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27 February 2024

Dear Sir/Madam

Appeal Reference APP/W1715/W/23/3329365

Construction of a first floor extension and 4-bedroom, two storey end-of-terrace dwelling with associated parking provision.

63 Underwood Road, Bishopstoke, Eastleigh, Hampshire, SO50 6FX.

In response to the Local Planning Authority's appeal statement, I would request that the following comments are taken into account.

1. That the comments made in response to the LPA statement in relation to the linked appeal are taken into account.
2. The following additional comments are taken into account:

The LPA refer to of Policy DM11 which states that "Development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on an SSSI, SINC or LNR unless:

- there are no alternative solutions;
- the adverse effects are unavoidable;
- measures are taken to mitigate or, as a last resort, compensate for the adverse effects;
- there is an overall biodiversity net gain; and
- if there are any residual adverse effects, the benefits of the development clearly outweigh the adverse effects on priority habitats, priority and protected species, and the local ecological network."

The LPA consider that this policy applies because they consider that the ecological report states that there will be 'an impact' and that the report does not clearly demonstrate that no harm will be caused.

In response, it is contended that the ecological appraisal provides absolute clarity that, whilst there would be 'an impact', this would not be singularly or cumulatively harmful as this area of ancient woodland has already been irreversibly harmed when the LPA gave permission for these dwellings to be constructed adjacent to the woodland over 70 years ago. A proposal cannot cause additional, singular or cumulative harm over and above irreversible harm. There are no measures available for improving the woodland edge in this existing area of private residential development. Therefore, the criterion within Policy DM11 are not required to be fulfilled.

Nonetheless, detailed measures are proposed within the ecological report to improve biodiversity on this site, and the appellant is willing for the recommendations contained within that report to be implemented, as a planning condition. These measures include:

- Hedgehog corridors
- Mammal gates built into the fences
- Removal of bamboo and cherry laurel (invasive species) and replace with native hedge along southern boundary
- Provision of additional native shrubs
- Details of external lighting to be approved
- Work outside the bird nesting season
- Provision of bird and bat boxes
- Construction measures to protect wildlife (Construction Environmental Management Plan)

It is perhaps also important to note that Stoke Park Woods is also an 'open access' and well-used woodland managed by the Forestry Commission, with a footpath within 15m of the site boundary within the woodland itself.

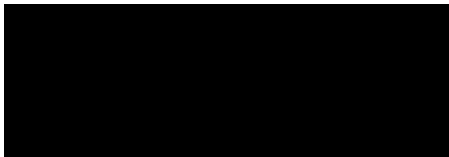
The LPA also refer to Natural England's 'no objection' (to the original application – they were not consulted by the LPA on the resubmission application) stating that Natural England will only comment upon impact on sites of national and international importance, therefore suggesting that their consultation response did not relate to the ancient woodland issue. This is incorrect. Natural England's statutory purpose is contained within their responses, and, in their original response of 20th February 2023 they have directly commented on the ancient woodland aspects, requesting a condition for the submission of a pre-commencement Construction Environmental Management Plan, which the appellant is willing to agree to. In their response of 30th March, which supersedes their first consultation response, they state, under the heading "*Ancient woodland, ancient and veteran trees: Construction Impacts*" that "*The CEMP should include measures to ensure no materials, machinery, vehicles or works will encroach upon the woodland*", and that "*The approved CEMP can be secured via an appropriately worded condition...*". As such, Natural England have made a direct recommendation with regard to the Ancient Woodland.

Finally, the LPA make reference to the lack of a legal agreement to secure mitigation for nutrient in effluent from the new dwelling. In this regard a Unilateral Undertaking has been

provided that undertakes to use Eastleigh's own nitrate and phosphate mitigation schemes to provide certainty that the impacts of this effluent upon Protected Sites is properly mitigated. This includes ensuring that the land parcels used for phosphate mitigation are upstream of the relevant waste water works (Chickenhall Waste Water Treatment Works), to address Natural England's concerns that some mitigation parcels within the mitigation scheme are located downstream of the Chickenhall Waste Water Treatment Works, leaving stretches of the River Itchen potentially unmitigated.

I hope that the above comments can be taken into account.

Yours faithfully



Louise Cutts BA(Hons) DipTP MRTPI
Director
Wessex Planning Ltd

