

**Town and Country Planning (Environmental Impact Assessment) Regulations  
2017  
Regulation 29 Statement**

**Foreshore at South Hayling, Sea Front, Hayling Island**  
**Planning Application Reference: APP/18/00306**  
**Planning Permission granted on 15 June 2018**

The Council having taken into account the findings of the March 2017 Environmental Statement, the subsequent Environmental Statement Appendices and the submitted further information to the Environmental Statement, including the Habitats Regulations Assessment, Beach Management Plan and Water Framework Directive Assessment when determining the application for planning permission is required under Regulation 29 to provide a statement setting out the following:

- 2 (a) information regarding the right to challenge the validity of the decision and the procedures for doing so; and
- (b) if the decision is—
- (i) to grant planning permission or subsequent consent—
- (aa) the reasoned conclusion of the relevant planning authority or the Secretary of State, as the case may be, on the significant effects of the development on the environment, taking into account the results of the examination referred to in regulation 26(1)(a) and (b);
- (bb) any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
- (cc) a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset, likely significant adverse effects on the environment; and
- (dd) any monitoring measures considered appropriate by the relevant planning authority or the Secretary of State, as the case may be

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| <b>Regulation 29 (2) a) – information regarding the right to challenge the validity of the decision</b> |
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| The decision to grant planning permission can be challenged by way of bringing a claim for judicial review proceedings. Any person wishing to do so must bring a claim within six weeks of the decision |
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| <b>Regulation 29 (2) i) (aa) – the reasoned conclusion of the relevant planning authority or the Secretary of State, as the case may be, on the significant effects of the development on the environment, taking into account the results of the examination referred to in regulation 26(1)(a) and (b); - For the avoidance of doubt Regulation 26 (1)(a) and (b) are:</b> |
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| <i>1) When determining an application or appeal in relation to which an environmental statement has been submitted, the relevant planning authority, the Secretary of State or an inspector, as the case may be, must—</i> |
| <i>(a) examine the environmental information;</i>                                                                                                                                                                          |
| <i>(b) reach a reasoned conclusion on the significant effects of the proposed development on</i>                                                                                                                           |

*the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;*

Taking the environmental information into account, contained within the March 2017 Environmental Statement, the subsequent Environmental Statement Appendices and the submitted further information to the Environmental Statement, including the Habitats Regulations Assessment, Beach Management Plan and Water Framework Directive Assessment, planning permission reference APP/18/00306 was granted. The full extent of the considerations, including representations from members of the public and external organisations are set out in the report (and addendum) to Development Management Committee on 24 May 2018 available to view at:

<http://havant.moderngov.co.uk/ieListDocuments.aspx?CId=127&MId=10378>

The reasons for the decision are summarised in the decision notice ref APP/18/00306 dated **15 June 2018**

[https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_243219](https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_243219)

**Regulation 29 (2)** (cc) a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset, likely significant adverse effects on the environment; and  
(dd) any monitoring measures considered appropriate by the relevant planning authority

The proposals have been the subject of an Environmental Impact Assessment (EIA). The following subject areas have been assessed and mitigation proposed as follows:

**Coastal processes Damage and disturbance to breeding and ground nesting birds, and visual / auditory disturbance to roosting birds / terns from extraction of shingle from Gunner Point (BMP Units 6 and 7). Damage to vegetated shingle and drift line habitats / interruption to natural coastal processes**

The Environmental Statement submitted with the application outlines:

□ To avoid damage and disturbance to breeding and ground nesting birds, including terns: No extraction of shingle from Gunner Point during the bird breeding season (March to August inclusive).

□ To avoid disturbance to roosting birds, including terns: Works will only take place here between September and mid March to avoid wider impacts. September is the preferable month for extraction to avoid the overwintering bird period. If extraction takes place between Oct and mid March inclusive, work will stop for 1.5 hours before, and 1 hour after high tide. No works will take place during extreme cold periods (frozen ground conditions for more than 1 week).

□ To avoid impacts on vegetated shingle / drift line habitats: Undertake vegetation surveys in late July / August to guide works. Plan haulage routes to avoid vegetated shingle areas. Measures will be deployed to prevent impacts to vegetated shingle communities, which will be recorded in a CEMP. The CEMP will also set out the best practice techniques to ensure no pollution is caused. A drift line habitat / vegetated shingle survey was undertaken in 2016 (see Figure 21.1). From 2017, extraction of beach material will be seaward of the drift line habitat boundary. Volumes of material to be extracted from Gunner Point will be agreed with Natural England and the landowner prior to each campaign, advised by vegetation surveys and details of accretion.

- To avoid impacts on natural coastal processes: There will be ongoing detailed monitoring of beach levels to guide operations. The applicant is working with natural coastal processes for the benefit of this frontage. Recycling from this point will maintain a flow of material to Gunner Point. This is a benefit, as lack of recycling and beach management would eventually lead to erosion at Gunner Point, and loss of vegetated shingle / drift line habitats. surveys and details of accretion.
- To avoid impacts on natural coastal processes: There will be ongoing detailed monitoring of beach levels to guide operations.

The applicant is working with natural coastal processes for the benefit of this frontage. Recycling from this point will maintain a flow of material to Gunner Point. This is a benefit, as lack of recycling and beach management would eventually lead to erosion at Gunner Point, and loss of vegetated shingle / drift line habitats.

**Due to the avoidance measures identified, no resultant impact expected. The appropriateness of the mitigation has been agreed with Natural England during preparation of this HRA. Liaison with Natural England will continue going forward. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission in order to provide appropriate monitoring measures.**

**Coastal processes - Damage and disturbance to breeding and ground nesting birds, and visual /auditory disturbance to roosting birds / terns from extraction of sand from around the Hayling Island Sailing Club slipway (BMP Unit 1). Damage to vegetated shingle and drift line habitats and impacts on intertidal / subtidal sandflats**

To avoid damage and disturbance to breeding and ground nesting birds, including terns: ecological walkover immediately prior to works in nesting season (March to August inclusive). Provide exclusion area if nesting birds discovered (minimum of 5 metre buffer distance). Additional surveys will be carried out if required to ensure that birds have not nested in the meantime.

□ To avoid disturbance to roosting birds, including terns: Undertake activity outside of overwintering bird period where possible. If recycling undertaken between October and March inclusive, stop works 1.5 hours before and 1 hour after high. This tidal restriction will not apply between April and September. Works to be stopped during extreme weather events (frozen ground conditions for more than 1 week). The curtailing the work will prevent any significant effect on the SPA birds which will be under additional feeding pressure from said environmental conditions.

□ To avoid impacts on vegetated shingle: Undertake vegetation surveys in late July / August to guide works. Plan haulage routes to avoid vegetated shingle areas. Measures will be deployed to prevent impacts to vegetated shingle communities, which will be recorded in a CEMP. The CEMP will also set out the best practice techniques to ensure no pollution is caused.

□ A drift line habitat / vegetated shingle survey was undertaken in 2016 (see Figure 21.1). During the 2016 survey, no drift line habitats were present. Locations and volumes of sand to be extracted in the vicinity of the Hayling Island slipway will be agreed with Natural England prior to each campaign, advised by vegetation surveys and details of accretion.

□ To avoid impacts on intertidal / subtidal sandflats: Any sand to be extracted in this area is intertidal sand and will remain as intertidal sand. Material will only be removed in order to keep the Hayling Island Sailing Club pontoon usable. Any material removed will be placed back into the same intertidal sediment system at Eastoke, so the material will find its way back. These minimal extractions will not cut off any sediment supply to Black

Point. Therefore, there is no loss of intertidal sandflat, just some minor working of it. There will be no change in subtidal habitat, as material will not be removed from the subtidal area. Each campaign will first be agreed with Natural England to ensure no LSE on this feature.

□ To avoid impacts on natural coastal processes: There will be ongoing detailed monitoring of beach levels to guide operations.

**Due to the avoidance measures identified, no resultant impact expected. The appropriateness of the mitigation has been agreed with Natural England during preparation of this HRA. Liaison with Natural England will continue going forward. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission in order to provide appropriate monitoring measures.**

**Coastal processes - Damage and disturbance to breeding and ground nesting birds, and visual / auditory disturbance to roosting birds / terns from gentle beach reprofiling at Langstone Harbour entrance (BMP unit 8). Damage to vegetated shingle and drift line habitats through tracking machinery.**

To avoid damage and disturbance to breeding and ground nesting birds: No works to be undertaken along this frontage during the bird nesting season (March to August inclusive).

□ To avoid disturbance to roosting birds: Undertake activity outside of overwintering bird period where possible. If recycling undertaken between October and March inclusive, stop works 1.5 hours before and 1 hour after high tide. This tidal restriction will not apply in September. Works to be stopped during extreme weather events (frozen ground conditions for more than 1 week). The curtailing the work will prevent any significant effect on the SPA birds which will be under additional feeding pressure from said environmental conditions.

□ To avoid impacts on vegetated shingle / drift line habitats:

Undertake vegetation surveys in late July / August to guide works. Plan haulage routes to avoid vegetated areas. Measures will be deployed to prevent impacts to vegetated shingle communities, which will be recorded in a CEMP. A drift line habitat / vegetated shingle survey was undertaken in 2016 (see Figure 21.1). No works along this frontage between March and August to protect drift line habitat development.

□ To avoid impacts on natural coastal processes: Only very minor reprofiling works are being promoted here to avoid localised erosion of the car park and impacts on the navigation channel. The applicant is not proposing to move any material away from this frontage. As the annual activity will vary, we will submit a CEMP in advance of each operation. To avoid damage and disturbance to breeding and ground nesting birds: No works to be undertaken along this frontage during the bird nesting season (March to August inclusive).

**Due to the avoidance measures identified, no resultant impact expected. The appropriateness of the mitigation has been agreed with Natural England during preparation of this HRA. Liaison with Natural England will continue going forward. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Coastal processes - Benefits of BMP activities on the wide South Hayling Island open coastline**

□ Beach management and working with natural coastal processes is widely considered as a better FCERM alternative to the construction of hard structures to protect against flooding and erosion, where there is the ability to sustainably do so.

- The process of recycling and recharging beaches in line with a nationally approved BMP ensures that there are no areas within the sediment cell that will be starved of sediment, which is a major benefit for the full South Hayling Island open coastline.
- Utilising material accreting on the beach will reduce the need for importing additional sediment from outside the sediment cell, which is our preferred beach management option, both environmentally and financially. However, there will at times be a need to renourish the beach with materials imported into the system that match the resident shingle. This maintains healthy and stable beaches, allowing the establishment of vegetated shingle communities and active drift lines of vegetation. (Such as the communities that have been building up at Gunner Point as a result of our historic BMP works). This also maintains the areas of beach utilised by roosting birds.

**Due to the avoidance measures identified, it is believed that the delivery of the BMP will have likely significant benefits to the South Hayling Island coastline. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**In combination impacts from other activities within / adjacent to the European designated sites**

- As discussed in Chapter 20 of the ES, the HRA and WFD, other potential activities that could affect European sites have been identified. If there is the potential that an 'in-combination' effect could arise, programming of works would require reconsideration, until the activity that causes the in-combination' effect has ceased. Due to the extensive mitigation built into the delivery of this BMP, as set out within this table, it is considered that the proposal avoiding the likelihood of 'in-combination' impacts.

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Coastal processes - Change in beach profile causing issues on the open coastline. Impacts on the natural evolution of Gunner Point**

The BMP has been carefully developed based on historic research and clear understanding of the way in which coastal processes operate along this coastline. This mitigation plan includes control measures that will be implemented to protect important habitats (Gunner Point – BMP Units 6 & 7) including:

- Vegetated shingle / annual vegetation drift lines will be demarcated. Machinery will be prohibited to cross the line
- Machinery will track along the beach below MHWS at Gunner Point to protect vegetated shingle

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Coastal processes -Tracking on the beach and moving material along it. Compaction of shingle on crest, impacting future free movement of shingle**

- The beach is naturally a very dynamic environment, so compaction of material is unlikely
- The Construction Environmental Management Plan will include measures to ensure tracking along the beach has minimal impact on coastal processes i.e. minimising the width of the haul route as much as possible so the smallest possible area is impacted.

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Fish and Shellfish and - Coastal Processes - Increased suspended sediments in the water body during construction**

- ☐ Material is coarse with low levels of fines present. Effects of turbidity are low risk and any fines present are expected to settle quickly out of the water column. Recycling works will take place outside of the water body, therefore minimal impacts expected.
- ☐ Material rainbowed ashore (BMP Unit 3 only) will be deposited on the upper levels of the beach, outside of the water body. Material will be rainbowed ashore at high tide; therefore any fines present will be transported away from sensitive habitat areas on the ebb tide.

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Fish and Shellfish - Impacts on water quality due to pollution incidents from construction machinery**

- ☐ A Construction and Environmental Management Plan will be developed prior to each campaign, which will be a legally binding document to ensure best practice working;
- ☐ All plant to use biologically degradable hydraulic oils;
- ☐ All plant to be equipped with suitable spill kits and operatives trained in use;
- ☐ All refuelling and fuel storage to be undertaken within the compound area (Southwood Road), away from the beach;
- ☐ These avoidance measures are confirmed within the WFD assessment (Appendix D).

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Landscape and Visual Impact. Impact on visual amenity for the duration of the works:**

**☐ Plant machinery on site ☐ Mounds of material on the beach immediately prior to reprofiling**

- ☐ Works are short term and temporary in nature;
- ☐ A tidy site policy will be employed by the contractor;
- ☐ Works will not be undertaken at weekends, recognised bank holidays or during the main holiday season (except in an emergency).

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Archaeology and Heritage- Unearthing archaeological interest features.**

- ☐ The likelihood of unearthing archaeological features is extremely low as only the active beach material will be worked; however the precautionary approach will be taken.

- ☐ Machines will be operated in such manner to avoid penetration and risking impact to potential buried artefacts by rutting, digging or scraping into the lower levels of beach material. Only material within in the active layers of the beach will be worked.
- ☐ Should any archaeological artefacts be discovered, works will be stopped and Havant Borough Councils Archaeologist will be contacted who will determine if:
  - ☐ The finds are of sufficient merit to take further action;
  - ☐ If finds are of sufficient merit, they may need to be recorded and left in situ
  - ☐ the finds are of sufficient merit to be recorded and excavated, to be preserved in an alternative location.
- ☐ Machinery working on site will avoid beach defence structures and other military structures if they are on the line of tracking. No artefacts will be needlessly or thoughtlessly impacted

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Noise and Vibration - Elevated noise and vibration levels causing disturbance to residents and birds in the vicinity of the works.**

- ☐ Working hours restricted to minimise disturbance to residential and commercial receptors.
- ☐ Delivery of shingle to site by road and tracking on the foreshore with machinery: 6am to 10pm Monday to Friday (unless there is an emergency response required which could require 24 hour working).
- ☐ Delivery of machinery to undertake beach management: unrestricted due to logistics. Machinery only being brought to site at the beginning of each beach management campaign, and removed at end, with machinery left on site for the duration of each campaign.
- ☐ Rainbowing Shingle ashore: unrestricted, as pumping ashore can only occur at high tide, for 2 – 4 hours per discharge. When barge in area, need to make use of every consecutive high tide period, for recharging to be financially viable.
- ☐ Works will not be undertaken at weekends, recognised Public Holidays or within the main tourist season, unless in an emergency.
- ☐ Plant stored within the compound (situated along Southwood Road) will be stored at the southern end of the compound area away from adjacent houses.
- ☐ Construction vehicles will be restricted to a 10mph speed limit
- ☐ Restrict drop height to a minimum when loading the dump truck hopper from an excavator bucket (or conveyor). This would also reduce noise levels from initial filling of steel dump truck hopper with coarse aggregate.
- ☐ The local community (local residents, commercial and property owners) will be kept fully informed about the nature and timing of construction activities prior to each campaign. This consists of letter drops, posters and newspaper adverts.
- ☐ Should works be required during the overwintering bird period (October to March inclusive), no recycling operations will be undertaken 1.5 hrs before and 1hr after high tide (BMP Units 1, 2 (eastern half), 6, 7 & 8).
- ☐ An ecological walkover will be undertaken immediately prior to works in nesting season (March to August inclusive). Provide exclusion area if nesting birds discovered (minimum of 5 meter buffer distance). Additional surveys will be carried out if required to ensure that birds have not nested in the meantime. No noise and vibration impacts expected. In units 6 to 8, no works will be undertaken between March and August inclusive as birds are known to nest in these areas.

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Traffic and Transport - Impacts to the highway network**

Working hours will be restricted in the following way:

□ Delivery of shingle to site by road and tracking on the foreshore with machinery: 6am to 10pm Monday to Friday (unless there is an emergency response required which could require 24 hour working).

□ Delivery of machinery to undertake beach management: unrestricted due to logistics. Machinery only being brought to site at the beginning of each beach management campaign, and removed at end, with machinery left on site for the duration of each campaign.

□ Rainbowing Shingle ashore: unrestricted, as pumping ashore can only occur at high tide, for 2 – 4 hours per discharge. When barge in area, need to make use of every consecutive high tide period, for recharging to be financially viable

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Traffic and Transport - Reduced pedestrian access to the beach**

Access along the beach will be maintained. Works are relatively short term and will be carried out at a time of year outside the main holiday periods, except in an emergency.

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Traffic and Transport - Rainbowing of material from dredging impacting navigation**

Chichester Harbour Conservancy and Chichester Harbour Master will issue notices to mariners and also directly to local Fisherman to minimise the impact to all Harbour users.

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Traffic and Transport – Disturbance to residents**

Moderate Adverse impacts from the works; however the works are a key benefit to residents. Works are short term and temporary. Residents will be notified prior to any works taking place.

**Works are short term and temporary in nature, no resultant impact expected.**

**Amenity and Recreation - Temporary effect on amenity and recreational access to the beach for the duration of the works**

□ Length of construction works will be limited to as short a time as possible (2- 4 weeks per campaign). The works will not take place over the weekend or on public holidays or during the main tourist season limiting the impacts on visitors to the area, except in an emergency situation. A tidy site policy would be employed

by the contractor and consequently there would be no significant residual impacts.

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Navigation and Commercial Fishers - Disruption to navigation**

- ☐ Navigation safety plan will be included as part of the CEMP
- ☐ A notice to mariners will be issued when necessary

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**

**Navigation and Commercial Fisheries - Direct / indirect effects on fishing activity**

- ☐ Engagement with stakeholder maintained to ensure they are aware of planned beach management activity

**Due to the avoidance measures identified, no resultant impact expected. Conditions 1, 2, 3, 4 and 5 are attached to the planning permission to provide these appropriate monitoring measures.**