

Dear David,

APP/19/00224 | Demolition of existing Padnell Grange and ancillary structures and erection of 86 dwellings with associated parking, landscaping, SUDS and other drainage works and the removal of 3No. TPO Oak trees. | Padnell Grange, Padnell Road, Waterloooville, PO8 8ED 19.0511

Thank you for consulting me on this application. Please accept my apologies for the delay in responding.

The application is accompanied by an Ecological Appraisal (HDA, August 2017), a Bat Survey report (HDA, October 2018), Dormouse Survey report, Reptile Survey report and Great Crested Newt survey report (all HDA, July 2018).

The site itself comprises a large site containing a number of buildings surrounded by hardstanding, managed lawns and various ornamental plantings. Padnell Cuts woodland lies immediately north of the site and Waterloooville Golf Course lies to the east.

In terms of habitats, the site is relatively unconstrained, and the majority of habitats are of limited ecological value overall. The exception to this is the number of larger mature trees situated within the grassland in the north of the site, and the hedgerows forming the northern and eastern site boundaries and present within the site. Whilst the hedgerows are not high-quality examples, they are of interest at the site scale.

Bats

Several of the buildings to be affected (B 3, 5, 7, 10 and 13) have been shown to support a small number of roosting bats. None of the trees surveyed were found to support bats at the time of survey (although they each remain suitable). The walked and automated bat activity surveys identified up to seven bat species flying within the site. I note that this includes mouse-eared *Myotis* bat species which, given the site's location, could feasibly include the very rare Bechstein's bat.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect EPS, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning

the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Will the development result in a breach of the EU Directive?

Yes, unmitigated, the development has potential to result in harm to individual bats and result in impacts to the favourable conservation status of bat species locally.

Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet three tests:

1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

It is for you as the case officer to assess the proposals against the first two tests and you may wish to ask for further information from the applicant. In order to assess the development against the third test, there must be sufficient confidence that the investigations to date have enabled a robust assessment of bat presence upon which to base informed mitigation proposals. I am content that sufficient survey effort has been expended. In terms of mitigation, the bat report contains some sensible and proportionate measures for ensuring that impacts are managed and adequately compensated. Clearly there needs to be a more-specific site plan showing the number, type and location of all bat mitigation features but in principle I am content with the submitted information. Opportunities for maximising the number of enhancement features on new dwellings should be taken.

Great crested newt (GCN)

Surveys have been carried out on a number of ponds within the local area. Of these, one pond has been shown to support adult GCN as well as larvae and eggs: it is clearly a breeding site. In addition, a single adult GCN was recorded within the application site. This is an interesting discovery, as records of GCN within Havant Borough are few.

This development will affect GCN, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect EPS, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Will the development result in a breach of the EU Directive?

Yes, unmitigated, the development has potential to result in harm to individual GCN and result in impacts to the favourable conservation status of GCN locally.

Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet three tests:

- 1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
- 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
- 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

It is for you as the case officer to assess the proposals against the first two tests and you may wish to ask for further information from the applicant. In order to assess the development against the third test, there must be sufficient confidence that the investigations to date have enabled a robust assessment of GCN presence upon

which to base informed mitigation proposals. I am content that sufficient survey effort has been expended. In terms of mitigation, the GCN report contains some sensible and proportionate measures for ensuring that impacts are managed and adequately compensated. There needs to be further detail on proposed enhancement measures such as wetland features.

Other species

The site is not considered to support significant populations of other protected/notable species. No dormice were recorded and a single grass snake was observed on one occasion.

Overall, I consider the scope of ecological survey works to be satisfactory and the proposed mitigation, compensation and enhancement measures acceptable.

Therefore, if you are minded to grant permission, can I suggest that a single, site-wide ecological mitigation strategy is secured through condition. This should include: measures to avoid impacts to the identified ecological features; a sensitive lighting strategy which is informed by recorded bat activity; measures for ecological enhancement within the developed area e.g. bat and bird boxes, native-led plantings.

Prior to the commencement of development activities, a site-wide ecological mitigation, compensation and enhancement strategy shall be submitted for approval to the Local Planning Authority. This strategy shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the Ecological Appraisal (HDA, August 2017), Bat Survey report (HDA, October 2018), Dormouse Survey report, Reptile Survey report and Great Crested Newt survey report (all HDA, July 2018) and shall include (but not necessarily be restricted to): location, extent, timing and methods of all measures for the protection of ecological features; detailed lighting strategy for avoidance of impacts to bats; details of establishment and ongoing maintenance of ecological plantings; number, type and location of ecological enhancement features designed to achieve ecological net gain). Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation, compensation and enhancement features shall be retained and maintained in a condition suited to their intended function. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

If you have any queries please don't hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

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