



## Town and Country Planning Act 1990

To: Waste and Resource Management  
EIIIC West  
The Castle  
Winchester  
Hampshire  
SO23 8UD

Application No: **APP/25/00996**

HCC Ref: HV010

For: Hampshire County Council

Date of Application: 7 November 2025

**Hampshire County Council**, as Waste Planning Authority, **grants permission** for the following development in respect of the plans and particulars and subject to the attached schedule of 9 conditions and statutory Biodiversity Net Gain conditions:

Development: **Variation of condition 1 of Planning permission APP/16/00323 (Timescale)**

Site address: **Amenity Tip, Fishery Lane, Hayling Island, Hampshire PO11 9NR**

### Reason for Approval

It is considered that the proposal would be in accordance with the relevant policies of the Hampshire Minerals and Waste Plan (2013) and the Havant Borough Local Plan (2011) and would not materially harm the character of the area or the amenity of local residents and would be acceptable in terms of highway safety and convenience.

It is considered that due to the nature and location of the site, it is appropriate to renew the temporary consent. This is in accordance with the Planning Practice Guidance, Policy 26, and Policy 27 of the HMWP (2013) which safeguards this site.

### IMPORTANT - Biodiversity Gain Condition

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain by virtue the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

All enquiries should be referred to Universal Services, The Castle, Winchester, SO23 8UD

Tel: (01962) 846746 Fax: (01962) 847055

**Director of Universal  
Services**  
19 February 2026

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Further information about this statutory condition is set out below within the notes.

#### **Conditions**

##### **Timescale**

1. The development hereby permitted shall be for a limited period only, expiring on 31 December 2035 or when the use ceases, whichever is the sooner.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

##### **Hours of Operation**

2. The site shall only be open to customers between 0900 and 1800 hours in the summer (1 April to 30 September) and 0900 to 1700 in winter (1 October to 31 March). The site shall be closed on 25 and 26 December. No vehicles carrying waste or recycled materials shall enter or leave the site and no plant or machinery shall be operated other than during the above hours.

Reason: In the interest of local amenity to meet Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

3. The site shall only accept trade waste and trade recyclable materials on weekdays (Monday to Friday) within the permitted hours of opening. No trade waste or trade recyclable materials are to be accepted on weekends (Saturday to Sunday) and on any Bank Holiday.

Reason: In the interest of highways to meet Policy 12 (Managing Traffic), and local amenity to meet Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

##### **Types of Waste**

4. The site shall not accept vehicles, trailers or caravans as waste and these shall not be sorted or dismantled on site.

Reason: In the interest of local amenity to meet Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

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#### **Pollution Control**

5. No refuse shall be burnt on site.

Reason: To prevent pollution of the environment and to prevent site occupants and neighbours being exposed to unacceptable emissions; addressing Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013) and Policy DM8 (Conservation, protection and enhancement of existing natural features) of the Havant Borough Local Plan (2011).

6. Any above ground oil/chemical storage tank/container and associated pipework shall be bunded so as to retain at least 110% of the volume of the tank'/containers' capacity within the bund, which should be sealed to avoid any spillages.

Reason: To prevent pollution of the water environment and to address Policy CS15 (Flood and Erosion Risk) of the Havant Borough Local Plan (2011) and Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

7. The surface water to be discarded to any watercourse, surface water sewer or soakaway must pass through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and to address Policy CS15 (Flood and Erosion Risk) of the Havant Borough Local Plan (2011) and Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

#### **Restoration**

8. The site shall be restored in accordance with a scheme to be agreed by the Waste Planning Authority in writing. The scheme shall be submitted within five years of the date of this permission and implemented within six months of the date of cessation of recycling operations as outlined in Condition (1). The scheme shall include details of the phased restoration of the site and the general nature of the intended after-use.

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Reason: To ensure satisfactory restoration to meet Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

### Plans

9. The development hereby permitted shall be carried out in accordance with the following approved plans: **Location Plan, Site Plan (ISL-A RevA)**

Reason: For the avoidance of doubt and in the interests of proper planning.

### Notes to Applicant

1. In determining this planning application, the Minerals and Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2024), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.

### Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- i) a Biodiversity Gain Plan has been submitted to the planning authority, and
- ii) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hampshire County Council as the Minerals and Waste Planning Authority.

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There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply under Regulation 7 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available, this permission is considered to be one which **will not require** the approval of a biodiversity gain plan before development is begun because the following statutory exemptions or transitional arrangements in the list below is/are considered to apply.

#### Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

#### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

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Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.