

Havant Borough Council
Planning Team
Civic Offices Civic Centre Road
Havant
Hampshire
PO9 2AX

Our ref: HA/2022/124548/01-L01
Your ref: APP/22/00850

Date: 27 October 2022

Dear Planning Team,

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

LAND EAST OF HAYLING BILLY TRAIL AND, LONG ISLAND, LANGSTONE HARBOUR, HAVANT

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position below.

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-and-coastal-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-activities-environmental-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#sea-level-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

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours faithfully,

Environment Agency – Solent & South Downs

Sustainable Places Advisor: Sophie Brown

Direct dial: 0203 0257 250

Direct e-mail: planningSSD@environment-agency.gov.uk

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