

Subject: APP/25/00573 Land west of, Hulbert Road, Havant

Dear Lesley,

APP/25/00573 Reserved matters application for 100 dwellings and improved site access, landscaping, footpaths, SuDS and other associated works. Matters relating to appearance, landscaping, layout and scale to be considered. The outline application was not an environmental impact assessment application. Land west of, Hulbert Road, Havant

Thank you for consulting me on this application. I have reviewed the latest Ecological Impact Assessment (EcoSupport, February 2026). I am content that this document provides a generally sound updating assessment of the site's known and potential ecological features and contains recommendations for avoidance, mitigation, compensation and enhancement measures. As detailed in my previous consultation responses, this site is situated in a highly sensitive area and there are potentially significant ecological constraints that require very careful consideration through development planning.

The site comprises an area of unmanaged semi-natural habitat within a wider landscape dominated by woodland, scrub and grassland. I am content that the vegetation communities within the site are not of exceptional botanical value, although they provide an area of generally unmodified vegetation that is valuable at the local level. The site has been shown to support various protected and notable species, including a bat population of regional significance, and breeding Hazel Dormice.

Updating surveys and assessments have been carried out for some ecological features. The bat survey data for the site is now five years old. I had suggested that updating bat activity surveys would be sensible so as to update the baseline assessment and ensure that proposed mitigation measures were robust. This has not been carried out, and the applicant's ecologist has stated that additional survey information would not materially affect the proposed mitigation package. Surveys for Hazel Dormouse have been updated in 2025, and the site continues to support a breeding population of this species.

This development will affect Hazel Dormice, a European protected species which receives strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects a European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the Habitats Regulations and is unlikely to be granted a 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, the proposed development will directly impact Hazel Dormice and their habitat.
- *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. If the development is ordinarily acceptable in planning terms, then the first two tests can be met. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss or damage to bat roosts will be compensated.

A mitigation and enhancement strategy has been provided, detailing specific measures to avoid harm to Hazel Dormice during development works and to provide compensatory habitat and enhancement features. I would support these measures and, based on the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed. I would recommend that LPA's engagement with the Habitats Regulations is detailed in your report. It is for the applicant and their appointed agents to ensure that the requisite licence is obtained and that all conditions are met.

A series of other ecological avoidance and mitigation measures has been provided. These measures are in accordance with expected industry standards. A range of compensatory and enhancement measures are detailed, and these are welcome. I particularly welcome the proposal to ensure that impacts to the adjacent SINC habitats are managed, in addition to the proposed installation of a range of bat and bird boxes within the development.

Proposed landscaping includes the establishment of a dense wooded boundary to the west, as well as buffer areas to the north and south, plus surface drainage features. Overall, I am content that with this crowded layout the proposed planting plan is acceptable, although I note that there is no detailed planting specification provided.

Aside from direct habitat loss, the key potential impact to the two main receptors (bats and Hazel Dormouse) is lighting. I have reviewed the submitted Draft Lighting Strategy, Draft Horizontal Illuminance Plan, and Draft Lighting Drawings (all DFL, July 2025), I am content that impacts from artificial lighting are likely to be negligible if implemented as described.

In summary, I would recommend that all ecological avoidance, mitigation, compensation and enhancement measures are secured.

Development shall proceed in strict accordance with the ecological avoidance and mitigation measures detailed within the Ecological Impact Assessment (EcoSupport, February 2026). Reason: to protect biodiversity in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Prior to the commencement of any development activities, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include specific measures to avoid or mitigate impacts to ecological features (sites, habitats and species) as detailed within the Ecological Impact Assessment (EcoSupport, February 2026). The CEMP shall include details of ecological avoidance and mitigation processes and those persons responsible for implementing them. Reason: to protect biodiversity in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 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

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