



Hampshire
County Council

Town and Country Planning Act 1990 (as amended)

To: Hampshire County Council
The Castle
Winchester
SO23 8UD

Application No: **CS/25/98843**
25/00124/HCM

HCC Ref: EAH002 WRH008

For: Hampshire County Council

Date of Application: 7 January 2025

Hampshire County Council, as County Planning Authority, **grants permission** for the following development in respect of the plans and particulars and subject to the attached schedule of 28 conditions:

Development: **Variation of Conditions 3 (CEMP), 4 (DMP), 6 (CTMP), 8 (CLDS & MMP), 10 (EA & RMS), 11 (Fisheries), 12 (Habitats), 15 (Arboriculture), 16 (LMP), 17 (FRA), 20 (Biosecurity), 21 (Bridge), 22 (Drainage), 23 (SDS) and 29 (Plans) of planning permission CS/17/81226 and 17/02023/HCS**

Site address: **Land at Woodhouse Lane and to the North and East of Botley Village, Eastleigh**

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.

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

Reasons for Approval

It is considered that the proposal would be in accordance with the relevant policies of the Eastleigh Borough Local Plan 2016-2036 (2022) and Winchester District Local Plan Parts 1 (2013) and 2 (2017) 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.

All enquiries should be referred to Universal Services,

The Castle, Winchester, SO23 8UD

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

NB - Applicants; your attention is drawn to your rights of appeal set out in attached document

Director of Universal Services
2 May 2025

FormCM

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

The amendments are considered to be in accordance with high level requirements for the bypass and more detailed transport policy requirements (Policies BO5 (Botley bypass) and DM13 (General development criteria – transport) of the EBLP (2022), CP10 (Transport) of the WDLP Pt1 (2013) and SHUA5 (Botley Bypass Safeguarding) of the WDLP Pt2 (2017)).

Mitigation and enhancement proposed mean the changes to the previously approved design are acceptable in terms of visual, landscape, arboricultural and ecological impacts (Policies DM1 (General criteria for new development) and Policy DM11 (Nature Conservation) of the EBLP (2022) and Policy CP13 (High Quality Design) and Policy CP16 (Biodiversity) of the WDLP Pt1 (2013)).

Noise impacts resulting from the design changes can be adequately be controlled and minimised (Policies DM1 (General criteria for new development) and DM11 (Nature Conservation), and Policy DM8 (Pollution) of the EBLP (2022) of the EBLP (2022), and CP16 (Biodiversity) of the WDLP Pt1 (2013). and DM17 (Site Development Principles DM19 (Development and Pollution), and DM20 (Development and Noise) of the WDLP Pt2 (2017)).

Revised drainage proposals are supported by detailed assessment and management demonstrating they are designed to the appropriate standards including accounting for future climate change events (Policies DM6 (Sustainable Surface Water Management and Watercourse) of the EBLP (2022) and CP17 (Flooding, Flood Risk and the Water Environment) of the WDLP Pt1 (2013)).

Conditions

Time Limits

1. The development hereby permitted shall be begun before the expiration of five years from the date on which this planning permission was granted.

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

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

Development Permitted

2. The development hereby permitted is for Phase 3 of the wider Botley Bypass Road Scheme first permitted under planning permission CS/17/81226 and 17/02023/HCS. For the avoidance of doubt, the Phase 3 development is that part of the scheme identified on Overview Plan CJ008882-HEH-GEN-44301694-DR-CH-7106 S2-P01.

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

Construction

3. No Heavy Goods Vehicles (HGV) shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0800-1800 Monday to Friday and 0800 -1300 Saturday. There shall be no working on Sundays or recognised Public Holidays. Work outside of these hours shall only take place in exceptional circumstances and only Monday-Friday following the advance written agreement of the County Planning Authority excepting for works associated with piling which shall be allowed as approved following the advance written agreement of the County Planning Authority.

For the avoidance of doubt, an HGV for the purposes of this planning permission is defined as any road vehicle over 3.5 tonnes.

Reason: In the interests of public amenity and in accordance with Policies DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and DM19 (Development and Pollution) of the Winchester District Local Plan Part 2 (2017).

4. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024 including those Appendices and Supporting Documents listed on Pages 2 and 3.

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

Reason: To protect the amenity of nearby properties, to avoid impacts to features of ecological interest and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM19 (Development and Pollution) of the Winchester District Local Plan Part 2 (2017).

5. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with Botley Phase 3, Dust Management Plan, Milestone Infrastructure (December 2024) Appendix C to Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024.

Reason: In the interest in air quality and public health and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM19 (Development and Pollution) of the Winchester District Local Plan Part 2 (2017).

6. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with Operational Noise Risk Assessment and Management Scheme' Dated 7 May 2021 as approved under planning permission CS/17/81226 and 17/02023/HCS on 22 November 2021.

Reason: In the interest in public amenity and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM20 (Development and Noise) of the Winchester District Local Plan Part 2 (2017).

Construction Traffic Management Plan (CTMP)

7. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with Site Logistics and Construction Traffic Management Plan (CTMP) EHS 009-F01 Rev02 Dated 19 December 2024.

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

Reason: In the interests of highway safety in accordance with Policies S11 (Transport Infrastructure), and DM13 (General Development Criteria – Transport) of the Eastleigh Borough Local Plan (2022) and Policy CP10 (Transport) of the Winchester District Local Plan Part 1 – Joint Core Strategy (2013).

Highways

8. Plans and particulars showing the detailed proposals for the traffic management scheme to be implemented on the A334 through Botley Village (including a programme of works) shall be submitted to and approved by the County Planning Authority in writing prior to the opening of the bypass. The works should be implemented in accordance with the agreed programme.

Reason: To support the operation of the public highway and in accordance with Policies S11 (Transport Infrastructure), and DM13 (General Development Criteria – Transport) of the Eastleigh Borough Local Plan (2022) and Policy CP10 (Transport) of the Winchester District local Plan Part 1 (2013).

Contaminated Land

9. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with:
- (i) Contaminated Land Discovery Strategy – Botley Bypass Phase 3 Rev 2 Dated 20 December 2024; and
 - (ii) Materials Management Plan – Appendix L to Main Works CEMP which is Appendix C to Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024.

Reason: To ensure the remediation of contaminated land encountered during construction of the development and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM21 (Contaminated Land) of the Winchester District Local Plan Part 2 (2017).

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

10. Prior to completion of the development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS:
- (i) The agreed scheme of Remedial Measures and Material Management Plan shall be implemented as agreed and verified in writing by an independent competent person, the written confirmation shall be provided to the County Planning Authority.
 - (ii) Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the County Planning Authority. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the County Planning Authority.

Reason: To ensure the remediation of contaminated land encountered during construction of the development and in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022) and Policy DM21 (Contaminated Land) of the Winchester District Local Plan Part 2 (2017).

Ecology

11. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with:
- (i) Ecological Appraisal of advanced vegetation clearance, Botley Bypass Phase 3 V3. October 2024 and;
 - (ii) Reptile Mitigation Strategy, Botley Bypass Phase 3, Dated November 2024 which is Appendix M of Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024.

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

Reason: To avoid impacts to protected species and in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

12. Within nine months of the commencement of piling works, including test piling, details of the scheme for the provision and management of fisheries habitat creation within a Fisheries Habitat Management Plan shall be submitted to and approved in writing by the County Planning Authority.

The operator shall inform the County Planning Authority in writing before the commencement date of piling.

The approved Fisheries Habitat Management Plan shall be implemented before completion of the bypass scheme which for the purposes of this condition shall be the date of the opening of the bypass to general traffic.

Reason: To mitigate the impact of the bypass and associated infrastructure has the potential to impact upon the ecological and fisheries value of the river and its corridor in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

13. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with Botley Bypass Phase 3 Landscape & Ecological Management Plan & Implementation Report and associated Appendices, dated December 2024.

Reason: To conserve and enhance biodiversity in accordance with in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

14. Prior to the opening of the bypass to general traffic, a 10 year, costed, planting, enhancement and management plan for Bottom Copse Site of Importance for Nature



Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

Conservation shall be submitted to the County Planning Authority for approval in writing. The plan shall be implemented as approved.

Reason: To conserve and enhance biodiversity in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

15. The development hereby permitted shall be implemented in accordance with the Himalayan Balsam Management Plan dated 9th October 2017 approved under CS/17/81226.

Reason: To prevent the spread of invasive non-native species in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

Landscaping

16. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement Rev:9, dated November 2024.

Reason: To protect existing trees which are to be retained during construction and in accordance with Policies S9 (Green Infrastructure) and DM1 (General criteria for new development) of the Eastleigh Borough Local Plan (2022) and Policy DM24 (Trees, Important Hedgerows and Ancient Woodlands) of the Winchester District Local Plan Part 2 (2017).

17. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with Botley Bypass Phase 3 Landscape & Ecological Management Plan & Implementation Report and associated Appendices, dated December 2024.

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

Notwithstanding the above, the handling of top soils shall incorporate those suggestions provided by the County Landscape Architect in the consultation response dated 7 March 2025 which are:

- (i) tree pits (1.2x1.2x0.7m depth) reduce the proposed depth of topsoil to 400mm max in line with current industry good practice.
- (ii) reference be made to “multi-purpose” topsoil (rather than General Purpose) as updated in the British Standard 2013.
- (iii) 150mm topsoil depths for grass seeding be reduced to limit the vigour of grass growth and so ease the amount of ongoing verge maintenance.

Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and landscape character of the area site and in accordance with Policies S9 (Green Infrastructure) and DM1 (General criteria for new development) of the Eastleigh Borough Local Plan (2022) and Policy DM24 (Trees, Important Hedgerows and Ancient Woodlands) the Winchester District Local Plan Part 2 (2017).

Water Environment

18. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with the Flood Risk Assessment (FRA) by AtkinsRéalis dated December 2024 and the following mitigation measures detailed within the FRA:

- (i) Soffit level of proposed bridge is no lower than 6.44m AOD plus a 600mm freeboard allowance. The 6.44m AOD is the 1 in 100-year modelled flood level including a 105% climate change allowance.
- (ii) Provision of compensatory flood storage as indicated in Table 4.3 and 4.4 in FRA and as per drawing number CJ008882-HEH-GEN-44301694-DR-CH-7112 are implemented.



Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

The mitigation measures shall be fully implemented prior to completion of the bridge crossing and operation of the bypass and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the County Planning Authority.'

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future users, and to ensure that the development is in accordance with Policies DM3 (Adaptation to Climate Change), DM5 (Managing flood risk) and DM6 (Sustainable surface water management & watercourse management) of the Eastleigh Borough Local Plan (2022), and Policy CP17 Flooding, Flood Risk and the Water Environment) of the Winchester District Local Plan Part 1 (2013).

19. Where possible all works to the main River Hamble which may have an impact upon fish, including any percussive piling works (and soft-start methods) should take place between November 1st and March 15th (inclusive) to prevent any negative impacts to migratory salmonids. If percussive works are to extend outside of the recommended window period (1st November to 15th March), a noise impact risk assessment must be undertaken to provide evidence that the underwater noise disturbance is sufficiently low to avoid harm to migratory fish before the works commence.

Reason: To ensure the protection of migratory fish and fisheries value of the river and its corridor in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

20. All works to the Woodhouse Gully should take place between 15 March – 31 Oct (inclusive) to prevent any negative impacts to migratory and resident salmonids. If percussive works are to extend outside of the recommended window period (1 November to 15 March) a noise impact risk assessment must be undertaken to provide evidence that the underwater noise disturbance is sufficiently low to avoid harm to migratory fish before the works commence.

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

Reason: To prevent any negative impacts to migratory salmon in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

21. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with the Biosecurity Plan which is Appendix K of the Botley Bypass Phase 3 - Construction Environmental Management Plan (CEMP) Main Works (MIL_FORENV_004 Botley Bypass CEMP – Main Works) Dated December 2024.

Reason: Under Section 14 of the Wildlife and Countryside Act 1981, it is an offence to plant or otherwise cause Himalayan balsam to grow in the wild.

22. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with Botley Bypass Phase 3 Bridge Construction Environmental Management Plan Bridge, Culvert and Outfalls (MIL_FOR_ENV_004) and associated Appendices, dated 18 December 2024'

Reason: To protect migratory fish species in accordance with Policy DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Policy CP16 (Biodiversity) of the Winchester District Local Plan Part 1 (2013).

23. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with:

- (i) Botley Bypass, Drainage Impact Assessment (Rev. 5) Dated November 2024
- (ii) Botley Bypass, Drainage Maintenance Plan (Rev. C) Dated November 2024

The approved drainage shall be maintained as approved for the duration of the bypass development.

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

Reason: To ensure that flood flows exceeding design criteria have been considered and mitigation or intervention measures identified where necessary and that the sustainable drainage systems function as designed for the duration of the development and to ensure that the development is in accordance with Policies DM3 (Adaptation to Climate Change), DM5 (Managing flood risk) and DM6 (Sustainable surface water management & watercourse management) of the Eastleigh Borough Local Plan (2022), and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the Winchester District Local Plan Part 1 (2013).

Archaeology

24. The programme of archaeological assessment in accordance with a Written Scheme of Investigation approved on 7 May 2020 shall be implemented as approved.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets and to ensure that the development is in accordance with Policies S8 (Historic Environment) and DM12 (Heritage Assets) of the Eastleigh Borough Local Plan (2022) and Policy DM26 (Archaeology) of the Winchester District Local Plan Part 2 (2017).

25. Following completion of archaeological fieldwork a report shall be produced and submitted to the County Planning Authority in accordance with the programme approved in 'Letter from Wessex Archaeology reference KED/233415/17.11.22 dated 17th November 2022' which shall include where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available and in accordance with Policies S8 (Historic Environment) and DM12 (Heritage Assets) of the Eastleigh Borough Local Plan (2022) and Policy DM26 (Archaeology) of the Winchester District Local Plan Part 2 (2017).

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

26. No builders or contractor vehicles, machinery, equipment, materials or anything associated with the development should be left on or near Public Rights of Way so as to obstruct, hinder or present a hazard to walkers.

Reason: To prevent conflict with existing Public Rights of Way in the vicinity of the development and to ensure the development is in accordance with Policy S12 (Strategic footpath, cycleway and bridleway links) of the Eastleigh Borough Local Plan (2022).

27. Subject to the above conditions, the development hereby permitted shall be implemented in accordance with the mitigation and enhancement measures set out in Table 19.1 of the submitted 'Environmental Statement Volume 1: Main Text' Dated July 2017 except as amended by Table 9.1 of the Botley Bypass Phase 3 - Environmental Statement Addendum dated December 2024.

Reason: In the interests of proper planning and to secure the implementation of mitigation measures forming the assessment of the impact of the development.

Plans

28. The development hereby permitted which is Phase 3 of the development first permitted under planning permission CS/17/81226 and 17/02023/HCS shall be carried out in accordance with the following approved plans:

EC/RJ567629101RevA, EC/RJ567629/01/102, CJ008882-ECH-HGN-44301694-DR-HE-7103, CJ008882-ECH-HGN-44301694-DR-HE-7104, CJ008882-ECH-HGN-44301694-DR-HE-7105, CJ008882-ECH-HGN-44301694-DR-HE-7106, CJ008882-ECH-HGN-44301694-DR-HE-7107, CJ008882-ECH-HGN-44301694-DR-HE-7108, EC/RJ567629/01/109, EC/RJ567629/01/111, CJ008882-ECH-HGN-44301694-DR-HE-7112, EC/RJ567629/01/121, EC/RJ567629/01/122, EC/RJ567629/01/123, EC/RJ567629/01/124, EC/RJ567629/01/125, EC/RJ567629/01/126, CJ008882-ECH-HGN-44301694-DR-HE-7133, CJ008882-ECH-HGN-44301694-DR-HE-7134, CJ008882-ECH-HGN-44301694-DR-HE-7135, EC/RJ567629/01/141, EC/RJ567629/01/142, EC/RJ567629/01/144, CJ008882-ECH-



Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

HGN-44301694-DR-HE-7146,CJ008882-ECH-HGN-44301694-DR-HE-7145,
CJ008882-ECH-HGN-44301694-DR-HE-7147, CJ008882-ECH-HGN-44301694-DR-
HE-7148, CJ008882-ECH-HGN-44301694-DR-HE-7149,CJ008882-ECH-HGN-
44301694-DR-HE-7150, CJ008882-ECH-HGN-44301694-DR-HE-7151,
EC/RJ567629/01/161,EC/RJ567629/01/162RevA, CJ008882-ECH-HGN-44301694-
DR-HE-7163, CJ008882-ECH-HGN-44301694-DR-HE-7174, EC/RJ567629/01/173,
EC/RJ567629/01/172,EC/RJ567629/01/171, CJ008882-ECH-HGN-44301694-DR-
HE-7175, CJ008882-WPE-ELS- 44301694-DR-HE-0006, CJ008882-ECH-HSC-
44301694-DR-HE-0121, EC/RJ567629/01/202, EC/RJ567629/01/201,
EC/RJ567629/01/179, EC/RJ567629/01/178,CJ008882-ECH-HGN-44301694-DR-
HE-7177,CJ008882-ECH-HGN-44301694-DR-HE-7176, L-
RJ567629/01.4002,CJ008882-ECH-HDG- 44301694-DR-D-0004, CJ008882-ECH-
HDG-44301694-DR-D-0003,CJ008882-ECH-HDG-44301694-DR-D-0002,
CJ008882-ECH-HDG-44301694-DR-D-0001, CJ008882-ECH-HSC-44301694-DR-
HE-0124,CJ008882-ECH-HSC-44301694-DR-HE-0123, L-RJ567629/01.4001,
EC/RJ567629/01/1602, CJ008882-HES-SBRB2307-DR-CB-1001, CJ008882-ECH-
HGN-44301694-DR-HE-71201, CJ008882-ECH-HDG-44301694-DE-D-0013,
CJ008882-WPE-ELS-44301694-DR-HE-0003, CJ008882-WPE-ELS-44301694-DR-
HE-0002, CJ008882-WPE-ELS-44301694-DR-HE-0001, L-
RJ567629/01.4003,CJ008882-WPE-ELS-44301694-DR-HE-0005, CJ008882-WPE-
ELS-44301694-DR-HE-0004,EC/RJ567629/01/131RevA,
EC/RJ567629/01/132RevA, EC/RJ567629/01/157,EC/RJ567629/01/143RevA,
CJ008882-ECH-HSC-44301694-DR-HE-0122, EC/RJ567629/01/501RevA,
EC/RJ567629/01/502RevA, CJ008882-ECH-HSC-44301694-DR-HE-0125,
CJ008882-ECH-HSC-44301694-DR-HE-0126, CJ008882-ECH-HSC-44301694-DR-
HE-0127, CJ008882-ECH-HDG-44301694-DR-D-0005,CJ008882-ECH-HDG-
44301694-DR-D-0006,CJ008882-ECH-HDG-44301694-DR-D-0007,CJ008882-ECH-
HDG-44301694-DR-D-0008,CJ008882-ECH-HDG-44301694-DR-D-0009,CJ008882-
ECH-HDG-44301694-DR-D-0010,CJ008882-HES-SBRB2307-DR-CB-
1002,CJ008882-HES-SBRB2307-DR-CB-1003,CJ008882-WPE-ELS-44301694-DR-
HE-0007

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

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

Notes to Applicant

1. In determining this planning application, the County 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.
3. There must be no surface alterations to a Public Right of Way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Local Highway Authority. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980.
4. Hampshire County Council, as Local Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a PROW to a standard commensurate with its expected normal public use.
5. If there is likely to be an effect on the Public Right of Way in terms of dust, noise or other obstruction during the period of the works, we suggest that a Health and Safety Risk Assessment be carried out, and that if there is deemed to be a risk to users of the network, the applicant should contact Hampshire County Council directly to discuss the Temporary Closure of the effected Footpath/s for the duration of the works.
6. The applicant's attention is drawn to the comments of Network Rail regarding development in the vicinity of its land in order to ensure that the works do not:
 - (i) encroach onto Network Rail land;



Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

- (ii) affect the safety, operation or integrity of the company's railway and its
- (iii) infrastructure;
- (iv) undermine its support zone;
- (v) damage the company's infrastructure;
- (vi) place additional load on cuttings;
- (vii) adversely affect any railway land or structure;
- (viii) over-sail or encroach upon the air-space of any Network Rail land; or
- (ix) cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

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 County Planning Authority.

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.

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

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.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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

Town and Country Planning Act 1990 (as amended)

Application No: **CS/25/98843**
25/00124/HCM

Continued

purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

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.