

Dear Henrietta,

APP/26/00453 | Outline permission for the erection of a building for employment purposes with associated parking and landscaping. All matters reserved except access, layout parameters and scale parameters. | Plot 6 Dunsbury Park, Fitzwygram Way, Havant, PO9 4EE

Thank you for consulting me on this outline application for the development of Plot 600.

The application is accompanied by a Preliminary Ecological Appraisal (Greengage, August 2025), a Breeding Bird Survey (Greengage, April 2026), a Reptile Survey (Greengage, July 2025), and an Overall Mitigation Strategy (Eight Versa, May 2026). I have also reviewed the Biodiversity Net Gain Assessment (Greengage, March 2026) and Statutory Metric (Greengage, May 2026), and the Lighting Environmental Impact Assessment (Ramboll, March 2026).

The application site comprises a large area of tussocky grassland which is former grazing land and prior to that was arable farmland. The site contains a single Oak tree, surrounded by dense Bramble scrub. A short section of native hedgerow with trees is located at the proposed access track to the south.

The site is a valuable area of undeveloped semi-natural habitat within the landscape, even if it is not botanically species rich. The site is bordered to the east by woodland and scrub which itself is contiguous with Dunsbury Hill Wood SINC and with the wider landscape of SINC woodland and grassland habitats. Surveys have highlighted the presence of an exceptional population of Slow-worms as well as the presence of three other reptile species. The whole landscape around Dunsbury is optimal for Hazel Dormice and previous surveys have identified the species as present within hedgerow, woodland, and scrub habitats. The woody vegetation surrounding the application are suitable habitat and impacts to Dormice and their habitat are anticipated (see Overall Mitigation Strategy, section 6.5). I also note that it was previously agreed that updating surveys of Plot 600 would be carried out (see Overall Mitigation Strategy, section 6.5).

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 Hazel Dormice will be avoided and how the loss or damage to Hazel Dormouse habitat will be compensated.

An outline mitigation and enhancement strategy has been provided, detailing 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.

Bird surveys have identified a number of confirmed breeding species as well as a number of others which are considered likely breeders. Species of higher conservation concerns recorded within or in close proximity to the application site include Greenfinch, Bullfinch, Cetti's Warbler and Firecrest. The proposed development is likely to result in impacts to breeding bird species, either through direct habitat loss or functional habitat loss during construction and operation. An outline mitigation, compensation, and enhancement strategy is provided. This

For reptiles, an outline mitigation strategy is provided. The developed site will not provide sufficient habitat (retained or created) for reptiles and so an off-site solution will be required. No details of any off-site provision is provided at this outline stage but I understand that two parcels of land within the wider Dunsbury site are to be used for various mitigation purposes.

Although landscaping details are not included in this outline submission, I would highlight that the Council's expectation is that development at Dunsbury is guided closely by the local landscape context, with landscaping areas providing for the retention of existing vegetation and, where habitat is being created, that plantings echo the suite of plant species and habitat types found locally. Typical habitats found across the Dunsbury landscape include grasslands of sandy-clay soils (with typical species such as Sneezewort, Corky-fruited Water-dropwort, and Common Knapweed), wet woodland (with Willows prevalent), scrub (again with Willows), and mature Oak-dominated woodland. These elements should form the basis for any landscaping design.

In respect to Biodiversity Net Gain (BNG), the application is accompanied by a Statutory BNG Metric (Greengage, May 2026) and a Biodiversity Net Gain Assessment (Greengage, March 2026) which provides details of the BNG reasoning, including

condition assessments for all habitats. I would highlight that the application site is situated within the Measures map in the Hampshire Local Nature Recovery Strategy (LNRS) and therefore the strategic significance multiplier in the Metric will need to be High, not Medium as at present. This may affect the habitat units required to achieve mandatory 10% BNG.

The submitted BNG calculations show a habitat unit deficit of -4.54 units (-61.53%) and a hedgerow unit deficit of -0.34 (100%). This deficit will need to be addressed both on-site and off-site. I would again highlight the comments made above in relation to expectations around locally appropriate habitat provision.

If you are minded to grant permission, can I suggest that Biodiversity Net Gain and all ecological mitigation, compensation, and enhancement measures are secured by the following conditions:

Prior to the commencement of any development activities, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the ecological avoidance, mitigation, enhancement, and management measures as detailed in the Preliminary Ecological Appraisal (Greengage, August 2025), Breeding Bird Survey (Greengage, April 2026), Reptile Survey (Greengage, July 2025), and Overall Mitigation Strategy (Eight Versa, May 2026) unless otherwise agreed in writing by the Local Planning Authority. It shall include but not necessarily be restricted to: details of any updating survey and assessment; full details of all ecological avoidance and mitigation measures, to include locations, timings, methods, and responsibilities; full details of all habitat and species compensation and enhancement measures, including location, composition, establishment and ongoing management, monitoring, and responsibilities. Reason: to provide ecological protection and enhancement 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 shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include specific measures to avoid or mitigate potential impact pathways during construction affecting identified ecological features on-site and off-site and should include roles, responsibilities and methods for each specific avoidance and mitigation measure. Reason: to protect biodiversity in accordance with

the Environment Act 2021, 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 development activities, a Lighting Strategy shall be submitted to and approved by the Local Planning Authority. The Lighting Strategy shall include lux contour plans on the horizontal and vertical planes as necessary, and shall demonstrate how the proposed development will avoid and minimise the impacts of artificial lighting on bats and other nocturnal and crepuscular species. The Lighting Strategy shall be used to inform site layout and landscaping. Reason: to protect biodiversity in accordance with the Environment Act 2021, Habitats Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

A Biodiversity Gain Plan shall be prepared in accordance with the Statutory BNG Metric (Greengage, May 2026) and Biodiversity Net Gain Assessment (Greengage, March 2026) and must include:

- (1) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat;*
- (2) the pre-development biodiversity value of the on-site habitat;*
- (3) the post-development biodiversity value of the on-site habitat;*
- (4) any registered off-site biodiversity gain allocated to the development and the value of that gain in relation to the development;*
- (5) any biodiversity credits purchased for the development; and*
- (6) any such other matters as the Secretary of State may by regulations specify.*

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- (7) a non-technical summary;*

- (8) *the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- (9) *the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- (10) *the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
- (11) *the monitoring methodology and frequency in respect of the created or enhanced habitat.*

Notice in writing shall be given to the Council when the:

- (12) *HMMP has been implemented; and*
- (13) *habitat creation and enhancement works as set out in the HMMP have been completed.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

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

Kind regards,

Tristan

Tristan Norton

Principal Ecologist