping.

- 7.4 The general trend of the designed defences follows a continual section of embankment-based approach along the entire length of Ports Creek, which will blend into the newly completed coastal embankment just east adjacent to Anchorage Park, built in 2015. This will be formed using a rock and earth revetment/embankment, supplemented at narrow pinch points by low-key retaining structures to stabilise the landward slopes and protect the moat side edge and vegetation where space is restricted.
- 7.5 The main works consist of constructing a sloping revetment with a raised earth embankment along most of the frontage. There are two typical embankment cross sections (Type A and Type B) used along the frontage.
- 7.6 Both Type A and Type B embankments are formed of two distinct sections: an upper earth embankment, and a lower rock revetment. The upper earth embankment is a grass-faced slope, as it is not as exposed to wave action as the lower rock revetment. This lower slope is faced with rock armour stone from +2.80 m Ordnance Datum Newlyn [ODN], the approximate 2100 predicted Mean High-Water Springs [MHWS] level¹, down to 1 m below the current Ports Creek bed level. Extending the revetment below the bed level will provide some protection to the revetment should the foreshore level drop. During construction the existing natural foreshore material would be excavated and stockpiled adjacent to where it is excavated. This material would then be backfilled over the rock revetment to the approximate original foreshore profile to offset some of the mudflat loss from the scheme. The Type A embankment is set out on the basis that the revetment-foreshore intersection is the same as the existing defence-foreshore intersection. This cross section therefore requires breakout of the existing defence. The Type A embankment has been used wherever possible, as it avoids any encroachment into the environmentally important foreshore.

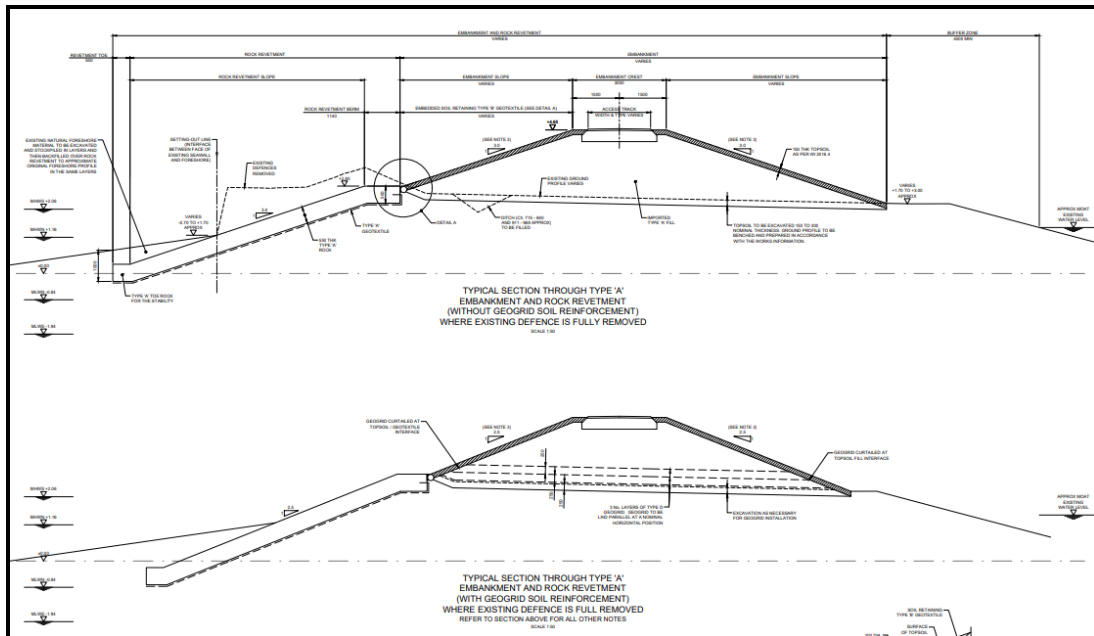


Figure 3 - Typical 'Type A' Embankment Cross Sections

- 7.7 The Type B embankment has been used where there are landward constraints, such as the moat and existing bridge abutments, meaning that the Type A embankment cannot physically be constructed. This embankment is therefore pushed seaward of the existing defence (which does not require any breakout) and makes use of geogrids to steepen

¹ Typical MHWS height for Portsmouth is currently 4.7m above CD or 1.97 mAOD.

side slopes and minimise the overall footprint of the works as far as possible. This section describes the frontage from the western end of the frontage moving in an easterly direction.

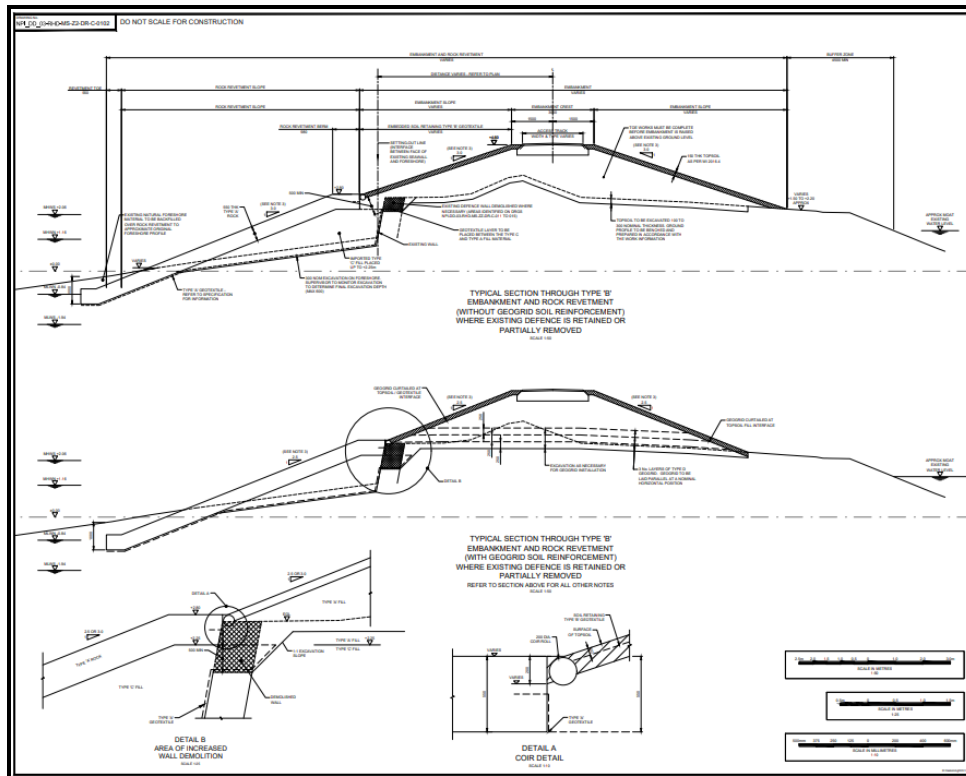


Figure 4 - Typical 'Type B' Embankment Cross Sections

- 7.8 From Chainage² 0 m to 70 m (70 m length), the section spanning from the Ports Creek roundabout car park to the access slipway immediately east of the Ports Creek bridge and the beginning of the earth embankment and revetment, the works along this 70 m length are to encase the existing sloping blockwork revetment between the slipway and the car park in concrete / block work. The existing slipway will be overlaid with a slab of reinforced concrete with areas at the top and bottom broken out. This will be undertaken to meet the height required for the flood defence as well as improve the current condition. The earth embankment (Type B) in this section will include a retaining wall structure on the landward side to make room for the existing utilities in place.
- 7.9 From Chainage 70 m to 1,350 m (1,280 m length), the works consist of creating a sloping defence approximately 1,280 m in length. The sloping defence (embankment) will be formed from imported clean earth fill. This will consist of 800 m Type A embankment, and 404 m of Type B embankment, as well as 20 m of completely new embankment. The embankment will extend up above the current walls to a crest level of +4.6 m AOD. The lower part of the slope will be faced with rock armour stone (revetment) from the 2100 predicted MHWS level (+2.8 m AOD) down to below the current Ports Creek bed level. Extending 4-8 below the bed level will ensure the stability of the new defence should bed levels drop in the future.
- 7.10 The embankment slope above the 2100 predicted MHWS, and down the rear face, will be covered in topsoil and seeded with a coastal wildflower mix. For the steeper embankment option (Type B), a soil reinforcement geotextile will be embedded within the seaward face of the upper section of the embankment to give greater resilience to extreme water levels.

² The Chainage starts at Portsbridge Roundabout and moves in an easterly direction

- 7.11 Shrub and tree vegetation will need to be removed under the footprint of the landward element of the works. Re-planting along the landward slope of the proposed embankment is proposed to enable the work to blend in with the existing environment.
- 7.12 No new discharges are required as a result of the scheme. The existing drainage and outfalls through the scheme will be maintained. A small amount of additional drainage may be required for the works adjacent to the railway at the eastern end of the Scheme to prevent rainwater pooling on Network Rail land, but overall flows will be like for like compared to the existing situation. Non return values will be added to the outfalls to prevent any additional saline ingress to the moats. An outfall and sluice is located at the eastern end of the scheme. Demolition of the existing wing walls is proposed and installation of a small, piled cantilever wall to retain the rock revetment either side of this outfall.
- 7.13 Small retaining walls are proposed landside at the western (chainage 50 m) and eastern end (between chainage 1151-1300 m) of the scheme. At the western end, the retaining wall is proposed to restrict works taking place on the existing raised Portsmouth Water access chamber. At the eastern end, the retaining wall is proposed to widen the existing footpath to approximately 2.2 m, encroaching a further 0.5 m into the moat underneath Ports Creek viaduct. At the time of writing, the details of the retaining walls are unconfirmed. This may include a gabion structure. Worst case this would involve excavating up to approximately 1.5 m within the moat to lay a granular sub-base below the gabion structure. An alternative retaining wall currently under consideration is a vegetated geomodular wall system such as 'Flex MSE' (<https://www.flexmse.com/>).
- 7.14 As part of the works, a number of enhancements or improvements are proposed. Whilst the enhancements are still being developed, they are anticipated to include:
- Improvement to the water quality and ecosystems within the moats. A range of options are currently being considered. This includes enhancing marginal vegetation as well as dredging of the moat to reduce silt levels, which are considered to be key factors in the current poor water quality. If water quality can be improved, an eel pass will also be added to the existing outfall within the scheme to improve accessibility. The removal of redundant fishing platforms is also proposed as well as potential improvements of a pond dipping platform;
 - Improved amenities – For example new picnic tables, bins, seats, play tree trunks, way totems, tree sculptures, log paths, balancing poles, timber climbing posts and potentially a dog agility area. In addition, funding is being sought for research projects such as a feasibility study for the use of Ports Creek as a potential seed bank for habitats and species like seagrass. Improved working methods will also be trailed where possible such as the use of sediment mounds within silt curtains to increase the efficiency and retention of sediment. Further detail relating to enhancements is outlined in Appendix G (Proposed Environmental Improvements Initiatives).

8.0 CONSULTATIONS

8.1 Consultation responses have been received from the following:

Archaeological adviser	No objection, subject to a condition to secure a mitigation plan
Sport England	No comments
Arboricultural Officer	No objection
Drainage Team	No objection
Minerals and Waste Policy	No objection
Historic England	No objection

Traffic England	Recommend that conditions should be attached to any permission granted
Southern Water	No objection subject to conditions
Fareham Borough Council	No comments
Environment Agency	No objection subject to conditions
Ecological adviser	No objection, subject to suitable planning conditions to secure the following key documents: <ul style="list-style-type: none">• Habitats Regulations Assessment• Outline Biodiversity Mitigation and Enhancement Plan (BMEP)• Outline Construction Environmental Management Plan (CEMP)
Regulatory Services	No objection, subject to the recommended mitigation proposed within the ES being secured
Conservation Officer	<p>Object. The Conservation Officer is unconvinced that the targeted and systematic thinning of areas of tree cover along the Lines would outweigh the negative/ harmful impacts of such work on the character and appearance of the Conservation Area.</p> <p>As matters stand the form and size of the Lines whilst obscured to some degree by the presence of tree cover can nevertheless still be readily interpreted. As such the desirability, necessity and appropriateness of this aspect of the scheme remains unclear to me.</p>
Natural England	<p>No objection subject to suitable mitigation being secured</p> <p>We consider that without appropriate mitigation the application could:</p> <ul style="list-style-type: none">• have an adverse effect on the integrity of Portsmouth Harbour Special Protection Area (SPA) or the Chichester and Langstone Harbours SPA. <p>In order to mitigate these adverse effects and make the development acceptable, the mitigation measures set out in section 6.9 of the information to inform Habitats Regulations Assessment should be secured via an appropriate planning condition attached to any planning permission. We generally agree with the conclusions of the information to inform Habitats Regulations Assessment (September 2023). We have been asked to provide more detail on the wording of these conditions but we are not expert in the formatting or writing of planning conditions. It will be for yourselves as the competent authority to ensure that the proposal's likely significant effects are adequately mitigated, and that these measures are secure and certain.</p> <p>Additionally, we would advise that a Cold Weather Stop Notice condition would further support the application by preventing impacts to the designated habitats / supporting habitat.</p> <p>When dealing with development/construction activities, best practice is to avoid scheduling works on or near sites that support non-breeding waterbirds during the winter. During periods of cold weather, birds are more likely to be energetically stressed such that, rather than just an effect of disturbance (e.g. a change in behaviour, flight, stopping feeding, feeding in a less favourable area etc.), there may be an impact (e.g. a reduction in body</p>

condition, starvation, death etc.). Avoiding the winter period, however, may not always be feasible. Operations should not be carried out during periods of severe weather, which is defined as temperatures of 0°C or below recorded locally for five consecutive days. Therefore, the activity associated with this application should be suspended for the duration of the severe weather. With respect to the process of counting days of severe weather, short periods of thaw (1-2 days) have no effect on the counting process, but periods of thaw of three or more days have the effect of resetting the count of severe weather days back to zero.

Highway Authority No objection

Network Rail No objection subject to the applicant / developer engaging with Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing..

9.0 REPRESENTATIONS

- 9.1 Following statutory publicity, one letter of representation has been received concerned with:
- Loss of a wildflower meadow that contains many wildflower species, including Early Spotted Orchids and Pyramidal Orchids.
 - Restricted pedestrian access to Hilsea Lines from the footpaths on the southern side, between the Hilsea Lines raised embankment and the moat.

10.0 COMMENT

- 10.1 The main issues to be considered in the determination of this application are:
- whether the principle of the development is acceptable in the location proposed;
 - whether the submitted 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;
 - whether the design of the scheme is acceptable;
 - whether the proposal would have a significant impact on the Portsmouth Harbour Special Protection Area (SPA), and Portsmouth Harbour Site of Special Scientific Interest (SSSI), and Wetland of International Importance under Ramsar Convention (Ramsar Site), and Portsmouth International Bird Area;
 - whether the proposal would have a significant impact on the safeguarded site in the Hampshire Minerals and Waste Plan;
 - whether the proposal is acceptable in highway terms, including during the construction period;
 - whether the proposal would have any significant adverse impacts on the amenity on nearby residents; and
 - whether the proposal will result in a substantial harm to the Hilsea Lines Scheduled Monument or adversely impact on the Hilsea Lines Conservation Area.

Principle

- 10.2 As identified in the Portsmouth Plan (Objective 4 and Policy PCS12), new coastal defences are a key piece of infrastructure required to support the wider economic growth and development 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

coastal erosion, and thus prevent parts of the city becoming permanently lost to flood waters.

- 10.3 This application represents Phase 5 of the larger 'North of Portsea Island 'FCERM³ 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 PCS12 (Flood Risk) and Policy PCS16 (Infrastructure and Community Benefit) and be of significant benefit to the city as a whole.

Environmental Statement

- 10.4 The application is considered to be 'EIA Development' pursuant to Schedule 2 Part 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and an Environmental Statement (ES) is accordingly submitted. The findings of the ES are very briefly summarised here but are further addressed as required later in this report as key topics are considered in more detail. As required by the Regulations, a Non-Technical Summary of the EIA has also been submitted: [Microsoft Word - Phase 5 Non-Technical Summary FINAL 0323 \(portsmouth.gov.uk\)](#)

- 10.5 The issues covered are:

- Coastal Processes
- Environmental Designations
- Ecology
- Fish and Shellfish Ecology
- Landscape and Visual Environment
- Water Environment
- Archaeology and Heritage
- Noise and Vibration
- Traffic and Transportation
- Ground Conditions
- Health and Air Quality
- Amenity and Recreation
- Navigation and Commercial Fisheries.

- 10.6 The ES concludes that there will be local and temporary disturbance and disruption caused by plant machinery, foreshore access, site deliveries and the unavoidable need to remove vegetation within the scheme footprint. In addition, during construction, views and access will also be slightly impacted temporarily. However, upon completion, the site environment will be reinstated and re-planted, with improvements to the landscaping and amenity value of the area.

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

- 10.8 It is considered that the likely environmental impacts of the development have been adequately assessed in the ES and subject to the imposition of appropriate conditions to secure the mitigation measures are considered acceptable. The various chapters of the ES are addressed further in the following paragraphs.

³ FCERM = National Flood and Coastal Erosion Risk Management

Environmental Impact Assessment: Summary of Assessment Conclusions and Mitigation

Topic Chapter	Identified Effects	Mitigation Measures (where required)	Residual Impacts (where applicable)
Socio Economics	<p>Significant beneficial - commercial floorspace and 38 net operational jobs and public open space;</p> <p>Minor beneficial - increased construction and operational employment, community/leisure facilities, expenditure by workers and residents.</p> <p>Negligible effects - childcare, primary education, healthcare</p> <p>Minor adverse - play space and secondary education</p>	<p>CIL and s106 to address education and play space provision</p>	<p>Negligible</p>
Traffic and Transport	<p>Moderate to Major Adverse - (construction/HGVs) effect of increased vehicles on pedestrian amenity and delay, fear and intimidation on Twyford Avenue and Tipner Lane;</p> <p>Negligible/minor - (operational vehicle flows) - road safety and accidents on Tipner Lane and Twyford Avenue</p>	<p>Construction vehicle routing and banksman</p> <p>None</p>	<p>Negligible</p> <p>Negligible/minor adverse</p>
Air Quality	<p>High risk - dust soiling during construction</p> <p>Low risk - dust risk to human health</p> <p>Negligible - existing ecological receptors</p> <p>Negligible - road traffic emissions</p>	<p>CEMP</p>	<p>Negligible</p>
Ground Conditions and Contamination	<p>Negligible - due to historic and recent site remedial works</p>		

	Minor Adverse - Re-use of site won material and working below capping layers	CEMP and Materials Management Plan Vapour Protection Measures Measures to prevent Japanese Knotweed	Negligible
Hydrology, Geomorphology, Water Quality and Flood Risk	Minor adverse - temporary surface and groundwater flows during construction	Construction best practice	Negligible
Noise and Vibration	Negligible - construction phase noise and vibration relative to closest existing noise sensitive receptor Moderate short term adverse effect - occupiers of phases 2, 3 and 4 during construction Minor adverse - occupiers of phases 5 and 6 during construction Negligible - operational road traffic	Best practice measures in accordance with BS5228 and BS4142 Double glazing and sound insulation measures, including where necessary vents/louvres or alternative mechanical ventilation	Negligible
Ecology	Minor Adverse - foraging and commuting bats from habitat loss and light pollution; Reptile from habitat loss; nesting and breeding birds from habitat loss; invertebrates from habitat loss.	CEMP Embedded scheme mitigation including Bird Conservation Area Wintering bird mitigation strategy; Reptile mitigation strategy Lighting strategy Nutrient mitigation Bird Aware	Minor Adverse (local level)
Climate Change Mitigation and Adaptation	Minor Adverse (construction) - global climate Negligible (operation) - development resilience (overheating, sea wall, FRA, drought, landscape strategy)	Embedded mitigation inc. energy strategy	Minor Adverse against Carbon Budget Negligible
Townscape and Visual Impact Assessment	Temporary Adverse Effects - demolition and construction phase impact on key townscape receptors, including Tipner and	None	Beneficial Effect (Operational Phase) - Tipner and Portchester Lakes, Tipner Interchange

	Portchester Lakes, Tipner Interchange, Alexandra Park, Hilsea Shore Path, M275 (east) and Portchester Castle		Alexandra Park, Hilsea Shore Path, M275 (east), Neutral effect - Portchester Castle
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Design

- 10.9 A detailed description of the proposal is contained within [Chapter 4 of the ES](#), with supplementary design information provided in [Design and Access Statement](#). As set out in the Design and Access statement submitted with the application, the scheme has been designed to reduce the coastal flood risk to North Portsea island by providing a much improved 1 in 500 year standard of protection, thereby reducing the annual probability of flooding to 0.2% and to have a design life of 100 years.
- 10.10 The design selected for this phase is based on the character the area which is a combination of a narrow tidal creek, secluded open public space with a network of paths and a dense belt of native scrubland vegetation. Consequently, the defence design chosen will comprise a rock and earth revetment / embankment supplemented at pinch points by low key retaining structures to stabilise the 11 landward slopes and protect the moat side edge and vegetation where space is restricted.
- 10.11 Chapter 12 of the Revised NPPF (paragraphs 131 - 141) highlights the importance of good design, stating that it is a key aspect of sustainable development. The creation of high-quality places is fundamental to what the planning and development process should achieve and helps make development acceptable to communities. The design process for this flood and coastal erosion risk management scheme can demonstrate early, proactive and effective engagement with the local community, the LPA and other stakeholders to ensure the final scheme complies with relevant legislation and meets with their expectations and aspirations. Stakeholder engagement is detailed in Chapter 5 and Appendix E of the ES and within section 1.8 of this document.
- 10.12 Chapter 3 of the ES discusses in detail the consideration of alternatives. Of the four alternative options tabled (Options A, B, C and D), Option C - replace or renew the existing assets with a new revetted slope was chosen for the following reasons:
- i. Impacts on mudflats / intertidal habitats, along the Ports Creek Channel: All four of the viable shortlisted options would have an unavoidable impact on the mudflats / intertidal habitat along the frontage. The sloped revetment (options C and D) will partially encroach into the mudflats along part of the frontage. Whilst this will be minimised to the least possible encroachment extent, there are points where encroachment is unavoidable due to landward constraints. These constraints include a moat, linked to the Hilsea Lines Scheduled Ancient Monument [SAM] and bridge abutments to the critical access bridges over the creek. Whilst the vertical wall options (options A and B) would reduce the direct encroachment into the mudflats / intertidal habitat, they would cause other negative impacts via reflection and scouring. In addition, the vertical options provide limited opportunity for intertidal habitat creation, whereas intertidal habitat can be established within the sloped revetment options, providing an opportunity for 'softer, greener edges'. Therefore, no options were ruled out based on their unavoidable impacts on the mudflats / intertidal habitats. However, there was a preference for the sloped revetment options (options C and D), due to their 'softer / greener' edge and the fact that they will tie in well to the sloped revetment structures to the east at Anchorage Park, which were constructed as part of the NPI Phase 1 works.
 - ii. Impacts on Historic Environment: As mentioned above, Hilsea Lines is designated as a SAM. The proposed option (Option C) maintains continuity between the defences

already built at Anchorage Park and is in keeping with the sloping lines of the Hilsea Lines SAM..

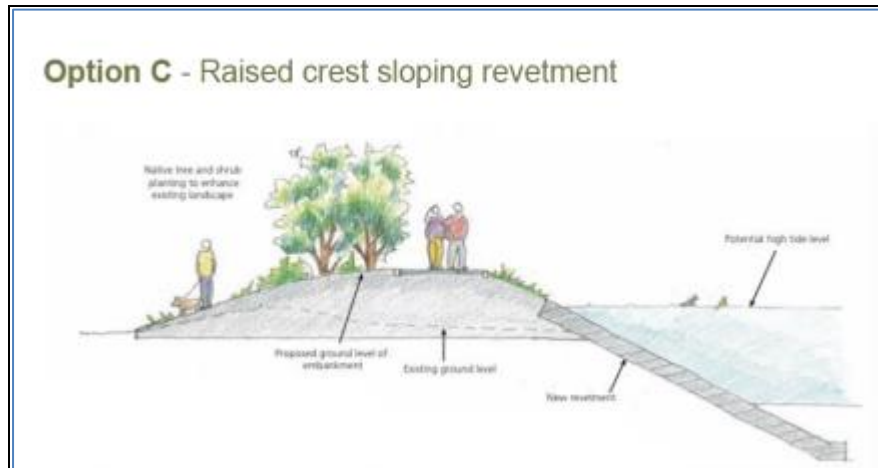


Figure 5- Preferred Option

- 10.13 The design process, where possible, has taken the opportunities to improve the accessibility and secure public realm enhancements to the coastal area. In accordance with local and national planning policies the design has always sought to be visually attractive, enhancing the quality of the area over the lifetime of the development. Through the use of appropriate materials and effective landscaping the functional coastal defence scheme will create an attractive and inviting section of coastline that people can access and enjoy. In terms of design and the design evolution, the proposal is considered to accord with the Revised NPPF and local plan policy PCS23
- 10.14 Given 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 Coastal Processes

- 10.15 Chapter 7 of the Environmental Statement sets out the likely impact of the works on coastal processes including hydrodynamics and sediment transport around Ports Creek to the North of Portsea Island having regard for the tidal regime of Portsmouth Harbour, sedimentary processes and wave action. Sea defences have the potential to impact on these coastal processes.
- 10.16 The proposed improvements to the sea defences along Ports Creek will generally follow the alignment of the existing embankment shoreline and foreshore save that at Chainage 275 and 975 there is a planned seaward realignment of the revetment around the original Hilsea Moat footprint to allow for a continuous 3m wide pedestrian footpath along the top of the defence. A further seaward alignment is planned between Chainage 950 and 1250. Whilst these realignments do not end up constricting the channel width by a significant amount the impact of these proposed changes on current velocity, sediment transport etc was modelled and there is very little observed change in current flow speeds between the baseline condition and design. The peak velocity changes are observed during the flood and ebb tides but the overall maximum increase in flow rates does not exceed 0.1 m/s. Interestingly, there is a decrease in flow rates at the toe of the defence at Ch275 by 0.13 m/s. Again, this is considered a slight change and is unlikely to affect scour or deposition patterns already observed.
- 10.17 Any new maximum rates of flow around the proposed design structure are all below existing maximum flow speeds observed along other sections of the channel of similar defence type. It is therefore considered that the slight relative change in flow rates predicted by the model is unlikely to cause any significant effects. Following completion

of the Scheme, routine monitoring of the coastal processes will be undertaken by Coastal Partners

- 10.18 With regard to potential impacts on coastal processes that could result from the delivery of the Phase 5 works, it is anticipated that there may be a temporary increase in suspended sediment concentrations during construction activities but that the resultant impacts are likely to be localised, short term and heavily controlled. Mitigation of these effects is proposed to comprise:
- Limit access to the foreshore fronting the existing defence. This will be a contractual control measure, recorded in the scheme's CEMP and controlled on site by supervisors.
 - Silt curtains will be deployed along the construction area during works, to prevent any suspended sediment impacting the wider Ports Creek Channel and Langstone water body.
 - Works that have the potential to disturb sediments will be undertaken at low tide where possible.
- 10.19 With regard to the local impacts on coastal process as a result of the works the resultant impact is expected to be minor adverse, i.e. having a limited local impact only with no mitigation proposed or required.

Impact on nature conservation and the water environment

- 10.20 The NPI Phase 5 (Ports Creek) works are adjacent to the internationally designated Solent and Dorset Coast Special Protection Area (SPA) and locally designated Hilsea Lines Site of Importance to Nature Conservation (SINC). The proposed works are also within close proximity to the following international and national designated nature conservation sites:
- Chichester and Langstone Harbours SPA and Ramsar site,
 - Portsmouth Harbour SPA and Ramsar site, Solent Maritime Special Area of Conservation (SAC),
 - Langstone Harbour Site of Special Scientific Interest (SSSI)
 - Portsmouth Harbour (SSSI)
- 10.21 A Phase 1 Habitat Survey was carried out for the whole NPI scheme in November 2013. This was followed by specific botany, overwintering bird, breeding bird, seabird colony, breeding assemblage, bat (including preliminary ground level bat roost assessment (trees), bat roosts: emergence surveys, foraging and commuting habitat: bat activity transect survey, foraging and commuting habitat: bat static detector surveys), otter, great crested newt, reptile and tree surveys in 2022.
- 10.22 As a result of these surveys the applicant has submitted a BMEP (Biodiversity Mitigation and Enhancement Plan) with the application. This is to ensure that the existing and potential biodiversity on the site is protected, maintained and enhanced during all stages of development as outlined in the Environmental Statement. The NPI Phase 5 (Ports Creek) Construction Environmental Management Plan (CEMP) outlines the appropriate mitigation measures to be delivered prior to works commencing and during site clearance and construction activities.
- 10.23 The application has been assessed by the Council's Ecological Adviser (Hampshire County Council), Natural England and the Environment Agency who have all raised no objection to the proposed development.
- 10.24 With regard to designated sites, Solent Wader and Brent Goose Strategy (SWBGS) sites P61A and part of P61B are part of the Phase 5 site, with P61C and P101 adjacent to the eastern boundary. Noise impacts of each sub-frontage have been digitally modelled and mitigation is planned to include sensitive timing of works, watching briefs, sensitive scheme design and working methods. The HRA, which includes an Appropriate Assessment, concludes that:

'...providing the proposed mitigation measures are secured via conditions on the relevant consents, the proposed scheme is not likely to have an adverse effect on the integrity of the relevant European sites in view of their Conservation Objectives, either alone or in-combination with other plans or projects'

- 10.25 With regard to Habitats and Biodiversity Net Gain, detailed botanical surveys have been undertaken at the site, confirming a range of habitats present, including grasslands, scrub, woodland, saltmarsh and intertidal habitats. Some notable plant species are also present. There will be losses equating to 8.84 Biodiversity Units (BUs), calculated from the Defra Biodiversity Metric 3.1. The BMEP proposes the purchase of 9.71BU in credits, bringing the final Biodiversity Net Gain to 1.5%. The BMEP outlines future management measures which appear sensible and suitable for the habitats present.
- 10.26 In terms of protected and notable species, ecological surveys have been undertaken at this site in relation to botany, bats, Otter, breeding and wintering shorebirds and breeding terrestrial birds, reptiles, Great Crested Newt and invertebrates. At the time of writing, the scope and age of these surveys is appropriate for the species and species groups surveyed, particularly given the complex history of ecological survey at the site. Some of the surveys are approaching a suitable time for updating in the next year or so, if required. These surveys and the resulting reporting are the product of the professional, proportionate work undertaken and I am satisfied that the results represent current site conditions.
- 10.27 The main terrestrial ecological receptors identified in the BMEP are breeding birds, SPA breeding seabirds, SPA non-breeding/overwintering birds, bats, otter, reptiles, stag beetle and spindle knot-horn moth. Suitable mitigation is outlined for these species and species groups in the BMEP and I would raise no significant concerns.
- 10.28 On-site habitat interventions and improvements are proposed in the BMEP, such as the creation of a wildflower meadow on parts of the revetments and installation of log piles, bee banks and posts, bat boxes and kingfisher tunnels. The CEMP outlines suitable measures during construction for preventing environmental impacts and those upon habitats and protected species. A detailed BMEP and CEMP will need to be secured by condition.
- 10.29 The Reptile Mitigation Strategy details measures proposed for clearing reptiles from key areas. It is noted that the capture period is when reptiles are active from March to September; October can also be a very helpful time for reptile translocation work to take place.
- 10.30 Taking all of the ecological information submitted with the application into account, there is no objection to the proposal, subject to suitable planning conditions to secure the following key documents:
- Habitats Regulations Assessment
 - Outline Biodiversity Mitigation and Enhancement Plan (BMEP)
 - Outline Construction Environmental Management Plan (CEMP)
- 10.31 Natural England have raised no objection to the proposal subject to appropriate mitigation being secured. Without appropriate mitigation the application could have an adverse effect on the integrity of Portsmouth Harbour Special Protection Area (SPA) or the Chichester and Langstone Harbours SPA.
- 10.32 In order to mitigate these adverse effects and make the development acceptable, the mitigation measures set out in section 6.9 of the information to inform Habitats Regulations Assessment should be secured via an appropriate planning condition attached to any planning permission.
- 10.33 In addition to the above, Natural England have also advised that a 'Cold Weather Stop Notice' condition would further support the application by preventing impacts to the

designated habitats / supporting habitat. The reason for this is that when dealing with development/construction activities, best practice is to avoid scheduling works on or near sites that support non-breeding waterbirds during the winter. During periods of cold weather, birds are more likely to be energetically stressed such that, rather than just an effect of disturbance (e.g. a change in behaviour, flight, stopping feeding, feeding in a less favourable area etc.), there may be an impact (e.g. a reduction in body condition, starvation, death etc.). Avoiding the winter period, however, may not always be feasible. Operations should not be carried out during periods of severe weather, which is defined as temperatures of 0°C or below recorded locally for five consecutive days. Therefore, the activity associated with this application should be suspended for the duration of the severe weather. With respect to the process of counting days of severe weather, short periods of thaw (1-2 days) have no effect on the counting process, but periods of thaw of three or more days have the effect of resetting the count of severe weather days back to zero.

- 10.34 Following discussions with NE and the applicant, it has been agreed that this can be included within the Construction Environment Management Plan (CEMP) condition.

Impact on Heritage Assets and Trees

- 10.35 The red line application site boundary includes a significant proportion of the Hilsea Lines Conservation Area and the Hilsea Lines Scheduled Monument. As set out in paragraph 206 of the NPPF 2023, scheduled monuments are to be afforded the highest level of protection:

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of ... b) assets of the highest significance, notably scheduled monuments, ... should be wholly exceptional.'

- 10.36 With regard to the Conservation Area status, as set out in S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.
- 10.37 As identified by Wessex Archaeology within the Heritage Benefits and Interpretation Statement (Appendix K to the ES), proposed Phase 5 works falls within an area of archaeological interest and significance, pertaining heavily to the history of military defences along the coast of Portsea Island. It also concluded that, while the proposed works have the potential to cause some degree of harm to the significance of the both the Scheduled Hilsea Lines Monument (NHLE1001861) and the wider associated Conservation Area, this can be offset via the implementation of enhanced interpretation materials and monument maintenance activities.
- 10.38 With regard to the scheme as a whole, the proposed works should result in better protection from water inundation as well as improvements to the public open space and an improved understanding of the historical significance. Regarding the Scheduled Monument, the proposed scheme offers opportunities to enhance the historical understanding of the monument by providing improved interpretation, the thinning of trees (branches only) in selected locations, and the addition of brushwood faggots along the moat edge in places where the sea defences edge the moat - this would improve the water quality and help redefine the angular shape of the moat edge. With regard to the Conservation Area, whilst the works as a whole are considered to be of benefit to the Conservation Area, the creation of heritage interpretation boards alongside social areas would improve the public realm and allow a designated area were the Hilsea Lines Monument could be better appreciated and understood within the local environment.
- 10.39 Given the above, Historic England (HE) have not raised any objection to the proposals albeit that they do consider the development would deliver harmful impacts to the significance of the Hilsea Lines through disturbance of potentially significant

archaeological features and or deposits from construction activities, both designated and undesignated. The setting of the Scheduled Monument and character of the Conservation Area would also be impacted by construction of the new earth bund in the location of the killing zone and former 18th century defences. Taken together the impacts would cause a moderate to high level of less than substantial harm to the designated heritage assets.

- 10.40 However following extensive pre-application discussions the proposed Heritage Benefits and Interpretation Statement submitted with the application details a number of positive benefits, namely:
- The protection of the monument from flooding
 - The enhancement of the moat edge with brushwood faggots
 - The thinning of some vegetation cover
 - Provision of heritage information boards to aid public understanding
- 10.41 Historic England do however caveat their support of the scheme by including the need for the vantage points created by the thinning of vegetation to be maintained after the completion of the scheme, for it to be a meaningful long-term benefit and would wish to see this included within a long-term Management and Maintenance Plan (MMP) for the lines, to be conditioned within any planning permission granted. Given the noted archaeological potential and likely impacts, HE would also require that an Archaeological Mitigation Strategy (AMS) is produced by the applicant, prior to commencement of works, to be approved by the Hampshire County Archaeologist and Historic England. This should also be included as a condition of any planning permission granted.
- 10.42 Notwithstanding the views of HE, the Council's Conservation officer has expressed concerns regarding the proposed tree thinning as the Hilsea Lines Conservation Area Appraisal and Management Guidelines Document (2009)⁴ states that, 'of particular importance, is the mixed deciduous tree cover on the Lines which makes an extremely significant contribution to the character of the conservation area'.
- 10.43 Whilst these views are material to the determination of the application, officers consider that given the applicant's proposals supported by Historic England for selective thinning in the form of branch removal on selected trees to enable improved opportunity for interpreting the Scheduled Monument which can be required by condition.

Highways Issues (Local and National)

- 10.44 Given the nature of the scheme, there will be no significant additional traffic generated during the operation and maintenance phase of the new sea defences. As such the impacts to be addressed and mitigated would be during the construction phase only.
- 10.45 As shown below, there are to be three contractor's compounds: 1 off Peronne Road, 2 off Althorpe Drive and 3 accessed off the A3 London Road just south of the Portsbridge Roundabout.

⁴ [development-and-planning-hilsea-lines-guidelines.pdf \(portsmouth.gov.uk\)](#)

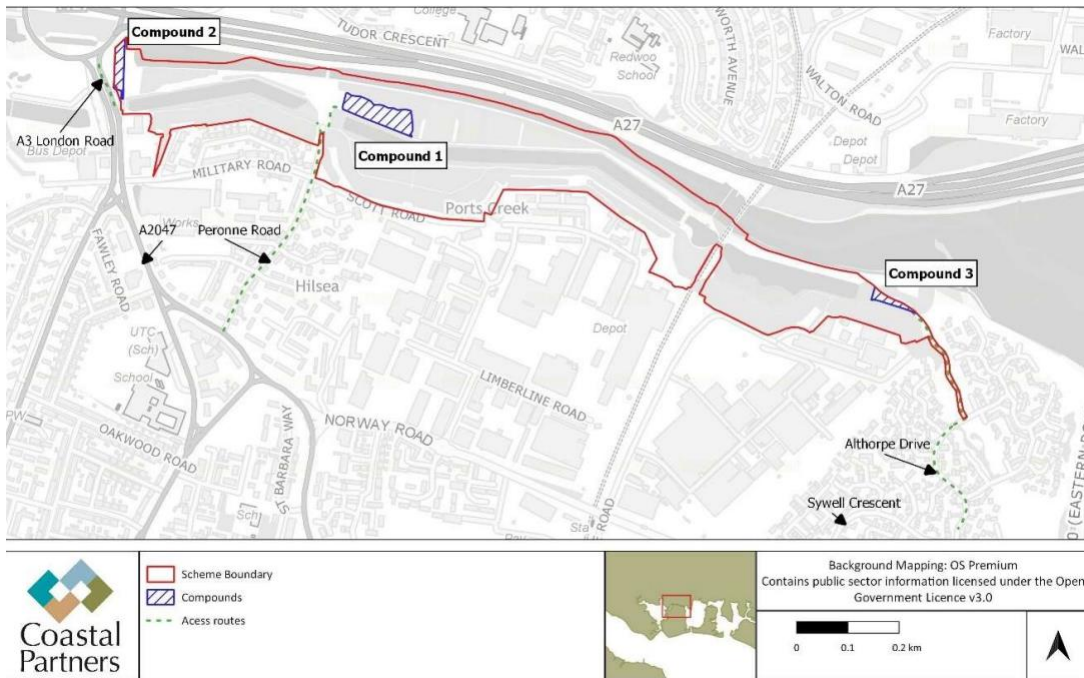


Figure 6 - Overview of Scheme Boundary, Compounds, Key Roads and Access Routes

10.47 Phase 5 is located within a popular amenity area, including paths overlapping and immediately adjacent to the works. The works, particularly the access routes to compounds, are also close to residential areas and commercial properties. The main scheme area is within popular amenity areas containing the only area of woodland (Hilsea lines / Foxes Forest) on Portsea Island. The key receptors considered within this chapter are therefore pedestrians, including residents and people working in the area as well as recreational users, including cyclists.

10.48 With regard to construction traffic, Table 15.6 in the ES sets out estimated HGV movements:

Access Route	Estimated movements	Total	Average daily HGV movements
Route 1 – to compound 2 along the A3	1000 over approximately 15 months		0-102
Route 2 – to compound 1 along Peronne Road	2,200 over approximately 15 months		0-68
Route 3 – to compound 3 (temporary) along Althorpe drive	100 over 4 months		0-32

10.49 On average, based on a construction period of 15 months it is estimated that the proposed works would result in approximately eight additional HGV movements a day, however as illustrated in the table above the average number of HGVs per day will range depending on the activities undertaken at each compound.

10.50 As the phase 5 works would have short term and temporary impacts on the local transport and traffic networks, mitigation measures to be secured through a Construction Traffic Management Plan (CTMP) will be implemented.

10.51 The Highway Authority has raised no objection the application on this basis.

10.52 As well as consideration by the City Council Highway Authority, as the site is adjacent to the A27(T), a road managed by Traffic England. Traffic England initially placed a holding objection on the application due to uncertainties regarding altered tidal effects on drainage outflows and the fact that the Peronne Road footbridge over the A27 is

scheduled for a major refurbishment at some point in the future. However following discussions between the applicant and Traffic England that was removed.

Contaminated Land

- 10.53 With regard to this issue, ground investigations were carried out in 2016 and 2018. The results of these showed that the material onsite is suitable for reuse around the site with the testing analysis revealing sample results are either below limits of detection or are within the relevant thresholds to be reused for Parks, Open Amenity Space.
- 10.54 The investigations also highlighted that some foreshore sediment samples show slightly elevated heavy metal concentrations and elevated hydrocarbon contamination at sample location PC-TP02 adjacent to the Portsbridge roundabout. Mitigation measures include low tide working measures and the use of silt curtains to minimise the remobilisation of contaminated sediments into the wider creek and adjacent harbours.
- 10.55 On this basis the Environment Agency have raised no objection subject to conditions requiring a CEMP, a verification report and a stop pending submission or a suitable remediation strategy, if previously unidentified contamination is found.

Safeguarded Minerals and Waste Site

- 10.56 The application site crosses the safeguarded buffer zone of Howard's Yard, operated by Hughes Waste Limited who supply a wide range of waste disposal and scrap metal recycling services . This site is safeguarded under Policy 26 (Safeguarding – waste infrastructure) of the currently adopted Hampshire Minerals and Waste Plan (2013) (HMWP). Policy 26 seeks to protect current and potential waste sites from pressures to be replaced by other forms of development, including through 'encroachment' where nearby land-uses impact their ability to continue operating.
- 10.57 In this case however whilst there may be an encroachment of the 'buffer zone' shown in blue below by the application site boundary, due to the proximity of the site to the boundary of the Hilsea Lines Scheduled Ancient Monument, there is considered to be no risk to the viability of the Hughes Waste Limited site from this scheme.

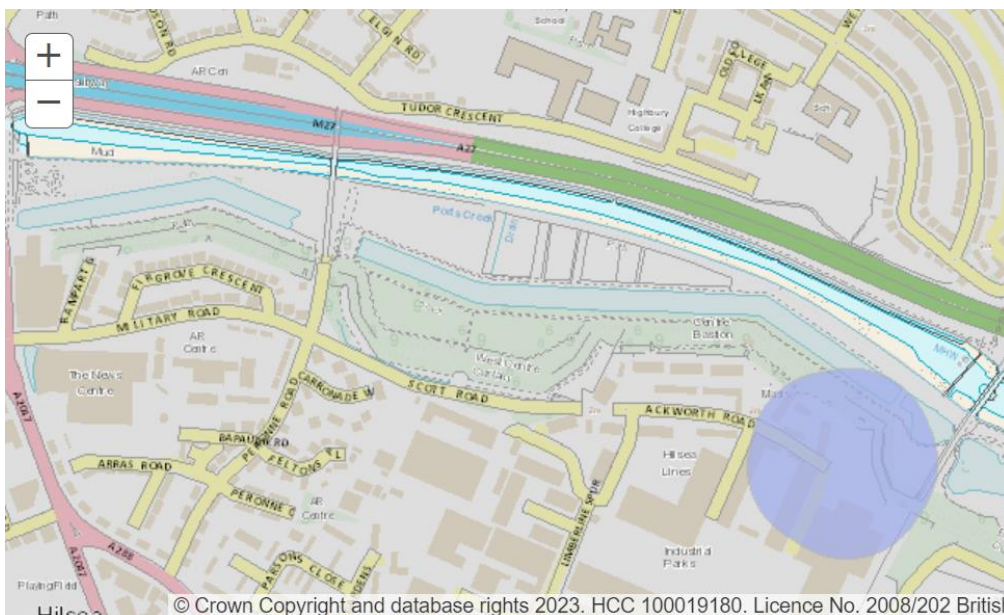


Figure 7 - Howard's Yard- extent of safeguarding

Highways and Traffic

- 10.58 The design and access statement and drawings submitted in support of this application have been reviewed by the Highway Authority. As with previous phrases, it is anticipated there will be a limited number of traffic movements associated with the construction works. It would be considered that the additional trip generation would not have a material impact on the operation of the local highway network.
- 10.59 In terms of the location of the compounds, both Compound 1 and 2 have straight forward access from A2047 and therefore no safety concerns would be raised. Compound 3 is in a residential area and would be used for storage of materials/plant required for works on the eastern side of the railway bridge as plant are unable to access under the railway bridge from the main works area to the west. It is noted however that on street parking occurs in the vicinity and therefore careful management of HGVS will need to be taken.
- 10.60 It is considered that the overall proposal would be beneficial for non motorised users along the shore and whilst during construction there will be an impact to the highway, its short time period would lead the LHA to consider the impacts to be acceptable and not contrary to Paragraph 111 of the NPPF 2023

Local amenity / recreation

- 10.61 With regard to the impact of the scheme on local amenity and recreation, as set out in the ES Chapter 18 the following impacts have been identified:

Issue	Impact	Mitigation and residual impact
Loss of amenity and tourism due to visual intrusion of the construction works along the coastline.	Temporary and short term. Appropriate notices and signage will be displayed to explain the works and the need for them. This impact has been considered further in the L&ViA (Chapter 11). Post works, improved amenity is expected and works themselves may provoke interest.	
Disruption to leisure / recreational interests within the area, including obstruction to footpaths within footprint of works.	Temporary and short-term disturbance will occur from the closure of paths including the footbridge near the railway line. Closures will be minimised where possible and diversions and appropriate signage put in place to reduce impacts on recreation.	
Temporary loss of features of interest (e.g. birds relocate)	No significant impacts on birds are anticipated with mitigation measures in place (see Chapter 9 Ecology) or any other features of interest.	
Benefits to recreation and amenity through associated landscaping / access improvements.	Enhancements are to be promoted where possible including development of the self guided heritage trail and nature trails. Beneficial impacts of the scheme include maintaining and improving public access and protecting and improving certain amenity values into the future that are at risk of flood events.	
Possible restricted views	During operation, views will be altered due to the increase in height of the	

	existing sea wall. However, this will be mitigated where possible.	
Impacts on foreshore access	Access to the foreshore is limited due to the deep mud within the intertidal area. Use of slipway will be suspended during construction, however alternative access points are available in the vicinity.	

11.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The development would not be CIL liable as there is no floorspace being created.

12.0 HUMAN RIGHTS AND THE PUBLIC SECTOR EQUALITY DUTY ("PSED")

12.1 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

12.2 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

13.0 CONCLUSION / PLANNING BALANCE

13.1 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.

13.2 It is considered that the likely environmental impacts of the development have been adequately assessed in the submitted Environmental Statement, and subject to the imposition of appropriate conditions to secure the mitigation measures, are considered acceptable. Overall, the scheme would not cause significant harm or have any significant adverse impacts on the multiple factors in question, including ecology, heritage, drainage and leisure, residential amenity, the adjacent waste transfer site and the strategic and local highway networks. It is considered that the proposal would have less than substantial harm on the heritage assets and through appropriate conditions the archaeological and heritage assets can be protected. The proposal includes interpretation boards for both the environmental and heritage assets of the site, and this along with landscaping and other environmental improvements would result in an overall beneficial outcome for the area. Whilst during the construction period residents would experience noise and disturbance and inconvenience to the local highway network due to the site access points and construction compounds, it is considered that this would be outweighed by the significant benefit the final completed scheme would provide in protecting the residential properties (and local businesses) from a flood event. In addition, it is considered that the completed development would not lead to any adverse

effects on the amenity of local residents or on the local highway network. In light of the above, this application is considered acceptable.

RECOMMENDATION

RECOMMENDATION I - That planning consent be granted and that delegated authority be granted to the Assistant Director of Planning & Economic Growth to finalise the wording of the conditions as per the list of Condition Headings below, within one month of the committee resolution:

Condition Headings

1. TIME LIMIT
2. APPROVED PLANS AND DOCUMENTS
3. HEIGHT OF DEFENCES
4. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN
5. CEMP IMPLEMENTATION
6. LANDSCAPING PLAN
7. LANDSCAPING - IMPLEMENTATION
8. CONSTRUCTION TRAFFIC MANAGEMENT PLAN
9. RESTRICTION OF DELIVERIES
10. BIODIVERSITY MITIGATION AND ENHANCEMENT PLAN
11. LANDSCAPE ENVIRONMENTAL MANAGEMENT PLAN
12. LANDSCAPE ENVIRONMENTAL MANAGEMENT PLAN - IMPLEMENTATION
13. HERITAGE MITIGATION STRATEGY
14. ARCHAEOLOGY MITIGATION STRATEGY
15. CONTAMINATED LAND - Previously Unidentified Contamination
16. CONTAMINATED LAND Verification report
17. SIGNAGE
18. HERITAGE BENEFITS AND INTERPRETATION STATEMENT