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

Proposal: Proposal for restoration via shingle recharge at 2No 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
m2 and 2,200 m2 restored tide resilient shingle nesting habitat at the two sites
respectively. The total calculated tonnage to achieve this is 5,065 tonnes of shingle.

Application Type: Full Planning Permission

Application No: APP/22/00850 Expiry Date: 03/05/2023

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

Agent: Mr Coulet Case Officer: David Eaves
Exo Environmental Ltd

Ward: Hayling West

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application relates to separate areas of land - firstly, at Land West of Hayling Billy Trail (Oyster Bed Lagoon within West Hayling Local Nature Reserve); and secondly at Long Island a site located within Langstone Harbour.
- 1.2 The site of the Oyster Bed Lagoon comprises shingle banks and areas of mud which are submerged at high tide. The proposal relates to two linear islands with a coastal lagoon formed from the former oyster beds.
- 1.3 The site at Long Island forms part of the island which itself is located in Langstone Harbour and is a low vegetated island just above the level of the surrounding salt marsh and harbour mud flats.

2 Planning History

The planning history below relates to the Billy Trail which runs to the Oyster Beds site:

97/62821/000 - Proposed improvements to existing trail to form cycleway for joint use by cyclists and pedestrians, PERM,22/01/1998

APP/21/00199 - Display of 3No. non-illuminated Heritage Trail signs with former station names 3 sites at: 1. Mill Lane, Langstone; 2. North Holt (Car Park), Victoria Road, Hayling Island and; 3. Former South Hayling Station site Adjacent to Station Theatre, Hayling Island, PERM,28/05/2021

3 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 m² and 2,200 m² restored tide resilient shingle nesting habitat at the two sites respectively. The total calculated tonnage to achieve this is 5,065 tonnes of shingle.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Marine and Coastal Access Act 2009
Marine Plans
Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2017
The Conservation of Offshore Marine Habitats and Species Regulations 2017

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Coastal Engineering

I can confirm that Coastal Partners have no objection in principle to the proposed development.

The proposed development is unlikely to have any adverse impact on coastal flood risk and we have no concerns.

We concur with comments provided by the Environment Agency in relation to working in close proximity to historic coastal landfill.

Councillor Brenda Linger - Hayling West

No Comments Received.

Councillor Clare Satchwell - Hayling West

No Comments Received.

Councillor D Guest

No Comments Received.

Councillor Julie Richardson

No Comments Received.

Councillor Liz Fairhurst - Bedhampton

No Comments Received.

Councillor Mark Inkster

No Comments Received.

Countryside Access Team HCC**Final Comments:****Consultation response: No Objection**

Thank you for re-consulting Hampshire Countryside Service as Highway Authority in respect of Public Rights of Way and Commons Registration Authority.

Having reviewed the provided document, 'RSPB RESPONSE TO CONSULTEE COMMENTS', we note the applicants acceptance of all constraints and conditions for the duration and occupation of the proposed development. We are satisfied this response addresses the issues raised, and therefore amend our response to no objection.

Further Comments:**Consultation response: No objection subject to conditions**

Thank you for consulting Hampshire County Council's Countryside Service ('the Service') as local highway authority in respect of Public Rights of Way and as Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to Public Rights of Way, Commons, and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

Site Context:

The Hayling Billy Local Nature Reserve lies on the north-west corner of Hayling Island and extends south along the western side of the Island along the former railway known as 'The Hayling Billy'. The Hayling Billy Trail is promoted as a cycle route, also part of the Shipwright's Way, a long distance walking route connecting Hayling Island with Alice Holt near Farnham. The Trail is also used as an off-road route for horse riders.

The length of the Hayling Billy Trail the subject of this proposal does not carry formal status as a recorded Public Rights of Way (PROW) or other public highway.

A copy of the PROW Definitive Map and Definitive Statement, the legal record of PROW, and Countryside Sites can be found at:

<https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and

<https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Comment:

This re-consultation has updated the earlier application for the three minor errors previously noted by the Service and is therefore welcomed by the Service.

The proposal otherwise appears unchanged so the Service's other earlier comments remain relevant and are restated below.

"Regarding any impact on PROW, it is acknowledged the proposed works to Long Island and to the 2 no. nesting sites within Oyster Bed Lagoon will not affect any PROW. As advised above, the route of the former Hayling Billy does not, at least along this length, carry any public highway status.

Works to the 2 no. nesting sites within Oyster Bed Lagoon could, however, impact on part of the Hayling Billy Local Nature Reserve, which is owned and managed by HCC, i.e. dust and noise pollution. The Applicant must consider these impacts and propose suitable mitigation for agreement by the Service prior commencement of works.

On the matter of site access, para. 4.1.3 of the Shadow HRA Report states this is intended along the route of the former Hayling Billy. It recognises this as a public path and suggests a temporary closure order will be needed to facilitate shingle deliveries. The Service is aware of the popularity of the Trail throughout the year and would not support its closure as this would create considerable inconvenience and disruption for its many users, many of whom use it to avoid the busy A3023, and for horse riders particularly who have limited opportunities on Hayling Island to remove themselves from roads and vehicles. The Applicant is asked to reconsider its proposal and whether site vehicle access can be achieved whilst keeping the Trail open for public use; for example, use of a banksman system, strict enforcement of vehicle speed limits, and the provision of passing bays. It would be acceptable to the Service for a couple of the informal paths joining the Trail from the west to be physically blocked during works if agreed as necessary. This could enable the Trail to remain useable safely by the public during any period of works and avoid need for any closure. On the latter point, the Applicant should note, as advised above, that the Trail does not carry any public highway status so it will not be possible to make a Temporary Traffic Regulation Order under the Road Traffic Regulation Act 1984 for a temporary closure.

In the event works are consented and HCC, as owner of land to be used for site access, assents to vehicle access over its land, any such assent will be subject to the Applicant remediating any damage to the satisfaction of HCC. It will not be acceptable for the Applicant to leave site without repairing the Trail surface to a standard not less than existed immediately prior to start of works; however, given the inconvenience the public will be put to, the Applicant is encouraged to leave the site above existing standard. The Applicant will be required to undertake a pre-commencement survey with HCC to note the standard existing at that time and to identify improvements as part of any remedial works.

Should the above be accepted and agreed with the Service, it will not have objection in principle for the proposal and in that situation, should the Local Planning Authority be minded to permit the application, the Service would request the following conditions:

1. No vehicle access along the Hayling Billy Trail or works on land part of the Local Nature Reserve is permitted until and unless written assent is provided by HCC Countryside Service, which may be subject to requirement to make good the surface of the Hayling Billy Trail to the satisfaction of HCC Countryside Service.

2. No works to the surface of the Hayling Billy Trail shall be carried out without prior approval of HCC Countryside Service.

3. 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 as to obstruct, hinder or provide a hazard to the legitimate users of the Trail or Nature Reserve."

Original Comments:

Consultation response: Holding objection pending revision to the application as detailed below

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Comment:

In reviewing the proposal, it is believed there are a couple of minor errors in the application:

1. The site location is stated as 'Land east of Hayling Billy Trail...'; however, the Oyster Bed Lagoon and proposed site extent on Hayling Island are both west of the Trail.
2. The Project Site Plan 'Projection OSGB36' shows the planned site as a red line boundary. It is presumed vehicle site access off Havant Road is intended along Victoria Road; therefore, the section of the Hayling Billy Trail north from its junction with Victoria Road should be included also within the red line boundary.

3. The Project Site Plan 'Projection OSGB36' has the red line boundary extending over a section of the Hayling Billy Trail Local Nature Reserve (LNR), which is owned and managed by HCC. Having approached the RSPB, it has been clarified the proposed works are not proposed to be within or affect the LNR.

In order to avoid future doubt, the application must be suitably amended prior to being granted planning permission and before being put out to tender.

Regarding any impact on PROW, it is acknowledged the proposed works to Long Island and to the 2 no. nesting sites within Oyster Bed Lagoon will not affect any PROW. As advised above, the route of the former Hayling Billy does not, at least along this length, carry any public highway status.

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On the matter of site access, para. 4.1.3 of the Shadow HRA Report states this is intended along the route of the former Hayling Billy. It recognises this as a public path and suggests a temporary closure order will be needed to facilitate shingle deliveries. The Service is aware of the popularity of the Trail throughout the year and would not support its closure as this would create considerable inconvenience and disruption for its many users, many of whom use it to avoid the busy A3023, and for horse riders particularly who have limited opportunities on Hayling Island to remove themselves from roads and vehicles. The Applicant is asked to reconsider its proposal and whether site vehicle access can be achieved whilst keeping the Trail open for public use; for example, use of a banksman system, strict enforcement of vehicle speed limits, and the provision of passing bays. It would be acceptable to the Service for a couple of the informal paths joining the Trail from the west to be physically blocked during works if agreed as necessary. This could enable the Trail to remain useable safely by the public during any period of works and avoid need for any closure. On the latter point, the Applicant should note, as advised above, that the Trail does not carry any public highway status so it will not be possible to make a Temporary Traffic Regulation Order under the Road Traffic Regulation Act 1984 for a temporary closure.

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Should the above be accepted and agreed with the Service, it will not have objection in principle for the proposal and in that situation, should the Local Planning Authority be minded to permit the application, the Service would request the following conditions:

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3. 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 as to obstruct, hinder or provide a hazard to the legitimate users of the Trail or Nature Reserve.

County Archaeologist

Further Comments:

Thank you for your consultation regarding the amended details, which I note includes a confirmation by the applicant that the beaches will be archaeologically inspected and a record taken. This is very welcome. I recommend that this is reflected by an archaeological condition attached to any planning permission which might be issued, but would defer to you if you felt such a statement was adequate commitment in its own right (but in which case I would ask that in addition the applicant confirm their intention to send a copy of the results to the Historic Environment Record when the works are complete).

Original Comments:

Thank you for your consultation. I would draw your attention to the archaeological desk based assessment submitted that I can largely endorse to you. The assessment identifies that there is a high archaeological potential to the margins of Langstone Harbour, as was demonstrated by the Langstone Harbour Study carried out in the 1990s. However the assessment seems tentative as to the detailed impacts of the scheme and the mitigation which might be appropriate. Eg para 6.1.3 indicates archaeological mitigation 'could' take place but does not set out what 'should' take place in light of the proposals.

With regard to the West Hayling element the raising of the shingle level on the existing bund does not suggest to me any archaeological mitigation is necessary.

With regard to the Long Island replenishment, the archaeological implications are greater as the shoreline is likely to have exposed archaeology on it and the shingle will be moved in place by machinery across that surface. I note that in 5.3.2 some temporary matting is to be laid although the nature and extent of that is not clear. The Long Island foreshore is subject to ongoing erosion and I recommend that the foreshore is inspected and any archaeological features currently exposed are recorded (and artefacts retrieved) prior to the works so that the importation of material and use of machinery is mitigated. This would ensure that any further exposure of archaeological features since the Langstone Harbour survey 20 years ago are recognised and recorded prior to impact.

Accordingly I recommend that an archaeological condition is attached to any planning permission which might be issued to secure such a survey,

County Ecologist

Further Comments:

The comments on consultee responses from the RSPB is welcome. I did not raise any objection to the proposal, and my previous comments were related solely to the HRA process. I am always willing to meet or liaise with the RSPB to see if future HRA submissions can be adapted to smooth the process for all parties.

In summary, I have no additional comments to make and my previous comments and advice remain valid.

Original Comments:

The proposed works are for the purpose of protecting and enhancing bird nesting and roosting habitat within one of the most important seabird colonies in the Solent. The works are designed to enhance habitat for nesting tern and gull species and to provide suitable roosting habitat for coastal bird species. The proposed works are situated within the Solent Maritime Special Area of Conservation (SAC), Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Langstone Harbour Site of Special Scientific Interest (SSSI). Works will entail the importation of coastal derived shingles of varying size, brought to site via vehicles using the Hayling Billy Trail and, to reach the islands within the Oyster Beds area, temporary pontoons. For the Long Island site shingles and other materials will be delivered via barge.

The application is accompanied by a Habitats Regulations Assessment (Exo Environmental Ltd, June 2022). In procedural terms the HRA includes proposed access route mitigation measures as intrinsic to the scheme's delivery and therefore concludes that potential impacts can be screened out of further assessment. This argument is, it could be argued, in accordance with guidance on HRA (see CJEU C323/17 People Over Wind and Peter Sweetman vs Coillte Teoranta) but is a nuanced point within the HRA process. I would have preferred to see the HRA proceed to Stage II, and consider the potential for impacts on specific SAC and SPA features and explore the impacts of the proposed access arrangements. The proposed access is certainly not 'no impact' and, through the inclusion of details to demonstrate how measures are in place to avoid/minimise damage, could be argued as mitigation measures to avoid/minimise damage (albeit limited and localised) to SAC qualifying habitats. Overall this is a technical point on the HRA process and different practitioners approach HRA in different ways. Havant Borough Council, as the Competent Authority under the Habitats Regulations, usually takes a more precautionary approach to HRA, with potential impacts (however minimal) taken forward to Stage II of the HRA process and then details included of the extent of those impacts and the measures included to avoid/minimise them.

Impacts to SPA bird species are avoided due to the works timings: to undertake works at any other time would of course result in impacts to nesting birds and the proposed timing is clearly an intrinsic part of the scheme. The proposed access route to the Oyster Beds will occur within areas containing habitats that do, or are likely to, conform to SAC qualifying features. The proposed access route via the northern end of the Oyster Beds seems sensible and the measures described should avoid excessive damage to intertidal habitats within the SAC: I am confident that any localised disturbance will be likely to repair swiftly. On the issue of damage to SAC qualifying habitats, some areas of the access route are mapped as Coastal Vegetated Shingle (CVS) habitat by HBIC: HBIC Priority Habitat mapping is generally more accurate than DEFRA's MAGIC habitat mapping. From my own knowledge of this area I would say that there is clearly habitat analogous to vegetated shingle in the area, as well as areas of fringing saltmarsh, drift line vegetation and coastal grassland habitat –

these habitats are typical of the coastal areas of Hayling Island. Whilst these habitats are, in my view, analogous to the SAC qualifying habitats such as Perennial Vegetation of Stony Banks, Annual Drift Line Vegetation and Atlantic Saltmarsh, the potential for impacts is admittedly limited: the works are temporary in nature and have the purpose of enhancing habitat for SPA qualifying features. I am certain that the new shingle will, in time, provide valuable additional vegetation communities. As discussed above, a more precautionary approach to HRA would acknowledge the potential for SAC habitat impacts (compaction, smothering of vegetation, localised disturbance etc.) that will likely occur by using the proposed measures. I also note that HCC, as owners of the Billy Trail, have comments on the proposed use of the path for access: it is to be hoped that access can be agreed with HCC otherwise an alternative access approach would be required.

Access to Long Island will be via barge, and materials brought to site only at high tide periods to avoid damage to SAC intertidal and subtidal habitats. The new shingle will be placed on top of the extensive Sea Couch-grass vegetation here. I would certainly place this habitat within the broader category of saltmarsh, but acknowledge that it is rather species-poor. The introduction of new shingle is highly likely to result in a more diverse coastal plant community over time.

Overall, I consider that the proposed works are for the sole purpose of protecting and enhancing the special interest features of the SPA and, whilst impacts to SAC qualifying habitats are not negligible, these are minor in scale and duration and not likely to result in impacts to the overall ecological integrity of the various designated sites.

If you are minded to grant permission, can I suggest that a Construction Environment Management Plan (CEMP) is secured by condition. This should include firm details of all construction operations and measures designed to avoid impacts to the natural environment.

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, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011

Engineering/Drainage

No Comments Received.

Environment Agency

Environment Agency position

We have no objection to the proposal as submitted.

The area immediately to the east of the application area is marked as an historic landfill. There is no immediately apparent reason to believe that the proposed works will in anyway affect the landfill or any associated waste.

The Marine Team has reviewed the application and supporting documentation in consideration of the Water Framework Directive (WFD) water quality elements and consider the works to be low risk.

We consider the development acceptable in flood risk terms as it is unlikely to increase flood risk.

Advice to LPA/ Applicant

Historic Landfill

We would advise that if working on the eastern boundary of the application area, then care should be taken not to risk compromising any containment of the landfilled material as this may result in an increase in contaminant loading within local water environment.

If any waste materials are brought on site associated with the applicant's proposal, then this must be done under an appropriate waste regulatory framework.

Water Quality

The proposal relates to shingle recharge using clean cobbles and shingle at two island locations within Langstone Harbour: one within Langstone Harbour Water Framework Directive (WFD) water body (Long Island) and one within Langstone Oysterbeds WFD water body (referred to as 'West Hayling'). The works appear to be largely terrestrial in nature, as most recharge seems to be above mean high water, although access to the islands is likely to involve vehicles on the intertidal mudflats and saltmarsh. The applicant has briefly mentioned the WFD in the shadow Habitats Regulations Assessment (HRA) report and concluded that the proposed works are not expected to cause or contribute to a deterioration of the status of the water body or jeopardise the water body achieving good status in the future.

Whilst we agree with the above conclusion, we feel that the extent of any work or sediment disturbance below mean high water is not clear.

We would advise the applicant that any works below mean high water are likely to require a marine licence from the Marine Management Organisation, in accordance with the Marine and Coastal Access Act (MCAA) 2009. **If required, the application for a marine licence should clarify the extent and nature of works below mean high water and should be accompanied by a stand-alone WFD Assessment.** Guidance on completion of a WFD Assessment (called 'Clearing the Waters for All') can be found at <https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-andcoastal-waters>

Flood Risk Environmental Permit

Planning permission does not remove the requirement for an Environmental Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

If the proposed works are located within 16 metres of a sea defence as designated by the Environment Agency, under the terms of the Environmental Permitting (England and Wales) Regulations 2016 the applicant would require the prior written permission of the Environment Agency in the form of a Flood Risk Activity Permit (FRAP).

However, since the introduction of the Environmental Permitting Regulations, the Environment Agency can dis-apply the requirement for a FRAP where it is satisfied that flood risk is not an issue and where any conditions requested by the Environment Agency can be applied to a Marine Licence issued by the Marine Management Organisation.

The Environment Agency therefore requests that any conditions specified in response to this consultation be applied to a Marine Licence, if granted, and that confirmation of the Marine Licence application decision be provided to the Environment Agency.

If the proposed are located within 16 metres of a sea defence, the applicant should submit a Flood Risk Assessment (FRA) as part of their application, which should include an assessment that considers whether the scheme will have an impact on existing sea defences, increase the risk of tidal flooding, or increase the risk of surface water flooding if tidal ingress is increased.

The FRA should include, but is not limited to, tidal flood data for a 1 in 200 year tidal flood event plus climate change for the life of the development. A Product 4 can be requested from SSDEnquiries@environment-agency.gov.uk to get the tidal flood levels from the latest model available. Climate change levels will need to be calculated by the applicant using the latest relevant climate change data found here: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances#sealevel-allowances> The FRA submitted should demonstrate the benefits of the scheme and details of the flood risk.

Upon submission of an FRA, we will review all information relating to the works and provide a response accordingly.

If, for any reason, the conditions of the Environment Agency cannot be applied to the Marine License, it may be that a FRAP would be required. It is therefore important for applicants to be aware of and plan for the possible need for a FRAP in addition to a Marine Licence. The Environment Agency require 2-month period in which to determine a FRAP.

If any further advice is required in relation to the requirement for a FRAP, please contact the Environment Agency by email at psohiow@environment-agency.gov.uk

Hampshire Biodiversity Information Centre

On Site Notable and protected species - Sea Sandwort, Bar-tailed Godwit (and other notable birds), One-flowered Glasswort, Sea Woomwood, Yellow Glasswort, Long-spiked Glasswort, Lax-flowered Sea-lavender, Golden samphire, Common Sea-lavender, Common Eyebright, Curved Hard-grass.

On Site Priority Habitat Coastal saltmarsh and Coastal Vegetated Shingle

On Site RAMSAR (Chichester & Langstone Harbours (CLH)), SAC (Solent Maritime), SPA (CLH), SSSI (Langstone Harbour), Wader and Brent Goose Strategy (Solent Wader and Brent Goose Strategy Sites).

Adjacent - Priority Habitat - Intertidal mudflats

Within 50m Notable and Protected Species - Little-robin - Local Nature Reserve - West Hayling

Hampshire Highways

The Highway Authority wish to make the following comments.

The Highway Authority would provide no objection to these proposals subject to the existing form, alignment and width of the Hayling Billy Trail to remain unchanged. The Highway Authority have aspirations for the Hayling Billy Trail to be upgraded as a sustainable travel corridor, therefore, the route needs to be protected.

Hampshire Countryside Services should also be consulted on this application considering this is forms part of the Public Right of Way (PRoW) network.

Having regard to the above, the Highway Authority provide no objections to this planning application subject to the following condition:

CONSTRUCTION METHOD STATEMENT REQUIRED

No development shall start on 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;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

Landscape Team, Havant Borough Council

From a landscape perspective we have no objections.

Langstone Harbour Board

The Board's Planning Sub Committee has considered this application and offers NO OBJECTION.

Marine Management Organisation

Comments in relation to Screening:

The Marine Management Organisation (MMO) has approved a Marine Licence (MLA/2022/00243) for the proposed works of shingle recharging. The MMO did not consider that the proposed works fell within Schedule A1 or A2 of The Marine Works (Environmental Impact Assessment) Regulations 2007, and a screening was not carried out. The MMO does not have any comments about the EIA Screening that has been carried out by Havant Borough Council. The MMO does not consider that an EIA is required.

Original Comments:

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link
<https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Officer Comment: *The proposals are not considered to harmfully impact the marine plan and Natural England confirm that the works are not sited within or near a Marine Conservation Zone (see consultation response from Natural England).*

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licensing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Natural England

Comments on HRA/AA

The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017

We can confirm that the proposed works are located within Chichester and Langstone Harbours Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC).

Appropriate Assessment

We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, including avoidance of sensitive time periods for birds, use of bog mats, and barge access during spring high tides only, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Marine and Coastal Access Act 2009

The works, as set out in the information supplied by the applicant, are not sited within or near to a Marine Conservation Zone. Natural England have not identified a pathway by which impacts from the development would affect the interest features of the site(s). We are therefore confident that the works will not hinder the conservation objectives of such a site.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located within Langstone Harbour SSSI. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have an adverse effect on the interest features for which the site has been notified

Invasive Non-Native Species (INNS)

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

Further Comments:

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 1st November 2022 (Our Ref 409716).

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Further Comments:

I can confirm Natural England considers an adjustment to the timing conditions specified below as part of the planning application APP/22/00850 would not have a significant effect on an SAC, SPA or Ramsar site, providing the works are carried out in strict accordance with the details of the application submitted. It is recommended that the works are completed as early as possible in mind of the arriving overwintering birds.

West Hayling:

Jan – February, or
Mid-August – Mid-October

Long Island:

Jan – April (Feb-March preferable), or
August to Mid-October

Natural England Comments - In Relation to Draft Screening Opinion

I can confirm Natural England agree with your conclusions within the attached screening opinion.

Natural England Original Comments:

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites: Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC), Solent & Isle of Wight Lagoons SAC, Langstone Harbour Site of Special Scientific Interest (SSSI), and Chichester Harbour SSSI, and has no objection.

European sites - Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC), Solent & Isle of Wight Lagoons SAC

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC), Solent & Isle of Wight Lagoons SAC and has no objection to the proposed development. However we recommend that the following conditions are attached to the marine licence to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation:

- Vehicle movements on the foreshore are kept to a minimum and access/egress routes are clearly defined
- All construction work must be completed between January and April to avoid disturbance to the breeding birds.
- Bog mats must be used to avoid compression of the Annex I saltmarsh and mudflat features.
- Barge access during high spring tides only to minimise disturbance to PHI Coastal Saltmarsh and Annex I saltmarsh and mudflat features.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Work conducted during Winter 2023 between January and April 2023 (onsite works finished by end of March to avoid bird breeding/nesting season and periods of particular sensitivity of winter and while birds are on passage).
- Vehicle movements on the foreshore are kept to a minimum and access/egress routes are clearly defined
- Bog mats must be used to avoid compression of the Annex I saltmarsh and mudflat features.
- Barge access during high spring tides only to minimise disturbance to PHI Coastal Saltmarsh and Annex I saltmarsh and mudflat features.

Langstone Harbour Site of Special Scientific Interest (SSSI), and Chichester Harbour SSSI

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice

Natural England's advice on other issues can be found in Annex A.

Portsmouth City Council

No Comments Received.

Property Services Manager

No Comments Received.

Royal Society for the Protection of Birds

No Comments Received.

Southern Gas Network

No Comments Received.

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 10

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 4 Support

Comment	Officer Comment
As the population of Hayling increases, and as the Council works to bring more people to the island for leisure activities, areas previously used by Terns, such as the shingle adjacent to the golf course, are becoming unsuitable for nesting. As a result these two "safe havens" for birds are very welcome and I would hope should be supported by the council.	Noted
I wholeheartedly support this proposal to improve shingle nesting habitat for seabirds at the West Hayling LNR and Long Island, Langstone Harbour. Nature needs all the help we can give it at this time. Improving the chances of breeding success for seabird colonies at these nationally important sites is extremely important if we are to continue enjoying the spectacular avian life that these sites attract into the future.	Noted
I fully support the restoration of seabird nesting habitat through recharging the shingle beds. At this time there should be an enormous focus on repairing the damage done to our now fragile marine habitats to support the recovery of marine life, especially for seabirds which are at huge risk of massive population decline with bird flu on the rage.	Noted

Given that we are in the UN Decade on Ecosystem Restoration, this kind of work for active restoration and recovery of nature in the Solent and elsewhere should be fast-tracked through this kind of process. Considering that an appropriate MMO licence has already been obtained, the fact it is now being held up is unacceptable and will likely result in the loss of a whole breeding and nesting season for several highly important and protected species, due to avoidable processes. We do not have time to be missing opportunities like this if we truly want to see nature recover. Claims of an enabling environment from the various Government departments need to be backed up with actual action. There needs to be more communication between the authorities to enable this to occur	Comments noted, however the proposals required additional details to ensure acceptability and a HRA/AA process to be completed.
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7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on protected national and international sites
- (v) Access requirements/impacts
- (vi) Archaeology

(i) Principle of development

7.2 The two sites are located outside of the built up areas and therefore policy AL2 Havant Borough Local Plan (Allocations) 2014 (Urban Area Boundaries and Undeveloped Gaps between Settlements) applies. Land outside the defined urban area on Hayling Island is 'non-urban' and proposals need to meet the policies for exceptional development in 'rural areas', set out in the NPPF. The NPPF recognises the challenges of climate change and the need to conserve and enhance the natural environment. This includes maintaining the character of the undeveloped coast and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (part 15 paragraph 174).

- 7.3 The proposals seek to recharge shingle at two nesting sites off Hayling Island and the RSPB are the applicants. The works are required to combat erosion and rising sea levels and to improve the habitat of the sites for birds. The details are considered further in part (iv) below, however the principle of the works are considered acceptable in the coastal environment and is considered to meet the requirements of the NPPF and policy AL2.

(ii) Impact upon the character and appearance of the area

- 7.4 The proposals relate to two different sites within Langstone Harbour and these are considered below with extracts taken from the Shadow HRA:

Oyster Bed Lagoon (Land West of the Billy Trail)

Shingle recharge will be carried out at both sites, with each targeted area to be raised by 0.7 m in elevation to approximately 3.6m ODN. This will require a mix of cobble sizes, specific to each location. The total shingle required for the project is calculated at 5,065 tonnes, to cover a combined area of 4020 m² across the two sites.

Within the West Hayling LNR coastal lagoon there are two linear islands which historically ran as a single bund that divided the current lagoon into two separate oyster beds (as viewed on OS maps from the early 20th century). The current arrangement of two separate islands only partially dividing the lagoon is visible on OS maps from the 1950s.

The site was turned into a nature reserve towards the end of the 20th century from an old oyster farm / landfill, and the islands in the lagoon were initially capped with a covering of shingle at that point. These were rapidly colonised by a Little tern colony which eventually gave way to a mixed black headed gull and Common tern colony. This succession of nesting species is a common phenomenon on the Solent coast.

These islands are now eroded with much of the shingle gone, with rubble and debris poking through. In any one breeding season, there is a high chance that they will be deluged by a large astronomical tide or a storm surge. This has resulted in substantial Black-headed gull and Common tern nest losses in multiple seasons over the past decade and a clear expectation of a greater frequency and increased losses in the future.

The main purpose of the recharge here is to restore the nesting site to give it a viable future as such for Black-headed gulls, Common terns and potentially Sandwich terns (based on observation that previous recharges at this site have been followed by Sandwich tern prospecting or displaying 'interest' following works). The recharge will also provide a high-quality high tide roost during the winter for some of the birds on the Ramsar site and SPA designations. Notwithstanding the regeneration, it is unlikely that Little terns will nest here in the near future and certainly not without interventions to displace other species.

This is an opportunity to turn West Hayling back into a thriving shore bird location, raising the key shingle beds within the lagoon, and adding a profiled shingle layer to completely cover the exposed rubble, future proofing the breeding sites as much as possible against the immediate impacts of climate change.

By strategic placement of different grades of shingle, as well as providing for the development of vegetated shingle in certain locations, the project aims to be able to initiate a better long-term outcome for the wildlife using the site and address the present annual threat of total or near-total colony failure due to tidal flooding.

The primary aim of this project is to use shingle to increase the height of the main lagoon islands over a length of 182 metres split in two adjacent sites (A & B) by 0.7m (to 3.6m ODN). This will create a habitat suitable for shingle nesting birds of 1,820 m². The estimated total amount of shingle required for the primary goal is 2,293 tonnes.

The vision for the shingle placement is to have the bulk of material being larger cobbles which are more resistant to wave action but a heavy capping of smaller shingle more suitable for the ecological benefits required.

The works at West Hayling Local Nature Reserve is intended to generate a nesting site within RSPB managed land for shore nesting and roosting birds, whilst maintaining habitats that help the site qualify as a SPA for birds. This involves shingle recharging of anthropogenically created oyster beds to create nesting sites, whilst maintaining the protected 'coastal lagoon' conservation area.

Shingle will be added to enhance the two former oyster beds within the lagoon. This will require 2293 tonnes of shingle to raise both beds up by 0.7m. The shingle required will be a mix of larger cobbles (100mm to 250mm) for foundation, which will then be capped by smaller shingle (10mm-50mm) to provide the ideal nesting habitat for the target species.

Shingle can be brought via the Hayling Billy Trail which runs adjacent to the site and has been used for this purpose in the past.

The path that continues from the Billy Trail to the site is too narrow for the dump trucks to reach the stockpile location, therefore smaller front loading tipper vehicles will be used to transport the shingle along the path on the northern edge of the lagoon. The options from here are the use of a temporary Bailey or pontoon bridge to get machinery across to the islands and/or potentially using an excavator to transport shingle from the stockpile to the islands are available.

Access for West Hayling Local Nature Reserve will be plotted in a GIS to minimise potential disruption, and to help consider the overall design of the project, with respect to designated areas.

The proposed works to the two lagoon islands are essentially a graded recharge of shingle materials which have been eroded and impacted by sea level changes. This would allow for improved habitat for important bird species and would not result in harm to the character and appearance of the site. The main impacts are related to the phase where the recharge takes place and a number of conditions are proposed to limit these impacts and to ensure appropriate controls are maintained. Subject to these measures the proposals are considered to have a limited and acceptable impact on the character of the area during the works and longer term will maintain the established character of the oyster bed lagoon whilst improving bird habitats.

Long Island

As above the shingle re-charge would result in the targeted area to be raised by 0.7 m in elevation to approximately 3.6m ODN. The shadow HRA sets out the Long Island works as follows:

*Long Island is one of the four major islands within Langstone Harbour. There is currently a shingle ridge which was formerly exposed shingle but is now covered a dense sward of sea couch *Elytrigia atherica*. The 1940s aerial photograph shows the ridge, but it is not clear as to the extent of vegetation; aerial photographs from the late-1990s onwards show a sparse vegetation with exposed shingle initially but a continuous vegetation cover by the 2010s. It is assumed the development of vegetation over the former shingle is the result of natural succession coupled with reduced disturbance at following wider saltmarsh development limiting exposure to storm surges.*

The site is currently not used by breeding seabirds outside of sporadic attempts on the southern shingle. Restoration of the shingle habitat on the ridge as planned will allow for rapid colonisation by Little terns, Ringed plovers and Oystercatcher. With careful management over time, it's likely that a gull and Sandwich tern colony will eventually colonise this area in succession, allowing for more flexible breeding opportunities within the harbour for the SPA species.

*A vegetation survey was undertaken on 25 March 2022. The upper parts of the ridge has a near-single species cover of sea couch with a low cover (a saltmarsh vegetation classed as SM14 *Halimione portulacoides* salt-marsh community, with the main species being sea purslane *Halimione portulacoides* with frequent to occasional saltmarsh grass *Puccinellia maritima*, sea aster *Tripolium pannonicum*, cordgrass *Spartina* species, sea lavender *Limonium* species and shrubby sea blight *Suaeda vera*).*

Long Island has not undergone the same recharging works as elsewhere (e.g. Baker's Island), but Long Island formerly supported the shingle areas necessary to provide a nesting and overwintering habitat to birds. However, these areas are currently overgrown and underperforming, making a shingle recharging necessary if this habitat is to support a nesting bird population. Brushwood fencing will be needed on the southwestern side to pin back this shingle and ensure there is no migration of shingle onto adjacent Annex I saltmarsh habitat.

In addition to deterioration in the shingle habitat, fox predation is a likely factor limiting the success of nesting birds.

Increasing the height of section of the ridge/embankment on Long Island by approximately 0.7 m (to 3.6 mODN) will provide an area which remains above water level in most expected conditions (MHWS is 2.06 mODN). The raised area will need to have a suitable surface for breeding and roosting birds (i.e fine grade shingle or sand) but be durable enough to stand up to expected tidal conditions in this location. The initial vision is for the creation of a ridge formed of shingle cobbles capped with finer grade shingle over a length of 220 metres, creating a habitat of 2,200 m². The amount of shingle required for this recharge is approximately 2,772 tonnes.

In addition to shingle recharging, a brushwood fence is proposed to keep the shingle in place and prevent the material spreading over the saltmarsh. These fences are conventionally used as an energy dampener, slowing erosive processes.

However, in this proposed project, the nature-based solution of a brushwood fence would trap, control and contain shingle, preventing its migration onto saltmarsh areas during tidal events.

The shingle recharging of Long Island will be coupled with the erecting anti-predator fences. The anti-predator fencing will follow a simple boundary around the study area.

The use of a barge with a crane will be required to offload the shingle to Long Island via a shallow draft pontoon. Tracked dumpers in combination with light weight excavators will distribute the shingle evenly across the project area. During a high spring tide, the fully loaded barge will depart Kendall's Wharf and land on the east side of Long Island. From there, the shingle will be offloaded using a crane, in combination with dumpers and excavator, and subsequently the barge will return to the wharf to be reloaded and ready for the next high tide. Because of the amount of shingle required for the Long Island project area, it is expected that at least 5-7 barge loads will be needed (depending on size of barge) to complete the operation. This would give a time frame of one week in favourable weather.

Brushwood fencing would then be installed to keep this shingle from migrating. This nature-based solution would be erected by inserting poles into the ground and filling the middle with locally sourced plant and wood material. The design of this fencing is attached in the appendices. Some additional side supports may be needed. This fencing would be non-intrusive but would preserve the character of the site whilst ensuring resilience.

Access on this island will use light weight tracked dumpers and excavator(s) across a Annex I saltmarsh and mudflat habitat (Table 16). As such, all measures to avoid compaction are needed:

- Two unloading points are proposed, which will reduce the load on any one specific area and limit the likelihood of longer-term impacts to vegetation and substrate. The shortest possible routes have been plotted to reach the shingle bank. This should lead to only a fractional percentage of Long Islands' habitats being temporarily affected.*
- Bog mats or timber matting will be used for soil protection along the access routes.*

The works are again seeking to restore habitats for birds resulting in a modest increase in the height of the banks and restoration of the shingle habitat that has become partly overgrown. The works would be compatible with the existing island landscape. The main impacts are again from the construction phase but these would be minimised by the methods to be employed and would be controlled by condition. Subject to this the works are considered to have an acceptable impact on the character and appearance of Long Island.

(iii) Impact upon residential amenity

Both sites are located away from the nearest residential properties. There are some properties in Havant Road backing onto the Billy Trail and the access way which would adjoin the construction route for the Oyster Bed site. It is considered appropriate to condition delivery timing in order to minimise the impacts of the works. It is however to be noted that these are short term impacts.

(iv) Impact on protected national and international sites

A **Screening Opinion** was carried out in relation to the application under the Town and Country Planning (Environmental Impact Assessment Regulations 2017 (SI 571/2017) ('The EIA Regulations'). This concluded:

It is considered, having regard to the selection criteria in schedule 3 to the Regulations and the associated guidance including screening indicative criteria, that the development would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or the proposed works.

As a result, it can be confirmed that the development described in your planning application, associated plans and documents is not EIA development.

The application has been subject to a **Habitats Regulations Assessment (HRA) and Screening and Appropriate Assessment (AA)** in consultation with Natural England. This considered the potential impact on European sites and concluded that there were potential impacts on European site Integrity due to potential direct impacts on the SAC/SPA/Ramsar habitat and species. The Appropriate Assessment then considered avoidance and mitigation methods and the need for appropriate planning conditions.

The authority has concluded that the potential adverse effects arising from the proposal can be appropriately addressed by the imposition of conditions to secure the mitigation and enhancements proposed in the *Tern and Shorebird Habitat Restoration at Langstone Harbour Shadow HRA EXO Environmental* together with a Construction Environmental Management Plan/Construction Method Statement and other relevant planning conditions.

It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Subject to appropriate planning conditions in relation to the following matters it is considered that the proposed works which seek to improve vulnerable bird nesting sites in Langstone Harbour would not have an adverse impact on the integrity of the designated sites. The conditions relate to:

- the timing of works to avoid bird breeding/nesting seasons,
- the shingle recharge operations Construction Environmental Management Plan/Construction Method Statement (to include vehicle movements/routes, use of Bog Mats to avoid compression of Annex I saltmarsh and mudflat features, Barge access during spring high tides only),
- equipment / material storage and;
- archaeology

(v) Access requirements/impacts

Oyster Bed Lagoon (Land West of the Billy Trail)

The access to this site would be via the Billy Trail which is an important sustainable transport and leisure route for residents and visitors to Hayling Island.

It is therefore necessary to ensure that the trail remains open and accessible to the public during the works. This will require a banksman system, passing bays and strict speed limits.

It is important to ensure that the trail is assessed to ensure that any necessary remedial works are identified and the trail reinstated to its former condition.

It is also important to ensure that no vehicles, machinery, equipment, materials, spoil or anything associated with the works shall be left on or near the Hayling Billy Trail or within the Hayling Billy Local Nature Reserve as to obstruct, hinder or provide a hazard to the legitimate users of the Trail or Nature Reserve.

As a result, three planning conditions are recommended by the Hampshire County Council Countryside section and these are agreed by the applicants. Subject to these conditions access can be appropriately managed.

It is noted that the importation of materials for the Oyster Beds site would involve additional lorry movements on Havant Road. The County Highway Authority raise no objections to this and the works are of limited duration.

Long Island

In relation to Long Island the materials would be brought to the site by barge from Kendall's Wharf. There is no public access to Long Island and the works would not create any access issues.

(vi) Archaeology

In relation to Archaeology, the County Archaeologist has requested that archaeological inspection of the beaches is carried out and records taken/recorded with a copy sent to the Historic Environment Record. A condition is recommended to secure this.

8 Conclusion

- 8.1 In conclusion, the principle of the development is considered acceptable and should improve habitats for breeding birds within Langstone Harbour. The works would generally re-instate shingle features in the harbour and would have a limited and acceptable impact on the character and appearance of the area. In addition, the construction impacts can be controlled and mitigated by condition. Any impact on residents would be limited to construction works at the oyster bed site, again conditions can mitigate this.

The impact on national and international sites has been assessed in detail including via the HRA/AA process, subject to suitable conditions the works would not harm protected sites. Access and archaeology requirements can be addressed via appropriate planning conditions.

Overall the proposals are considered to improve bird habitats in the harbour and planning permission can therefore be recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to Grant Planning Permission for application APP/22/00850 subject to the following 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
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.