

On Mon, 25 Nov 2019 at 21:50,

To Daphney Haywood

Thank you for your swift response to my email.

It would appear that your advice from HCC is referring me to the very response I am objecting too, which has now re-appeared on the planning portal. The advice also provides some specific points to highlight the poor quality of the planning application but does not answer all of my objections. I look forward to receiving the further information stated when reviewed by HCC officers in due course, preferable before any recommendation is reached.

On a personnel matter, and in my capacity as design authority for National Air Traffic Services with safety accountabilities for systems with specific safety assurance for every single person flying within the whole of UK airspace, I find it difficult to understand why HCC do not seem that concerned with the safety issues raised by local residents. I can state for a fact that if any advice provided by myself was based on information which had been challenged or stated as incorrect, and I knowingly disregarded, the consequences would be severe.

I hope you will persevere in attaining the information required to answer the Highway Safety concerns of the residents and visitors of Old Bedhampton.

Best Regards

On Mon, 25 Nov 2019 at 17:38, Haywood, Daphney <Daphney.Haywood@havant.gov.uk> wrote:

Thank you for your email. As it relates to a Highway Safety matters I have taken advice from Hampshire Highways who have advised me:

In its capacity as the local highway authority, Hampshire County Council has formally commented on the application. It is understood that a copy of our response is publicly available on the planning portal. However, I have asked my officers to review the points that you have raised and where appropriate, to provide further information in response to the comments you raise.

The pedestrian and cycle movements differ in the two tables as they are being assessed during the different peak hours for that mode of transport. Table 2.3 assesses movements during the vehicle peaks whereas tables 2.1 and 2.2 assess the pedestrian and cyclist movements in their respective peak hours. This explains the different average movements from those presented in the individual tables provided in the I-Transport report.

The walking distance assessment that you have undertaken takes distances from the western end of Lower Road, rather than from the middle of the site. This explains the differences in the assessment that you have undertaken when compared to I-Transport's. Following an audit of the main route to the nearby schools, the Highway Authority will be securing a contribution to improve the primary walking route to these schools through a S106 agreement.

As the safest and most direct walking route, it is assumed that pedestrians will remain on the western side of Lower Road through the section of missing footpath. As a result, a drawing detailing the visibility splays around the bend on Lower Road was not requested. The applicant did provide 85th percentile speeds on Lower Road which were used to calculate the visibility available for pedestrians.

The Highway Authority has reviewed accident data for the past 20 years for Lower Road, which has revealed no prior accidents at this location. Having considered these factors, and sought the views of our in house road safety auditor, the Highway Authority recommended no objection for the reasons set out in its formal planning response.

Your letter of objection has been treated as a formal objection and as such will be saved to the Council's website.

Best Regards

Daphney Haywood

Principal Planner

Planning Services

Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant PO9 2AX

Direct Phone: 023 9244 6513

SUBMISSION OF OBJECTIONS TO APP/19/01083

(unamended, as of 29th November 2019).

These objections should be read in conjunction with the attached supporting evidence which clearly adds weight to the case to reject this application.

1. This application seeks to retrospectively regularize class B2 use, the making of cement products, which has been taking place for the past 3 years, on the grounds there will be no material change. It is inappropriate to grant an application allowing any unspecified industrial activity in a residential area without detailed specific conditions on use in terms of size, type and times.
2. Within this application is an attempt to retrospectively regularise unauthorised B8 storage use in areas outside of the barn, not consented in previous applications (APP/14/01019 & APP/15/00604). The already unauthorised increase in storage space has resulted in increased activity and visual intrusion. This material change should require a new planning application supported by a relevant Traffic, Environmental and Biodiversity reports in the very least.
3. The application attempts to nearly double the size of the plot without explanation or justification. There is a significant risk that there will be a further increase in B8 activity with consequential increase in traffic and thus impact on the residential and conservation areas. There are already 8 IOS containers with unknown contents (in excess of the 4 quoted in the application), several derelict vehicles including 2 HGV's, large unsightly areas of open storage and several bunds of spoil. The area of land in question is not previously developed land and is thus an unauthorised development requiring an enforcement action.
4. The proposals made by the applicant is potentially a piecemeal development which will have a significant incremental effect on the local residential area and should be assessed in conjunction with H20 and be determined at the EiP of the HBC LP 2036.
5. This application should be rejected and all B8 storage areas should be re-sited within the barn as per consent for APP/14/01019 and APP/15/00604. The hardcore apron to the north of the barn and the land to the east of the barn should be reinstated.
6. The application should be withdrawn and a further application be made addressing the issues raised with greater detailed supporting evidence addressing traffic, environment, landscape, heritage and impact on the

adjacent residential and conservation areas. This application should be determined alongside that for H20 at the same time so that the true incremental harm to Old Bedhampton Conservation Area and Lower Road can be judged. For instance, the traffic details are disingenuous and out of date.

7. For further detailed evidence please see the attached "evidence" document outlining unauthorised developments, complaints leading to 2 enforcement actions and the detrimental impact on the residential area.
8. The proposed extension would block access to the western part of the field from the western end of Lower Road. The proposal for 50 houses (H20) will be detrimentally impacted by the introduction of an access road around its perimeter in order to gain access to the fields in the south and west for farming.
9. It is understood that after discussions with the case officer for APP/19/01083 that an amended application will be submitted but no time frame has been set. Meanwhile an enforcement order (Acolaid Case 19/00010/CMP) is suspended pending a planning application to retrospectively regularise unauthorised uses. This process should not be open ended. There should be a time frame with a limit which when expired results in automatic enforcement of APP/14/01019 and APP/15/00604 and full reinstatement.

29th November 2019

THE EVIDENCE SUPPORTING OBJECTIONS TO APP/19/01083

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IMAGE 2. BEFORE DEVELOPMENT.



IMAGE 3. EARLY 2019.



IMAGE 4. SUMMER 2019

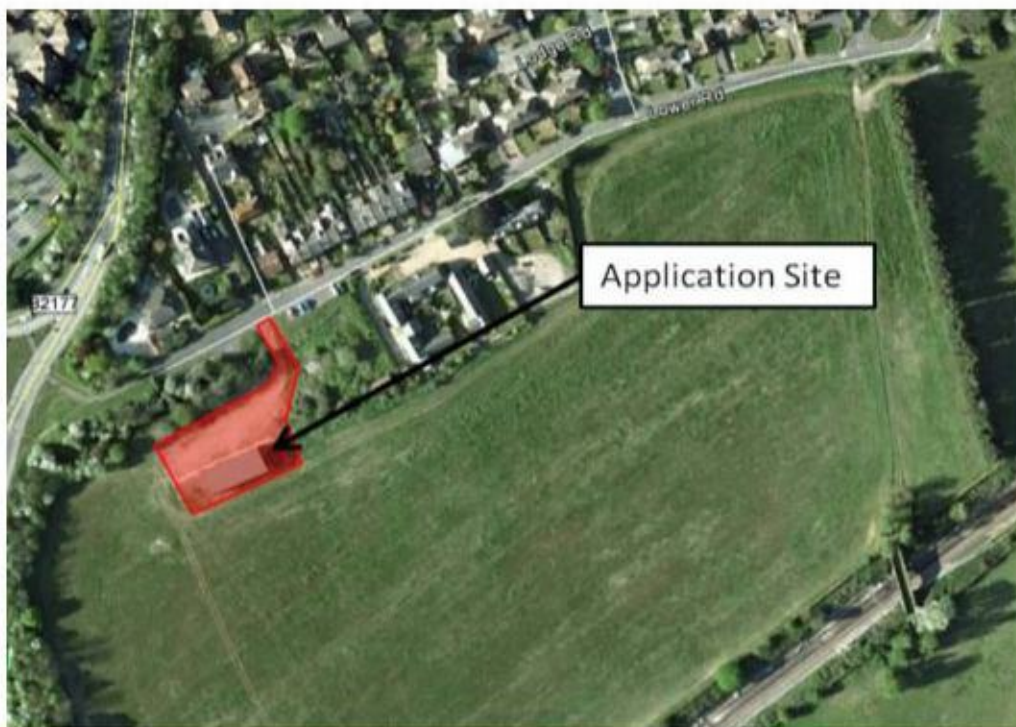


IMAGE 5. TRANSPORT STATEMENT LOCATION VIEW.

Application Number: APP/14/01019

Site Address: Barn on land adjacent Old Manor Farm, 15 Lower Road, Havant

"Further to your application received on 29 September 2014, 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 Prior Approval, hereby granted, permits first use of the agricultural building identified within the application for B1 or B8 use only. Once implemented as either a B1 or B8 use.....

Reason: The information supplied with the Prior Approval application has suitably demonstrated that a B1 and B8 use will not have an adverse impact on transport and highways; contamination and flood risk.

2 Prior to the first implementation of either a B1 or B8 use, granted by this Prior Approval application, the applicant shall submit to the local planning authority a plan and details of the area of hardstanding and parking allocation for the intended use. The development shall hereafter be implemented in accordance with the approved details unless otherwise agreed in writing.

Reason: In the interests of highway safety in accordance with requirement (i) of Class M."

3. APP/15/00604

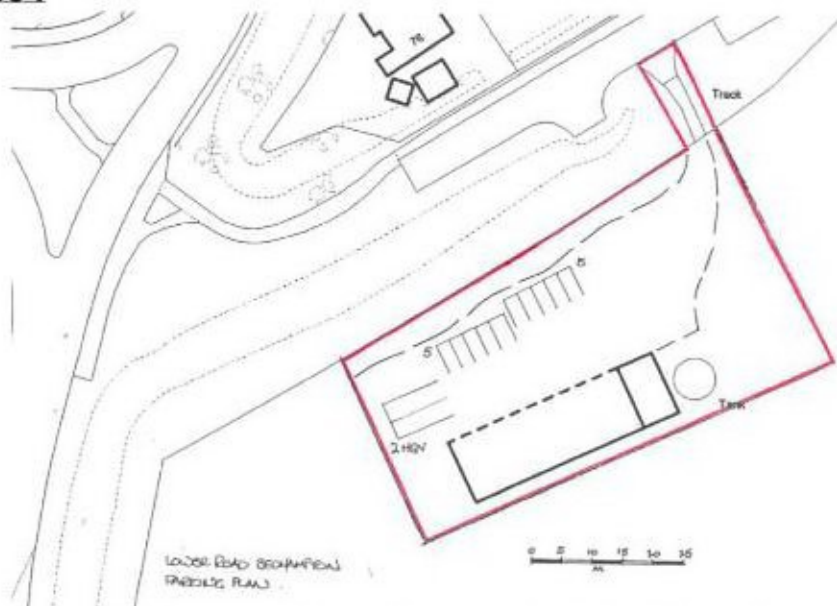


IMAGE 6. LOCATION PLAN APP/15/00604

3.1 Subject: FW: Acolaid Case APP/15/00604

Formal Response

The Highway Authority has no adverse comment on this application. I would recommend that the Planning Authority accept the parking layout as shown on the submitted plan.

Peter J Marshall BSc MCIHT

Development Engineer

Havant Borough Council

Penner Road

3.2 Comments for Planning Application APP/15/00604

Application Summary

Application Number: APP/15/00604

Address: Barn on land adjacent Old Manor Farm, 15 Lower Road, Havant

Proposal: Discharge of Condition No. 2 of Planning Permission APP/14/01019

Case Officer: Stephen Andrews

Customer Details



Comment Details

Commenter Type: Complainant

Stance: Customer objects to the Planning Application

Comment: The site is currently being used as a car scrap yard. There are currently at least 20 wrecks being stored in the open on the site with a significant noise impact which has already been the subject of local complaints. To me this is a significant change of use from farm buildings in what is a quiet residential street. Has this change of use been given planning permission?

Dated 01/12/2016.

3.3. The boundary of the proposed site is clearly marked and is the same on both APP/14/01019 and APP/15/00604. There is no extension to the east onto land that abuts Old Manor Farm. I cannot find any evidence giving consent for B8 storage outside of the barn. APP/15/00604 clearly marks the hard standing to the north of the building for car parking and not IOS containers.

4. APP/19/01083. The Application Form (AF).

4.1 The site area has now increased from the footprint of the barn for B1 or B8 use at 0.04 hectares (**APP/14/01019**) to now measure 0.28 hectares (AF para 4) with a significant extension to the east to abut the Old Manor Farm Conservation Area. Compare location plan, diagram 6 above with diagram 7 below. No explanation or justification has been given for this increment.



IMAGE 7. LOCATION PLAN APP/19/01083

4.2 The previous planning applications were for B1 or B8 use within the barn. There was no mention of outside storage areas. **APP/14/01019** had 2 conditions attached to the permission statement. The second required a plan and details of hard standing and parking allocation. This was met with **APP/15/00604** as shown in para.3 of this objection. The area is now shown to be a storage area for 4 ISO containers each 80 square metres with no parking allocation although the Application Form (AF para 9) cites 6 spaces allocated.

4.3 The application form (AF) para 12 states that there are no protected or priority species and there are no conservation features of importance. The adjacent farmland is identified as a low use site Solent waders and Brent Geese, the site is within the Bechstein's bat area of search and the proposed site extension abuts the Old Manor Farm Conservation Area. Swallows were prevalent visitors in the summer, roosting within the barns but have not been sighted for the past few years.

4.4 AF para 13 of the Application Form makes no comment about Foul Sewage or its disposal. The application for class B2 states on site working from 0900hrs to 1700hrs Monday to Friday but there are no facilities for the employees.

4.5. Residents have evidence that the site is used outside of the stated hours and includes Saturdays and Sundays. Commercial vehicles arrive and leave at times from 0345 to 2300hrs. Diagrams 8, 9 & 10 are some CCTV screen shots taken from Old Manor Farm looking at Lower Road. There are numerous examples of commercial vehicles, both light and heavy accessing the site in this residential area, almost throughout the entire 24 hours of the day.

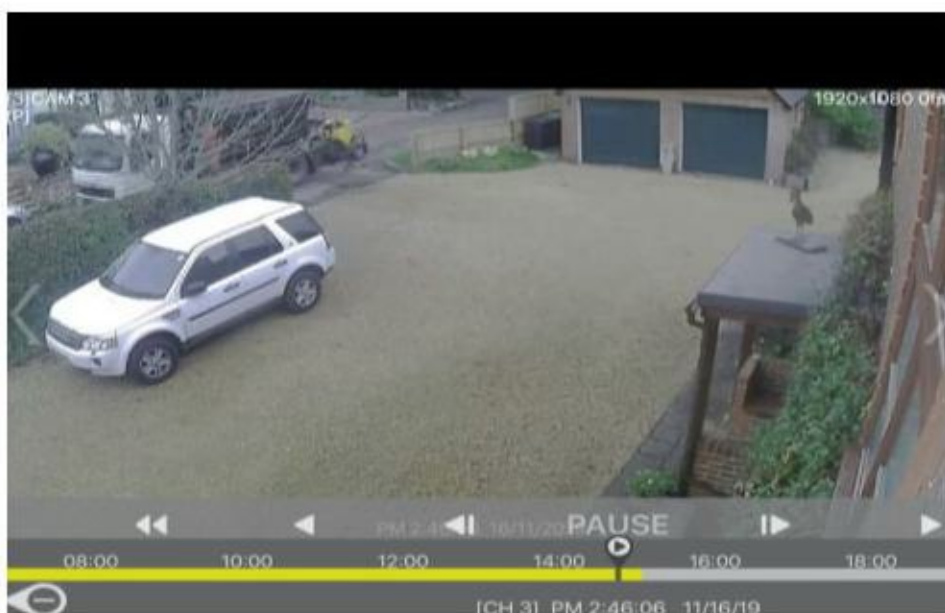


IMAGE 8. One of two trucks arriving on site mid afternoon of Saturday 16th November 2019. Both trucks left half an hour later without their towed cargo.



IMAGE 9. This commercial vehicle arrives most morning at 0645hrs. It's clattering cargo makes so much noise that it is possible to use this event as an early morning wake up call.



IMAGE 10. This “20 tonne HGV” was one of several delivering spoil to the site in the summer of 2019 at 2238hrs.



IMAGE 11. There are numerous other examples of commercial vehicles accessing the site at all hours of the day and all days of the week. There was one commercial vehicle which arrived on site at 0351hrs and left at 0414hrs on 20th November 2019. This event was repeated again on 16th November 2019 with a commercial pick-up truck arriving at 0353 and leaving at 0418hrs (Image 11). On both occasions it's rattling cargo was so noisy that residents were awoken.

4.6 AF paragraph 17 of the application states "yes" for loss, gain or change of non-residential floor space but then does not give any details.

4.7 AF paragraph 19, please see comment in para 4.4 of this statement.

5. The History

5.1 Since the summer of 2015 this site has been the source of numerous complaints requiring enforcement officers to intervene in late 2016 and again in 2019. The management and organisation of the site is chaotic and gives an impression of total disregard for their neighbours and the responsibilities of being in a residential area. It is possible that the applicants through ignorance or wilful total disregard for planning rules are not fit to embrace a use class extension to B2.

5.2 Complaints from local residents include noise from machinery, engines and music, chemical odours and bonfires. There is flood lighting of the exterior throughout the night which impacts on local resident's bedrooms and which does not have LPA consent. Frequent traffic to and from the site under the cover of darkness might be considered suspicious of nefarious activity. It is not normal commercial practice, especially not in a residential area. The prevailing winds from the west

carry noise, odours and smoke to adjacent residential properties, including Old Manor Farm residences.

5.3 The 4 year history of activity at this site has resulted in many “event” complaints which have been lodged with the Planning Department’s Enforcers but these one off events go unchallenged and are not resolved. It is very unsettling for residents to be living in a constant atmosphere of uncertainty and disruption.

6. Traffic Report.

6.1 The traffic report understates or omits a range of concerns and raises the question, was it a desktop exercise? The report’s numbers for traffic movements is not recognised by residents as it is disingenuous by avoiding presenting numbers for the whole site. There is no recognition that there are no footpaths for the entire length of Lower Road which is a narrow and shared surface (prams and cyclists) and with on road parking. It contains 3 bends with poor sight lines and which are well documented for near misses. One cyclist having been recently knocked over by a taxi. Luckily, he was uninjured and thus does not warrant being a crash map statistic. There has been an over reliance on Crash Map for just Brookside and Lower Roads with no recognition of the hazards around the mini roundabout and the short slip road to turn right into Brookside Road. All are inadequate and become a hazard when used by commercial vehicles (Image 12). Commercial vehicles are generally wider than resident’s saloon vehicles and will thus exacerbate the hazards that already exist.

6.2. Banning of any offsite parking by users of the site will be unenforceable.

6.3 Access to the site is through a Conservation Area which is a recreational amenity and a tranquil setting of narrow roads and lanes unfit for commercial vehicles large or small (Image 12).



IMAGE 12. LOWER ROAD, WINTER WEEKEND IN 2016. This event resulted in damage to trees for which there was no apology.

7. Planning Design and Access Statement (PDAS).

7.1 PDAS paragraph 2.1 states “the site measures approximately 0.37 hectares” whereas the application form states 0.28 hectares. This is a substantial difference which requires explanation. This proposed site extension will sever access to farmland to the south from the western end of Lower Road. The proposal for 50 houses (H20) will be detrimentally impacted by the introduction of an access road around its perimeter in order to gain access to the fields in the south and west for farming.

7.2 PDAS paragraph 2.6 states “the site is well screened”. This is not the case for 6 months of the year as leaf fall for winter gives clear views of the site from adjacent roads and residences (Image 12). The western boundary of the proposed development H20 is not screened and southern boundary of the site is also not screened. Thus, there will be clear long views of both sites, not only from one to the other but also from the railway and adjacent trunk roads.



IMAGE 13. A VIEW FROM LOWER ROAD IN WINTER OF 2018

7.3 PDAS paragraph 3 states it “expects any planning approval to restrict B2 use to concrete manufacturing only”. On the face of it this is reassuring but the 4 year history of overstepping the boundaries of planning regulations will lead residents to believe otherwise. ‘Concrete manufacturing’ can be at one end of the spectrum a single cement mixer and at the other end a large industrial silo with HGV’s picking up concrete loads to take to other construction sites.

7.4 ***“The storage containers are not fixed structures and therefore do not require planning permission for placement.” (Para 5.4).*** However, the LPA has not given consent to using the hardcore apron of land to the north of the barn for B8 class use. If this contravention is not enforced it will allow unsightly rusting containers to be placed on site attracting a greater number of users with their vehicles into the residential area.

7.5 ***Paragraph 6 “Planning Policy”*** quotes selectively from National Planning Policy Framework (NPPF) and the Havant Local Plan Core Strategy (2011). The latter is in the very near future to be superseded by HBC LP 2036 which will be adopted by Council in 2020 after EiP early in 2020. There has been no recognition of the setting of the Old Manor Farm Conservation Area being threatened or harmed with its link to agricultural land having been severed.

7.6 PDAS paragraph 6.13 states ***“Draft policy E3 Landscape and settlement boundaries, states that development outside of settlement boundaries will not usually be permitted unless it meets one of four criteria. Criteria g) requires it to be “proposed on previously developed land and does not represent a material intensification of use.”*** Part of the “new” site plan to the east is not a previously developed land and the change of use to B1, B2, and B8 does represent a material change.

7.7 ***PDAS paragraph 7.4 ‘The proposal also seeks to obtain retrospective approval for B8 storage use on hardstanding within the grounds of the existing building. The type of storage proposed comprises a combination of open storage and storage containers to be located within six specific plots. The storage containers are not fixed, permanent structures and therefore do not constitute development.’*** Any storage of containers or use of them for storage purposes will be visually intrusive from close and distant views. (rust, colour etc). If such use(s) are introduced there may be no control over movements to/from by time or vehicle. Equally the parking of commercial vehicles could be visually intrusive as well as detrimental to residential amenity of nearby properties. Hours of operation, winter starting, fumes, traffic safety and noise etc.

7.8 ***PDAS paragraph 7.5 “Whilst it is recognised that the site adjoins a sustainable settlement, it is located within the countryside and thus within a rural area. Para 83 of the NPPF supports sustainable growth and expansion of all types of business in rural areas, both through conversion and well-designed new buildings.”*** It is stretching the imagination to describe this as a rural area as it is bounded by trunk roads, a main line railway, a Conservation Area and residential suburbia.

7.9 PDAS paragraph 7.7 “Storage within the grounds would not be visible from any public vantage points...” As already described in paragraph 7.2, this site is visible for 6 months of the year after autumnal leaf fall.

7.10. PDAS paragraph 7.8 “The building is not overlooked by any adjoining properties and is well screened by existing vegetation alongside mature trees that are subject to tree preservation orders. It is therefore highly likely that this screening will be retained in the long term. The storage containers will be located behind the vegetation on the northern boundary and thus will not be visible either.” Please note previous comments (para 7.2) and image 13 which refute this assertion.

7.11. PDAS paragraph 7.11 “Considering the main two factors likely to affect surrounding properties, namely highways and noise, the residential amenity of the neighbouring properties will not be affected.” Please note previous comments refuting this assertion in paragraphs 4, 5 & 6.

7.12. PDAS paragraph 7.13 “The supporting Highways Statement concludes that there would be no highway or transportation reason why this change of use should be withheld on transport grounds. The vehicular trips generated by the development do not represent a material impact on the operational capacity or safety of the local highway network and sufficient on-site parking will prevent any overspill onto the adjoining residential roads.” This neatly side steps the traffic generated by other B1 and B8 uses which have increased significantly since the original planning application. For example, moving B8 from within the Barn to hard standing on the outside which is now being retrospectively regularised on the back of this application to gain consent for B2 use. See paragraph 7.14 of this statement.

7.13. PDAS paragraph 7.16 “There are no statutory or non-statutory designated sites of nature conservation interest situated within or adjacent to the application site and no potential adverse impacts have been identified”. This statement is incorrect. Please see paragraph 4.3 of this statement.

7.14 PDAS paragraph 8.1 “The site currently has approval for either B1 or B8 use within an existing barn. This approval was obtained via prior approval in 2014 and B8 storage was implemented. The proposal seeks a change of use, to allow for B1, B2 and B8 uses within the existing barn and B8 storage with hardstanding within the grounds. These uses already occur on the site. The application does not propose any internal or external works to the barn or works within the grounds to facilitate this.” Please see paragraph 7.12 and 8.6 of this statement.

8. Conclusion.

8.1. I understand that the Permitted Development Procedure introduced in the changes to the General Permitted Development Order is designed to bring back into use vacant/underused agricultural buildings and the land immediately adjacent as a means of assisting the economic diversification of farming. The part of the property that can be described as previously developed land (PDL) is the barn. There's reference in its (GPDO) guidance to the area of land being no larger than the footprint of the building it serves i.e. The Barn and the hardcore apron to the north of the barn. So, anything outside of these parameters does not have PD rights. Hence the application.

8.2. Thus, any breach of the existing permission e.g. class B2 use breaches the terms of the original consent (APP/14/01019 & APP/15/00604).

8.3. The area now added into the application site is not PDL. It is an unauthorised development. Hence the need for enforcement action.

8.4. I understand that any use within Class B is a non-conforming use within a residential area. I believe that Class B1 requires the LPA to make a judgement as to whether it is appropriate to consent to such an area. Anything that is judged to be appropriate may need to be accurately defined in the application and any conditions attached to a consent by such things as location (distance from nearest sensitive premises defined on plan), hours of operation, size of premises, height of open storage (containers, pallets) the specific user/business and no other etc. The track record of the management of this site illustrates how it has been possible to develop beyond planning consent out of ignorance or wilful disregard.

8.5. A B2 Use could be open to a wide range of uses inappropriate to a residential area. If the applicant is not prepared to be tied down the application should be refused. Even within a building the area devoted to such use etc needs specific control. Please see paragraph 7.3 of this document.

8.6. This application seeks to underplay the impact of already detrimental and unauthorised development / activity. It attempts to retrospectively regularise B2 activity and endeavours to demonstrate it will not have material impact. However, within this application there is an implicit desire

to extend the size of the site and regularise the B8 storage areas outside of the barn, neither of which are related to the B2 use. Any enlargement of the site and or increase in outside storage will be a significant material change and should require a separate application supported by a relevant traffic assessment, an environmental impact statement and a biodiversity report in the very least.

8.7. The proposal by the applicant is potentially a piecemeal development which will have a significant incremental effect and should be assessed in conjunction with H20 and also be determined at EiP of the HBC LP 2036.

8.9. This application should be rejected and all B8 storage areas should be re-sited within the barn as per consent for APP/14/01019 and APP/15/00604 and with reinstatement of the land to the east of the barn.

I can only therefore assume that the inaccurate Highways response to APP/19/00427 will be used to determine the reports recommendation then. This is frustrating and disappointing when the safety of the local residents should be of paramount concern to the Council.

Please find attached two statements verifying a recent accident on Lower Road that was not reported to the police. I am now aware of at least 3 accidents on Lower Road that have not been reported to the police and this only goes to strengthen my previous comments made below and highlight the inadequacy of the Highways response to APP/19/00427, which is available on the Council's website. The statements attached can be found on the planning application below:

Reference	APP/19/01083
Alternative Reference	PP-08207694

Please can you add this accident evidence to APP/19/00427 and therefore allow a full and lawful decision to be made on the suitability of granting any such planning permission.

Dear Sir/Madam

Having seen the proposed development for the end of Lower Road, Old Bedhampton, I would like to lodge my objection.

Given that the development of Lower Rd is also up for the H20 50 homes plans, the vehicular use of the road would increase considerably. It may not therefore cause huge impact at present on those that drive in and out of the cement-making establishment and the residents of Lower and Lodge Road, but it certainly will if the 50 homes go ahead. The road is used all day long by runners and cyclists - it is adjoining a cycle route - and my husband, on a bike as a commuter, has already had several near-miss traffic incidents. He has also been physically knocked off of his bike by a runner who charged into him whilst avoiding traffic - his bike is broken, his hand significantly injured and bruised, but thankfully not more serious.

I note also that the buildings already resemble a dumping ground, there are vehicles in there every day, including the weekend, and some of these drive at high speed on the blind bends. I also note that this is retrospective? If not agreed previously then why now?

The industrial use of the land as a dumping ground needs addressing in itself - it appears to be some kind of car scrapyards? This proposal should also be thought about in conjunction with the possible 50 homes in the H20 plans, and not as Lower Rd and the surrounding area currently stand.

With kind regards

I would like you to note my objection having seen the proposed development for the end of Lower Road, Old Bedhampton.

Lower road is used all day long by runners, cyclists and dog walkers as it is right next to a cycle route. Being a cyclist, who commutes to work 5 days a week, I have already had several near-miss traffic incidents. In fact, most recently, I have been knocked off of my bike by a runner who charged into me whilst avoiding traffic. This resulted in a broken bike and a bruised, injured hand. With this in mind, and the fact that the vehicles already using this site drive fast on blind bends, Consideration needs to be given to the definite increase of vehicles If the development of Lower Rd and the H20 50 homes plans go ahead. The impact may not be there at first but it will if the 50 home development goes ahead.

I am also interested in the current position of this proposal as it appears that it has not been agreed previously. Is the intention to improve its appearance?

This proposal needs further clarity especially in light of the proposed housing development.

To Havant Borough Council
Planning Policy
Draft Local Plan
Civic Centre Road
Havant

28TH OCTOBER 2019

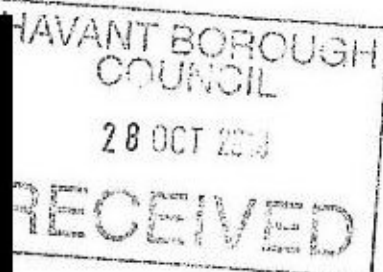
Dear Sirs,

Re: Proposed Development South of Lower Road, Bedhampton (Area UE30)

We write to express our objections to the proposed development for the following reasons.

1. At present the area to the south of the Lower Road is an area of outstanding natural beauty and adjacent to the Old Bedhampton Conservation Area. The proposed development would rob the Borough of one of the few areas of natural beauty that are left. It would reduce the value of the Conservation Area.
2. The Lower Road has no effective pavements along much of its length and a dangerous double bend. It is also a cycle route. We have witnessed near collisions between cars and cyclists (often children). The introduction of more houses would mean more cars and increasing the risk of a serious accident. The only access from the Lower Road is Brookside and Kingscroft Lane (which was recently flooded preventing access by this route.).
3. The proposed development is a flood plain. As residents of almost fifty years we are aware that in wet weather the present Farm Cottages were subject to flooding. The properties to the north of the Lower Road are on a bank at least three foot higher than the road surface. A recent walk by us, during heavy rain demonstrated flood water running north to south into the proposed development site.
4. At a time of increasing world food prices and with crop failure in parts of this country due to adverse weather conditions, it is folly to build on prime agriculture land.
5. The impact on local wildlife would be severe. The proposed development would mean the destruction of the hedgerow on the south side of the Lower Road which is the habitat for many birds and other wild life. The fields are also an area used by many migrant birds. The proposed development would threaten the habitat of many species of wildlife which are already rare in the Havant Borough.

Finally we question the value of resident consultation if their views are totally ignored. From your previous consultation, it was quite clear that the majority of residents were completely against any development on the area south of the Lower Road (area UE30).



APP/19/00427: Reaching a recommendation and decision.

Rachael's Advice:

I think the best place to start is Rachael's advice to Daphney. For ease of reference this is set out here and my comments are shown in red.

- I have read the full version of [REDACTED] 'Protection of Heritage Assets' **Thank you.**
- The further response dated 11th November is additional to the original response provided in July 19 and relates to the recent inclusion of the Manor Farm Buildings as a separate character area within the Old Bedhampton Conservation Area (CA).
Noted, but does not relate to the sunken lane character of Lower Road and the recognition of the historic archaeological heritage importance of Narrow Marsh Lane as identified in the Conservation Area Review.
- The original response from July 2019 does consider the impact of the proposed development on the CA. It recognises that the significance of the Old Bedhampton Conservation Area derives from a dispersed pattern of development, with expansive green spaces and fields to the East, South and South West. There is an eclectic mix of dwellings of varying styles and ages, reflective of the village's incremental historic growth. Overall, this results in an informal, loose knit appearance, which is reinforced by the network of narrow, often windy lanes and the predominance of mature trees and hedges, both within gardens and as property boundaries. This gives the Conservation Area a sense of tranquillity and rural character, in spite of its proximity to the more suburban development that sits to the west and north of the area.
Agreed.
- It also states that the introduction of new dwellings south of Lower Road, will alter the landscape and increase the urban boundary southwards towards the railway line and closer towards Old Manor Farm, although this will be separated by a narrow landscape buffer and rear gardens of only single storey dwellings. The proposal would also extend development into the wider open countryside setting that contributes to the significance of the Conservation Area, diminishing the perception of largely unaltered rural surroundings. **4 cumulative elements of harm (dwellings, urban boundary movement, proximity to Old Manor Farm, diminished open rural setting).**
- For a new housing development, there is a wider than average variety of housing styles and design, incorporating traditional style materials with contrasting elevations. E.g. for Plots 2-7 which would front onto Lower Road, there are 4no. varying house types including a terrace, a detached dwelling and a bungalow. **Proposed scale and proportions are similar and all are 'box like' in form.**
- The proposed dwellings along the Lower Road frontage would be screened by the existing hedgerow. However, this is being retained to preserve the rural feel to the character of the area. **A large section is being removed and, given the level of elevation to the north in Lower Road and approaching from Lodge Road, a maintained hedge will not screen much of this frontage and the dwellings to the rear visible through the gaps.**
- The matters raised with regards to Narrow Marsh Lane are at the foremost, archaeological considerations. **Why 'detach' this from other heritage assets? This is a 3 to 4m wide ancient heritage asset. The proposals destroy much of it. What efforts have been made to produce a layout that safeguards it? Yet more permanent harm.**
- The development is likely to have a degree of impact on the conservation area as a result of an increase in vehicles accessing the site and the associated activity which arises from this. However, it also recognised that this impact is difficult to measure or define in tangible terms and therefore does not alter the position that the development would not either preserve or enhance the setting of the conservation area subject to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.
This is a confirmation of the range of harm related to the Conservation Area. Other

forms of harm (highway safety issues, impact upon wildlife, loss of good quality farmland) can be added to this (see below).

- However, as the harm to the significance of the heritage asset can be moderated to a degree, it is concluded that less than substantial harm would result. In accordance with NPPF, this is a matter which needs to be weighed against the public benefits of the proposal and the overall planning balance. The EiP Inspector for the Land Allocations (7th July 2014) made this judgement in relation to proposals for 15 dwellings and she concluded "the proximity of the site to Old Bedhampton Conservation Area through which it would be accessed is a strong factor weighing against development." The proposals have more than 3 times the number of dwellings covering a much larger area. How can this be moderated to such a degree to now be less than substantial? Moderation does not remove any harm.

The Local Plan Framework:

I am sure we will agree this is the statutory starting point for any decision. The Core Strategy and the Land Allocations do **not** include the site. Any site outside of the allocations such as this must be first judged against the policies of the Statutory Plan.

Looking at some of the policies in the **Core Strategy**:

Policy CS1. Health and Wellbeing (13) supports development that improves existing cultural assets with regard to, inter alia, heritage. And Paragraph 2.33, states "More needs to be done to promote existing cultural assets."

The proposals fail to do this.

Policy CS8 Community Safety: says permission will be granted for development proposals that:

1. Engrain community safety into the development process from the beginning.

Lower Road already has recognised safety concerns, which the proposal will aggravate further.

2. Provide well-lit footpaths, cycle ways and roads providing that this does not adversely affect designated habitats or the landscape.

There is an absence of footpaths on Lower Road that cannot be remedied and the footpath at the northern end of Lodge Road is ill lit. Enhancing lighting will detrimentally impact upon the population of bats.

3. Maximise opportunities for natural surveillance through good design.

There is a lack of natural surveillance on the Lodge Road alleyway.

Policy CS9 Housing: may be seen as supportive but several shortcomings can be identified with the proposals in relation to some of its provisions. It states...

CS9 Housing: Planning permission will be granted for housing proposals that will:

4. Achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.

The location is not a sustainable one, many facilities and services are on the limits of reasonable choices between public and private transport options and train services from Bedhampton are very variable. The proposals do not respect the surrounding landscape.

8. Ensure housing development is delivered in a phased manner with an appropriate proportion of previously developed land so as to avoid unnecessary development on greenfield urban extension sites.

This is a Greenfield urban extension site. The Core Strategy is based upon a 'brownfield-first' strategy. This proposal is a 'greenfield-first' strategy that has yet to be found sound.

A similar mixed position exists with Policy CS11

CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough

Planning permission will be granted for development that:

1. Ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community.

The study conducted by Kirkham was flawed in relation to a number of findings regarding the character of Bedhampton. A further study by Lizard was commissioned by residents and passed to the Policy Team.

2. Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.

A substantial financial contribution has been negotiated in response to the harm that will be done to adjoining wildlife habitat. At what point will HBC produce a strategy that decides which sites of this of this kind need to be retained in perpetuity? Will they all be treated in this way so that eventually no such sites remain?

4. Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

It fails to do this for **all** aspects of the surrounding statutory and non statutory heritage assets.

8. Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration.

This obligation is being ignored or by-passed by HBC seeking a very substantial retribution that removes a potential adaptation option.

10. Protects the best and most versatile agricultural land that has the greatest potential for local food security.

The land is high-grade quality.

11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

The proposal avoids this through payment.

Looking at Design:

Policy CS16: High Quality Design states

Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

1. Responds to, draws inspiration from and respects local context and:

a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;

The proposals fall far short of high standard place making. They rely upon screening to attempt to reduce their visual intrusion. Destroying Narrow Marsh Lane, the most ancient piece of heritage here, runs absolutely counter to this requirement.

b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;

The proposals make no attempt to do this.

c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;

No Design Code has been adopted to guide the development proposals.

d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible;

The location is relatively remote and unsustainable and the proposals stand apart from their surroundings and rely on screening to minimise their visual intrusion.

3. Contributes to the improvement of the public realm close to the development,...

Increased traffic will detract from the public realm and any measures designed to provide traffic management will create visual clutter and add to the detriment.

4. Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all;..

Safe access does not exist at present and is even more hazardous for those who are disabled particularly those elderly persons who inhabit The Elms and The Lodge located on the blind bends.

Paragraph 7.42. includes,

"It is also important that new development sits well with its neighbours and does not have an adverse effect on their existing uses and amenity".

The proposal sits in an intrusive location and will generate movements and associated safety issues that detrimentally impact upon the amenities of its neighbours within the whole of Lower Road and Lodge Road.

Policy CS17: Concentration and Distribution of Development within the Urban Areas makes clear "Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy."

Failure to comply with the NPPF is one of the grounds for the failure of soundness of the Draft Local Plan 3036 (see below).

Turning to the Development Management Policies

*Policy DM 9 Development in the Coastal Zone states Planning Permission will only be granted for development in the coastal zone which addresses **all** of the relevant criteria as set out below as shown on the Proposals Map:*

1. Has no harmful effect on nature conservation within the Chichester and Langstone Harbour SSSIs and SPA, Solent Maritime SAC and Ramsar site, or any SINC's and Local Nature Reserves.

A substantial payment is to be made to mitigate the harm the proposal will inflict upon nature conservation off site. This harm is likely to result in the nature conservation interests this land currently serves no longer using this land.

It should be noted that, by very definition, mitigation does not **remove** any harm. It recognises that sufficient harm is being proposed to justify trying to take action to compensate for it. At best, it seeks to reduce its impact.

DM 9 2. Maintains and enhances the appearance and distinctiveness of existing settlements and landmarks along the coast.

The proposal will intrude into the coastal setting of the settlement especially when view from the adjacent railway and trunk roads.

DM 9 4. Upgrades existing footpaths and ensures that public access is retained and provided to connect existing paths along the waterfront where appropriate.

The ancient connection between the site and the harbour will be downgraded by the proposal and the opportunity to reconnect this link will be lost.

DM10 Pollution

*Development that may cause pollution of water, air or soil or pollution through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, heat, electromagnetic radiation and other pollutants will only be permitted where **all** of the following relevant criteria can be met:*

3. The water environment would not be detrimentally affected.

4. It would not lead to an unacceptable deterioration in the quality or potential yield of coastal, surface and ground water resources.

I understand that the concerns of English Nature have not yet been resolved.

The Plan makes clear (in paragraph 10.31 below) that it relies upon other contemporary policy statements including government guidance when considering development management. This is particularly important in conforming with complementary best practice regarding the safeguarding of archaeological heritage assets e.g. the guidance within PPS5 that all alternatives should be fully explored that do not detrimentally affect such assets. I understand that this approach is still considered professional best practice.

10.31 Much of the policy background relating to the historic environment is contained within PPS5 and Core Strategy Policies CS11 and CS16. It is not considered necessary to repeat this information in the form of development management policies. Instead this chapter contains a series of links to the relevant legislation, policies and supporting information.

DM12 Mitigating the Impacts of Travel

New developments will be required to mitigate their travel impact, including the environmental impacts of travel (such as noise, air and visual pollution) and impacts on amenity, health and climate change by ensuring that, where relevant, the following criteria are met:

2. The submission of a transport assessment and travel plan alongside any planning application on proposals for major development or where a proposal is likely to have significant transport implications.

The application relies upon forecasts regarding movements. Whilst the impacts these will have upon safety concerns are **not** accepted, any changes from these assumptions will inevitably have a different result on the mix of movements and possibly produce even more hazardous conditions. No Travel Plan has been submitted nor any means of ensuring that adverse conditions do not arise.

Drawing together these findings related to the Core Strategy; so, there are 10 policies in the Core Strategy that the proposals are at odds with and that would justify forming reasons for refusal of this application either individually or cumulatively.

Now looking at the **Allocations Plan**. The introduction makes clear...

Paragraph 1.06 ...The development sites identified in the Allocations Plan have been subject to rigorous technical assessment and consultation; they are considered sustainable and necessary to meet the remainder of the Core Strategy's development requirements until 2026.

This rigour was applied to all sites considered at the EiP. On this basis, development at Lower Road was ruled out by the Inspector, Sue Turner, whom I recall undertook to make a second unaccompanied visit to the site in the light of the EiP discussions. She supported the case made by the Borough Council against development here. Her decision thus made the current Plan sound **without** this site's inclusion. No doubt you will familiarise yourself with this background evidence and the successful HBC case made at the EiP from the archive records.

Since that time more location-specific evidence has come to light that reinforces the Council's case, e.g. the Solent Bird Study and the additional heritage assets identified by the Conservation Area Review.

The current application is over three times larger than the rejected possible allocation. Consideration of it has resulted in analyses of a range of aspects that were not quantified at the time of the EiP. These confirm such matters as the unsustainable location, the impact on existing safety concerns of increased traffic movements and the detrimental impact on the amenity of the conservation area and its setting as a whole and upon individual heritage assets such as The Elms (grade II*) and ancient Narrow Marsh Lane.

To ensure compliance with government guidance throughout the life of the Plan the strategic policies include Policy AL1, which states...

Policy AL1 Presumption in Favour of Sustainable Development...

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

1. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

By excluding Lower Road from the allocations following robust examination, the Inspector set the bar high for the application of this policy.

The site lies outside the settlement boundary for Havant/Bedhampton where Policy AL2 applies which states...

Policy AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements.

The urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville are defined on the Policies Map.

The Borough's undeveloped gaps are those areas between the urban area boundaries of Waterlooville, Leigh Park, Havant, Emsworth; together with the undeveloped gaps between them and neighbouring boundaries with Portsmouth, Winchester, East Hampshire and Chichester.

Planning permissions will be granted for developments within the undeveloped gaps that help to define the separate identity of settlements and prevent their coalescence, and meets any of the following:

1. Relates to small scale householder development.

2. Meets an overriding public need e.g. For community or recreation use, that cannot be accommodated elsewhere in the Borough.

3. Meets the policies for exceptional development in 'rural areas', set out in the NPPF.

This proposal is not small scale. It does not meet an overriding public need that cannot be accommodated elsewhere. It is not exceptional development in a rural area.

The Development Management Policies include DM20...

Policy DM20 Historic Assets

Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough. Applications that affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

- 1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.*
- 2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets*

The Heritage Statement lacks expertise. It fails to recognise and properly assess the significance of elements of the heritage assets e.g.

- (i) The sunken lane character of Lower Road and its significance (whilst this may not be the best example in Hampshire, together with Bidbury and Kingscroft Lanes, it is part of the best extended and unique example in Havant.) and the impact of the irrevocable loss of a substantial part of it.
- (ii) The status of The Elms and its Grade II* designation. It is not Grade II. This error may have been picked up from HBC published documents but the author should have checked the original listing and identified that, uniquely, this is the only domestic Grade II* building within the Borough. It is also located in the most vulnerable position vis a vis the detrimental impact upon the conservation area. It will suffer the greatest detrimental impact upon an individual heritage building asset.
- (iii) The archaeological importance of the ancient Narrow Marsh Lane as potentially contributing to the establishment of the original settlement of not just Bedhampton but Havant itself. As a significant meeting point for east west movement along the coast with connections north/south to/from the coastal zone and Langstone Harbour and the Forest of Bere avoiding the obstacle of Portsdown Hill. The Lane is not just a narrow track but wide enough to confirm its centuries of historic importance. This is further reinforced by the provision and size of the railway bridge. The bridge is built at angle to the track and the ramps on either side are also angled to maintain the directness of this route to the evidence that remains within the upper reaches of the harbour. An archaeological survey may confirm its historic origins and potentially uncover other related artefacts within the site.

The Heritage Statement also fails to demonstrate what best practice steps have been taken to produce a development layout that avoids any harm to the assets. The mitigation proposed is not proportionate to the harm inflicted. In the case of the Manor Farm buildings the existing connection to the agricultural land they once served is totally lost. The space proposed between these heritage assets and buildings within the proposed development is no greater than similar spaces within the proposed layout itself. Their setting will change from a rural/agricultural one to a suburban one. This is a significant detrimental change.

There are no positive situations proposed where the heritage assets are to be conserved and enjoyed.

Drawing together the above findings related to the current Allocations Plan; so there are 3 more policies here that would justify reasons for refusal. Until such

time as there is a sound alternative plan, tested through an EiP and adopted by HBC, the Core Strategy policies and those included in the Allocations Plan form the basis of the Borough's statutory plan and the **starting** point for any decision.

The developers have however chosen to submit their application before the outcome of the EiP on the Draft Local Plan 2036 in the knowledge that it will be determined against the statutory provisions of the Adopted Local Plan 2026. They have **not** explained how their proposals conform to this Plan.

They must be relying solely upon the Council placing **some weight** on the untested emerging Draft Local Plan 2036. Yet some of the above existing policies or their principles are extremely likely to be carried forward into any new Plan (e.g. CS1 Health and Wellbeing; CS8 Community Safety; CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough; DM9 Development in the Coastal Zone; DM12 Mitigating the Impacts of Travel & DM20 Historic Assets.)

Draft Local Plan 2036 and the Land Allocations

Turning to the **Draft Local Plan 2036** and the associated **Land Allocations**. Publishing this draft resulted in a great volume of response that challenges its **soundness**. Some proposals may have generated little objection and in such cases it may be reasonable, with little risk associated, to attach some weight to the emerging plan. However this site resulted in a large volume of objection that was not restricted to issues related to the site itself but identifies how its inclusion is in conflict with the policies of the draft Plan and therefore challenges its overall **soundness**.

The full range of objections related to soundness can be found in document references R022, R117, R120, R121, R122, R131, R182 & R188. Interestingly the developer also raised objections to the draft. A petition with 1,700+ signatures was also submitted but does **not** appear in the list. This has **yet** to be debated by the Council. No doubt you will familiarise yourself with this body of evidence before deciding what, if any, weight to attach to the draft Plan.

The draft contained a sustainability appraisal. This was not accompanied by any explanation of how any low scoring location might fail to satisfy this appraisal and should be excluded. You will see some of the objections highlighted areas where a different score might be appropriate and the application now includes the developer's analysis confirming that the location is on the borders of sustainability.

Other aspects of the evidence base for the draft Plan were flawed. In particular, the 'Kirkham' landscape appraisal (see the 'Lizard' report). Residents have also gathered and shared their evidence with the Council related to such matters as existing traffic generation and safety concerns and commissioned the Conservation Area Review that uncovered heritage matters unrecognised at the time of the draft Plan. At no time has anyone at HBC suggested that any of this material is wrong. What it does is point to circumstances that were not taken into account at the time of the draft Plan.

The draft contains a list of the sites showing what are considered to be the main issues raised. H20 has 17 related bullet points and 5 supplementary paragraphs: a total of 22 issues. This is twice any other location and demonstrates the

sensitivity of this site. No other proposal detrimentally and irrevocably affects a conservation area.

It might be argued that any decision that relies upon the draft Plan is **premature**. Regardless of such an approach, there appears to be **no strong basis** for attaching **any** weight to the draft Plan whilst the situation regarding this site vis a vis the draft Plan provisions remains.

The developer has **falsely** claimed, in the revised Heritage Statement, that the proposal complies with the draft H20 Policy. It does not. **If** the site is found sound, by the EiP Inspector, then an application can be determined within whatever policy context it then sits.

Benefit v Harm?

You will recall that the EiP Inspector found that the detrimental impact upon the Conservation Area is a **strong factor weighing against development**. This was before the Conservation Area Review that has uncovered **more heritage assets** here. These add **yet more weight** against development. I cannot see how with these additional considerations it is possible to reach an alternative conclusion to that found by the independent Inspector.

I will not repeat here the detail of the various forms of harm that will be irrevocable. In summary, there will be harm, inter alia, to the setting of the Conservation Area as a whole, to the setting of The Elms, to the setting of the Manor Farm Buildings, to both the setting of and directly to Narrow Marsh Lane, to the safety of movements around Lower Road and at the entry from Brookside Road and through the Conservation Area, to the recognised tranquillity of the area, to the 'sunken lane' character of Lower Road, to the secondary wildlife habitat, the loss of a significant amount of historic heritage amenities for present and future citizens.

None of this appears to be disputed and some of this is confirmed by attempts to mitigate some of it. The amount of harm generated individually and collectively **cannot** be described as '**less than significant**' as defined in the NPPF.

The potential **public** benefits are much harder to identify. The landowners will benefit financially. So too will the developer. These are both **private** beneficiaries. 50 households will benefit by being able to include this location within their choices but those choices could be met elsewhere within the Borough either through new development or existing stock. In the case of both the private and the affordable dwellings these could be more sustainable elsewhere. The total accommodation will meet less than 0.5% of the identified need (a disproportionate amount of benefit related to the harm inflicted). But the beneficiaries are still **private** individuals. **No** party has made **any** other suggestion or case regarding the benefits that might arise. The case is very weak.

Had the proposals been for a development or land use that served an unmet **public** need, e.g. emergency rescue facility, wildlife visitor interpretation centre, rare flora cultivation laboratory, the balance in favour of **public benefit** may be more supportable.

Conclusions:

- (i) The proposals are contrary to the statutory adopted Core Strategy and Land Allocations and should be refused.
- (ii) The policies in the approved Plan provide many reasons for refusal.
- (iii) The Borough Council made a robust and successful case against any development here at the EiP.
- (iv) That case is still valid and now supported by more evidence.
- (v) The allocation in the emerging Plan is based upon flawed and outdated evidence that question its soundness.
- (vi) Only the forthcoming EiP can verify whether the draft Plan proposals are sound.
- (vii) Any new plan is likely to contain similar policies to justify refusal as contained in the present one.
- (viii) The proposals do not comply with the draft policy H20.
- (ix) The proposals will do significant harm to the Conservation Area and other heritage assets.
- (x) No case has been made to demonstrate how any benefits will outweigh the harm.
- (xi) Any public benefits do not outweigh the harm to the heritage assets and the public enjoyment of these amenities.

Subject: App/19/01083 (Barn at Lower Road) & App/19/00427 (Housing at Lower Road):
Need for consistency in decision making.

Dear Daphney and Rachael,

I write to you both as the officers principally involved in the reports on these two applications. I have copied this email to a number of others who have asked to be kept informed on matters related to the latter proposal.

The Borough Council has now reached a decision on the application at the Barn and I have studied the content of the officers' report. I see a number of significant inconsistencies between this and the content of the report, yet to be determined, on the housing application. I have set out these findings in the attached statement. For ease of reference, you will see the extracts from the former are shaded and my findings follow them in red.

You will not be surprised to see that I believe HBC needs greater consistency in its findings and approach when you come to prepare the (revised?) report on the housing for DMC. In my opinion, the interpretation of guidance and policy used to determine the Barn application must be consistently applied to the housing application and a different conclusion and recommendation reached to help members to determine this application in a consistent manner that protects all the heritage assets located here.

Dear All,

With regards to Lower Road Planning Application App/19/00427 and the adjournment of the recent DMC, I would like to highlight the lack of consideration to the Bechstein's bats that forage on the land south of Lower Road. The final HBC report has failed to bring this subject to the attention of the DMC. The Bechstein's bats foraging area was previously shown on the HBC website but now appears to have been removed. However, the image is shown in att1. The proposed development is shown right at the centre of this foraging area in att2.

The mitigation provided in the final HBC report was to provide a number of bat boxes but I feel this is grossly inadequate and misses the point. The Bechstein's bats have legal protection as described below:

- Bechstein's bat appears in Appendix II of the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats). This requires that they be strictly protected against deliberate killing, capture, damage/destruction of breeding and nesting sites, disturbance, trading (including parts and derivatives), etc.
- They also appear in Appendix II of the Bonn Convention on the Conservation of Migratory Species of Wild Animals, under which signatories are encouraged to draw up agreements to restore/maintain species' conservation status through management and other appropriate measures.
- Bechstein's bats are also protected under Annexes II and IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. These cover species of community interest the conservation of which requires the designation of Special Areas of Conservation (SACs); and species that are in need of strict protection respectively. Damage or destruction of breeding sites or resting places is prohibited, and all life stages are protected against deliberate capture, killing or disturbance in the wild; and keeping, transport, sale/exchange and offering for sale/exchange of specimens.
- Under domestic legislation, Bechstein's bats are covered by the Wildlife and Countryside Act 1981 (as amended). Under Schedule 5 the deliberate killing, injuring, taking, possessing, disturbing and selling (including parts and derivatives) as well as damaging, destroying or obstructing any structure or place of refuge etc are prohibited. Under Schedule 6, certain methods of killing or taking animals are specifically prohibited, and even humane trapping for research requires a licence.

The Bechstein's bats have chosen this parcel of land to forage on and should not be mitigated by the provision of just some bat boxes. When must we stop mitigating our wildlife and instead let it thrive? Please can this subject be added to the next DMC as it has been raised in previous objections but not fully addressed.