

Mr A. Frost
Director Planning and Environment
Chichester District Council
1 East Pallant
Chichester
PO19 1TY

21 August 2020

Dear Mr Frost,

Request

Letter of Support (or Letter of No Objection) for Chichester Harbour Conservancy to become a Statutory Consultee on Planning Matters

Chichester Harbour Conservancy is a unique organisation in that it is the only Statutory Harbour Authority responsible for an Area of Outstanding Natural Beauty (AONB). Straddling the boundary between Hampshire and West Sussex, the AONB was designated for its national landscape importance in 1964. The Conservancy was established by its own Act of Parliament in 1971.

At 29 square miles, Chichester Harbour is the largest natural estuary in South East England (Appendix 1). It is no coincidence that it is also the busiest recreational sailing and boating Harbour in the country.

Statutory Consultee Status

In planning terms, the Conservancy is currently a 'Non-Statutory Consultee'. At its Board Meeting of 27 January 2020, Members formally resolved to seek a change of status to 'Statutory Consultee'. The main reasons for this were as follows:

- The high level of development pressure in and around the AONB. This was recognised in our 5-year Management Plan (2019-24) and the need to lobby for Statutory Consultee status (Appendix 2).
- Proposal 6 of the Glover Review, published in September 2019, recommended that all AONBs should become Statutory Consultees (Appendix 3).
- The Conservancy is a legal entity, established through the Chichester Harbour Conservancy Act of 1971. This means that the foundations for becoming a Statutory Consultee are already in place.
- The AONB has a resident population of around 10,000 people, and the Conservancy responds to 300 planning applications per year. A Principal Planning Officer is employed to respond to these applications. The Conservancy operates its own a Member-led Planning Committee to consider strategic applications.
- There is presently no Statutory Consultee for landscape matters at Chichester Harbour AONB. A change of status would address this anomaly.



Chichester Harbour Conservancy

www.conservancy.co.uk

I have already had several positive discussions with the Department for Environment, Food and Rural Affairs (Defra) about Chichester Harbour Conservancy becoming a Statutory Consultee. Defra have agreed to recommend the change to the Ministry for Housing Communities & Local Government (MHC&LG) provided we can demonstrate sufficient local support.

In addition to the enclosures already cited, please find correspondence from Natural England, the Environment Agency, Historic England, Sussex Wildlife Trust, and Sussex Ornithological Society, as Appendices to this letter.

Request

I am now writing to the four Local Planning Authorities to request letters of support (or no objection) for the proposed change of status. These are: West Sussex County Council; Hampshire County Council; Chichester District Council; and Havant Borough Council.

As you are aware, the Conservancy directly works with many officers at Chichester District Council. However, our single point of contact for the Management Plan is Tom Day. I have copied him into this correspondence.

Should you have any comments or questions about this request, please do not hesitate to contact me.

Yours sincerely,

R. Austin

**Dr Richard Austin
AONB Manager
Chichester Harbour Conservancy**

Cc: Cllr Adrian Moss, Cllr Graeme Barrett, Cllr Penny Plant, and Mr Tom Day, Environmental Co-ordinator.



Chichester Harbour Conservancy
The Harbour Office,
Itchenor, Chichester, West Sussex PO20 7AW
T: 01243 512301 E: info@conservancy.co.uk

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HARBOUR
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AONB Family

1. What are the functions of the Conservancy?

- a. The Conservancy has two functions, the conservancy, maintenance and improvement of: a) the Harbour, for the use of pleasure craft and other such vessels; and b) the amenity area, for the occupation of leisure and recreation and the conservation of nature. These functions extend to cover the facilities (including navigational facilities) in the Harbour and the regard for conserving the natural beauty and amenity of the countryside.

2. Is Natural England already the Statutory Consultee for landscape matters?

- a. When commenting on domestic and business applications within Chichester Harbour across both Hampshire and West Sussex, Natural England (the Statutory Consultee) are deferring comments on landscape matters to the Conservancy (the non-Statutory Consultee). Natural England support the proposal that AONB Partnerships should be Statutory Consultees in their own right.

3. Why is a change of law required? What will that achieve that a Memorandum of Understanding would not?

- a. The Glover Review did not recommend Memorandums of Understanding as a solution. In practice, Memorandums tend to be effective for short-term agreements. A change in the law would be a long-term and permanent measure.

4. Why should the Conservancy become a Statutory Consultee?

- a. It will be the 50th anniversary of the Conservancy in 2021. It is an independent and professional special purpose local authority and the principal guardian of AONB. It is only right that the organisation should be a Statutory Consultee.

5. Are there any risks to this change of status?

- a. None that are obvious. The Conservancy would not be taking powers away from any of its partners. This is about recognising that the Conservancy has effectively been considered by the Local Planning Authorities as a Statutory Consultee for many years, and the legislation should change to reflect that close working relationship.

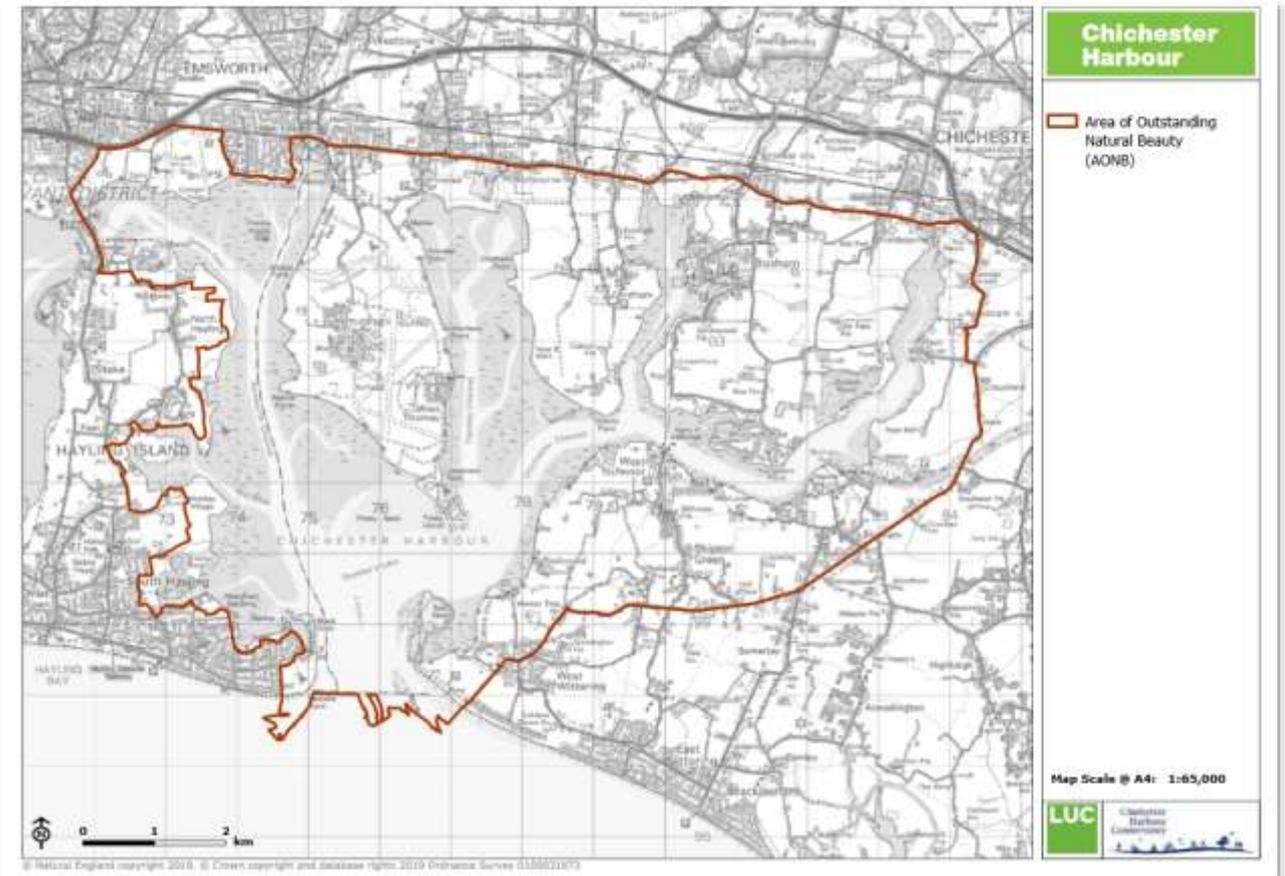
6. Will the Conservancy be a Statutory Consultee for applications outside of the AONB?

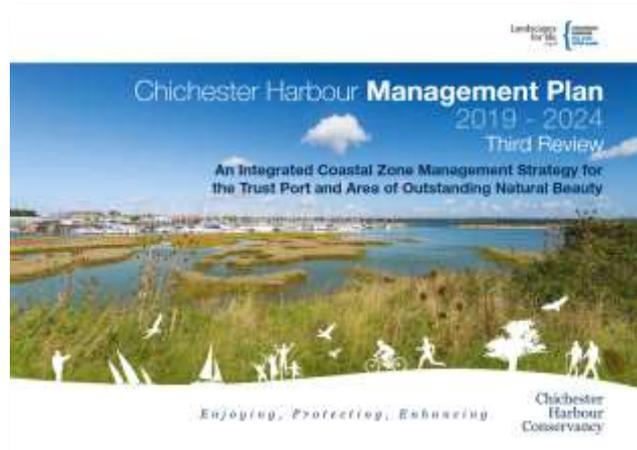
- a. Unlikely. The Conservancy will still expect to be consulted on anything outside the AONB that affects the character, setting and landscape of Chichester Harbour, but it is anticipated that the Conservancy responses in these circumstances will not carry the same weight as applications inside the AONB.



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Chichester Harbour Conservancy is defined as a "non-statutory consultee" in planning law. LPAs engage with non-statutory consultees to identify clearly the types of developments within the local areas in which they have an interest, so that any formal consultation can be directed appropriately, and unnecessary consultation avoided. In the coming years, Chichester Harbour Conservancy will lobby Government to become a 'statutory consultee'. If successful, this means there will be legal requirement for the LPAs to consult with the Conservancy on all applications inside the ACNEB, with an additional formal duty placed on the Conservancy to respond. Chichester Harbour Conservancy also aspires to be recognized as a special case in the National Planning Policy Framework, like the Broads Authority, which also has similar purposes around navigation, recreation and nature conservation.

As a general principle of design in the environment, all proposals should be informed by a clear process of contextual analysis, understanding the site, its features and surroundings. More particularly within the ACNEB, this will include an understanding of when the finished development will be seen from in the wider landscape, whether from land or water, both within and adjacent to the ACNEB.

Overall, it is the natural landscape and trees/vegetation which should predominate in rural/coastal locations. Theoretical design principles should be used to prepare design and access statements to support planning applications. Where proposed development is likely to have an adverse impact either on landscape character or visual amenity, a Landscape and Visual Impact Assessment (LVIA) should also be provided.

The Chichester Harbour Landscape Character Assessment should be referenced by developers when formulating proposals. As part of making their Local Plans, Havant Borough Council and Chichester District Council commissioned their own landscape capacity/sensitivity studies to help determine where new development might most appropriately be accommodated.

Those seeking to develop can seek a legal determination as to whether the development they wish to carry out requires planning permission. This is called a Certificate of Lawfulness for Proposed Development.

Enforcement

Where appropriate, the Conservancy will set-out its view as to why it may be expedient for the LPA to take planning enforcement action to remedy any actual or anticipated breach of planning control and (where appropriate) will offer support for the LPA case should an Appeal be lodged against any formal Notice being served to remedy identified breaches.

The Conservancy will, where appropriate, assist the relevant LPA with evidence of harm to the ACNEB to either (or both) assist in the LPAs assessment as to the expediency (or other relevant threshold or requirement) of formal enforcement action being taken in relation to suspected or anticipated breaches of planning controls within or affecting the ACNEB.

Planning enforcement can be a long and drawn out process and those seeking to develop in the ACNEB will always be encouraged to seek professional guidance from a competent source at the earliest opportunity. The Conservancy, like its partner LPAs and some other government agencies, offers a pre-application consultation service.





Landscapes Review

We want our national landscapes to work together with big ambitions so they are happier, healthier, greener, more beautiful and open to everyone.

Final Report



Proposals

Proposal 1: National landscapes should have a renewed mission to recover and enhance nature, and be supported and held to account for delivery by a new National Landscapes Service

Proposal 2: The state of nature and natural capital in our national landscapes should be regularly and robustly assessed, informing the priorities for action

Proposal 3: Strengthened Management Plans should set clear priorities and actions for nature recovery including, but not limited to, wilder areas and the response to climate change (notably tree planting and peatland restoration). Their implementation must be backed up by stronger status in law

Proposal 4: National landscapes should form the backbone of Nature Recovery Networks – joining things up within and beyond their boundaries

Proposal 5: A central place for national landscapes in new Environmental Land Management Schemes

Proposal 6: A strengthened place for national landscapes in the planning system with AONBs given statutory consultee status, encouragement to develop local plans and changes to the National Planning Policy Framework



21st July 2020



Natural England
☎ 07721759286

James.seymour@naturalengland.org.uk

Sent via e-mail only

Dear Richard

Natural England is the government's advisor on the natural environment.

Our vision is of "Thriving Nature for People and Planet". Our ambition is not just to improve nature, but to see it thriving everywhere, because we recognise that a healthy natural environment is fundamental to everyone's health, wealth and happiness. Our definition of nature encompasses natural beauty, wildlife, the geology that underpins natural character and habitats and our cultural connections with nature. We include the whole natural world on earth and at sea, in towns and cities as well as the countryside. We believe this is necessary for people, with the benefits of contact with nature being more and more accepted and evidenced, and for our planet, with nature based solutions being a win-win in contributing to net zero and restoring resilient ecosystems.

Our mission is therefore all about "Building partnerships for nature's recovery", reflecting the need for us to work with and through a wide range of people and the need for rapid action to re-build sustainable ecosystems thereby protecting and restoring habitats, species and landscapes to allow nature to thrive everywhere. Our work over the next few years will reflect the priorities set out in Government's 25 Year Environment Plan to meet the government's ambitions for agriculture, fisheries and the natural environment as we leave the EU, respond to the commitment to net zero by 2050. The four main goals include:

- Resilient Landscapes and Seas** – a resilient network of land, water and sea that is rich in plants, wildlife and character and provides wide benefits for people
- Sustainable Development** - achieve thriving nature and beautiful land & seascapes through our engagement in the planning and licensing systems to enable society to prosper
- Greener Farming and Fisheries** - supporting farming and fisheries to operate in harmony with the environment
- Connecting People with Nature** - to secure health, wellbeing and enjoyment benefits for individuals and society

NE England submission to the Glover review recommended that AONB partnerships should become statutory consultees on planning matters and we continue to support this.

I look forward to seeing how this element of the Glover review evolves and whether you secure local stakeholder support in advance of any plans developed with Defra.

Yours

A handwritten signature in blue ink, appearing to read "James Seymour".

James Seymour
Area Manager Sussex & Kent



creating a better place



Richard Austin
Chichester Harbour AONB Manager
Chichester Harbour Conservancy
Harbour Office
The Street
Itchenor
West Sussex
PO20 7AW

11th August 2020

Dear Richard

Re: Chichester Harbour Conservancy becoming a Statutory Consultee

We understand that you are seeking to become a statutory consultee in the planning process and are currently in discussions with Defra to become a "test case" to implement the recommendations made through the Landscapes Review. Thank you for your request for a letter of support which you made to Jackaline Mellan on 16 July.

The Environment Agency works to create better places for people and wildlife, and support sustainable development.

Having worked with you and your colleagues on a number of planning related matters over the years we have observed how you seek to ensure the landscape and environment of Chichester Harbour are protected and enhanced.

We are committed to working with you as a key partner in this location to deliver our aspirations for healthy air, land and water as set out in our Action Plan - EA2025, the Government's 25 Year Environment Plan and the forthcoming Environment Bill.

We wish you well as you develop your plans with Defra.

Yours sincerely,

A handwritten signature in black ink that reads "Kate Banfield".

Kate Banfield
Environment, Planning and Engagement Manager
Solent and South Downs Area

Environment Agency, Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.
Customer services line: 03708 506 506





Dr Richard Austin
Chichester Harbour Conservancy
Harbour Office
Itchenor
Chichester
PO20 7AW

20 August 2020

Dear Richard

Your proposal to pilot statutory consultee status in planning

We have welcomed the Chichester Harbour Conservancy's commitment to promoting and protecting the historic environment of the harbour over the past decade or more. Your instigation of the Chichester Harbour Heritage Partnership and consideration of the historic environment and heritage assets in the Chichester Harbour Management Plan 2019-2024 have been particularly welcome. The Plan sets out useful action for conservation and, as a partner, we appreciate the opportunities this has provided to work with local authority archaeologists and others concerned with intertidal and terrestrial heritage in the AoNB. We look forward to working more with you in coming years, including on planning matters if you are successful in your bid to host a pilot scheme for statutory involvement in the planning system.

Yours sincerely

A handwritten signature in black ink, appearing to read "Paul D Roberts".

Paul D Roberts MCIFA
Team Leader - Development Advice



Historic England, 4th Floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA
Telephone 020 7973 3700 Facsimile 020 7973 3001
HistoricEngland.org.uk



Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Chichester Harbour Conservancy
The Harbour Office,
Itchenor, Chichester, West Sussex PO20 7AW
T: 01243 512301 E: info@conservancy.co.uk





Sussex
Wildlife Trust

Richard Austin,
Chichester Harbour AONB Officer,
Chichester Harbour Conservancy,
Harbour Office,
The Street, Itchenor,
West Sussex, PO20 7AW

Contact: Henri Brocklebank
E-mail: henribrocklebank@sussexwt.org.uk
Date: 31st July 2020

Dear Richard

Chichester Harbour Conservancy and AONB's application to become a Statutory Consultee

The Sussex Wildlife Trust (SWT) is the conservation charity for everyone who cares about nature in Sussex. With over 33,000 members, SWT focuses on protecting the wonderfully rich natural life that is found across our towns, countryside and coast.

I understand that the Chichester Harbour Conservancy and AONB is seeking to become a statutory consultee in the planning process. SWT fully supports this request and sees it as a necessary step to ensure that the unique wildlife and habitats of the AONB are protected and enhanced into the future.

Chichester Harbour is a vital component of the country's Nature Recovery Network, acting as a core area containing internationally important and irreplaceable habitats, such as saltmarsh. As set out in the Defra 25 Year Environment Plan, sites such as Chichester Harbour, have a vital role to play in restoring wildlife as well as providing many additional benefits such as carbon capture, water quality improvements and greater public enjoyment.

There is a great deal of development pressure in the area and as we move into an era of biodiversity net gain, carbon credits and natural capital investment, it is vital that the Chichester Harbour Conservancy and AONB are consulted on all development in and around the AONB. The Conservancy and AONB must be in a position to use their extensive local and on the ground knowledge to ensure that development protects and enhance this exceptional place and that opportunities for real environmental gains can be seized in line with the statutory Management Plan.

Chichester Harbour Conservancy is a unique organisation, being the only Statutory Harbour Authority with responsibility for an AONB and with purposes that extend beyond that of other AONBs, to include leisure, recreation and the conservation of nature. SWT strongly believes that the addition of the responsibilities of a statutory consultee will compliment this position and benefit the wildlife and people of the Harbour into the future.

Yours sincerely,

Henri Brocklebank
Director of Conservation Policy & Evidence

Woods Mill, Henfield, West Sussex, BN5 9SD
01273 492 630 | enquiries@sussexwt.org.uk | sussexwildlifetrust.org.uk

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The Harbour Office,
Itchenor, Chichester, West Sussex PO20 7AW
T: 01243 512301 E: info@conservancy.co.uk





SUSSEX ORNITHOLOGICAL SOCIETY

Registered charity 256836

www.sos.org.uk

Beavers Brook,
The Thatchway,
Angmering,
West Sussex BN16 4HJ

5 July 2020

Mr Richard Austin,
Chichester Harbour AONB Officer,
Chichester Harbour Conservancy,
Harbour Office,
The Street,
Itchenor,
West Sussex PO20 7AW

Dear Richard,

The SOS supports Chichester Harbour Conservancy becoming a Statutory Consultee on Planning matters.

The Sussex Ornithological Society (SOS) is the county bird club and with 1900 members we are one of the largest county Bird Clubs in Great Britain. We record the birds seen in Sussex and have a database of over 5 million records of birds in the county. We publish the 250-page Sussex Bird Report annually plus periodic avifauna documenting the state of birds in Sussex. Our Recorder and the SOS Records Committee determine whether records of designated "description" (rare) species that are not handled by the British Birds Records Committee should be accepted and entered into our database of birds recorded in the county, or be considered not proven. We actively work to protect birds and their habitats in the county. More details about us can be found on our website www.sos.org.uk.

We understand that Chichester Harbour Conservancy and AONB are seeking to become statutory consultees in the planning process.

Given the importance of Chichester Harbour for birds in Sussex, the SOS fully supports your request to become a statutory consultee.

Chichester Harbour's prime ornithological importance is as a major site for wintering waders and waterfowl with an average of over 45,000 birds recorded on Wetland Bird Survey (WeBS) counts in the five winters 2014/15 through 2018/19. It is of International importance for wintering Dark-bellied Brent Goose and (with The Wash) holds the second largest population of this species in the British Isles with an average of 13768 in 2014/15 through 2018/19. (The largest population is in the much larger Thames Estuary WeBS site). It is also of national importance for 14 other wintering species: Shelduck, Red-breasted Merganser, Grey Plover, Curlew, Black-tailed Godwit, Bar-tailed Godwit, Knot, Sanderling, Dunlin, Redshank, Greenshank, Mediterranean Gull and Little Egret. The majority of the Chichester Harbour WeBS site is in Sussex, although its western shores and the western half of the channel



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The Harbour Office,
Itchenor, Chichester, West Sussex PO20 7AW
T: 01243 512301 E: info@conservancy.co.uk

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leading to Emsworth are in Hampshire. The Sussex part of Chichester Harbour holds more wintering wetland birds than any other site in the county.

Per the Chichester Harbour Management Plan 2019-2024, we know that Chichester Harbour Conservancy is a unique organisation, as it is the only Statutory Harbour Authority with responsibility for an Area of Outstanding Natural Beauty (AONB). Its purposes extend beyond that of other AONBs, to include leisure, recreation and the conservation of nature. Aided by the fact that it has a full-time Planning Officer, we believe that it has a well-proven ability of being able to discern whether development and recreational pressures threaten to harm the AONB or its wildlife.

Whilst the SOS recognises that development must occur we are opposed to it occurring on sites where it would significantly harm birds. With ever increasing development in the areas surrounding the AONB we can see that there is ever-growing recreational pressure on the Chichester Harbour AONB, as well as direct development pressures.

We, therefore, believe that Chichester Harbour would be in even safer hands if Chichester Harbour Conservancy were made a statutory consultee on all planning matters within the AONB, especially given its responsibility for the conservation of nature.

The Conservancy therefore has the SOS's full support in seeking to become a statutory consultee on planning matters.

Yours sincerely,

Richard Cowser
(SOS Conservation Officer)
conservation@sos.org.uk

- Ends -



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The Harbour Office,
Itchenor, Chichester, West Sussex PO20 7AW
T: 01243 512301 E: info@conservancy.co.uk

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