

Long Copse Lane additional information (Updated response 4/04/22)

Overview

Thank you for notifying me that additional information had been submitted in relation to the Land at Long Copse Lane, Emsworth (APP/21/00893). I have reviewed the information and wish to maintain my objection.

While the new information does take us forward on some issues, I am very concerned that;

- Inadequate detail has been provided on the mitigation and compensation measures that have been proposed and particularly how the maintenance and monitoring of the mitigation measures will be funded in the long-term?, who will own the buffer zones?, and who will be legally bound to fund and carry out the commitments to maintain and monitor the buffer habitats? (this cannot be left to a residents committee)
- There is still no proposal for a funded woodland management plan covering woodland on and adjacent to the site, nor how this would be secured for the future.
- The in-combination effects of this development with other developments already permitted has still not been adequately assessed to give confidence that there will be no direct or indirect adverse impact on strategic wildlife corridors and European Protected Species. Additional sites and the in-combination indirect recreational impacts on local woodlands also need to be considered.
- The additional bat survey work report missing at the application stage has still not been included with the additional information, to allow the impacts on European Protected Species to be fully assessed, which is a material planning consideration.

I have set out below some further comments about my concerns on the additional information submitted, but I believe the comments attached to my response on the application dated 7/01/22 remain valid. If the LPA is minded to recommend granting planning permission, the planning conditions referenced on page 3 of my previous response, included as Appendix B for ease of reference remain relevant and must be applied.

I hope that the LPA will work with the developer to secure more information before the application is determined, including further details to guarantee the delivery of the compensation/mitigation strategy and the monitoring.

Sketch Masterplan

The sketch masterplan illustrates a path or track through the south side of Colmans Copse in the SW of the site. I am concerned that this would cause disturbance and require lighting at night for health & safety reasons. Any lighting within the woodland would have an adverse impact on the night time ecology, especially the highly protected local populations of Barbastelle and Bechstein's bats, the latter of which previously had a maternity roost in this area of woodland. While the lighting strategy refers to the potential provision of LED Solar Studs in this area, any lighting within the mature woodland would significantly change the environment, as would the presence of people using the path at night, resulting in unacceptable disturbance.

A path should not be located as shown through the south west woodland, especially one that will be used at night.

Other paths that are shown through mitigation buffer zones A and B along the western edge of the site should be moved further away from the woodland edge, and if they are within a buffer zone A or B must not be lit at night. The paths of concern are highlighted by a pink line in Appendix A.

Note: The lighting strategy refers to the use of LED Solar Studs within the woodland, presumably these need charging from natural sunlight which is unlikely to be present within the woodland environment?

Habitats Regulation Assessment

Section 4.11 states that it considers the in-combination impacts of the development. Given the known range of the local meta-population of Bechstein's bats extending from Horndean to Emsworth why does the in-combination assessment not consider the developments at Rowlands Castle, Land East of Horndean and the Havant Thicket Reservoir site?

Note: Survey work commissioned by Portsmouth Water previously confirmed the link between woodland around Southleigh Forest in this area and Staunton Country Park, which confirms that in-combination impacts for these developments are relevant to be considered for this application.

Section 6.24 states in relation to the development site: "These buffer zones incorporate sustainable drainage systems and areas of open space thereby providing a greater level of foraging and commuting habitat for Bechstein's bats and other species. These areas will also be **suitability managed in perpetuity**. A Biodiversity Enhancement Plan (BEMP) has been prepared which demonstrates how these areas will be suitability managed to the benefit of nature conservation."

The BEMP does not provide this level of detail on future site management for the benefit of nature conservation as stated. Therefore, the conclusion of the HRA is not robust in relation to indirect impacts, especially in the short term, as the habitats will take some time to become established, as is recognised in the BEMP.

Recreational pressure on local woodlands in-combination with other developments does not appear to have been considered in the assessment.

Appendix 5, Biodiversity Enhancement Management Plan,(BEMP), 1/3/22

Section 4.4.5 of the BEMP indicated that the proposals will deliver a net gain and support the necessary range of species, including rare bats such as Bechstein's bats. Yet the information in the tables for zone A, B & D acknowledged that it will take 10 to 25 years for mitigation and compensation habitats to become established. This raises significant concerns as to;

- What the protected species currently present and using the existing habitats are supposed to do in the mean time while the new habitats become established?, particularly given the extensive development and habitat changes taking place across the wider area that the LPA have already approved.
- How the new proposed habitats will be established in good time, before the houses are occupied, then maintained and monitored so that they can achieve the essential objectives set out in the BEMP?

While I acknowledge that the BEMP is set out in outline it lacks key details and is too vague in respect to the timing of habitat creation work, who will fund and carry out the essential maintenance and monitoring work. It is not even clear who will own the woodland and buffer zone areas?

i) Figure 1(page 27) shows the designation of different zones;

- The buffer along the NW edge of the site should be designated as a Zone A buffer so that it is protected from light as a bat commuting corridor. At present there is a section designated in brown (Zone B) along the NW section of the boundary. All of the western boundary should have a robust zone A buffer to protect existing bat commuting routes.
- The tree line along the northern site boundary is not shown as a Zone A or B buffer. As a minimum it should be designated and protected as a Zone B buffer to optimise it's value for wildlife, ensuring it can be used as a commuting corridor around the edge of the development and link the existing woodland block edges.

Page 9, Section 4.3.1 indicated that the site operator owner will be responsible for implementing the measures set out in the BEMP. As the management and monitoring of the habitats will need to take place over a period of at least 20 years who will this be in practice once the developer has finished building the houses and left the site?

- Legally binding commitments need to be secured by the LPA as to who will own the woodland, hedgerows and buffer, plus how the maintenance and monitoring work will be funded?
- There needs to be more clarity before planning permission is granted, even in outline, as to who would deliver a robust maintenance and monitoring programme to ensure the new habitats do become established, and are monitored to check the objectives are being met. It would not be appropriate to leave the monitoring and maintenance to a committee of residence (owner/occupiers of the properties).

Page 15 refers to the delineation of 20-40m buffer zones.

- It is not clear if the buffer zones will be fenced off during construction and post construction to prevent access to protect their wildlife value? What does delineation mean?
- The mechanism for delivering this must be robust and legally binding otherwise there will be adverse impacts on the commuting/ foraging corridors around the woodland and protected species from the development.

Page 16 refers to the timing of measures to create habitat in the buffer zones.

- It must be legally binding that the habitat planting is completed in the first season post reserved matters, but before construction commences, to enable the buffer habitats to start to establish before the housing is occupied. The current wording is too vague.

Page 17 (5.2.7) confirms that dense scrub will be planted along the existing woodland edges to create habitat barriers to discourage access to the woodland.

- Dense scrub will take time to establish, it is not clear if fencing will also be provided, maintained and monitored to prevent access to the woodland in the short to medium term (at least 10 years)
- It is stated that the scrub planting will be undertaken post reserved matters, which I understand as landscaping will be a reserved matter, but it must be planted pre-commencement of construction to enable the habitat to start to establish before the houses are occupied.
- It is not clear who will monitor the scrub/ fencing (?) around the existing woodlands to make sure the barriers remain in place? If it is initially the developer, who will fund and do this when they have left the site? The mechanism for delivering this must be robust and legally binding otherwise there will be adverse impacts on the adjacent woodland and protected species from the development.

Page 22 states the level of provision of bird and bat boxes is 25 and 20 respectively. For the size of the landscape lost and number of houses to be built (210), it would be reasonable for the LPA to expect / require at least three times that amount of bird and bat boxes to be provided by the developer.

Section 5.5.2/ 5.2.3 commits to the planting of new woodland within the Stansted Estate.

- This is positive but the text gives no detail as to what will be planted off site. As for the on-site planting it should comprise native species of English provenance. This should be specifically made clear so that it forms a binding commitment.

- It is positive that timing of the off-site planting stated in 5.5.2 is following outline planning consent, but the text is currently too vague. It must be clear that it is the planting season immediately after outline consent is granted and specifically before construction commences. Otherwise, the planting could be delayed and it needs to be completed asap as it will take time to establish.
- The timing for the section 5.5.3 is not clear. Once again it must be clear that it is the planting season immediately after outline consent is granted and specifically before construction commences.

I note that the S106 agreement provided with the additional information suggests that the agreement with the Stansted Estate for off-site compensation planting of woodland does not come into effect until the first property on the development site is occupied. The 'Operative Date' is defined as; the date of Occupation of the first Residential Unit on the Development Land. This is too late, the off-site planting needs to be completed once the outline permission is granted, so that the trees being planted as compensation can be planted as soon as possible.

Section 5.6.1 (page 25) sets out some positive monitoring objectives for up to the next 20 years. However, no detail is provided as to what the baseline monitoring and ongoing monitoring will comprise. More specific detail on the commitments being made and how they will be delivered is essential given the scale of the development in such a sensitive area.

- Who will fund and ensure that the monitoring is carried out? (especially once all housing on the site is complete and the original developer has left)
- A reliable body must be responsible, it would not be sufficient to expect the new house owners (a residents committee) to commission/ carry out robust monitoring.
- Will it comprise bat trap and tracking data to demonstrate the buffer zones and commuting routes are being used post development?

Note: Previous information submitted by the applicant referred to monitoring a year before development commences and then at year 1,3,5,8 & 12 years.

Appendix 7 – Construction Environmental Management Plan (CEMP)

The CEMP presented with the additional information lacks important information.

Section 7.15 relates to protection of Ancient Woodland and the creation of double clipped heras fenced protection zone along the northern boundary only.

- There is no reference to fencing other woodland areas in the south west and south of the site that also need robust protection by fencing during construction.
- The text should require regular daily inspection of the protective fencing to make sure it is in place and maintained to a good standard, as is mentioned for silt traps, but not the woodland fencing.
- Table 1, row 1 on page 9 refers to protecting trees and hedges with 'tree protection fencing' but it is not clear that it applies to woodland, nor what the quality of this fencing is?
- Section 8.1 also refers to trees and hedgerow protection and cross references to the Arboriculture Method Statement. It would be better if the CEMP included a map as an appendix which specifically showed the location fencing required to protect all ancient woodland, other woodland, hedgerows and trees.

Note: The fencing shown on the Arboricultural Tree Protection plan is not shown extending out into the buffer zones to protect ecological corridors and bat commuting corridors from construction activities. Further protection is needed than is illustrated on that plan.

Section 7.18 relates to sympathetic working practices. It would be useful to add;

- Any excavations deeper than 1m will be left with a battered edge or plank propped inside to allow any animal entering the excavation to escape.
- There is no reference in this section to working under the supervision / direction of the Ecological Clerk of Works.
- Tool box talks should be carried out by the Ecological Clerk of works to explain legal requirements and good practice. For example, in relation to;
 - a) habitat manipulation for reptiles before works commence as referred to in the BEMP.
 - b) not picking up protected species such as a dormouse were it to be found on site (17.18.4 suggests it is ok for workers to move animals)

I note that there is reference to employing a Suitably Qualified Ecologist (SQE) in the final section of the CEMP (Section 11). However, the limited text describing their key role in protecting ecology is very detached from the main text sections describing what should happen. The role of the ecologist should be set out through the report to show the integrated role they need to play at different stages of the development, to ensure they are called upon when required.

Section 8 relates to Biodiversity Protection but it is very weak. It makes no reference to the use of an Ecological Clerk of Works. Any reptile habitat manipulation or moving, as well as bird nest assessment which all would need to be done under ecological supervision. This is not mentioned. Text should cross reference to where this is discussed.

Section 106

Only relates to the legal agreement for the off-site woodland planting. The 'Operative Date' is defined as; the date of Occupation of the first Residential Unit on the Development Land. This is too late, the off-site planting needs to be completed once the outline permission is granted, so that the trees planted as compensation can be planted as soon as possible.

The S106 makes no commitments in relation to the ongoing funding, maintenance and monitoring needed once the development is complete in relation to the buffer zones.

Arboricultural Assessment Tree Protection Plan

The areas shown as being protected by barrier fencing around the woodland and hedgerows is the minimum needed to protect the root zones of trees. The fencing is not shown extending out into the buffer zones to protect ecological corridors and bat commuting corridors from construction activities. Further protection is needed than is illustrated.

Missing bat survey reports

I understood that the developer's ecological consultant had undertaken additional bat surveys that were not completed in time to submit with the additional planning applications. The reports have since been completed.

- What did the additional survey work show?
- Why has the more recent report not be included with the additional information?

Appendix A

Location of path in west highlighted in pink which runs through buffer zone A & B



The path highlighted in pink above located within buffer zones A & B should be moved further east away from the woodland and not lit at night. The zones are shown below.

Figure 1 BEMP Zones



Appendix B

APP/21/00893 Land North of Long Copse Lane, Emsworth (Original Response 7/01/22)

Proposed new residential scheme for approximately 210 dwellings

I wish to object to the application for the proposed new residential scheme for approximately 210 dwellings at Land North of Long Copse Lane, Emsworth. More information needs to be submitted on how impacts on protected species will be addressed in the short and long-term before the application is determined. I am concerned that the application as it stands;

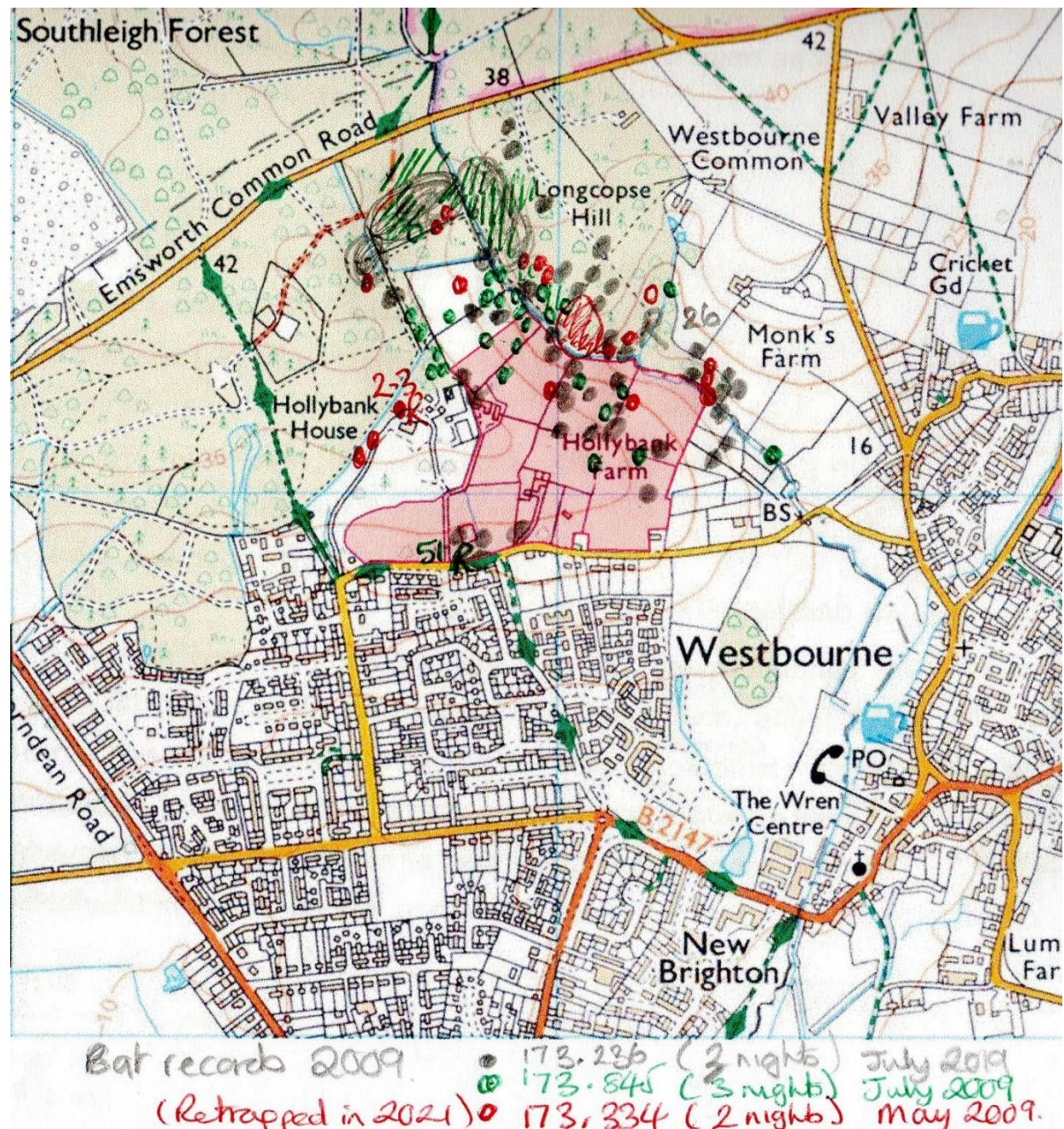
1. **Underplays the use of the proposed development site by bats for foraging.** The 2009 trap and trace maps prepared by ECOSA for P.Water show that the fields on which this development is to be located were being used by Bechstein's bats in addition to the woodland to the north and west. The ecologist for the developer has not plotted the 2009 data in the same way as he has the 2017 and 2021 data, as a result the use of the paddocks and hedgerows within the site is not highlighted. Bat surveys at a number of sites including Havant Thicket Reservoir (HTR) and Land East of Horndean (LEOH) have shown that the use of such habitats varies from year to year and this may depend on the extent to which the fields are grazed, as a result it is important that all of the data available for this site is used in the assessment. I have attached as Figure 1 a very rough summary of the 2009 survey data plotted in a similar form to the developer's data to illustrate that the paddocks and hedgerows within the site are utilised by Bechstein's bat. It is important to recognise that each Bechstein bat has its own core feeding zone which may include marginal habitats, thus data from tracking only a few bats does not provide a complete picture and all available information should be considered.
2. **Underplays the impact on the adjacent Ancient Woodland** that the residents from another 210 dwellings and their visitors will have in terms of disturbance on wildlife, including European Protected Species such as dormice and Bechstein's bat. The development will be occupied by more than 600 people and their pets. It is inevitable that without appropriate mitigation and compensation this will have an adverse impact on the adjacent Ancient Woodland. It will only add to any existing problems of disturbance to wildlife, with the addition of pets killing wildlife (birds, reptiles and small mammals), littering, fly tipping, and other anti-social behaviour. More detail should be provided by the applicant on how this will be prevented/ controlled.
3. The applicant **has not adequately considered the in-combination effects of this development with other developments** which have already been undertaken, are underway, or are being planned. The meta-population of Bechstein's bats living in the fragmented remaining habitat between the A3(M), Horndean, Westbourne and Leigh Park is having to endure landscape change to habitats and wildlife corridors in all of these areas, as a result of developments including; Dunsbury Hill Farm, LEOH, HTR, Southleigh Park, Keydale Nursery, other developments along Long Copse Lane (Emsworth). Survey work dating back to 2009 has shown that the development is in an area which is very important to the Bechstein's bat for commuting, foraging and roosting. With several roosts located around the periphery of this site recorded as having up to 51 bats in a maternity roost, the largest recorded roost in the borough. It is not credible to suggest that further loss of habitat in this area will not have an impact. **No further loss of their habitat and impacts on existing wildlife corridors should be permitted by the LPA's until a holistic landscape scale strategy has been developed and approved** by the County Ecologist and Natural England to ensure that their Favourable Conservation Status is maintained. A way of delivering and funding the work needed to protect and enhance the remaining habitats also needs to be guaranteed before further developments are approved.

4. Has **not considered the presence of the very rare Alcaethoe bat** which has been found in this area. It is listed as one of the bats potentially recorded in Section 3.1.2 of the Davidson-Watts 2017 Bat Report.
5. **Has not included a Habitats Regulation Appropriate Assessment.** Natural England have drawn attention to the need for an Appropriate Assessment to cover a range of issues including impacts on the environment, water quality deterioration (nutrient balance), increased recreation pressure on the harbours/ Solent, and protected species. In line with the requirements applied to the Havant Thicket Reservoir project to be robust **the HRA must consider the impact of the development on it's own and in-combination with other developments on habitats used by European Protected bat species**, including the Singleton & Cocking Tunnels SAC and the Ebernoe Common SAC.
6. **Given the rare status of some of the bats utilising the site it is important that a very precautionary approach is taken to any further development proposals. There is currently a lack of information on how remaining habitats including the adjacent woodland will be protected, managed, maintained and monitored in the future to;**
 - **Protect them from direct and indirect impacts, and**
 - **Guarantee the delivery of appropriate mitigation and compensation in the short and long-term.**
 - **The ecology report recommended implementation of a Management Plan for the woodland and new buffer habitat, but there is currently no binding commitment to a Woodland Management Plan (WMP) for the woodland adjacent to the site, nor the buffer zones. The LPA & NE required P.Water to commit to a long-term WMP for adjacent woodland owned by HCC and Forestry England. A consistent approach should be taken and the applicant should be required to commit to a robust WMP for adjacent woodlands. The funding needed to deliver the WMP in the long-term should be guaranteed through an appropriate legal agreement such as a Section 106.**
7. The developer has indicated that a net gain will be delivered. **There is a lack of detail on the proposed ecological impact, mitigation, compensation and enhancement measures that will be provided to substantiate that a net gain will be delivered.**
8. Impacts on protected species are a material planning consideration. Some outline details have been submitted for on-site and off-site mitigation and compensation which is welcome. There is a lack of detail on the habitats to be created within the proposed site buffers and off-site woodland creation areas, along with a lack of information on how they will be managed in the long-term. As indicated by Natural England a **Biodiversity Mitigation and Enhancement Strategy must be submitted and agreed with the County Ecologist before the application is determined** this is to ensure that;
 - All impacts have been fully assessed and understood in both the short and long-term.
 - A biodiversity net gain will be delivered, with creation of nesting, roosting and foraging habitat for wildlife that already uses the site, not just provision of a lot of bird and bat boxes in an urban landscape.
 - The 'Favourable Conservation Status' of European protected species can be maintained in the short and long-term.
9. Further **detail on control of lighting** should be submitted to demonstrate in more detail how dark buffer zones can be guaranteed if the development were to go ahead.
10. While there is reference to the need for ecological monitoring of the mitigation measures for a year before development commences and then at 1,3,5,8, & 12 years, there is **no information on who will deliver this.** A legally binding commitment for appropriate robust monitoring needs to form part of the strategy.

If after the submission of the missing additional information needed to address Natural England (NE) and the County Ecologists existing concerns the LPA are minded to grant outline consent, then it is essential that planning conditions are applied requiring submission and approval of further details to protect the environment before development commences of;

- A detailed Biodiversity Mitigation, Compensation and Enhancement Plan to be approved by NE and the County Ecologist
 - The Outline Strategy should be submitted now before any permission is granted to ensure that the County Ecologist is satisfied that robust short and long-term mitigation can be provided which will guarantee that the Favourable Conservation Status of protected species will be maintained post development, along with the mechanism for how mitigation/ compensation measures will be delivered, managed and monitored in the long-term. *Note; This should set out who will be responsible for management and monitoring of all measures in perpetuity.*
 - The Planning Statement (Section 4.175) indicated that the 'Restriction on the Mitigation Land' at the Stansted Estate will be put in place prior to occupation of the first homes. European Protected Species (including Bechstein's bats) will be impacted as soon as the development commences, therefore it must be a legally binding requirement that the Restriction on the Mitigation Land is in place before the development commences.
 - Because the impact on European Protected Species will be immediate it is essential that the mitigation and compensation planting on the Stansted Estate should be in place before the development commences. It will take many years for this new woodland habitat to establish and it is essential that it is required to be planted as soon as possible.
- A detailed Landscape & Ecological Management Plan, which provides more information on the detailed design and delivery of the mitigation, compensation and enhancement habitats. This should include a Woodland Management Plan for adjacent woodland.
- Ecological Clerk of Works to be present when any habitat is cleared and the mitigation / compensation works are undertaken.
- A legally binding agreement such as a Section 106 is signed before development commences to ensure that all of the agreed measures and management have to be delivered in perpetuity.
- A Construction Environment Management Plan covering in detail; ecological protection measures, protection of Ancient Woodland and other SINCS habitats, hydrology, motorbike control, traffic and pollution risk management.
- The submission and approval of a detailed lighting strategy for approval before development commences, with implementation of the approved measures signed off by a competent lighting engineer on completion to ensure the impact of lighting on the night time ecology and commuting corridors is minimised. This should include an appropriate zoning strategy as set out in the proposed lighting mitigation measures, to guarantee that dark buffer zone corridors are delivered before the development is occupied.

Figure 1: Bechstein's bat tracking results 2009 north of Long Copse Lane (Based on ECOSA report for P.Water)



Note: The full data is available to the LPA in the ECOSA bat reports submitted with the Portsmouth Water Havant Thicket Reservoir Application. The relevant maps are in the 2013 ECOSA report referenced as Maps F.b.39 to 41 and Maps F.b.45 to 50.