

Consultee Comments for Planning Application

SDNP/21/04848/FUL

Application Summary

Application Number: SDNP/21/04848/FUL

Address: Liss Forest Nursery Petersfield Road Greatham Liss GU33 6HA

Proposal: Development of 37 dwellings (including affordable homes), alterations to existing access onto Petersfield Road, hard and soft landscaping, drainage and all other associated development works

Case Officer: Richard Ferguson

Consultee Details

Name: Mr Tristan Norton

Address: Elizabeth II Court West, The Castle, Winchester SO23 8UD

Email: Not Available

On Behalf Of: HCC - Ecology Group

Comments

Dear Richard,

SDNP/21/04848/FUL | Development of 37 dwellings (including affordable homes), alterations to existing access onto Petersfield Road, hard and soft landscaping, drainage and all other associated development works | Liss Forest Nursery Petersfield Road Greatham Liss GU33 6HA 21.1150

Thank you for consulting me on this application. Please accept my apologies for the delay in responding to you.

The application is accompanied by an updated Ecological Impact Assessment (EPR, August 2021), which includes details of updating ecological surveys carried out in 2021.

The application site itself is relatively uninteresting, comprising a former nursely with various areas of bare ground, buildings and improved grassland. There are some boundary hedgerows and trees present, but overall the habitats present are not of high botanical interest. Two boundary hedgerows in the south are considered to be of highest interest.

The site is generally unconstrained by protected species issues, with GCN, Hazel Dormice and Badgers considered to be absent. Very small numbers of Slow-worms were recorded on site (reflecting the general lack of suitable habitat) and two of the buildings have been shown to support roosting bats: a putative Brown Long-eared bat maternity roost in Building C and up to two Common Pipistrelles and a single Long-eared bat in Building A. These roosts are of local interest

and will both be impacted by the proposed development.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2019 (commonly referred to as the Habitats Regulations). Where developments affect such species, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning 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?

Yes, unmitigated, the development has potential to result in harm to individual bats and result in impacts to the favourable conservation status of bat species locally.

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 and 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/disturbance of bats will be avoided and how any loss or damage to habitat will be compensated. In this case some standard mitigation measures are proposed and the redeveloped site will incorporate bat roosting features suited to the species present, including a bespoke roosting space for long-eared bats. These are acceptable and therefore I can state that the third test is likely to be met. It is the responsibility of the applicant and their agents to ensure that a European Protected Species mitigation licence is obtained prior to works commencing and that works proceed in strict accordance with that licence.

In terms of general ecological mitigation, the proposed site layout includes buffers for the southern hedgerow boundaries alongside areas of wildflower grassland and new tree and shrub plantings. A SuDS feature will also incorporate ecological features. The submitted lighting plan provides for areas of no/low illumination at the site boundaries. Given the general lack of ecological interest at

the site, these measures are considered acceptable.

If you are minded to grant permission, can I suggest that all ecological mitigation, compensation and enhancement features are secured by condition.

Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Impact Assessment (EPR, August 2021) unless otherwise agreed in writing by the Local Planning Authority. All mitigation, compensation and enhancement features shall be installed as per the ecologists instructions and be retained and maintained in perpetuity and in a condition suited to their intended function. Reason: to protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Strategic Policy SD9 of the South Downs Local Plan.

The shadow HRA submitted alongside the previous application provided a useful assessment of the potential for stand-alone and in-combination impacts associated with a range of impact pathways. It is considered that only for the Wealden Heaths Phase II SPA and Woolmer Forest SAC is there some potential for impact, with the application site being within c.600m of these sites. As highlighted by Natural England in their consultation response, there is currently no mechanism for either the SDNPA or EHDC to collect SAMM payments for impacts to the Wealden Heaths Phase II SPA or Woolmer Forest SAC. In this situation, the applicant will need to propose a bespoke solution to the issue of recreational disturbance. Further information will be required in order for the LPA to conclude that there will be no Likely Significant effect on these designated sites.

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

Kind regards,

Tristan

Tristan Norton

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