

Dear Arleta,

APP/25/00162 | Flood and coastal erosion risk management scheme comprising a combination of raised earth embankments, raised footpaths/cycleways, sheet piled sea/flood defence walls with cladding and flood glass, provision of flood gates, associated landscaping and landscaping improvements (including street furniture), tree works and tree removals, realigned sections of cycleway/walkway, highway alterations and improvements, ecological improvements and temporary compounds and access, and all associated works. The proposal constitutes EIA development. | Land and coast adjacent to, Langstone Road, Havant

Thank you for consulting me on this application.

The complex application is accompanied by a number of detailed technical reports relating to the natural environment. I have reviewed the Environmental Statement and all relevant appendices (Coastal Partners, January 2025). The appendices cover various aspects of the terrestrial and marine environment, in particular Chapters 8, 9 and 10 covering marine ecology, terrestrial ecology and ornithology as well as various species-specific reports for bats, Badger, , breeding birds, reptiles and Great Crested Newt. I have also reviewed the Outline Construction Environmental Management Plan and the Information for Habitats Regulations Assessment (Coastal Partners, February 2025). I am content with the scope of ecological receptors – sites, habitats and species - included within the various assessments, content with the consideration of potential impact pathways, and with the methodologies used to assign value and impact significance. Also reviewed is the Biodiversity Net Gain (BNG) Statement and accompanying BNG Statutory Metric (both Coastal Partners, February 2025).

The proposed works will inevitably be highly disruptive (over a relatively localised extent) during construction and will result in permanent changes to the physical character of this stretch of coastline. The potential effects of the works include direct and indirect permanent and temporary terrestrial and intertidal habitat loss, noise disturbance to marine organisms, noise and visual disturbance to wintering bird species, artificial light disturbance, loss of habitat for various protected species, spread/introduction of non-native invasive species, and airborne and waterborne pollution. The proposed works will directly and indirectly impact designated sites of international, national and local importance as well as various Priority Habitats and protected and notable species. I acknowledge that a 'do nothing' scenario in this location would equate to substantial risk to coastal properties and infrastructure and the loss of significant areas of coastal habitats through inevitable coastal squeeze and erosion. It should be recognised that the proposed scheme has been assessed in the context of multiple, and often conflicting, needs and that it is clear that the potential impacts on the natural environment have been a fundamental consideration in scheme design. Much of the identified impact to e.g. intertidal habitats will occur temporarily and is related to construction access.

In terms of protected sites, the proposed works area is partly within the Solent Maritime Special Area of Conservation (SAC), Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, and both Langstone Harbour Site of Special Scientific Interest (SSSI) and Chichester Harbour SSSI. Impacts to these sites, and their qualifying habitats and species, sub-features and supporting habitats, will or may occur through a range of impact pathways. There will be a 172m² permanent loss of intertidal sediment which is unable to be compensated within the proposed scheme footprint. The Information for HRA document states that this relatively minor permanent loss will be added to the Environment Agency's Habitat Compensation and Restoration Programme (HCRP) 'balance sheet', meaning that an off-site habitat compensation scheme will be needed to accommodate this loss. In HRA procedural terms, this is an acceptable outcome (the HCRP as a suitable method has been subject to strategic level HRA and approved). Habitats impacted directly or indirectly include trees, wet woodland, scrub, hedgerows, coastal grassland, modified grassland, coastal vegetated shingle, saltmarsh, and intertidal sediments. The extent of habitat impacts are quantified within the BNG Metric, and discussed within the terrestrial and marine ES chapters. I am content that habitats have been assessed and mapped robustly and that potential impacts are well understood.

The post-development landscaping includes an appropriate diversity of locally-relevant habitat types, including coastal grassland and a varied range of native woody plantings. I am content that the proposed landscaping is acceptable. There is a slight tension between the formal requirements for Biodiversity Net Gain and what is most appropriate in terms of the site and its landscape context. It is in the gift of the Local Planning Authority to allow a degree of flexibility in BNG to reflect, where justified, local circumstances. In this case I am wholly supportive of a slight reduction in e.g. scrub habitat at the expense of a greater area of e.g. coastal grassland. Overall, the proposed scheme will in my opinion deliver tangible biodiversity benefits through a mix of habitat retention, enhancement and creation.

I would however request that the suggested Coastal Meadow seed mix does not include Scots Lovage *Ligusticum scoticum* as this is not a plant species that does or should occur in southern England. Similarly, Maiden Pink *Dianthus deltoides* is a very rare plant in Hampshire and is probably not fully native to the Havant coastline. Both species should be removed. I would just highlight that the use of commercial 'wildflower' seed mixes is a potential source of unwanted plant species and so great care must be taken to use fully reputable suppliers and to carefully check species composition.

In terms of protected and notable species (bats, Badger, common reptiles, nesting birds, wintering birds, Stag Beetle, Hedgehog, marine mammals, fish, marine molluscs and invertebrates), the site and wider surveyed area has been shown to support suitable bat foraging/commuting habitat and a small number of trees exhibiting potential roost features. Also present are populations of various breeding birds and common reptiles. Badgers are considered likely to occur in the local area although no evidence of setts was noted. Hazel Dormouse, Water Vole, Otter and Great Crested Newt are considered absent. Various notable invertebrate species, including Stag Beetle, are likely present locally. A good number of notable plant species occur. I am content with the range of potential impacts identified and their predicted significance, and with the avoidance and mitigation measures proposed. These chiefly entail the use of pre-commencement update surveys where required, as well

as supervised, sensitive vegetation clearance methods. The role of an Ecological Clerk of Works (EcOW) will be particularly important. I am content that certain aspects of the scheme working methodologies have been amended so as to avoid key significant impacts e.g. timing of works to avoid certain time periods/tidal states, use of soft-start piling etc. These methods have been used successfully at other similar schemes around the Solent for the last several years. I welcome the inclusion of various species enhancement features within the scheme such as bee posts and bat boxes. In addition, I welcome the intention to salvage individual plant species e.g. the nationally-scarce Golden-samphire for transplantation within the wider scheme area. I am confident that over time the created 'new' habitats will be colonised by a range of additional native plant species characteristic of this coastline. The use of planters containing typical native shingle plants is a very welcome addition, as is the potential use of 'vertipool' enhancement features on the quay by the Ship Inn. The new interpretive media is an excellent opportunity to promote the special qualities of the natural environment of this area.

In summary, I am content with the ecological information submitted and consider that it provides a sound assessment of the likely impacts to various ecological features within and adjacent to the proposed scheme footprint. A range of potential impact pathways have been identified and their significance determined. Detailed and logical avoidance and mitigation measures are described for each of the identified impact pathways. If you are minded to grant permission, can I suggest that all ecological avoidance, mitigation, compensation and enhancement measures are secured by condition.

Development shall proceed in strict accordance with the ecological avoidance, mitigation, compensation and enhancement measures as detailed in the Langstone FCERM Scheme Environmental Statement (Coastal Partners, January 2025) and appendices 8 (Marine Ecology), 9 (Terrestrial Ecology) and 10 (Ornithology) unless otherwise agreed in writing by the Local Planning Authority. 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.

Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the CEMP shall be in accordance with the Outline Construction Environmental Management Plan (Coastal Partners, February 2025) and shall include, but not necessarily be restricted to: details of all measures to avoid the potential impacts of development on European designated sites and national designated sites and their interest features. Development shall then proceed in strict accordance with the agreed CEMP. 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

Biodiversity Net Gain

The submitted BNG information demonstrates an overall gain of just over 10% for area habitats and linear habitats (hedgerows). In BNG procedural terms this is acceptable. The proposed habitat creation includes a range of appropriate vegetation types including coastal grassland, other species-rich grassland types, hedgerows, scrub wet woodland and individual trees. The trading rules within the Metric are not met – this is due to the fact that some of the habitat loss to intertidal sediments cannot be compensated within the scheme footprint and is to be subject to the HCRP, and the fact that the proposed landscaping comprises locally suitable coastal habitats which have been judged to be more appropriate in the context of the site and local landscape. I am content that the overall compensatory package is appropriate to the local landscape and that the identified trading rule conflicts are acceptable.

The default position from the LPA is that all BNG habitat on-site should be considered 'significant' and this is the conclusion from the submitted BNG Statement. It is a legal requirement of BNG that all significant on-site habitat is secured and managed appropriately for at least thirty years. The LPA is obliged to secure any 'significant' on-site BNG provision through legal agreement rather than planning condition, although it is prudent to include a BNG condition to ensure that the submitted BNG information is explicitly acknowledged and implemented.

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 but is silent on implementation. If you are minded to grant permission, can I suggest that a condition setting out the expectations for BNG implementation is included as follows:

A Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Report (Coastal Partners, February 2025) and BNG Metric (Coastal Partners, February 2025) 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.*

Notice in writing shall be given to the Council when the:

- (12) *HMMP has been implemented; and*
- (13) *habitat creation and enhancement works as set out in the HMMP have been completed.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

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

Kind regards,

Tristan

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Advanced notice of leave: 7-22 April 2025



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