

May 2014

Mr Nick Upton
Planning Case Officer
East Hants District Council
Penns Place
Petersfield
GU31 4EX



Dear Sir

Reference: Large Scale Development by David Wilson Homes
Land at Winchester Road (Adjoining 173), Winchester Road, Four Marks, Alton
EHDC Reference No: 55358 / PP-03203447 658/342

Dear Sir

Introduction

This letter is submitted as a supplementary objection to the 55358 development. It is limited to a single but very important issue; the survival in Four Marks of the Dormouse, properly known as The Hazel Dormouse or *Muscardinus avellanarius*.¹ Henceforward the terms 'Dormouse' or 'Dormice' may be used as appropriate.

Muscardinus avellanarius

This species is heavily protected both by UK law and by EU directives. You will be aware of these protections.² The species is sensitive, shy, rare and known to be in decline. In the south of England, Hampshire is one of its strongholds, with an estimated 10% of its national numbers living here.³ East Hampshire is one of the few places in England where, if left alone, Dormice can survive and, we hope, thrive.

Once displaced from an established habitat by development, *Muscardinus avellanarius* would, research suggests, be highly unlikely ever to return.⁴ The ancient and varied hedgerows and hazel coppice which have been observed and recorded near to or adjacent to the three major housing development sites at the western end of Four Marks were once prime habitat for this species. According to very knowledgeable ecologists who know the area well, we may be facing the prospect of localised extinction in the near future.⁵ Granting permission for the Barn Lane site would add to what are already critical pressures for this species.

¹ While it would be possible to expand on all points made in previous correspondence, that might be stretching the generosity of the time-extension (granted because of severed BT internet cables in our village) too far.

² The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended by the Conservation of Habitats and Species (Amendment) Regulations 2012 S.I. 2012/1927) making it a European Protected Species.

³ Jaquelin Fisher Associates London (2007) *Dormouse Method Statement* See EHDC site (Posted 10 Oct 2008)

⁴ 'Dormice are poor re-colonisers and, therefore, isolation will increase their vulnerability, and decrease the genetic diversity of the population. Isolation can result from small habitat losses, such as the removal of the hedgerow containing suitable habitat'. *Design Manual for Roads and Bridges* (Highways Agency 2001, Chapter 10, 10.3)

⁵ Diana Tennyson of Wildlife Support and Conservation: <http://wildlifesupportandconservation.org/>

Three large-scale Interconnected Developments

The three major development sites, Meadowbrook (built), Brislands Lane (in progress) and Barn Lane (proposed) have their respective planning applications listed in full in Appendix [1]. Each application has elicited long and detailed ecological survey reports; many virtually copies of preceding ones. These survey reports detail how Dormice are to be protected, how stringent mitigation and compensation measures will be put in place and enthusiastically monitored, and even, in one extreme case, how bulldozing the habitat of *Muscardinus avellanarius* would lead to enhanced lifestyle chances.

The first ecological survey reports were submitted in support of the three-phase Barratts Meadowbrook development. These survey reports were in places naïve and highly complacent. Unfortunately they seem to have set a tone for subsequent versions.

Areas of extensive leaf litter and moss cover and log piles will need to be carefully looked over to ensure no hibernating dormice are harmed

[...]

Summer clearance is suitable for small areas of dormouse habitat such as short lengths of hedgerow as found at this site. This may be done by taking out small amounts of vegetation on successive days at a time of year when the dormice are active and able to respond immediately. Such clearance will be done by hand and in a sensitive manner to minimise the likelihood of disturbing or killing hibernating dormice. This clearance will be combined with searches for nests. Clearance in May will avoid separating females from dependent young. After early June, female dormice are likely to have young in their nests until late September (English Nature 2006). Clearance will be avoided where possible during this season

[...]

The contractors will be informed of the likelihood of encountering dormice before they commence work. The contractors will be shown pictures of dormice and summer nests. If dormice are seen, all work within 20m which could disturb dormice will be halted and left overnight. The contractors will be told not to touch the dormice unless an emergency situation arises. The details of any dormice seen, injured or killed will be recorded. Injured dormice will be taken to safety and advice will be sought from Natural England

[...]

Dormouse Method Statement Posted 10 October 2008. E1 Mitigation strategy - overview p13 (my emphasis)
Jaquelin Fisher Associates London SW12 9PU Aug 2007

Some of this is so fanciful it would be difficult to make up it. The authors of these survey reports are listed variously as:

Ms Claire Wansbury	MA MSc MIEEM 2001 & 2004
Ms Kim Olliver	BSc (Hons) MSc AIEEM 2005
Ms Rosalind Salter	BSc (Hons) MSc AIEEM 2006

In view of the extraordinary naivety of their collective assurances, it is appropriate to ask just how many hours (minutes?) these academically gifted authors have ever spent knee deep in mud on a freezing building site, in the rain, looking for an injured Dormouse underneath a JCB.

Nowhere is theory more divorced from reality than on the average building site.

Theoretical knowledge is of course essential properly to inform method, but in Ecology, as in so many areas of life, it is the resulting reality which actually matters.

Extraordinary levels of naivety have unfortunately continued up to the present day; witness the following extract from the Ecological Report on the Brislands Lane development (2011):

It is not anticipated that dormice would be encountered during unsupervised works. However, should dormice be encountered during unsupervised works (i.e. without an ecologist in attendance) then works must stop and the Licensee Ecologist for this project contacted immediately. Contractors and other unlicensed personnel are strictly forbidden from handling dormice. However, if a dormouse is found injured it should be taken to a veterinary surgeon immediately.

Method Statement to accompany Natural England EPS licence application in respect of dormice
Hampshire Ecological Services Ltd
Consultant Ecologists & Chartered Environmentalists

Emphasis in original.⁶ It is noteworthy that on the Brislands Lane site the reality in 2013/2014 proved to be large-scale ecological vandalism and environmental destruction. Police intervention was called for; nothing, of course, is likely to happen to those responsible.⁷

Ecological Survey Reports - the myth and the reality

There are many assumptions made when a flurry of ecological survey reports, method statements and the like, are published. It is natural to assume all the survey reports, here spanning nearly a decade, must surely be read, must surely be acted on, must surely be aimed at doing good, and in the case of *Muscardinus avellanarius*, must surely be published in the best interest of this highly protected and vulnerable species.

All these assumptions, except possibly the first, are false.

Affiliation Bias - the realities of research

Affiliation Bias is powerful in many areas of social and scientific research.⁸ Its hidden effects can be both subtle and persuasive. In the present context, Affiliation Bias has the potential to be highly destructive. Most ecological survey reports extolling the many virtues of 'mitigation' and 'compensation' and 'enhancement', are paid for by developers. Their interest in securing long term habitats for endangered species are at best a marginal concern compared to their central purposes. The penalties for intentional (sic) non-compliance with environmental regulations are miniscule compared to the gains to be made from completing a development on time.⁹ Intention is, no matter how bad the damage, almost impossible to prove in such a context.

Ecological Survey Reports - Cumulative Impacts - an Holistic Perspective

Usually (but not always) survey reports from external experts (sic) elicit Comments from HCC Ecologists, together with useful contributions from knowledgeable members of the public. Most of these survey reports and comments are, by their very nature, time specific and site specific, with no thought given to a wider canvas. When planning and development in England proceeded slowly, this approach was in the main satisfactory.

Given the pace of recent Planning Applications under the National Planning Policy Framework (NPPF), and the compressed timescales now pertaining, survey reports need

⁶ Land to the north of Brislands Lane, Four Marks, Hampshire, GU34 5BB (June 2011) Method Statement to accompany Natural England EPS licence application in respect of dormice Document 2 – Delivery Information. Para B1, p8) Hampshire Ecological Services Ltd Consultant Ecologists & Chartered Environmentalists

⁷ An official complaint was made by Wildlife Support and Conservation which involved Chris Murray at EHDC

⁸ See for example Shipman, M D (1988) *The Limitations of Social Research* (3rd Ed) Longman. p164 – 165 ff

⁹ The Wildlife and Countryside Act Section 9 Regulation 39

urgently to be seen in a much wider environmental context. For example, and most pertinently, nobody has yet made a compelling case for looking at the three sprawling developments at the western end of Four Marks in their totality, rather than individually. Given the scale of the developments, and their close proximity to each other both in place and in time, such an analysis and revised methodology is desperately overdue.

It was therefore reassuring to read the March 2014 Comment from the HCC Ecologist on the Barn Lane (55358) proposals. These Comments need to be in Banner Headlines in every EHDC planning committee for the foreseeable future. Extracts follow (edited to remove typo and layout errors, my emphasis in para. 4):

Hazel dormice. In my opinion, the presence of hazel dormice within the boundary hedges is the important potential constraint. This area is a known stronghold of this species within East Hampshire and there are both recent and relatively historical records from the immediate and wider area: it is clear that the network of boundary hedgerows and woodland blocks in this locale supports an established population of this European Protected Species. [...]

Whilst the proposed dormouse mitigation plan seeks to provide a considerable amount of compensatory hedgerow buffer vegetation, this will not be effective dormouse habitat for many years. [...]

The desire to commence planting immediately after planning permission is granted is to be welcomed but nevertheless it will be some years before any new planting is able to function ecologically. Therefore, the only habitat to be confirmed as supporting dormice will remain fragmented for several years post-development.

How will the buffer be managed? Will it be fenced to deter humans and domestic animals? **The issue of cumulative impacts arising from this application in combination with several others occurring locally is addressed only partially.** Whilst I appreciate that the applicant's ecologist will only have been given a brief to address site-specific issues, it is nevertheless sensible when dealing with this species (and within a known hotspot) to ensure that any site mitigation strategy is in accordance with the surrounding landscape and any other strategies used in nearby developments. [...]

This development will 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).

The devastating effect of cumulative impacts should be one of the main deciding factors in rejecting the Barn Lane proposals. In addition, EHDC should seek to place a ten to fifteen year moratorium on any further development proposals for this site. During such a period, independent survey reports could establish the full extent of the recovery, if any, which *Muscardinus avellanarius* manages to achieve across the western end of Four Marks once the Brislands Lane site is fully built and inhabited.

The distribution of Dormice over the hedgerows that remain can reasonably be expected to be very different from now, especially given the unpredictable nature of 'mitigation and compensation strategies' such as new planting.¹⁰ Even under ideal conditions, new planting takes decades to reach full diversity.¹¹ The Brislands Lane site contains several dormouse 'bridges'. These critical structures need to mature also, and must be monitored to see how they are used in practice over many years. Such a strategy would be in line with advice published by English Nature.¹²

¹⁰ Woods, M (2008) Dormice Ecology and Mitigation (Public Inquiry into The A350 Westbury Bypass) [...] 'the loss of connectivity is important is that the new planting, as mitigation for the losses suffered by the dormice, unless made up from translocated hedgerow species or particularly large replacement stock, will take a number of years to reach a size and maturity to be suitable for the animals to use for feeding and commuting.' (p13 Para 23)

¹¹ See for example the Hedgerows for Dormice Project (2011) at http://www.ptes.org/files/1424_hfd_newsletter.pdf

¹² Bright, P Morris, P Mitchell-Jones, T (2006) The Dormouse Conservation Handbook (2nd Ed) Pub: English Nature p6

Conclusions

The ecological survey reports from all three sites demonstrate significant internal weaknesses, especially when viewed, as some now can be, with the benefit of nearly a decade of hindsight. Such weaknesses are easily referenced (see above).

But the most significant weakness of all is not internal to any single survey report.

Many years of individual survey reports, and the comments and criticisms they have elicited, and the threats which they rightly, and individually, have draw attention to, have never been considered as a single entity. For *Muscardinus avellanarius* in this region of East Hampshire, such a failure of due process promises to be catastrophic.

It is the potential for a concatenation of disparate events to be wholly destructive which poses the greatest threat to the Dormouse at the western end of Four Marks.

Very rapid housing developments have led to a relentless series of disruptions; one threat to a fragile population after another. The mitigation and compensation strategies (always fine on paper) have had no time to bed down and take root before the next one comes along.

It is here that the real challenges to robust ecological diversity are to be found, not in a single flawed survey report or footnote, not in a single, easily ignored policy or recommendation, not in the success (or not) of a particular isolated mitigation and / or compensation strategy, but in an unprecedentedly rapid sequence of interconnected events.

Planning decisions at EHDC must address urgently the centrality of this new reality.

Thank you for finding the time to read this further Objection to Application 55358

Yours etc

BarnLaneActionGroup

Appendix [1]

List of Planning and other related Applications made for residential development at the western end of Four Marks Village November 2005 - March 2014. Text copied from EHDC website with addition of outcome of application (if known) entered against Decision Date

49167 | OUTLINE - RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS AND LANDSCAPING (AS AMENDED BY LETTER RECEIVED 19/12/05 AND PLANS RECEIVED 23/01/06) | Site of High Grove, Uplands Lane, 135A and Land rear of, 135-167 Winchester Road, Four Marks, Alton, GU34 5HY

Application Received Date: 25 Nov 2005
Valid Date: 25 Nov 2005
Expiry Date: 20 Jan 2006
Committee Date:
Standard Consultation Date: 16 Dec 2005
Standard Consultation Expiry Date: 23 Dec 2005
Decision Issued Date: 06 Dec 2006 (Decided)

49167/001 | 174 DWELLINGS (MIXED) WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING FOLLOWING DEMOLITION OF INDUSTRIAL UNIT AND BUNGALOW (AS AMENDED BY PLANS RECEIVED 02/02/07, 13/2/07 and 15/02/07) | Site of High Grove, Uplands Lane, 135A and Land rear of, 135-169 Winchester Road, Four Marks, Alton, GU34 5HY

Application Received Date: 26 Oct 2006
Valid Date: 13 Feb 2007
Expiry Date: 15 May 2007
Committee Date: 19 Apr 2007
Standard Consultation Date: 20 Feb 2007
Standard Consultation Expiry Date: 06 Dec 2006
Decision Issued Date: 15 May 2007 (Withdrawn)

49167/002 | RESERVED MATTERS APPLICATION FOR 106 DWELLINGS WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING FOLLOWING DEMOLITION OF INDUSTRIAL UNIT AND BUNGALOW PURSUANT TO OUTLINE PERMISSION 49167/OUT (AS AMENDED BY PLANS RECEIVED 02/07/07) | Site of High Grove, Uplands Lane, 135A and Land rear of, 135-167 Winchester Road, Four Marks, Alton, GU34 5HY

Application Received Date: 17 Apr 2007
Valid Date: 17 Apr 2007
Expiry Date: 17 Jul 2007
Committee Date:
Standard Consultation Date: 03 May 2007
Standard Consultation Expiry Date: 06 Jun 2007
Decision Issued Date: 17 Jul 2007 (Decided)

49167/003 | 68 DWELLINGS, OPEN SPACE, LANDSCAPING AND LINK ONTO FOOTPATH OF A31 WINCHESTER ROAD (AS AMENDED BY PLANS RECEIVED 02/07/07) | Land rear of, 157-165 Winchester Road, Four Marks, Alton, GU34 5HY

Application Received Date: 17 Apr 2007
Valid Date: 01 May 2007
Expiry Date: 31 Jul 2007
Committee Date:
Standard Consultation Date: 19 Jun 2008
Standard Consultation Expiry Date: 06 Jun 2007
Decision Issued Date: 25 Jul 2007 (Decided)

49167/010 | 27 DWELLINGS WITH ASSOCIATED PARKING (PART REVISION TO PLANNING APPROVALS 49167/002 & 49167/003) | Site of High Grove, Uplands Lane, 135A and Land rear of, 135-167 Winchester Road, Four Marks, Alton, GU34 5HY

Application Received Date: 30 Sep 2008
Valid Date: 30 Sep 2008
Expiry Date: 30 Dec 2008
Committee Date:
Standard Consultation Date: 26 Nov 2008
Standard Consultation Expiry Date: 17 Dec 2008
Decision Issued Date: 23 Dec 2008 (Decided)

52501 | REQUEST FOR SCREENING OPINION - RESIDENTIAL DEVELOPMENT | Reserve Housing Allocation, Brislands Lane, Four Marks, Alton

Application Received Date: 09 Mar 2010
Valid Date: 09 Mar 2010
Expiry Date: 30 Mar 2010
Committee Date:
Standard Consultation Date: 09 Mar 2010
Standard Consultation Expiry Date: 23 Mar 2010
Decision Issued Date: 30 Mar 2010 (decided)

52501/001 | OUTLINE - 110 DWELLINGS WITH ASSOCIATED NEW VEHICULAR/PEDESTRIAN ACCESSES, PARKING, TURNING AREAS AND OPEN SPACE (AS AMENDED BY SITE PLAN RECEIVED 18/10/2011, AMENDED FLOOD RISK ASSESSMENT RECEIVED 17/10/11 AND FURTHER INFORMATION 03/11/2011) | Reserve Housing Allocation, Brislands Lane, Four Marks, Alton

Application Received Date: 01 Aug 2011
Valid Date: 16 Aug 2011
Expiry Date: 15 Nov 2011
Committee Date: 03 May 2012
Standard Consultation Date: 24 Jun 2013
Standard Consultation Expiry Date: 16 Nov 2011
Decision Issued Date: 23 Nov 2012 (Decided)

52501/002 | RESERVED MATTERS - 110 DWELLINGS WITH ASSOCIATED NEW VEHICULAR/PEDESTRIAN ACCESSES, PARKING, TURNING AREAS AND OPEN SPACE (Determination of appearance, landscaping, layout and scale) (AS AMENDED BY PLANS & INFORMATION RECEIVED 08/07/2013, 11/07/2013 25/07/2013, 19/08/2013 and 28/08/2013) Reserve Housing Allocation, Brislands Lane, Four Marks, Alton

Application Received Date: 22 Apr 2013
Valid Date: 01 May 2013
Expiry Date: 31 Jul 2013
Committee Date: 29 Aug 2013
Standard Consultation Date: 24 May 2013
Standard Consultation Expiry Date: 31 Jul 2013
Decision Issued Date: 10 Sep 2013 (Decided)

55358 | 136 RESIDENTIAL DWELLINGS WITH ASSOCIATED WORKS, ACCESS, PARKING, LANDSCAPING AND OPEN SPACE | Land at Winchester Road (Adjoining 173), Winchester Road, Four Marks, Alton

Application Received Date: 06 Mar 2014
Valid Date: 20 Mar 2014
Expiry Date: 19 Jun 2014
Committee Date:
Standard Consultation Date: 24 Mar 2014
Standard Consultation Expiry Date: 22 Apr 2014
Decision Issued Date: (tbc)

