

Planning and Rights of Way Panel 10 December 2024
Planning Application Report of the Head of Transport and Planning

Application address: Mayflower Park, Herbert Walker Avenue, Southampton			
Proposed development: Erection of Spitfire monument and memorial (resubmission of Planning Permission 19/01363/FUL) (amended location).			
Application number:	24/00694/FUL	Application type:	FUL
Case officer:	Andrew Gregory	Public speaking time:	5 minutes
Last date for determination:	09.08.2024	Ward:	Bargate
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received.	Ward Councillors:	Cllr Bogle Cllr Lambert Cllr Noon
Referred to Panel by:	Cllr Noon and Cllr Bogle	Reason:	Impacts on waterfront access and users of the park, including the Boat Show.
Applicant: National Spitfire Project		Agent: Vail Williams LLP	

Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	Not applicable
Biodiversity Net Gain Applicable	Not applicable because the site is hard surfaced and therefore this is exempt development.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2023). Saved Policies - SDP1, SDP12, SDP17, NE4, HE1, HE3, CLT11 of the City of Southampton Local Plan Review (Amended 2015) and CS6, CS12, CS13, CS14, CS21 and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP16, AP17 and AP23 of the City Centre Action Plan (2015).

Appendix attached			
1	Habitats Regulations Assessment	2	Development Plan Policies
3	Relevant Planning History		

Recommendation in Full

1. That the Planning Panel confirm that the attached Habitats Regulations Assessment – see **Appendix 1** - satisfactorily deals with the possible impacts of this development on Protected Sites; and,
2. Conditionally approve the planning application.

Background

The design for the proposed Spitfire monument resulted from a national design competition in 2010. Planning permission was first granted for the Monument in 2011 at a different location (at Trafalgar Dry Dock in the Eastern Docks - ref 11/01670/FUL). However, an alternative site had to be found because the Eastern Docks were required as a potential future relocation of the Red Funnel terminus.

In April 2015 Cabinet considered a report which outlined the terms for a 150-year lease of an area in Mayflower Park to the National Spitfire Project Charity (NSPC) to be used for the location of the monument. Full planning permission was granted in 2014 (ref 14/00636/FUL) and again later in 2019 (19/01363/FUL) for the monument in Mayflower Park, in the same location which is currently proposed. In June 2021 a decision was taken by Full Council to confirm the Council's strategic support for the Monument along with a further capital contribution towards the project.

Planning permission ref 19/01363/FUL expired at the end of October this year and further planning permission is now sought to enable additional time for fund raising and to secure the necessary agreements to enable development to commence. The Panel will note that the location of the proposed Monument has changed since the initial submission, and now sits largely in the same location as previously proposed. The Monument requires Council land and, whilst some joint working has taken place, those negotiations have been kept separate from the Planning Department's consideration of the Planning merits of this application.

1. The site and its context

- 1.1 The application site is located within the south-western corner of Mayflower Park on the River Test frontage. The site comprises revetment, promenade, car parking and access road with the park.
- 1.2 The surrounding area is mixed, although predominantly commercial in character with the Port of Southampton, Western Docks, directly adjoining to the west at Berth 101. The application site is not within a conservation area, the boundary of the Old Town West Conservation Area runs along the line of the Town Walls to the north-east of the site.

2. Proposal

- 2.1 The application, as first submitted, proposed to site the monument further back into the park for buildability reasons associated with proposed revetment repair works. However, that alternative location, 20m to the north, comprised grass park land and led to concerns regarding loss of grassed open spaces and impacts on the usability of the park as a public events space, including the International Boat Show which has taken place in the park since 1969. Therefore, this planning application was amended to revise the siting of the monument to return to the revetment/promenade location as previously approved.
- 2.2 The application proposes a 1:5 scale replica of a Spitfire aircraft mounted on a curved 'vapour trail' mast. To the highest point the structure would be 40 metres and would be finished in stainless steel.
- 2.3 The base of the structure would be approximately 32 metres in diameter and would partially project over the river to be supported by piles into the riverbed. The base of the structure would be a viewing platform incorporating a ramp for disabled access and a public seating edge. At the centre there would be a memorial pool, Tribute Roundels of the Allied Air Forces and a series of Tribute Plaques to the designers, constructors and test pilots of the aircraft.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**.
- 3.2 Policy AP23 of the Centre Action Plan allocates the area of Mayflower Park, Royal Pier and Town Quay for a major mixed use development which could include cultural and leisure attractions, a range of commercial uses and improved public open space to create a high quality waterfront destination.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 225 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 3** of this report, and the background section above provides a summary of the planning history.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 28.06.2024. At the time of writing the report **6 representations** have been received from Cllr Noon, The Old Town Residents Association, British Marine (the Boat Show Operators) and from surrounding residents. The following is a summary of the points raised:
- 5.2 **Loss of Parkland**
Response – The planning application has been amended to site the monument in the promenade/revetment location as previously approved. The amended proposal will result in no loss of grassed public open space. The monument will be accessible at its base and will provide additional public space by cantilevering the concourse out over the revetment.
- 5.3 **Loss of existing viewing on the promenade towards Berth 101 and ships arriving. The monument will obscure views of the Town Walls and Old Town when viewed from the water and Mayflower Park. Furthermore, the monument will impact on the setting of the nearby hotel, container port and docked cruise ships. Unclear why the monument needs to be 40m tall and 1.5 times the actual size of a Spitfire**
Response – Planning permissions have been granted in 2014 and 2019 for the same monument design in this location. There has been no material change in national or local planning policies relating to this development since the previous grant of planning permission. The cantilevered base of the monument will still afford views of Berth 101 and viewing space will still be available within the south-western corner of the park. The delivery of a landmark monument would enhance the setting of the park and will assist in creating a high-quality waterfront destination.
- 5.4 **Waste of money and no plans to repair/replace Royal Pier.**
Response – The project costs and sources of funding are not a material planning consideration. Full Council has previously made a decision to provide a capital contribution towards the project. Royal Pier does not form part of this planning application.
- 5.5 **Increase in red line size to circa 4000sqm shows that substantially more land space would be used-taking out the most valuable exhibitor sales space for the show and threatening the economic viability of the Boat Show.**
Response – The monument is of the same design, size and location as previously granted planning permission. The revised red line area is considered acceptable for the purposes of the planning application, having regard to site set-up, drainage etc. However, the planning application red line on the planning application does not have to match the red line area within the lease agreement and the Council, as landowner, have control over this.

Consultation Responses

Consultee	Comments
Historic Environment Officer	<p>No objection</p> <p>The introduction of a Spitfire Monument & Memorial to the western end of Mayflower Park as per the proposed size, design, and appearance was approved under 14/00636/FUL and 19/01363/FUL, respectively. From a conservation perspective, it was considered at this time that the monument was not considered detrimental to the outlook, and hence the character or appearance of the Old Town Conservation Area, or the setting of the various listed buildings within the Old Town, given the separation distances involved, and given that it was considered that a monument of this scale and design would make a positive addition to the city's skyline. The submitted revisions have confirmed that the monument would now revert to the position previously approved in Mayflower Park. On this basis, no objections would be raised from a conservation perspective and the request for a longer-term permission to provide sufficient time to help raise funds and to address other locational constraints would not be considered unreasonable.</p>
Urban Design Manager	No objection to the revised location.
Open Spaces Manager	<p>Objection to the previous location involving loss of grassed parkland and concerns regarding increased park maintenance costs associated with additional visitor number. No further comments received regarding the amended revetment/promenade location.</p> <p><u><i>Officer Response</i></u> <i>The amended proposal is the same as previously consented with no loss of grassed open space. Landscape maintenance budgets are not a planning matter and is a matter for SCC as landowner.</i></p>
Leisure Services	No objection
Environment Agency	No objection and request informative regarding a flood risk activity permit for works to an existing flood defence.

Natural England	<p>Natural England have previously raised no objection to this development subject to conditions to secure ecological mitigation relating to the construction environment, piling and lighting design.</p> <p><i>Note: The Habitats Regulation Assessment has been sent to Natural England and an update on their response will be provided at the Panel Meeting.</i></p>
Southampton Airport	No objection subject to an informative on the use of cranes
MOD	No objection subject to a condition to secure a structural appraisal to ensure the monument is not susceptible to collapsing and producing debris in the event of an explosive incident at Marchwood Military Port.
Ecology	The revised location moves the monument off the amenity grassland and therefore biodiversity net gain does not apply. However, the revised location encroaches into the Solent and Dorset Coast Special Protection Area which extends up to mean high water. One of the conservation objectives for this site is to maintain its extent and, consequently, the monument could result in significant effects under the Conservation of Habitats and Species Regulations 2017 (as amended).
Trees Team	There is no impact to trees from proposed location.
Cllr Bogle	<p>I note that this is the third time planning permission has been sought for this monument and to date no progress has been made on viable delivery. In terms of the planning law considerations, this has been approved previously and would seek assurance that any changes to the footprint of the monument will not have a detrimental impact on the other uses of the park, the revetements (which need significant investment) and the habitat.</p> <p>If this is recommended for approval, I request that this is referred to the Planning panel for consideration as there considerable public interest in this proposal.</p>
Cllr Noon	<p>Objection</p> <p>Mayflower Park in the city centre is the only public access to the waterfront and believe this application is over development and a plight on the park. It will also have a detrimental affect on other users of the park such as the Southampton International Boat Show.</p>

<p>Archaeology</p>	<p>Since my comments of 3/7/2024, the proposed location of the monument has been changed, and is now the same or similar to consented scheme 19/01363/FUL, with the monument laying partly within the existing level area of the park and partly on a concourse to be built out over the existing sloping dockside/parkside wall. The foundations for the monument will be piled, with two concrete piles to support the overhang. Other groundworks will be within 20th century land reclamation deposits, including a proposed attenuation tank. Early deposits may survive below the fill of the sloping dock wall and park reclamation deposits. If so, these early deposits will be disturbed by the piling. However on current evidence, and given the relatively small number of piles needed, it is unlikely that the disturbance will be significant. No archaeological conditions need to be attached to the planning consent if granted.</p>
<p>Southampton Commons and Parks Protection Society</p>	<p>Thank you for notifying SCAPPS of the applicant's submission of amended plans without explanation of what changes have been made, and why. We have read the document 'SCC Landowner'. We are aware the permission granted in 2019 has lapsed. There is too much uncertainty for the application to be approved at this time.</p> <p>1 Funding: the applicant should be required to demonstrate adequate funding is secured to complete the project and to provide, through binding agreements, arrangements for cleaning, regular inspection, maintenance and repair for the expected life of the structure.</p> <p>2 It would appear the amended plan may be seeking consent to site the monument as in the 2014 and 2019 permissions, but the applicant's own submitted Planning Statement sets out the difficulties that siting causes given the short-term need for repairs to the revetment and longer-term installation of higher flood defences.</p> <p>3 The SCC Landowner submission makes clear no lease will be considered until the applicant has negotiated with promoters of Boat Show and SeaWork proposals compatible with show layouts, and a programming of construction taking account of event dates, installation and dismantling. It also requires negotiation with local community about</p>

recreation use; SCAPPS points out the Park is a recreation resource valued and used by a much wider community. It is the only waterfront green area near the City Centre; it draws users from across the City and beyond. The applicant should be required to demonstrate the proposed development will not diminish or interfere with enjoyment of this waterfront green area — either in itself or in consequence of the increased numbers of visitors it draws to the Park.

4 Permission should only be granted within the context of an agreed and adopted plan for Park improvements providing a suitable setting for a national monument, capable of withstanding the considerable impact of the increased use and, in particular, providing a safe and attractive pedestrian route from Town Quay (road) at the Royal Pier entrance across the traffic flows to and from the Red Funnel ferry-terminal, into and through the Park.

SCAPPS encourages the applicant to withdraw the application, rather than it be refused, without prejudice to consideration of a subsequent submission when consideration has been given to these uncertainties.

Officer Response – SCC as landowner made a formal public objection to the application as first submitted, in relation to the location further back into the park, primarily because of impact on the loss of grassed open space and impact on the usability for public events such as the boat show. The objection also raised issues regarding funding and future maintenance costs which are not a material planning consideration.

The planning application has been amended to return to the revetment/promenade location as previously approved. As such there is no loss of grassed open space and suitable arrangements will need to be put in place through the lease agreement to minimise conflict with the International boat show set-up and layout. The relationship with the revetment repairs and future flood defence is covered in the considerations section below and are not considered to prevent the grant of planning permission. The proposed waterfront edge location of the monument will not prevent future

	<i>improvement works to Mayflower Park from coming forward.</i>
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6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of this form of development;
- The height, design and appearance of the structure and any impact on key views;
- The impact on other activities within the park especially the annual Southampton Boat Show;
- Request for 10-year planning permission;
- Impact on revetment repairs and future flood defence works; and
- Likely Effects on Protected Habitats

6.2 Principle of Development

6.2.1 The principle of a large landmark structure to commemorate the Spitfire, and its importance to the City on this site within Mayflower Park, has been established since 2014 through two previous planning consents. Furthermore, an earlier planning permission in 2011 granted for an identical monument at a waterfront site at Trafalgar Dry Dock. There has been no subsequent change in national or local planning policy or grant of planning permissions for alternative development in Mayflower Park which prevent further grant of planning permission for the monument in Mayflower Park. Moreover, any City Centre master planning work for Mayflower Park has no weight for planning decision making purposes at this stage. The structure would be visible from many viewpoints around the city and would represent a tourist destination for one of the main publicly accessible parts of the city's waterfront. The principle of this development is therefore, again, acceptable.

6.3 The height, design and appearance of the structure and any impact on key views

6.3.1 The proposal is the same in design and scale to previous planning consents for the monument and would accord with planning policy objectives to provide an attractive waterfront. Policy AP17 of the City Centre Action Plan supports the principle of tall structures at the waterfront. The proposed structure would have an elegant profile and its positioning on one of the key public spaces in the city would make a positive addition to the city's skyline. The submitted Design and Access Statement demonstrates that a high-quality public realm would be created at the base of the monument. Given the 'open nature' of the surroundings the monument, being 40 metres in overall height, would be visible from views into and out of the Old Town Conservation Area. However, the profile and nature of the structure is such that it would result in a positive impact. The Town Walls are some 250 metres from the structure. Consequently, it is considered that this location for this monument would not be detrimental to the character or appearance of the

conservation area or the setting of the various listed buildings within the Old Town.

6.4 Impact on other activities within the park; especially the Southampton Boat Show

- 6.4.1 Mayflower Park is used extensively for a range of public events including circuses, firework displays etc in addition to the closure of the park for the annual Southampton International Boat Show. It is a key public open space in the city.
- 6.4.2 The proposed monument would add an important public attraction without reducing the area of open space; in fact the area of publicly accessible open space would effectively be enlarged due to the deck extending out over the water.
- 6.4.3 The importance of the boat show to the city is very significant. The operators of the boat show are understandably concerned about the future of the boat show but it does not necessarily follow that this proposal would reduce the area available for the boat show or make it more difficult to operate. The area of the park affected is relatively small: the base of the monument takes up approximately 400 square metres of existing parkland. The applicants have submitted an indicative drawing to show that the base of the monument could be used as a corporate entertainment area or similar during the boat show event.
- 6.4.4 ABP have previously requested a condition requiring structural details to ensure the monument does not undermine the integrity of the revetment and sea wall. This application is supported by River Wall construction details, including the use of a coffer dam to construct the monument in this river edge location. ABP have been consulted but to date have provided no comments. It is recommended that a pre-commencement condition is again imposed to enable further opportunity to engage with ABP on this matter prior to the commencement of development.

6.5 Request for 10-year planning permission

- 6.5.1 The applicants have requested a 10-year planning permission to provide further time for fund raising, to secure the necessary consents and technical approval. Previous planning permissions for the monument have been granted for 5-year periods. The request for additional time for fund raising reasons should assist with the delivery of the development, and can be supported in principle, having regard to national planning practice guidance. There are no planning policies or planning permissions for development within Mayflower Park to provide a strong reason for not supporting a 10-year planning permission. Therefore, the requested 10-year planning permission is recommended, but the Planning Panel may wish to debate this and consider a lesser time period.
- 6.5.2 A lesser time period of 5 years or the default period of 3 years could be argued, given that national planning policy advises that local development plan policies should be reviewed every 5 years. Furthermore, the Council has aspirations to see significant improvements in Mayflower Park over the next 10 year and any uncertainty of the Spitfire monument progressing for that period may negatively affect future bidding and development opportunities. The Council, as landowner, will have its own controls over timings.

6.6 Impact on revetment repairs and future flood defence works

- 6.6.1 The revetment repair project team do not object to the monument being built over the revetment, but it does introduce challenges around buildability and maintenance liabilities. The revetment repair design includes a concrete mattress system which will overlay the existing revetment. The revetment project is progressing on the basis that the revetment repair works will be completed in advance of the monument. Therefore, as and when, construction of the monument commences with piling through the revetment, the applicants will be responsible for making good of the concrete mattress.
- 6.6.2 The Council as landowner will have control over construction programmes to manage and avoid conflict and any lease agreement will need to be structured to avoid issues arising from the legalities of maintenance liabilities of both parties.
- 6.6.3 A scheme of flood defence works has not been developed for this area. However, the revetment repair project team advise that under their scheme of works there are no proposals to raise the height of the revetment. Any future flood defence works could be built around the monument and the Council's Flood Team have advised that any future defence may follow the northern boundary of the park rather than the river edge.

6.7 Likely Effect on Protected Habitats

- 6.7.1 The proposed development has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites arising from the construction phase and a small loss of habitat. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided that mitigation is required to control construction works (proposed condition 3), piling (proposed condition 4) and lighting design (proposed condition 5), the development will not adversely affect the integrity of the European designated sites.

7. Summary

The principle of this form of development on the waterfront has been established by the previous permissions at Mayflower Park and Trafalgar Dry Dock. The development would not adversely affect the Old Town and its many heritage assets. Other concerns about structural impact and the effect on the operation of the boat show can be dealt with by conditions or through the Council's role as landowner. It is recommended that the Panel support this project once again given the significance of the Spitfire to the City and the mitigation of its impacts on offer.

8. Conclusion

- 8.1 It is recommended that permission be granted subject to conditions

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer **Andrew Gregory** PROW Panel 10.12.2024

PLANNING CONDITIONS to include:

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than Ten years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02.APPROVAL CONDITION - Building materials to be used [Performance Condition]

The development shall be carried out in accordance with the schedule of finishing materials as set out within the submitted Materials and Finishes Report dated July 2024.

Reason: In the interest of the visual amenities of the locality.

03.APPROVAL CONDITION - Construction Environmental Management Plan

The development shall be carried out in accordance with Construction Environment Management Plan Rev 1, July 2024 by Ecosupport.

Reason: To ensure that the natural conservation interests of the site and surrounds are adequately safeguarded.

04.APPROVAL CONDITION - Piling Method [pre-commencement condition]

Prior to the implementation of the development hereby approved, the applicant shall submit in writing to the Local Planning Authority the proposed method of piling to be used in the construction of development. No development shall commence until the submitted details have been agreed in writing by the Local Planning Authority. Development shall be implemented and proceed only in accordance with the agreed details.

Reason: To satisfy the requirements of Natural England and the Environment Agency, and to ensure that an appropriate form of piling is undertaken for each phase in the interests of protecting residential amenity and the habitat of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC), whilst ensuring that any piling methods used do not cause pollution, harm or nuisance.

05.APPROVAL CONDITON - Lighting Scheme [Performance condition]

The development shall be carried out and retained in accordance with Lighting Design Report by Nick Hancock dated June 2024

Reason: To ensure that the lighting does not adversely impact on local biodiversity

06.APPROVAL CONDITION - Details of river wall (Pre-Commencement Condition)

No development shall commence until details of the construction methodology, including the protection and maintenance of the revetment and sea wall, have been submitted to

and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the construction details are satisfactory to safeguard adjoining land and in the interests of maintaining flood defences.

07. Structural Appraisal (Pre-commencement Condition)

No development shall take place unless or until a Structural Appraisal prepared by a suitably qualified and experienced blast consultant who is listed on the current Register of Security Engineers & Specialists (RSES) has been submitted to and approved in writing by Southampton City Council, in consultation with the Ministry of Defence. The submitted report should include calculations, technical specifications, and structural drawings to demonstrate that the structure(s) which form the subject of this consent (including, but not limited to, the main structural frame, cladding, doors and any glazing) have been designed to withstand the dynamic loadings listed below:

- Peak incident overpressure, $P_s = 4.944$ kPa
- Normally Reflected Pressure, $P_r = 10.07$ kPa
- Time of arrival, $t_a = 1877$ ms
- Positive phase duration, $t_+ = 194$ ms
- Incident Impulse, $I_s = 423.8$ kPa-ms
- Reflected Impulse, $I_r = 757.5$ kPa-ms
- Shock Front Velocity, $U = 347.1$ m/s
- Peak dynamic pressure, $q = 0.08526$ kPa
- Peak Particle Velocity, $PPV = 11.6$ m/sec
- Shock Density, $\rho = 0.001268$ Mg/cubic
- metre
- Specific heat ratio = 1.4 Dimensionless
- Decay coefficient, $\alpha = 508.2$ Dimensionless

The development shall be carried out strictly in accordance with the details and specifications set out in any approved Structural Appraisal. Thereafter, the development shall be maintained strictly in accordance with any details set out in the approved Structural Appraisal.

Reason To maintain the operation of MOD explosives handling and loading of explosives at the Marchwood SMC , and to maintain the safety of the public

08.APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Habitats Regulations Assessment (HRA)

Application reference:	24/00694/FUL
Application address:	Mayflower Park, Herbert Walker Avenue, Southampton
Application description:	Erection of Spitfire monument and memorial (resubmission of Planning Permission 19/01363/FUL) (amended location).
HRA completion date:	25/11/2025

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed would lead to the erection of a Spitfire monument and memorial on the river frontage of Mayflower Park. This development lies adjacent to the Solent and Dorset Coast Special Protection Area (SPA) and approximately 715m from the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. The Solent Maritime Special Area of Conservation (SAC) is approximately 2.8km upstream. Atlantic salmon, <i>Salmo salar</i>, which are a designated feature of the River Itchen SAC may pass the site whilst on migration.</p> <p>The site is currently a public walkway within a park and is used by visitors to view the waterfront and ships berthed in the docks. After installation this activity will continue but at a higher level. There is a risk of construction stage impacts which could lead to adverse effects on features of interest of the European sites.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

European sites potentially impacted by plan or project:	<ul style="list-style-type: none"> ▪ River Itchen Special Area of Conservation (SAC) ▪ Solent and Dorset Coast SPA (SPA). ▪ Solent Maritime SAC ▪ Solent and Southampton Water Ramsar
European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline	

Evidence Review Report, which is on the city council's website at [redacted]	Site <ul style="list-style-type: none"> ▪ Solent and Southampton Water Special Protection Area (SPA)
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No – the installation of a Spitfire monument is neither connected to, nor necessary for, the management of any European site.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

Test 1: the likelihood of a significant effect

This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The project being assessed would lead to the erection of a 1.5 scale replica of a spitfire aircraft mounted on a curved 'vapour trail' mast on the river frontage of Mayflower Park. At its highest point the structure would be 40 metres tall and would be finished in stainless steel. The base of the structure would be approximately 32 metres in diameter and would partially project over the river to be supported by piles into the riverbed. This development lies adjacent to the Solent and Dorset Coast SPA and approximately 715m from the Solent and Southampton Water SPA and Ramsar site. The Solent Maritime SAC is approximately 2.8km upstream. Atlantic salmon, *Salmo salar*, which are a designated feature of the River Itchen SAC may pass the site whilst on migration.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from the construction phase of the development, and permanent arising from the operational phase.

The following activities have been identified as having the potential to result in direct impacts which could lead to significant adverse effects;

- Disturbance (noise and vibration);
- Contamination (mobilisation of contaminants, dust and spills of oil, fuel and chemicals);

These impacts have the potential to affect sandwich tern, *Sterna sandvicensis*; common tern, *Sterna hirundo*, Little tern, *Sternula albifrons*, Atlantic salmon, *Salmo salar* and birds which form part of the assemblage of the Solent and Southampton Water SPA/Ramsar site

Collision risk has also been identified as a potential risk to interest features of the Solent and Dorset Coast SPA and the Solent and Southampton Water SPA and Ramsar site. However, the Southampton Wetland Bird Flight Path Study 2009, which was undertaken to support the development of the Core Strategy, established that the majority of wetland bird flight activity around Southampton occurred over water. In addition, the area around the park contains a number of existing tall structures including cranes and large ships which are of comparable height to the proposed monument. The monument therefore poses a minimal risk to birds using the adjacent waterway and the risk of collision can be screened out.

A number of avoidance and mitigation measures will be employed, these are set out below:

- CFA piling will be used to install piles, and a draft piling methodology has been submitted.
- Construction Environmental Management Plan (CEMP)
- Lighting report.
- Details for river wall construction

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The proposed Spitfire monument lies adjacent to the Solent and Dorset Coast SPA and approximately 715m from the Solent and Southampton Water SPA and Ramsar site. The Solent Maritime SAC is approximately 2.8km upstream. Atlantic salmon, *Salmo salar*, which is a designated feature of the River Itchen SAC may pass the site whilst on migration.

The site is currently a public walkway within a park and is used by visitors to view the waterfront and ships berthed in the docks. After installation this activity will continue but at a higher level. There is a risk of construction stage impacts which could lead to adverse effects on features of interest of the European sites.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential presence of temporary impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below in order to determine the implications for the identified European sites in line with their conservation objectives and whether the

proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment, it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152>.

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive." Whilst the conservation objective for the Special Areas of Conservation is to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION BASED EFFECTS

Disturbance

River Itchen SAC

The River Itchen SAC is located approximately 4.8km to the north-east of the site and, as such, is too distant to be directly affected by activities likely to cause disturbance. However, Atlantic salmon, a species for which the SAC is designated, are known to use the lower reaches of the Test prior to migrating up the River Itchen to breed and it is therefore considered to be functional habitat for the SAC. There is therefore some potential for disturbance to affect the SAC.

Atlantic salmon

Atlantic salmon show high fidelity to their breeding grounds and will return to the river in which they were born in order to breed. It is important therefore that the migration route from the sea to the freshwater section of the River Itchen is not obstructed in any way.

Atlantic salmon migrate twice in their lives. Firstly, between June and September, adult salmon make their way up the River Itchen on their way to breeding grounds in the upper reaches. Prior to making their way up the river they will spend time in the confluence of the Rivers Itchen and Test waiting for the right conditions. During October and November they will spawn in depressions made in clean gravel. Then, 1-6 years later, young salmon, known as smoults, travel down the river on their way to the ocean. Smoults are present in the lower reaches during late spring.

High levels of vibration resulting from noisy activities such as piling can cause impacts ranging from fish actively avoiding the area close to the source of the disturbance to

individual animals being injured by vibration. Critically, this can cause salmon to delay their migration or to give up entirely. It is important, therefore, that where practical noise levels are minimised by, for example, using quieter construction techniques or, if this is not possible, noisy activities such as piling are timed to avoid salmon migration periods.

Continuous flight auger (CFA) piling, which generates low levels of noise and vibration, will be used for the Spitfire monument project. As a consequence, no further mitigation measures are required in respect of noise.

Solent and Dorset Coast SPA

The site lies adjacent to the Solent and Dorset Coast SPA which is designated as a foraging area for three species of breeding terns, sandwich tern, common tern, and little tern.

Mayflower Park, in which the proposed monument is to be installed, is located between two sets of quays used by container ships and cruise liners and as a consequence there are already high levels of background noise. Any birds feeding in the area will already be habituated to these high noise levels however, to minimise risks further the Spitfire and other components e.g. beams and plinth, will be fabricated off site. The only additional noise will come from the movement of plant, piling and concrete laying. As mentioned above CFA piling, which not only generates low levels of vibration but also low noise levels will be used. In addition, plant and tools will be carefully selected based on noise levels and silencers will be fitted where possible. Risk Assessments and Method Statements will be produced for each construction activity.

With the above measures in place adverse impacts on foraging terns can be prevented.

Solent and Southampton Water SPA and Ramsar site

The Solent and Southampton Water SPA and Ramsar site are designated for five species of breeding terns, significant populations of black-tailed godwit, *Limosa limosa islandica*, dark-bellied Brent goose, *Branta bernicla bernicla*, ringed plover, *Charadrius hiaticula* and teal, *Anas crecca* and a significant assemblage of over-wintering waterfowl.

The nearest section of the SPA and Ramsar site is 715m to the south west of the monument whilst the Solent Waders and Brent Goose Strategy maps indicate that the nearest area of supporting habitat, a low use high water roost, is located 280m to the south east of the application site. As a result, of this distance disturbance caused by the physical presence of people and machinery will not occur. In addition, disturbance from the noise of piling will not occur as the applicants have opted for CFA piling which is a quiet form of piling.

Pollution

The proposed development could potentially result in pollution of the river channel as a result of the mobilisation of historic contaminants, pollution events during construction work or the release of contaminated surface water runoff. Construction activities could also result in an increase in silt levels which could affect water quality.

River Itchen SAC,

The use of plant and machinery within the river poses a risk of accidental spillage of oil and fuel. This would pollute the water and be harmful to interest features including salmon.

The most effective means of minimising the risk of spills is to ensure that refuelling and topping up of oil and grease is undertaken away from the water's edge. A refuelling area, located away from the watercourse, will therefore be used. All fuels, oils and flammable liquids will also be stored in a lockable storage area in tanks and containers. In addition, as there is always the risk of leaks, spill kits will be kept close to the work site and operatives will be trained in their use.

The proposed development could potentially result in pollution of the river channel as a result of the mobilisation of historic contaminants, pollution events during construction work or the release of contaminated surface water runoff. Construction activities could also result in an increase in silt levels which could affect water quality. To mitigate these risks only the minimum area necessary for construction will be disturbed, storm water inlets will be protected with silt fencing or rock-filled bags and silt fencing will be used to prevent leaching into the water course. Dust could also be generated by construction work. To remove the risk of harm materials being broken up will be damped down and work will be undertaken by hand rather than machinery where possible.

With the mitigation measures detailed above in place adverse impacts can be avoided. The mitigation measures will be delivered through a Construction Environmental Management Plan (CEMP)

Solent and Dorset Coast SPA

There is a risk of pollution incidents from the use of machinery close to the water's edge affecting the conservation objectives for the Solent and Dorset Coast SPA. However, the mitigation measures proposed in respect of the features of the River Itchen SAC will also be effective in respect of safeguarding the features of the Solent and Dorset Coast SPA.

Solent Maritime SAC and Solent and Southampton Water SPA and Ramsar site

The potential for pollution incidents, arising from the use of machinery adjacent to the River Itchen, adversely affecting qualifying features of the SPA/Ramsar, is considered to be negligible due to the distances involved.

PERMANENT, OPERATIONAL STAGE EFFECTS

Loss of habitat

Solent and Dorset Coast SPA

The boundary of the Solent and Dorset Coast SPA adjacent to Mayflower Park is the mean high water mark. The cantilevered section of the monument will extend out over a small section of the designated site (approximately 360m²) blocking access to the water for foraging terns. However, part of this area includes the existing revetment wall where

the water is too shallow for plunge diving. In addition, the monument structure does not impact the water directly and therefore the habitat will still be available to the tern's prey species. The impact of the habitat loss is therefore considered to be negligible.

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

The findings of the initial assessment concluded that a significant effect was likely through a number of impact pathways. As such, a detailed appropriate assessment has been conducted on the proposed development, incorporating a number of avoidance and mitigation measures which have been designed to remove any likelihood of a significant effect on the identified European sites.

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites. It has also considered the effectiveness of the proposed avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, **the significant effects which are likely in association with the proposed development can be overcome.**

Mitigation measures which are summarised below, should be secured through a legal agreement or planning conditions:

- CFA piling will be used to install piles, and a draft piling methodology has been submitted.
- Construction Environmental Management Plan (CEMP).
- Lighting report.
- Details for river wall construction.

As a result, there should not be any implications as a result of this development in relation to either the conservation objective of the SPA and SPA to "avoid the deterioration habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring that the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive" or to the conservation objective of the SAC to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

European Site Qualifying Features

River Itchen SAC

The River Itchen SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitat:

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and Callitricho-Batrachion vegetation

The River Itchen SAC also qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- European Bullhead *Cottus gobio* (primary reason for selection)
- White-clawed Crayfish *Austropotamobius pallipes*
- European Brook Lamprey *Lampetra planeri*
- European River Lamprey *Lampetra fluviatilis*
- Atlantic Salmon *Salmo salar*
- European Otter *Lutra lutra*

Solent and Dorset Coast Special Protection Area

The Solent and Dorset Coast Special Protection Area is being proposed to protect the following species which are listed on Annex 1 of the Birds Directive:

- Sandwich tern, *Sterna sandvicensis*;
- Common tern, *Sterna hirundo*
- Little tern, *Sternula albifrons*

Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

Application 24/00694/FUL - APPENDIX 2

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Housing Density
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP17	Lighting
NE4	Protected Species
HE1	New Development in Conservation Areas
HE3	Listed Buildings
CLT11	Waterside Development

City Centre Action Plan - March 2015

AP 16	Design
AP 17	Tall buildings
AP 23	Royal Pier Waterfront

Other Relevant Guidance

The National Planning Policy Framework (2023)

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Relevant Planning History

Case Ref	Proposal	Decision	Date
14/00636/FUL	Erection of a Spitfire monument and memorial on the river frontage of the park.	Conditionally Approved	26.06.2014
19/01363/FUL	Erection of a Spitfire monument and memorial on the river frontage of the park (Follows Planning Permission 14/00636/FUL)	Conditionally Approved	11.10.2019