

Consultee Comments for Planning Application APP/23/01078

Application Summary

Application Number: APP/23/01078

Address: Fowley Cottage, 46 Warblington Road, Emsworth, PO10 7HH

Proposal: Demolition of existing dwelling and replacement with 4No 2bed, 8No 3bed and 3No 4bed dwellings.

Case Officer: Lesley Wells

Consultee Details

Name: Consultee Principal Ecologist

Address: Public Service Plaza, Civic Centre Road, Havant PO9 2AX

Email: Not Available

On Behalf Of: Ecologist

Comments

Dear Lesley,

APP/23/01078 | Demolition of existing dwelling and replacement with 4No 2bed, 8No 3bed and 3No 4bed dwellings. | Fowley Cottage, 46 Warblington Road, Emsworth, PO10 7HH

Thank you for consulting me on this application.

The application is accompanied by an Ecological Impact Assessment (Lizard, September 2022). The site comprises a large, detached dwelling situated within an extensive plot containing areas of hard surfacing, managed lawn, planted ornamental vegetation, formal hedging and boundary hedges with trees. I am content that the site is generally of limited ecological value, although its coastal location is significant.

The dwelling has been shown to support a small bat roost. This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects a European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the Habitats Regulations and is unlikely to be granted a 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 Habitats Regulations?

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 you may wish to ask for further information from the applicant. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss or damage to bat roosts will be compensated. A mitigation strategy has been provided, detailing specific measures to avoid harm to bats during the construction works and to provide compensatory roosts and enhancement features within the development. I would support these measures and, on the basis of the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed.

In terms of other ecological constraints, the report includes some sensible measures to ensure that potential impacts on other protected and notable species are avoided.

Given the sites coastal location there is an opportunity for site landscaping to be imaginative and contribute to nature recovery through the use of locally appropriate planting. Areas of general landscaping, as well as plantings within residential curtilages, could very easily incorporate species reflective of the wider harbour landscape. For example, species suited to coastal shingle and upper saltmarsh as well as maritime grassland. Native species such as *Crambe maritima*, *Limonium vulgare*, *Eryngium maritimum* and *Echium vulgare* are valuable components of the local native flora and would do well in a formal landscape setting. The expanse of grassland at the southern end of the site will undoubtedly include a maritime element over time and there is an opportunity for management to encourage botanical diversity rather than this grassland simply being managed as amenity grassland cut-and-collect mowing would be of great benefit, as would leaving some areas unmown in any year. The proposed green roofs on the single-storey elements are another opportunity for locally appropriate vegetation suited to coastal areas. It will also be important to avoid potential invasive plant species, and I would welcome an opportunity to review planting specifications at the requisite stage.

If you are minded to grant permission, can I suggest that all ecological avoidance, mitigation, compensation and enhancement measures are included within a single, comprehensive Ecological Mitigation, Compensation and Enhancement Strategy. I would also request that a detailed lighting strategy is provided in order to ensure that impacts to bats and other nocturnal

species are avoided. In addition, due to the sites proximity to protected coastal habitats I would recommend that a Construction Environment Management Plan (CEMP) is provided and includes details of avoidance and mitigation measures for identified impacts, namely construction noise and visual disturbance, and waterborne and airborne pollution,.

Prior to the commencement of any development activities, an Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in accordance with the outline ecological measures detailed within the Ecological Impact Assessment (Lizard, September 2022) and shall include (but not necessarily be restricted to): full details of all ecological avoidance and mitigation measures, to include timings, methods and responsibilities; full details of all ecological compensation and enhancement measures, including location, area, composition, establishment and ongoing management, monitoring and responsibilities. Reason: to protect and enhance biodiversity 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.

Prior to the commencement of any development activities, a Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall be in accordance with the stated impact avoidance measures detailed within Section 5.1 of the Bat Activity Surveys report (EcoSupport, December 2023) Reason: to protect and enhance biodiversity 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.

Prior to the commencement of any development activities, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but not necessarily be restricted to): full details of noise and visual disturbance and waterborne and airborne pollution control measures. Reason: to protect biodiversity 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.

If you have any queries, please dont hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

Principal Ecologist | E: tristan.norton@havant.gov.uk

Planning Services, Havant Borough Council, Public Service Plaza, Havant, PO9 2AX

