

Mr Coulet  
Exo Environmental Ltd  
The Enterprise Centre  
University of East Anglia  
Norwich Research Park  
Norwich  
NR47TJ

For: Mr Smith  
Royal Society for the Protection of Birds (RSPB)

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**The Town and Country Planning (Development Management Procedure) (England)  
Order 2015**  
**Grant of Planning Permission**

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**Application Number:** APP/22/00850

**Site Address:** Land West of Hayling Billy Trail and, Long Island, Langstone Harbour, Havant

**Proposal:** Proposal for restoration via shingle recharge at 2 No nesting sites off Hayling Island (Oyster Bed Lagoon within West Hayling LNR and Long Island) involving raising level of sites up to 3.6m ODN (average recharge height of 0.7m) to create 1,820 m<sup>2</sup> and 2,200 m<sup>2</sup> restored tide resilient shingle nesting habitat at the two sites respectively. The total calculated tonnage to achieve this is 5,065 tonnes of shingle.

Further to your application received on 31 August 2022, which was valid from 08 March 2023 Havant Borough Council, as Local Planning Authority **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

**Conditions:**

- 1 The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Langstone Harbour Plan showing sites  
Location Plan Long Island

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Block Plan Long Island  
Block Plan Long Island showing section point - Exo Environmental  
Long Island site Plan - Exo Environmental  
Long Island Shingle Recharge Plan - Exo Environmental  
Site Extent Plan (West Hayling)  
West Hayling Block Plan showing section point  
Cross Sections x4  
Tern and Shorebird Habitat Restoration at Langstone Harbour Shadow HRA Exo  
Environmental dated 09/06/2022  
Langstone Harbour Habitat Restoration, Hampshire Archaeological Desk-Based  
Assessment Doc Ref: 264530.1 July 2022 Wessex Archaeology  
RSPB response to Consultee Comments dated 22nd February 2023

**Reason:** To ensure provision of a satisfactory development.

- 3 In relation to the Land West of Hayling Billy Trail site (Oyster beds), no vehicular access along the Hayling Billy Trail or works on land that forms part of the Local Nature Reserve shall be carried out unless and until details of consent from Hampshire County Council Countryside Service (HCCCS) has been submitted to the Local Planning Authority and confirmed in consultation with HCCCS. Such consent may be subject to a requirement to make good the surface of the Hayling Billy Trail to the satisfaction of HCCCS.

**Reason:** To ensure that sustainable access routes are not harmed by the works and that nature reserve habitats are protected and maintained during the works having due regard to policies CS11, CS20 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

- 4 No works to the surface of the Hayling Billy Trail shall be carried out without the prior written consent of the Local Planning Authority following the agreement of Hampshire County Council Countryside Service.

**Reason:** To ensure that sustainable access routes are not harmed by the works having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No vehicles, machinery, equipment, materials, spoil or anything associated with the works hereby permitted shall be left on or near the Hayling Billy Trail or within the Hayling Billy Local Nature Reserve so as to obstruct, hinder or provide a hazard to the legitimate users of the Trail or Nature Reserve.

**Reason:** To ensure that sustainable access routes are not obstructed by the works and that nature reserve habitats are protected and maintained during the works having due regard to policies CS11, CS20 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

- 6 The works at Long Island shall not take place unless and until an inspection of the Long Island foreshore has taken place by a suitably qualified archaeologist so that any archaeological features currently exposed are recorded and artifacts retrieved prior to the importation of material and use of machinery in order to mitigate any potential impacts on archaeology. Any results from the recording of archaeological evidence/finds shall be sent to the Historic Environment Record when the works are complete.

**Reason:** The site is of potential archaeological significance and it is important that the opportunity should be afforded to archaeologically inspect the site before

development commences and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted for approval to the Local Planning Authority. The CEMP shall be informed by the identified ecological receptors and avoidance and mitigation measures detailed within the Habitats Regulations Assessment (Exo Environmental Ltd, June 2022). Development shall be implemented in strict accordance with the agreed CEMP unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 No development shall commence in relation to the Land West of Hayling Billy Trail (Oyster beds) site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
- (a) A programme of and phasing of demolition (if any) and construction work;
  - (b) The provision of long term facilities for contractor parking;
  - (c) The arrangements for deliveries associated with all construction works;
  - (d) Methods and phasing of construction works;
  - (e) Access and egress for plant and machinery;
  - (f) Protection of pedestrian routes during construction;
  - (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- Development shall only take place in accordance with the approved method statement.

**Reason:** In order that the Local Planning Authority can properly consider the effect of the works on the amenity of the locality and sustainable transport routes having due regard to policies CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 All development works hereby permitted shall not be carried out other than between the following dates:

**Land West of Hayling Billy Trail (Oyster Beds):**

January to February, or  
Mid August to Mid October

**Long Island:**

January to April (February-March preferable), or  
August to Mid October

**Reason:** To avoid bird breeding/nesting season and periods of particular sensitivity and when birds are on passage having due regard to the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 10 The development hereby approved shall be carried out in accordance with the following requirements:

- Vehicle movements on the foreshore shall be kept to a minimum and

access/egress routes shall be clearly defined

- Bog mats shall be used to avoid compression of the Annex I saltmarsh and mudflat features.
- Barge access shall be taken during high spring tides only to minimise disturbance to PHI Coastal Saltmarsh and Annex I saltmarsh and mudflat features.

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 11 The delivery of materials to the Land West of Hayling Billy Trail (Oyster Beds) shall only take place between the following days / hours:

Monday to Friday: 08.00 - 18.00 and Saturday: 08:00 - 13.00.

**Reason:** To reduce the impacts of materials delivery to nearby residents having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

### **Other Important Information:**

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See [www.planningportal.co.uk](http://www.planningportal.co.uk)
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
  - Offering a pre-application advice service, and
  - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit.

- (5) The applicants attention is drawn to the Consultation response from the Environment Agency dated 27th October 2022 in relation to Historic Landfill, Flood Risk Environmental Permit and other matters which can be viewed on the Councils Website at the following address:

[https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_254120](https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_254120)

- (6) The applicants attention is drawn to the Consultation response from the Marine Management Organisation uploaded to the Councils Website on 17th October 2022 in relation to Marine Licensing, wildlife licence and other matters which can be viewed on the Councils Website at the following address:

[https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_254120](https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_254120)

- (7) The applicants attention is drawn to the Consultation response from Natural England dated 30th May 2023 which states:

**Invasive Non-Native Species (INNS)**

You should ensure that all necessary biosecurity measures are taken to avoid the introduction and or spread of INNS.

The full consultation response can be viewed on the Council's website at the following address:

[https://planningpublicaccess.havant.gov.uk/online-applications/files/AFDB48DA184B32C47B2E57C95F7CBB7D/pdf/APP\\_22\\_00850-CONSULTEE\\_FURTHER\\_RESPONSE\\_NATURAL\\_ENGLAND-1771355.pdf](https://planningpublicaccess.havant.gov.uk/online-applications/files/AFDB48DA184B32C47B2E57C95F7CBB7D/pdf/APP_22_00850-CONSULTEE_FURTHER_RESPONSE_NATURAL_ENGLAND-1771355.pdf)

*Alex Robinson*

Alex Robinson  
Executive Head of Place

07 July 2023

# TOWN AND COUNTRY PLANNING ACT 1990

## NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at:** <https://www.gov.uk/appeal-householder-planning-decision> for householder applications; <https://www.gov.uk/appeal-planning-decision> for full applications; <https://www.gov.uk/planning-inspectorate> for anything else.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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# **IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS**

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

**023 9244 6571**

# Southern Gas advisory note

## In June 2021 SGN issued a comprehensive advisory note

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone: 0800 912 1722 / Email: [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk)

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work  
<https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here  
<https://www.sgn.co.uk/help-and-advice/digging-safely>

SGN personnel will contact you accordingly.