

Dear Steve,

APP/24/00777 | Outline planning application with all matters reserved apart from access for development within Class E (light industrial, retail, café and restaurant, leisure / gym), B2, B8 and B8 trade counters. | Land at Waterloo Park, Elettra Avenue, Waterlooville

Thank you for consulting me on this application.

The application is accompanied by an Ecological Impact Assessment (Harris Lamb, September 2024) and a Biodiversity Net Gain Metric and associated condition assessments (Harris Lamb, September 2024). The Metric only contains details of the baseline and the post-development losses: no detail is provided on post-development habitat creation or enhancement and it is not known at this stage how the applicant will achieve the required 10% net gain: this is procedurally correct, and details of post-development habitats can be secured through a Biodiversity Gain Plan. However, I would like to highlight that the Metric calculations do not appear to include the loss of two trees referred to within the submitted ecological assessment (section 5.5). The Metric should be updated to include the two trees.

The application site comprises a typical brownfield site containing areas of bare ground, hard surfacing, ruderal/annual flora, mixed scrub and modified grassland. A suite of ecological surveys have been carried out to assess the presence/absence and status of various protected and notable species. The site is considered to generally be unsuitable for most species. The site contains no buildings suitable for bat species, and two trees have been identified as offer potential for roosting bats. These trees were subject to detailed survey in summer 2024 and no roosting bats were observed. Bat activity surveys have recorded a diverse bat assemblage, although dominated by Common Pipistrelle. A series of off-site waterbodies have been assessed for Great Crested Newts, and no evidence that this species occurs has been recorded. Badgers and Hazel Dormice are considered absent.

I would welcome clarification on why no updating reptile surveys have been carried out. The previous reptile surveys were conducted in 2018: does this mean that the site has become less suitable for reptile species? The site appears to offer suitable habitat in my opinion, and is not completely isolated from surrounding areas containing potentially suitable habitat.

The ecological assessment contains a series of recommendations for mitigation, compensation and enhancement. These measures are sensible and suitable to the outline nature of the application. If you are minded to grant permission, can I suggest that a single, site-wide Ecological Mitigation, Compensation and Enhancement Strategy is secured by condition. This should include details of all ecological mitigation, compensation and enhancement measures and should be complimentary to other documents such as a landscape plan and lighting strategy, ensuring that measures are deliverable.

Prior to the commencement of development activities, an Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to an approved in writing by the Local Planning Authority. The Plan shall be in accordance with the ecological avoidance, mitigation, and compensation measures as detailed in the Ecological Impact Assessment (Harris Lamb, September 2024) unless otherwise agreed in writing by the Local Planning Authority. It shall include, but not necessarily be restricted to: full details of all measures to avoid and mitigate the potential impacts of development on ecological receptors (including artificial lighting); full details of all proposed on- and off-site ecological compensation and enhancement measures including location, area, composition, establishment and ongoing management, monitoring, and roles and responsibilities. Reason: to provide ecological protection and enhancement in

accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

The proposed development will result in the loss of all low and medium distinctiveness habitats on the site, comprising 3.04 units of Derelict or Vacant Land (brownfield vegetation), 0.04 units of Modified Grassland, 0.35 Hedgerow units, and 2.32 units of Mixed Scrub. The ecology report states that two trees are to be removed: the loss of these trees needs to be included within the Metric calculations. No details of post-development habitats are provided – this is in accordance with the BNG process, although perhaps unhelpful for the Local Planning Authority. Given the brownfield character of the site (which is not a widespread and common habitat type) I would very strongly recommend that the developed site incorporates similar brownfield-type habitats within the proposed landscaping. These habitats – containing freely-draining, low-nutrient soils alongside sparse vegetation – are highly important for biodiversity and are relatively straightforward to create or replicate. These habitats can be provided via brown roofs or at ground level. The addition of standing water, ideally via seasonal shallow pools, can significantly add to the biodiversity value. This would require an imaginative, non-standard approach to formal landscaping areas. I would be happy to discuss this matter further. The applicant must ensure that post-development habitats accord with trading rules by providing habitats of the same or greater distinctiveness.

BNG measures must be secured for a minimum of 30 years. Details of how any proposed on-site or off-site habitat features are to be managed, maintained and secured for the required 30 years period can be provided within a completed Biodiversity Gain Plan and Habitat Management and Monitoring Plan – this is a mandatory part of BNG, to be provided post-permission. It will be necessary for the applicant to ensure that any off-site BNG measures are either on land under their direct control or are secured through an off-site provider who is included on the national register. It will also be necessary for the applicant to indicate, following discussion with the LPA, which on-site BNG measures are considered to be ‘significant’ and therefore to be secured through legal agreement. All off-site BNG must be secured via legal agreement, to which the LPA will attach monitoring fees.

Following the clarification of the queries detailed above, and if you are minded to grant permission, can I suggest that BNG measures are secured by condition. The deemed condition states that a Biodiversity Gain Plan be submitted to and approved by the local planning authority prior to the commencement of development.

Suggested wording is as follows:

A Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Metric (Harris Lamb, September 2024) and must include:

- (1) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat;*
- (2) the pre-development biodiversity value of the on-site habitat;*
- (3) the post-development biodiversity value of the on-site habitat;*
- (4) any registered off-site biodiversity gain allocated to the development and the value of that gain in relation to the development;*
- (5) any biodiversity credits purchased for the development; and*
- (6) any such other matters as the Secretary of State may by regulations specify.*

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- (7) a non-technical summary;*
- (8) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- (9) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- (10) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
- (11) the monitoring methodology and frequency in respect of the created or enhanced habitat.*

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

Kind regards,

Tristan

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