

Havant Borough Council
Development Control
Civic Offices Civic Centre Road
Havant
Hampshire
PO9 2AX

Our ref: HA/2025/127309/02-L01
Your ref: APP/25/00902
Date: 12 March 2026

Dear Planning Officer,

NEW DOCS SUBMITTED: AMENDED FRA:UPGRADE OF FOOTPATH 508 WITH NEW LINK AND BRIDGE OVER THE HERMITAGE STREAM TO CREATE A 3M WIDE SHARED PEDESTRIAN, CYCLE AND MOBILITY VEHICLES ROUTE FROM PARK HOUSE FARM WAY TO FITZWYGRAM WAY; ASSOCIATED REMOVAL OF CONCRETE PLAY AREA AND REINSTATEMENT AS GRASSED/LANDSCAPED AREA.

SHARED ROUTE FROM PARKHOUSE FARM WAY TO FITZWYGRAM WAY.

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position and comments below.

Environment Agency position

In the absence of an adequate flood risk assessment (FRA) (ref “*Bushy Lease Flood Risk Assessment, V1, 27/02/2026*”) **we object** to this application and recommend that planning permission is refused.

Reason(s)

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess whether the development will increase flood risk elsewhere. In particular, the FRA fails to:

- Determine the design flood level in relation to the proposed bridge Take the impacts of climate change into account

- There is no assessment of the impact of climate change using appropriate climate change allowances (East Hampshire peak river flow allowances according to ['Flood risk assessments: climate change allowances'](#))
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels. Consequently the development proposes an inadequate assessment for:
 - Flood storage compensation

Overcoming our objection

In order to overcome our objection the applicant should submit a revised FRA which addresses:

- Up to date flood level data and climate change allowances (including freeboard) in relation to the proposed bridge
- Floodplain compensation assessment in relation to the raised areas with FZ 2/3

If this cannot be achieved, we are likely to maintain our objection.

Please re-consult us if a revised FRA is submitted and we will respond within 21 days of re-consultation.

Advice to applicant and Local Planning Authority (LPA)

Flood risk

FRA fails to demonstrate how the bridge design has taken flood risk into account to ensure that it will not obstruct flood flows, displace flood water or increase flood risk upstream or downstream. We require clarification of the exact height of the design flood level in relation to the proposed soffit level of 600mm. The FRA only addressed the 600mm allowance above “current levels”, which have not been demonstrated, making it unclear whether the soffit of the bridge would be at or above the sufficient design flood level.

We advise that the applicant requests Product 4 data from the Environment Agency and include this in a revised version of the submitted FRA. They should use this information to assess the future flood levels from fluvial sources impacting the site.

Please contact SSDEnquiries@environment-agency.gov.uk (including a site map and grid reference) to obtain a Product 4 for your proposed works. Please note, the future flood levels provided in the Product 4 were calculated before the latest climate change allowances were available. Please use the advice within ['Flood risk assessments: climate change allowances'](#) to calculate the most up to date climate change levels.

Floodplain Storage Compensation

We require the applicant to complete a flood storage compensation assessment. This is necessary to prevent the new development reducing flood plain storage and displacing flood waters, thereby increasing flood risk elsewhere.

Floodplain compensation should be provided on a 'level for level' basis, calculating the replacement of volumes lost from the floodplain through development, by reducing nearby ground levels. The compensatory volume must be at the same level, or provide

a betterment, as the lost storage.

The FRA should be updated to detail how this can be provided. The FRA must demonstrate that level for level compensation has been considered, provide justification if this cannot be met and detail how any associated risks from other mitigation can be minimised.

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

Please see the details below regarding requirements for Flood Risk Activity Permits (FRAPs) for any terrestrial construction works planned at main river watercourse crossing points. In addition, there will also be a requirement for Flood Defence Consents (FDC) for any ordinary watercourse crossing points and the potential requirement for a Marine Licence for any works proposed below the Mean High Water Spring (MHWS) mark.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

We are aware that your LPA may currently be subject to the 'presumption in favour of sustainable development'. Given our outstanding objection on flood risk grounds we would like to highlight that in this case, as set out in National Planning Policy Framework (NPPF) footnote 7, the 'presumption in favour of sustainable development' should not apply as our objection provides a clear reason for refusal. If your LPA is not subject to the 'presumption in favour of sustainable development' you can disregard this paragraph. If our objection on flood risk is subsequently withdrawn, you can also disregard this paragraph.

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify us to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations.

In accordance with Paragraph 019 of the 'Determining a planning application' Guidance (Ref. ID: 21b-019-20190315), please notify us by email within 2 weeks of a decision

being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should our objection be addressed in due course, we are likely to request some conditions for inclusion in any planning permission and provide further advice as shown below. Further conditions relating to flood risk may also be needed subject to our assessment of any additional information submitted.

Requested conditions once our objection is overcome

Condition

No development shall commence until a detailed Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) have been submitted to, and approved in writing by, the Local Planning Authority (LPA).

The submitted method statement shall include, as appropriate, the following information:

- The proposed programme and timing of works
- Measures to minimise environmental impacts during construction, including the avoidance of disturbance and pollution
- A plan that identifies the area that need to be protected throughout the works
- Any required mitigation measures for protected or notable species
- Construction methods, including site access, working areas, and material storage
- Pollution prevention methods and surface water management
- Measures to prevent the spread of *Himalayan Balsam* during all site operations

If any protected species are discovered on site during works, activities must stop immediately and advice must be sought from a qualified ecologist. As highlighted in the ecological assessment, there are known records of hazel dormice in the area, and the trees present offer highly suitable roosting features for bats. Should any tree works be necessary, a Preliminary Roost Assessment (PRA) must be carried out by a competent ecologist beforehand.

The development shall thereafter be carried out strictly in accordance with the approved CEMP and LEMP. Any amendments shall be submitted to and approved in writing by the LPA prior to their implementation.

Reasons

To ensure the development is undertaken in a way that protects the site's ecological and environmental value, and aligns with relevant planning policy, a robust Construction Environmental Management Plan (CEMP) is required.

The works are close to habitats suitable for protected species such as bats, hazel dormice, otters, and badgers. Having an appropriate CEMP in place ensures compliance with the relevant legislation.

This approach is supported by paragraphs 187 and 193 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

The approach is also supported by Section 40 of the NERC Act 2006 as amended by section 102 Environment Act 2021, which establishes a general duty on public authorities, to conserve and enhance biodiversity through the exercise of its functions.

Other points to note

Given the site's proximity to designated conservation areas, further advice should be sought from Natural England, as a Habitat Regulations Assessment screening may be required.

We also note that Portsmouth Water is planning enhancement works within the vicinity of the proposal, and there appears to be overlap between the two projects. Their restoration work is linked to a planning condition for Havant Thicket Reservoir, to compensate for watercourse loss during construction, and includes realignment of a section of footpath that is also identified for widening in your plans.

Yours faithfully

Victoria Hindmarsh
Planning Advisor

Direct e-mail Victoria.Hindmarsh@environment-agency.gov.uk