

DUNSBURY PARK, HAZEL DORMOUSE LICENSE COMMENTARY

Greengage Environmental Ltd ('Greengage') were appointed by Avison Young on behalf of Portsmouth City Council to undertake dormouse surveys at a site known as Dunsbury. These surveys were undertaken in 2022 confirmed the presence of hazel dormouse in hedgerows on the site. It is understood that updated surveys have been undertaken by a third party, however data has not been made available to Greengage.

A planning submission was made, and it was recommended by Greengage that a planning condition requiring a European Protected Species Mitigation (EPSM) License for dormouse be in place prior to commencement of works, due to the likelihood of the proposed works to impact hedgerows known to support dormouse.

The three legal tests required to obtain a license are as follows:

- The Purpose Test - the activity must have a valid, legal reason. This includes preserving public health or safety, or serving an overriding public interest (such as essential housing development);
- No Satisfactory Alternative - you must prove there is no other reasonable way to do the work. The chosen method must be the one that causes the least amount of harm to the protected species; and
- Favourable Conservation Status - the activity must not harm the long-term survival or population numbers of the species in its natural range. You often use a mitigation plan, like creating new habitats, to pass this test.

Test 1

The Purpose Test is typically satisfied through granting of planning permission. It is understood that Havant Borough Council are satisfied to grant planning permission, subject to conditions (including acquisition of an EPSM Licence for dormouse). This is not strictly an ecology matter, however is likely to be met on the basis of providing essential economic and employment benefits, as evidenced by granting of planning consent. This is a site allocated within the Local Planning Authority Local Plan for employment provision which is in the public interest. The Local Authority are understood to have a need for employment provision and the 'Havant Borough - Employment Land Review Update – July 2026' identifies that this need is only likely to be met if the allocations (including Dunsbury Park) of the Local Plan are delivered. Therefore it is our view that this test will be passed.

Test 2

The No Satisfactory Alternative test requires a reasoned statement. This has not yet been produced, however Greengage have been involved in the project since 2021 and explored layout options to minimise impacts upon hedgerows, and consequently dormouse. Without vehicle access, the proposed development would not be feasible, therefore some degree of hedgerow impact to allow vehicle access is required. Therefore, in line with the mitigation hierarchy, avoidance of impacts is not possible. Furthermore, the site is allocated for employment usage, and other sites are not suitable for this use. Allocation of a site within the Local Plan means that the

sequential test for whether there are alternative sites for the employment provision has been passed and does not need to be revisited. Therefore it is our view that this test will be passed.

Test 3

The Favourable Conservation Status (FCS) test requires a method statement and updated survey data, as the data held by Greengage is out of date. However, the proposed removal of a section of hedgerow to facilitate vehicle access does not sever connectivity across the site as no hedgerow sections will become isolated, and compensatory planting is proposed. Therefore, if results are consistent with the 2022 survey results collected by Greengage, assuming appropriate timing of hedgerow works and adequate compensatory planting and other mitigation such as installation of dormouse boxes, the FCS of dormouse should not be compromised. Therefore this test is likely to be passed.

Conclusion

It is Greengage's opinion that the three tests are likely to be satisfied. A suitably worded planning condition should be applied to any issue of planning permission. This is typically the mechanism by which an EPSM License is secured in these circumstances.