

Hayling Island
Hants

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13th November 2020

Letter of complaint to HBC re Advisory DMC 29/10/2020 APP/18/00724

Dear Sir or Madam

This letter is a formal complaint regarding factual inaccuracies within the presentation made to the Advisory Development Management Committee (DMC) on 29th October 2020 for Land North of Sinah Lane, Hayling Island APP/18/00724.

The inaccuracies stated misinformed the DMC and would have led to misunderstanding and confusion about serious constraints of the site. There was also a failure to ensure important information was understood before the final advisory decision was made.

The following points need to be raised:

1. Tide Locking

An important constraint of developing this site is the fact that it is 'tide locked'.

The councillors had asked for an explanation of tide locking in the Site Briefing held earlier in October. However, in addressing this topic, in place of explaining a natural, complex physical process relating to interaction between three bodies of water - the adjacent harbour, underground freshwater (groundwater) and surface water within the site, the Planning Officer instead, described a tidal lock - a man made mechanism which prevents harbour water entering the system when high tides rise above the level of the outlet valve.

This was not relevant, but the Planning Officer gave further weight to the point by referring to a discussion with the Environment Agency, who own and manage the specific outlet valve, which regularly needs unblocking from the pebbles and shingle that obstruct the valve from working properly.

This left the councillors uninformed about a serious planning constraint that will affect not only this site but the surrounding area.

Councillors must be able to understand that tide locking is very different from a tidal lock and not be misinformed.

The reason why this error is so important is because tide locking is a real threat to the new development and the surrounding existing residences. The effect of the tidal forces upon the groundwater bulge, already so close to the surface of this site, as well as downward pressure created by weight of the building materials placed on the site of the new development, will push the groundwater upwards and could easily add to the surface water flooding.

Most significantly, this calls into question the viability of the proposed SuDS.

Any disturbance of groundwater beneath a clay layer is a known cause of subsidence. The movement of the alluvial deposits (underground where the groundwater flows), have already led to the damage of the ageing and deteriorating foul and waste water drainage pipes, causing a breakdown of sewerage drainage on Hayling Island.

The impact of Climate Change will amplify the effects. The rising sea levels, increase in the frequency and intensity of storms and other weather events will add to the volume and level of the groundwater as well as the surface water. The higher sea level will increase the tidal pressure on the groundwater, forcing it to follow paths of least resistance, spread further and rise upwards, adding to the surface water flooding.

Therefore, this failure to explain and inform decision makers about tide locking undermines the planning process and raises highly significant concern. Decision makers must be given this information as it does bring into question the sustainability and suitability of this application. Further scrutiny is imperative and independent expertise should be sought.

2. Langstone Harbour Board's objection

It was stated that all consultees agreed with the application except for the Tree Warden. This is not true. Langstone Harbour Board objected too. (Page 53 Officer's Report)

This was not mentioned at all.

Langstone Harbour Board's objection is highly significant considering the international conservation status of the Harbour including SSSI, SPA and 3 nature reserves in the harbour.

Excess pumped surface water from the site will still be directed to drain into the Harbour. Single point of failure of any part of the SuDS will mean that unfiltered and possibly contaminated water will also flow directly into the highly sensitive waters of the Harbour. In addition the nitrate rich runoff from both the onsite and E26 refuges will drain directly in Langstone Harbour due to the increased use of fertiliser and pesticide needed to establish and maintain, in perpetuity, the mono-crop for foraging. Natural England has also acknowledged this point.

3. Erosion

It was stated that the 'Coastal Team' were not worried about erosion yet the Planning Officer did not report that the East Solent Coastal Partnership (ESCP page 22 Officers report) states 'significant rates of coastal change' along the coast of Langstone Harbour at the edge of the onsite refuge and of E26.

It is important to illustrate how these 'significant rates of coastal change' led to a proposal to move parts of The Hayling Billy Trail inland from this area (the E26 refuge) to protect it from the coastal erosion and the effects of being in flood zone 3. Yet this statement has since been removed from the Pre-submitted Local Plan in the changes in the Emerging Local Plan.

This erosion is a known issue of the HB planners who work on the Local Plan, so to understate this issue and cherry-pick only comments in favour of the application is misrepresenting the consultees' views, misinforming the Councillors. This part of the coast is clearly vulnerable to the effects of climate change and not sustainable in perpetuity.

4. The Community Infrastructure Levy (CIL)

The Planning Officer stated that CIL money from this development - nearly £700,000 was stated for the A3023 mitigation and a main reason for this application to be agreed, despite all the constraints for the site. However this was contradicted later in the meeting when it was pointed out by another planning officer and a Councillor that there is no guarantee the money raised from this

development would be spent on Hayling Island, let alone this site's own mitigation requirements. Councillors were clearly confused by this.

5. The Appeal Status of this Application

Undecided Councillors were misinformed in making their decision.

This application is already going to Appeal, but this fact was not re-emphasised when Councillor David Guest, incorrectly argued that a major reason in support of the motion to permit the application, was the possible threat of appeal. He stated that there would be no ability to raise money, should it be refused and go to appeal. The fact that this application is already going to appeal was lost and even the Chairman had to be reminded at the very end of the meeting, after the vote, that this was an Advisory meeting regarding the Councillors' decision for the Inspectorate.

Planning officers have stated that, when weighing up the planning balance, gaining the CIL money is a strong reason to agree with this application. Again the Committee were misinformed as the money may not be forthcoming due to the Appeal process and the balance has been tipped making the constraints of the site much more important.

It should be stressed that Councillor Guest was deputising for the Ward Councillor Satchwell who stood down from chairing the meeting in order to give a very informative deputation, using her knowledge of the site and of Hayling Island's issues. Councillor Guest made few, if any, comments on the actual site constraints at all and the pressure put on others in the committee to comply with what was a flawed argument, was unconscionable.

6. The Minutes of the DMC (as of 11th November 2020)

The minutes of the DMC are inaccurate. Important written deputations made before the DMC, and not presented verbally, should be listed.

In addition the group names of some of the verbal deputies are incorrect. These include Rosie Law (SWHayling group and Independent Resident) and David Parham (Save The Island). Neither depute is representing the Hayling Residents' Association.

All written deputations should be added to the minutes as well as relying on the recording.

Councillors take their lead from the information provided at meetings by the planning officers. It is of significant concern that there were a number of inaccuracies and omissions of key facts that were clearly relevant to this application. The constitutional duty of the planning officers to appropriately inform Councillors was demonstrably not fulfilled.

For the sake of the residents, present and future, the environment and the Borough Council, this complaint needs to be looked into as soon as possible and all findings explained, publicised and certainly shared with the Inspectorate.

Yours faithfully,

Rosie Law (independent resident and SWHayling) [REDACTED]

Anne Skennerton (Hayling Residents' Association, Chairman)
[REDACTED]

David Parham (Save The Island) [REDACTED]

Mike Owens (concerned resident and Hayling Sewerage Watch)
[REDACTED]

Robin Davison (Save The Island) [REDACTED]