

Dear Daphney,

APP/12/00338 | Hybrid planning application comprising a part outline application relating to development for employment uses and a hotel with conference facilities and a part detailed application for a new access link road with bus gate to Woolston Road; together with landscaping, infrastructure and associated works (approved 19.02.14). Request to discharge conditions A5, A10, A11, A12, A13, A14, A16, A17, A18, B4 and B10 (05.01.16). | Dunsbury Hill Farm, Park Lane, Cowplain, Waterlooville 16.0023

Thank you for consulting me on this application for discharge of conditions, A11 (CEMP), A17 (dormice) and A18 (bats) of which relate to ecological matters within Plot 2.

Condition A11 – CEMP

The submitted CEMP makes clear provision for addressing ecological sensitivities during the construction period. It is imperative that all contractors are made aware of these issues and that the recommended actions are implemented fully: there are very sensitive ecological receptors at the site which require careful consideration at all times. The applicant's ecological advisor must be fully involved with the construction process. The submitted CEMP is sufficient for addressing Condition A11.

Condition A17 - Hazel dormouse

The presence of hazel dormice within the habitat surrounding the plot has been confirmed in 2015 and it must be assumed that this species could occur in any dense woody vegetation, including bramble, in the vicinity. The proposals will result in the loss of c.1000m² of potential habitat (some of this 'temporary') and so impacts to dormice can be assumed. These works will be carried out under a European Protected Species Mitigation (EPSM) licence from Natural England, with vegetation cut back in a staged process between winter and early summer.

This development is highly likely to affect 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 2010 (commonly referred to as the Habitats Regulations). Where developments affect European Protected Species (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 dormice and result in impacts to the favourable conservation status of dormice locally via habitat loss and fragmentation.

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 – you may wish to ask for further information from the applicant as if the proposals are unacceptable from a development control perspective they would not be granted an EPSM licence. In order to assess the development against the third test, sufficient details must be available to show how killing/injury/disturbance of dormice will be avoided and how any loss or damage to habitat will be avoided or, if not avoided, compensated. In this case I am of the opinion that there is now sufficient evidence to demonstrate that dormouse impacts have been adequately considered as detailed within the Dormouse statement - Plot 2 B8 distribution centre (Atkins, November 2015): there is a clear process for avoiding/minimising habitat impacts and for ongoing management and monitoring of the site and we can have confidence that the third test can be met.

Condition A18 - Bats

The submission of a vertical lighting contour plan (12477-1-A) is useful and does highlight that, for the majority of the southern and eastern boundaries, predicted light spillage levels will be minimised to 1-2 lux at the site boundary and at c.8m height. Luminaries will be cowled and the fencing will serve to further reduce backward spillage. One can expect levels to be lower at the actual vegetation line. On balance, this is as much as one can hope for and is a far more acceptable solution than previously. The sensitivity of bats to light spillage is well-documented and, given that we have one of the rarest British bats in the vicinity, it is paramount that ecological impacts are a key driver in site lighting solutions: this approach will be taken on subsequent applications at the wider DHF site. Future bat surveys will be able to monitor the level of bat activity at this location and, where issues are identified, there should be remedial actions. Overall, I consider that for Plot 2 the condition relating to bats is met.

I trust the above is suitable - if you have any queries please don't hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

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