

APP/15/01156 Approval of Reserved Matters in respect to Plot 2 Phase 1 of outline application APP/15/00732 (new employment uses, hotel and access road) comprising construction of B8 warehouse and distribution building (18.037 sq. m) to be constructed in 2 phases, with a maximum height not exceeding the 42m AOD contour (the design for plot 2 incorporating revision to previously approved parameter plan forming part of the Environmental Statement dated March 2012). Plot 2, Dunsbury Hill Farm, Park Lane, Cowplain, Waterlooville 15.1889

Thank you for consulting me on this application.

The application is accompanied by an Ecological Impact Assessment (v.2, Atkins, November 2015) which provides a robust assessment of the potential ecological impacts of this proposal. The application is supported by detailed ecological survey works stemming both from the previous assessment for the main hybrid application as well as bespoke updating surveys for Plot 2.

The ecological surveys have identified a number of receptors which are at risk of impact from these proposals. Of these, two (bats and hazel dormouse) are European protected species. The recently-confirmed presence of the very rare Bechstein's bat within woodland immediately south of the application site is a significant discovery, yet not unsurprising. Dormouse nests have been found immediately west of the plot and the species can be expected to occur within any suitable habitat locally. The northern boundary supports populations of all four common reptile species.

Reptiles

All four common native species have been recorded on site and a translocation process has been underway since September. All captured animals are being moved into the established Habitat Creation Area to the north – this area is being enhanced with reptile refugia/hibernacula. I am content with the measures in place for reptile species.

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: 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.

Bats

Previous surveys have identified a number of bat species present in the immediate area, although the open nature of the site itself means that most bats were recorded utilising the boundary features. Trapping surveys in 2015 recorded a single female Bechstein's bat within Cherry Tree Row SINC immediately south of the site and this species is undoubtedly present regularly within woodlands in the immediate area and wider landscape. The SINC forms part of an extensive wooded landscape surrounding Dunsbury Hill Farm within which are areas of prime Bechstein's habitat.

Whilst the proposals themselves will not result in any impacts to the mature trees that bat species will roost within, there are issues in relation to more nebulous impacts such as lighting and general construction and operational disturbance.

On the topic of lighting, the submitted lighting plan (ref. P173-442-R1 + BAMD) shows very intense lux levels immediately adjacent to and spilling onto the boundary woodland. This is particularly evident at the southern and south-eastern sides of the application site where levels between 6 and nearly 70 lux are shown at the

vegetation line. Bat species, and especially sensitive woodland bats such as Bechstein's, are negatively impacted by levels as low as 1 lux and so further detail needs to be provided on how such light spillage can be minimised – do these contours take into account any mitigating features such as screening vegetation or hooding, for example? Impacts may occur both through column lighting and vehicle headlights (the turning circle is situated adjacent to woodland). Details such as luminaire hooding, fencing (solid would be best) and screening are required. In addition, it may be that lamp types (such as warm LED, with low/no UV component) can be used to further reduce impacts. Three dimensional light contouring would greatly assist in determining the extent of light spillage at canopy level. I consider that these details are required at this stage.

Given the 24-hour operation of this site I would expect noise to be an issue also. Vehicle noise (revving, idling, reversing, horns etc.) as well as generator noise (the plans show generators positioned immediately adjacent to Cherry Tree Row SINC) may require mitigating e.g. through acoustic fencing. There are no firm details of such fencing provided – the paladin-type fencing shown on the fencing plan LP2018-LA-WS-L-90-03 would not provide any screening for noise and light. In addition, there is a discrepancy over the stated fence height between the fencing plan and D&A Statement.

In the longer term the proposed woodland edge planting and bat boxes will provide enhancements to the habitat for bats and the measures provided as part of the wider Dunsbury scheme will offer more substantial bat mitigation.

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

Kind regards,

Tristan

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