

## UPDATES

for Committee Meeting to be held on 16 September 2015

### ZONE 3 - EASTERN WARDS

(2) **P/15/0718/CC** **STUBBINGTON**  
**STUBBINGTON BY PASS STUBBINGTON HAMPSHIRE**

#### COMMENTS FROM THE APPLICANT:

The Applicant has provided further commentary in response to the Director of Planning & Development (Highways) consultation. The matters raised are mostly detailed points that will be addressed through the detailed design stage.

#### CONSULTATIONS:

Director of Planning & Development (Ecology): No objection subject to conditions.

"I am satisfied that the thorough and professional survey work undertaken at the site has enable the development of a function mitigation strategy which is appropriate for the identified impacts".

Director of Community (Environmental Health - Pollution): No objection on noise grounds subject to conditions.

#### REPRESENTATIONS:

One further letter of objection received on behalf of the occupier of Newlands Farm. A copy has also been sent to HCC:

- The application submits that this is sustainable as defined by the NPPF, but we beg to differ.
- So far as the occupants of Newlands Farm is concerned, the scheme is lacking creative detail and will not enhance and improve the place in which the occupants of the farm live their lives.
- It is not sustainable development if a scheme, particularly one of this magnitude, does not provide a good standard of amenity for the occupants of the farm.
- Reducing the traffic in Stubbington must not be at our expense
- The application is unclear at the actual acoustic fence and bund heights with differences in height referred to in the application.
- The land around the farm is wet in winter and the road drainage should be designed to help
- A footpath around the farm has not been assessed or indicated for diversion.

#### PLANNING CONSIDERATIONS:

The Ecology consultation response notes that the impact upon protected species is such that any harm can be mitigated through appropriate mitigation strategies.

However the detailed survey work that accompanies the application does indicate that the proposal will require the loss of bat roosts.

Local Planning Authorities are required to engage with the Habitats Regulations when considering planning applications affecting protected species. Planning permission should not be granted if:

- a) the development is likely to result in a breach of the EU Directive, and
- b) is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

The application is supported by detailed Ecological Assessments within the Environmental Statement which indicate that the proposal will result in the loss of bat roosts. The loss of the roosts

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would mean an offence under the Regulations is likely. Given that there is a breach of the EU Directive then the next consideration is that of will the development get a European Protected Species (EPS) licence?

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)).

Ultimately it is for the determining body (HCC) to ensure compliance with the three tests, however as the Local Planning Authority, it is also appropriate that the tests be considered in forming the Consultation response back to HCC

"The Purpose Test":

This application will provide much needed and wanted local infrastructure that would help the Borough manage the heavy traffic flows through the area on to the strategic road network. The provision of the bypass is considered to be of overriding public interest for traffic management. The infrastructure requirements of the area are considered to address the first test.

"The No Satisfactory Alternative Test":

The roosts to be lost are within Hollam Cottage and stables which are to be demolished to construct the road. The buildings are in a poor condition already and if retained, the existing buildings will need some improvements in terms of efficiency and modernization with the result that the bat roosts may well be either disturbed, or destroyed in any event.

"The Favourable Conservation Status test":

It is proposed to compensate for the bat roost loss through the incorporation of a good range of new roosting opportunities in the form of bat boxes integral to replacement built structures for Hollam Cottage and stables. Consultations with the Ecologist has confirmed that provided these mitigation proposals are secured by planning condition, the favourable conservation status of the bat population will be maintained and a EPS licence is likely to be granted.

**AMENDED RECOMMENDATION:**

Additional conditions to those in the main agenda as a result of the consultation responses now received:

15) Post construction noise monitoring shall be completed within 3 months of the scheme coming into use (the scope and duration of the monitoring to be agreed with the LPA)

16) A detailed ecology mitigation strategy is to be submitted and approved in writing in line with the outline measures proposed within Chapter 9 of the Environmental Statement. The ecology statement will provide mitigation for:

- reptiles;
- badgers; and
- nesting birds;

17) The development shall be carried out in accordance with the detailed Water Vole Mitigation Strategy.

18) The development shall be carried out in accordance with the outline method statement provided in Appendix 9.5b and Chapter 9 of the Environmental Statement to ensure bats are not disturbed, killed or injured, together with new roosting opportunities to be provided in the form of bat boxes integral to replacement built structures for Hollam Cottage and stables.

19) Landscape Management scheme to ensure planting establishes and functions as a screen but also as an ecological resource.

(4) **P/15/0717/CC** **STUBBINGTON**  
**NEWGATE LANE FAREHAM HAMPSHIRE**

**COMMENTS FROM THE APPLICANT:**

The Applicant has provided further commentary in response to the Director of Planning & Development (Highways) consultation. The matters raised are mostly detailed points that will be addressed through the detailed design stage.

The Applicant has also indicated that discussions have taken place with the MOD with regard to the replacement of the formal sports provision lost as a consequence of the road alignment.

**REPRESENTATIONS:**

Two Letters have been sent to HCC and copied to FBC from two land owners affected by the new road:

- The application for the new road is supported in principle
- But an objection is raised in the absence of any meaningful discussion between HCC and the land owners regarding the provision of access to the adjoining land. Any decision should be stopped until these discussions are concluded.
- The Land in question is being promoted as a housing site to FBC through the Local Plan Review

**CONSULTATIONS:**

Director of Planning & Development (Ecology): No objection subject to conditions.

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Director of Community (Environmental Health - Pollution): No objection on noise grounds subject to conditions.

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16) Landscape Management scheme to ensure planting establishes and functions as a screen but also as an ecological resource.

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