

Re: Planning Application APP/22/00850 Land east of Hayling Billy Trail and, Long Island, Langstone Harbour, Havant

For the attention of: Mr G Speller

Planning reference: APP/22/00850

Site location: Land east of Hayling Billy Trail and, Long Island, Langstone Harbour, Havant

Proposals: 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.

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

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:

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.

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.

Regards

Jon Perks

On behalf of Hampshire Countryside Service - Countryside Planning

Hampshire Countryside Service

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