

Date: 20th October 2021

**DEED OF AGREEMENT UNDER SECTION 106
OF THE TOWN AND COUNTRY PLANNING ACT
1990**

relating to the redevelopment of Mill Rythe Holiday
Village, 16 Havant Road, Hayling Island PO11 0PB

HAVANT BOROUGH COUNCIL

and

MILL RYTHE LIMITED

DATE: 20th October 2021

PARTIES:

- (1) **THE COUNCIL OF THE BOROUGH OF HAVANT** of Public Service Plaza, Civic Centre, Havant, Hampshire PO9 2AX (**Council**);
- (2) **MILL RYTHE LIMITED** of 41 Marlowes, Hemel Hempstead, Hertfordshire, HP1 1LD ("**the Owner**")

Introduction

- (A) The Council is the local planning authority for the area within which the Land is situated.
- (B) The Owner is the registered proprietor of all of the freehold interest of the Land registered under title number HP502467.
- (C) The Owner submitted the Planning Application to the Council.
- (D) The Council is minded to grant the Planning Permission subject to the completion of this Deed.
- (E) The Parties consider that the matters contained in this deed are:
 - (i) Necessary to make the development acceptable,
 - (ii) Directly related to the Development; and
 - (iii) Fairly related in scale and kind to the Development

and therefore meet the three tests for planning obligations as set out in Regulation 122(2) of the Community Infrastructure Regulations 2010 (as amended) .

1. DEFINITIONS

- 1.1 Unless the context otherwise requires, where in this Deed the following defined terms and expressions are used they shall have the following respective meanings:

the Act	the Town and Country Planning Act 1990 (as amended) or any re-enactment or modification thereof for the time being in force.
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Commencement of Development	the date on which any material operation (as defined in Section 56(4) of the Act) begins to be carried out on any part of the Land PROVIDED ALWAYS THAT the following operations shall not be treated as material operations for the purposes of this Deed: (i) archaeological investigations,
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- (ii) investigations for the purpose of assessing ground conditions,
- (iii) remedial work in respect of any contamination or other adverse ground conditions,
- (iv) the temporary display of site notices or advertisements
- (v) site clearance and demolition
- (vi) works relating to ground stabilisation, reengineering, regrading and levelling
- (vii) ecological investigation and mitigation works
- (viii) the erection of fencing or other means of enclosure
- (ix) the diversion or laying of services

and "Commence Development" shall be construed accordingly

Development

the redevelopment of the holiday site including the demolition of redundant chalets, use of land for the siting of 112 holiday caravans with areas of open recreational space, cease the use of the land for pitch and putt purposes and retain the remaining pitch and putt area as a managed wildlife area including the provision of an ecology bund & ditch, landscaping, the siting of three bird hides with bat roost in their roof spaces and a mown 'circular wildlife walkway

Index Linked

Means increased in accordance with the following formula such indexation shall only be applied in circumstances where the Consumer Price Index ("CPI") at the date of payment stands

at a higher level than it did at the date of the Planning Permission for the Development:

$A \times C/B$

Where: A = the contribution amount

B = the last CPI figure published prior to the grant of Planning Permission

C = the last CPI figure published prior to the Commencement of Development

Land

All that land shown edged in red on Plan 1 at Schedule 1.

Monitoring Payment

the sum of £5,894.19

Nutrient Neutrality Contribution

the sum of £44,954 Index Linked to address increased discharge of dissolved nitrogen in accordance with Natural England (2020) and the Council's Nutrient Neutrality Mitigation Plan.

Occupy and Occupation

taking beneficial occupation of a Building forming part of the Development for any purpose authorised by the Planning Permission but not including occupation by personnel engaged in construction, fitting out finishing or decoration of that building, nor occupation in relation to site and building security operations and **Occupied** shall be construed accordingly.

Planning Application

The application submitted to the Council under reference APP/20/01127 for permission to develop the land in the manner and for the uses set out in the application and in the plans specifications and particulars deposited with the Council

Planning Permission

the full planning permission subject to conditions to be granted by the

Council pursuant to the Planning Application or any new planning permission granted subsequently under Section 73 of the Act where the obligations contained herein are considered necessary to make the development under the new permission acceptable in planning terms in the form of the draft attached to this Deed at Schedule 2.

Solent Recreation Contribution

the sum of £9,888.80 Index Linked to address increased off-site recreational disturbance in accordance with the Solent Recreation Mitigation Strategy.

Solent Waders and Brent Geese Contribution

the sum of £64,098 Index Linked to compensate for the partial loss of habitat from Site H43 in accordance with the requirements of The Solent Waders and Brent Goose Strategy.

2. CONSTRUCTION OF THIS DEED

- 2.1 The headings in this Deed are for convenience only and shall not be deemed to be part of, or taken into consideration in the interpretation of, this Deed.
- 2.2 A person includes a natural person, corporate or unincorporated body (whether or not having a separate legal personality).
- 2.3 Where in this Deed reference is made to any clause paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause paragraph or schedule or recital in this Deed.
- 2.4 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.5 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies corporations and firms and all such words shall be construed as interchangeable in that manner.
- 2.6 Wherever there is more than one person named as a Party and where more than one Party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individual unless there is an express provision otherwise.
- 2.7 Words denoting an obligation on a Party to do any act matter or thing include an obligation to procure that it be done and words placing a Party under a restriction include an obligation not to cause permit or suffer any infringement of the restriction.

- 2.8 A reference to a statute or statutory provision in this Deed shall include any amendment or re- enactment of that statute or statutory provision for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that statute or statutory provision or deriving validity from it provided that it is agreed between the Parties that no such amendment or re-enactment shall apply to this Deed to the extent that it would impose any new or extended obligation, liability or restriction, on, or otherwise adversely affect the rights of, any Party.
- 2.9 If any provision of this Deed shall be held to be invalid illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be deemed thereby to be affected impaired or called into question.
- 2.10 In the event of any conflict between the terms conditions and provisions of this Deed and any document attached hereto or referred to herein the terms conditions and provisions of this Deed shall prevail.
- 2.11 Reference to any Party to this Deed shall include the successors in title to that Party and to any person deriving title through or under that Party and in the case of the Council the successor to its respective statutory functions.

3. LEGAL BASIS

- 3.1 This Deed is made pursuant to section 106 of the 1990 Act, section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this create planning obligations for the purposes of section 106 of the Act which bind the Land and are enforceable by the Council against the Owner and his successors in title and assigns.

4. CONDITIONALITY AND CESSATION OF EFFECT

- 4.1 This Deed is conditional upon the grant of the Planning Permission and the Commencement of Development save for the provisions of Clauses 5 which shall come into effect immediately upon completion of this Deed
- 4.2 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed revoked or otherwise withdrawn or expires prior to the Commencement of Development

5. LEGAL COSTS

The Owner shall pay to the Council on completion of this Deed the Council's reasonable legal costs incurred in the negotiation preparation and execution of this Deed

6. APPROVALS

Where the agreement approval consent or expression of satisfaction is required by any party from any other party under the terms of this Deed such agreement approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed

7. ENFORCEMENT

7.1 Where the agreement approval consent or expression of satisfaction is required by any party from any other party under the terms of this Deed such agreement approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed

7.2 This Deed shall not be enforceable against owner occupiers or tenants of caravans constructed pursuant to the Planning Permission nor against those deriving title from them

7.3 This Deed shall not be enforceable against service companies or statutory undertakers who purchase (including by way of lease) or otherwise become proprietor of any land or obtain the benefit of any right wayleave covenant or easement in on over under or across the Land for the construction or installation of any structure or apparatus required to provide services in connection with the Development of the Land

7.4 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed

8. WAIVER

No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default

9. INTEREST ON LATE PAYMENTS

Where any sum or amount has not been paid to the Council by the date on which it is due the Owner shall pay to the Council interest at the rate of 4% above the base lending rate from time to time of National Westminster Bank plc (calculated on a daily basis from the date on which it fell due) on that amount for the period from the due date up to and including the date of payment

10. USE OF CONTRIBUTIONS

If prior to the receipt of any contributions payable under the term of this Deed the Council incurs any expenditure in providing facilities or services to which this Deed authorises contributions to be applied then the Council may immediately following receipt of such

contributions deduct therefrom sums equivalent to such expenditure, and it is hereby agreed and acknowledged that the Council shall not subsequently be required to repay any contributions set against such expenditure

11. CHANGE IN OWNERSHIP

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Land occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation purchased by reference to a plan, SAVE THAT this clause shall not apply to the sale of individual plots within the Development

12. LOCAL LAND CHARGE

This Deed shall be registerable as a Local Land Charge by the Council

13. NOTICES

Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party

14. CONTRACTS RIGHTS OF THIRD PARTIES ACT

No person other than a party to this Deed shall have any rights under the Contracts (Rights of Third Parties) Act 1999

15. SEVERANCE

15.1 If any court or competent authority finds that any provision of this deed (or part of any provision) is invalid illegal or unenforceable that provision or part -provision shall to the extent required be deemed to be deleted and the validity and enforceability of the other provisions of this deed shall not be affected

15.2 If any invalid unenforceable or ill egal provision of this deed would be valid enforceable and l egal if some part of it were deleted the parties shall amend such provision so that (as amended) it is legal valid and enforceable and to the greatest extent possible achieves the parties' original intention

16. PAYMENTS

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable

17. JURISDICTION

This Deed is governed by and interpreted in accordance with the laws of England and Wales.

18. DELIVERY

This Deed is delivered on the date written at the start of this Deed and the provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

19. VARIATION

The terms and conditions of this Deed shall be capable of being varied by a Supplemental Deed executed by the Parties or their successors in title

20. DISPUTES

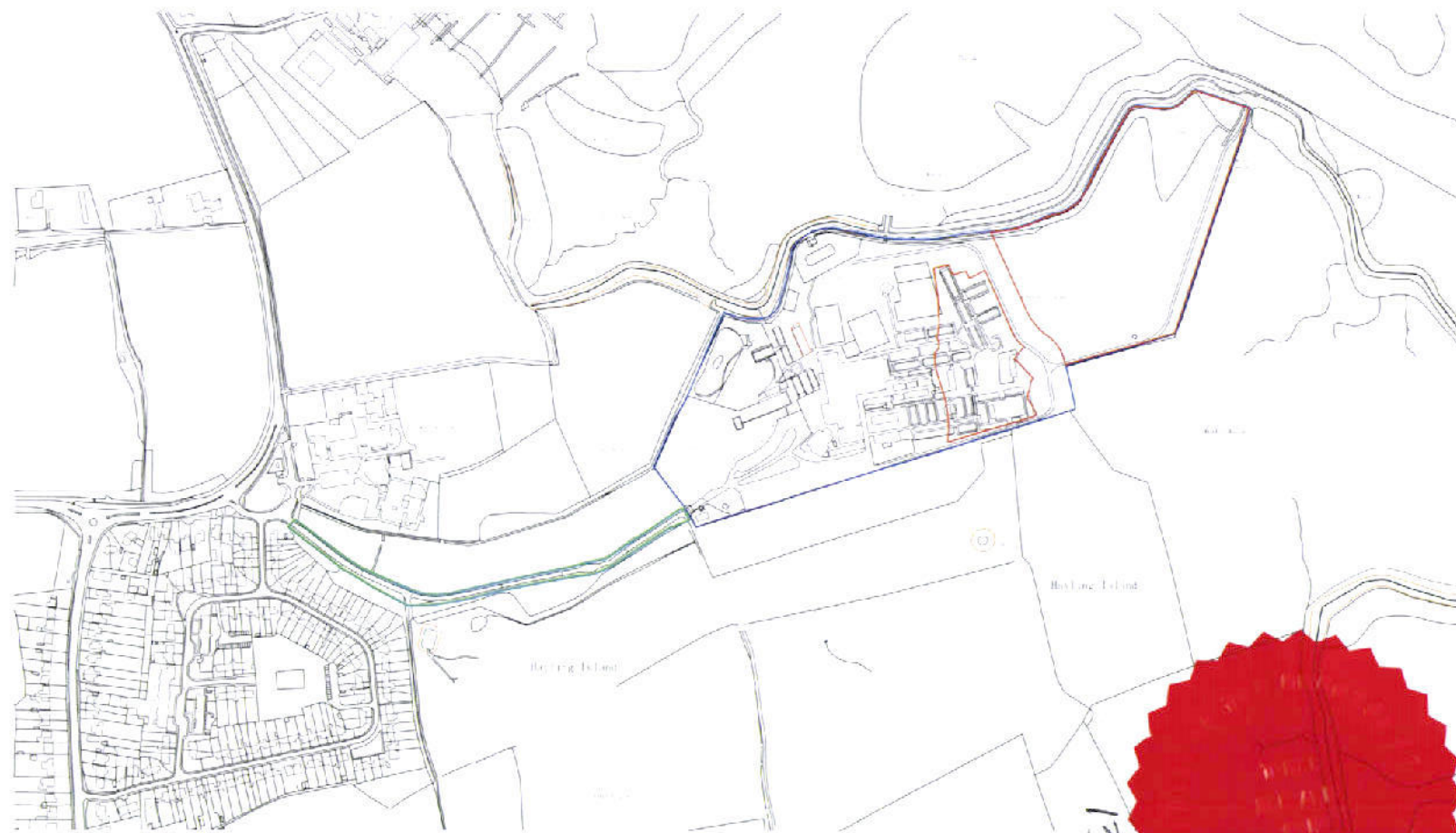
Any dispute or disagreement as to the interpretation of the terms of this Deed shall be referred to a single arbitrator to be appointed on the agreement of the Parties concerned or appointed on the application of any of the Parties concerned by the President or other proper officer of the RICS who shall act as an arbitrator and his decision shall be binding and final upon the Parties concerned.

IN WITNESS whereof the Parties hereto have executed this Deed on the day and year first before written.

SCHEDULE 1

SITE PLAN

It is likely that it is the timing of the release of the data that has led to the current situation. The release of the data was delayed for several months, and the data was not released until the end of the year. This delay in the release of the data has led to a number of problems, including a lack of transparency and a lack of accountability. The delay in the release of the data has also led to a number of other problems, including a lack of trust in the government and a lack of confidence in the government's ability to handle the crisis. The delay in the release of the data has also led to a number of other problems, including a lack of trust in the government and a lack of confidence in the government's ability to handle the crisis.



-  SITE OWNERSHIP BOUNDARY
 APPLICATION SITE BOUNDARY
 ACCESS ROAD TO SITE



A & M

A&M Architectural Partnership LL

Away Resorts Ltd

Mill Rythe Holiday Village
Hayward Road, Hoxing Island
Hampshire, PO11 0PS

Proposed Masterplan

Site Location Map

Oct 2016	[25029 A]	M
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10. $\lim_{x \rightarrow 0} \frac{1}{x} = \infty$ (means that for any M)

Planning

3877-300

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SCHEDULE 2
DRAFT PLANNING PERMISSION

DRAFT DECISION NOTICE ONLY



Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9249 8031

www.havant.gov.uk

Mr M Taylor
Avison Young
65 Gresham Street
London
EC2V 7NQ

For: Greg Lashley, Away Resorts Ltd
Imex Building
575-579 Maxted Road
Hemel Hempstead

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

Application Number: APP/20/01127

Site Address: Mill Rythe Holiday Village, 16 Havant Road, Hayling Island, PO11 0PB

Proposal: Application for full planning permission, pursuant to APP/16/01237, for the redevelopment of the holiday site including the demolition of redundant chalets, use of land for the siting of 112 holiday caravans with areas of open recreational space, cease the use of the land for pitch and putt purposes and retain the remaining pitch and putt area as a managed wildlife area including the provision of an ecology bund & ditch, landscaping, the siting of three bird hides with bat roost in their roof spaces and a mown 'circular wildlife walkway'.

Further to your application received on 24 November 2020 (which was valid from 08 January 2021) Havant Borough Council, as Local Planning Authority **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

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

Conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Arboricultural Impact Assessment and plan MJC-20-0157-02 Rev: A Sheet 1, 2, 3 and 4
Bat surveys Report No: RT-MME-153320 Date: November 2020

Our Ref: APP/20/01127

Ecological Mitigation Strategy Report No: RT-MME-153231-03 Date: November 2020
 Flood Risk Assessment & Drainage Strategy ref: 01C00816.
 Landscape and Visual Impact Assessment 7th October 2020
 Planning Statement
 PRELIMINARY ECOLOGICAL APPRAISAL Report No: RT-MME-153231-01 Date: November 2020
 Reptile survey Report No: RT-MME-153231-02 Date: November 2020
 Transport statement - November 2020 V2.0
 Site Location Plan - 3877-300 Rev:A
 Proposed site plan 3877-410 REV R
 Proposed bird hide 3877-411
 Proposed bund and Ecology ditch cross section 3877-412A

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the details shown on the approved plans no development shall commence unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls, windows, and roofs of the refurbished buildings and for all caravans, including external walls, roofing, window/door frames and ancillary access or decking elements surfacing and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area, the adjacent AONB and the quality of the development, in accordance with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 No development shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) Written specifications (including cultivation and other operations associated with plant and grass establishment,
 - ii) Planting methods, tree pits & guying methods,
 - iii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate,
 - iv) Retained areas of grassland cover, scrub, hedgerow, trees and woodland,
 - v) Manner and treatment of watercourses, ditches and banks,
 - vi) A schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation,
 - vii) Details of all hard-surfaces, such as paths, access ways, seating areas and parking spaces, including their appearance, depth and permeability,
 - viii) Means of enclosure, in particular boundary walls and planting around properties and holiday caravans including their frontages, including any retaining structures,
 - ix) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 5 Details of external lighting to be installed at the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of

the development. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future residents, create an appropriate public realm, and conserve dark night skies of the AONB in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the NPPF.

- 6 No development shall commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. All LEMP measures shall be in accordance with those detailed within the Habitats Regulations Assessment (Middlemarch, March 2021) and the Ecological Mitigation Strategy (Middlemarch, November 2020) unless otherwise agreed in writing by the Local Planning Authority. The LEMP shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; costed management plan for the Solent Wader & Brent Goose site H43/Mill Rythe Holiday Park Site of Importance to Nature Conservation (SINC); details of the location, composition and ongoing management of all compensatory or enhancement habitat; location, type and number of all bat/bird boxes and other ecological enhancements; details of lighting. All ecological compensation/enhancement measures shall be installed/implemented in accordance with ecologist's instructions and retained in a location and condition suited to their intended function.

Reason: To protect and enhance biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 7 No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP. The details shall also include:

- a) waste disposal measures to be implemented linked to any demolition, excavation, clearance and construction works on the site; and
- b) Measures to minimise creation and impact of dust.
- c) Consideration of how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds (i.e. October to March inclusive). Details of noise monitoring of the construction and demolition work at sensitive locations,
- d) Any percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor which is the nearest point of the SPA or SPA supporting habitat - high tide roost sites) should not be undertaken during the bird overwintering period (i.e. October to March inclusive).
- e) Measures to visually screen the construction works from the sensitive areas;
- f) Details of the ornithological watching brief necessary for any demolition and construction works during October to March.

The CEMP shall be in accordance with the measures detailed within the submitted Habitats Regulations Assessment (Middlemarch, March 2021) and the Ecological Mitigation Strategy (Middlemarch, November 2020).

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 8 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highway Authority), the details shall include:

Our Ref: APP/20/01127

- (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;

The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Prior to the occupation of the development hereby permitted details of signage to warn vehicle drivers of the need to give way to users of the Right of Way, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the agreed signage shall thereafter be retained at all times.

Reason: In the interests of highway safety and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 The holiday caravans and chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the holiday village shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that control over the development and that the caravans do not become separate residential dwellings in accordance with policy DM4 of the Havant Borough Local Plan (Core Strategy) 2011 and NPPF.

- 11 No more than 309 static caravans used for holiday accommodation shall be stationed on the site.

Reason: To ensure that control over the development and that level of development on the site, given its sensitive location in accordance with policies DM4, DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014.

- 12 Prior to the commencement of any specific phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined within the ASI Ltd. Preliminary Ground Contamination Risk Assessment Report Ref: R17-12377/ds Aug 2017 Rev.1.0; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- o appropriately considered remedial objectives,
- o an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- o clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk to future employees & guests at the site, and/or to adjacent sensitive environmental receptors.

- 13 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 12 shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk to future employees & guests at the site, and/or to adjacent sensitive environmental receptors."

- 14 No development shall commence on site until details of a scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding. Where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- i) Specify the responsibilities of each party for the implementation of the SUDS scheme
- ii) Specify a timetable for implementation
- iii) Provide a management and maintenance plan for the lifetime of the development. This will include the condition of the existing ditch, which will take surface water from the development site, should be investigated before any connection is made. If necessary, improvement to its condition as reparation, remediation, restitution and replacement should be undertaken. Evidence of this, including photographs should be submitted. In addition details of the arrangements

for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details before any part of the development is occupied and shall be retained thereafter.

Reason: To ensure adequate provision for drainage in accordance with the NPPF and in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 15 The development hereby permitted shall be carried out in accordance with the approved 'Flood Risk Assessment and Drainage Strategy' compiled by Avison Young dated December 2020) and the following mitigation measures detailed in the FRA:

i) Finished floor levels shall be set no lower than 650mm metres above ground level.

ii) All holiday lodge caravans shall be anchored to the ground in at least two places to prevent lateral displacement should a flood event occur.

iii) A Flood Warning and Evacuation Plan shall be written for the site and all staff shall sign up to receive Environment Agency Flood Warnings.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, unless otherwise agreed in writing, by the Local Planning Authority.

Reason: The site is within flood zones 2 and 3 where development is sensitive to flood risk, as such without the protection measures outlined within the Flood Risk Assessment in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 16 The development hereby permitted shall not be occupied until:

(a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and

(b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 17 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in

the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

Other Important Information:

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

In this instance:

- You were updated about issues after the initial site visit, and further information was provided

- (5) This permission was granted subject to a planning obligation agreement made
Our Ref: APP/20/01127

under Section 106 of the Town & Country Planning Act 1990 dated XXXXX which requires:

1. Nutrient mitigation
2. Solent Recreation Mitigation Strategy
3. Contribution towards Solent Waders and Brent Geese Strategy
4. Monitoring fees

- (6) You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.
This is in order to protect the occupants of nearby residential properties from dust pollution.
- (7) You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.
This is in order to protect the occupants of nearby residential properties from smoke pollution.
- (8) You are hereby requested to ensure that any external lighting that may be installed on this site, within the grounds or attached to the building, is so positioned so as not to cause nuisance to neighbouring properties.
This is in order to protect the occupants of nearby residential dwellings from light pollution.

DRAFT DECISION NOTICE ONLY

Simon Jenkins
Director of Regeneration and Place

DRAFT DECISION NOTICE ONLY

DRAFT DECISION NOTICE ONLY

TOWN AND COUNTRY PLANNING ACT 1990

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

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at:** <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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

IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

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

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

023 9244 6571

SCHEDULE 3

THE OWNER'S OBLIGATIONS

The Owner hereby covenants with the council

1. NOTICE OF COMMENCEMENT OF DEVELOPMENT

To give to the Council's Head of Planning at least ten (10) working days prior to Commencement of Development written notice confirming the date of Commencement of Development such notice to include the proposed date for such Commencement of Development together with details of the person or body who or which shall constitute the Owner at the time of such Commencement of Development and quoting the Planning Application reference number.

2. CONTRIBUTIONS

2.1 To pay or cause to be paid to the Council prior to Commencement of the Development the Solent Recreation Contribution, the Solent Waders and Brent Geese Contribution and the Nutrient Neutrality Contribution.

2.2 To pay or cause to be paid to the Council prior to Commencement of Development the Monitoring ~~Fee~~ Payment.

Havant Borough
Council on
behalf of all
parties J.T.

SCHEDULE 4

THE COUNCIL'S OBLIGATIONS

1. APPLICATION OF FUNDS

- 1.1 When the Council receives sums or amounts from the Owner in respect of any obligations set out in Schedule 3 unless specifically provided otherwise in this Deed the Council covenants and undertakes:
- 1.1.1 as soon as is reasonably practicable upon receipt to pay such sums and amounts into a separately identified interest bearing section of the Councils combined accounts (unless the Parties agree otherwise) such accounts bearing a reasonable rate of interest on deposits and from which the relevant contribution together with its Accrued Interest can be identified from periodic statements until such time as such sums or amounts (or any part thereof) are required for the purposes identified in the relevant paragraph of Schedule 3;
 - 1.1.2 to apply such sums or amounts only for the purposes respectively for which the same were paid
 - 1.1.3 in the event that any contribution remains unspent within 5 years from the date of this Deed to return such contribution to the Owner

Executed as a deed by
MILL RYTHE LIMITED
acting by a director in the presence of:

Signature.. [REDACTED]

Print name [REDACTED]

Witness' signature:

Witness' name:

Address:

Occupation:

THE Common Seal of the Council
of the **Borough of Havant**
was hereunto affixed in the presence of



Authorised Signatory



13236