

From: Norton, Tristan <Tristan.Norton@hants.gov.uk>
Sent: 28 May 2021 09:20
To: Wells, Lesley
Cc: Havant Planning and Development Mailbox New
Subject: APP/20/00441 Land west of, Hulbert Road, Havant 21.0410

Dear Lesley,

APP/20/00441 | Outline planning application with all matters reserved except access for the development of up to 120 dwellings and associated improved site access, landscaping, footpaths, SuDS and other associated works on land to the west of Hulbert Road, Havant. | Land west of, Hulbert Road, Havant 21.0410

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 amended Dormouse Survey (WYG, March 2021) and an amended Bat Activity Survey report (WYG, March 2021). Dormouse surveys carried out in 2020 recorded six dormouse nests and several live dormice within nest tubes placed at the site's boundaries. It is therefore confirmed that hazel dormice are present at the site and is breeding. This development will affect hazel dormice, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect EPS, 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 an EPS 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 EU Directive?

Yes, unmitigated, the development has potential to result in harm to individual hazel dormice and result in impacts to the favourable conservation status of dormice 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, there must be sufficient confidence that the investigations to date have enabled a robust

assessment of dormouse presence upon which to base informed mitigation proposals. I am content that sufficient survey effort has been expended and that the status of dormouse at the site is understood.

The dormouse report now quantifies the extent of habitat to be affected, 200m². The outline nature of the proposal means that firm landscaping details (which are critical to assessing the efficacy of dormouse mitigation measures) are not included. Given the size of the site, and the outline concept layout, it should be possible to provide continued habitat connectivity for this species. It is essential that existing habitat linkages to the surrounding woodland/scrub are not severed or fragmented. There is still a requirement for further details on any off-site measures: I concur that habitat enhancements in the surrounding SINC's are worthy of exploration. The installation of dormouse nesting boxes is a welcome measure, as is the adoption of a sensitive lighting strategy. Despite the lack of firm details, provided these principles are implemented I conclude that impacts to dormice can be mitigated. I would recommend that a fully-detailed dormouse mitigation strategy is secured by condition.

The Bat Activity Survey report details the results of manual transects, automated monitoring and a series of trapping sessions (note: the dates of these surveys are given as both 2018 and 2019). These surveys covered the period August-October 2019 and April-May 2020. No bat surveys were conducted in June or July in either year: no definitive explanation is provided for this gap within the peak summer survey season. A total of eight bat species were recorded on site: Brown long-eared, Common pipistrelle, Soprano pipistrelle, Western barbastelle, Noctule, serotine and a Mouse-eared species considered to be either whiskered or Brandt's. This is a reasonable bat assemblage and places the site at regional value.

As with the dormouse report, the outline nature of the application means that firm details on proposed landscaping are not provided. However, the mitigation principles as detailed in section 6 of the bat report are sensible. Again, I would recommend that further details are provided within a mitigation strategy, secured by condition.

If you are minded to grant outline permission, can I suggest that a site-wide ecological mitigation, compensation and enhancement strategy is secured by condition. This strategy should include full, deliverable details of all ecological mitigation, compensation and enhancement measures and should be fully consistent with other submitted documents such as landscaping and lighting strategies.

Prior to the commencement of development activities, a detailed Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement measures shall be in accordance with those detailed within the Ecological Appraisal (WYG, December 2019), the Dormouse Survey report (WYG, March 2021) and the Bat Survey report (WYG, March 2021) unless otherwise agreed in writing by the local planning authority. The Strategy shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; details of the location, composition and ongoing management of all compensatory or enhancement habitat; location, type and number of all bat/bird boxes; details of lighting. All ecological compensation/enhancement measures shall be installed in accordance with ecologist's instructions and retained in a location and condition suited to their intended function. Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

In addition, I would recommend that a Construction Environment Management Plan (CEMP) is secured. This should include full details of all measures to avoid/mitigate construction impacts on the natural environment.

Prior to the commencement of development activities a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP . Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

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

Kind regards,

Tristan

Tristan Norton

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Coronavirus (Covid-19)

Hampshire County Council's response to the Covid-19 is available here (<https://www.hants.gov.uk/socialcareandhealth/coronavirus>).

In line with Government advice to reduce non-essential travel and work from home where possible, Ecology officers are now working remotely. Whilst we will endeavour to conduct our services in a timely manner and to meet statutory timescales where we can, there may be some impact to the services we deliver. We will ensure that we keep all applicants / interested parties informed of any further impacts to our services should they arise. The Council's response also means that no non-essential site visits or face to face meetings will be undertaken until further notice. Essential and contractual surveys may continue take place where there is no risk to the surveyor or the public, and in line with Government advice. This will be reviewed on an on-going basis.



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Please note that this advice is given in accordance with the Service Level Agreement that has been signed between Hampshire County Council and your Council. These comments are expressed as a professional view provided to Havant Borough Council and should not, therefore, be interpreted as those of Hampshire County Council.