

# **Gosport Borough Local Plan 2011-2029**

## **Statement on Issues and Questions**

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### **Issue**

Should the proposed 'SINC' status be removed from the north western site of Priddy's Hard nature conservation area?

Date: 6<sup>th</sup> February 2015

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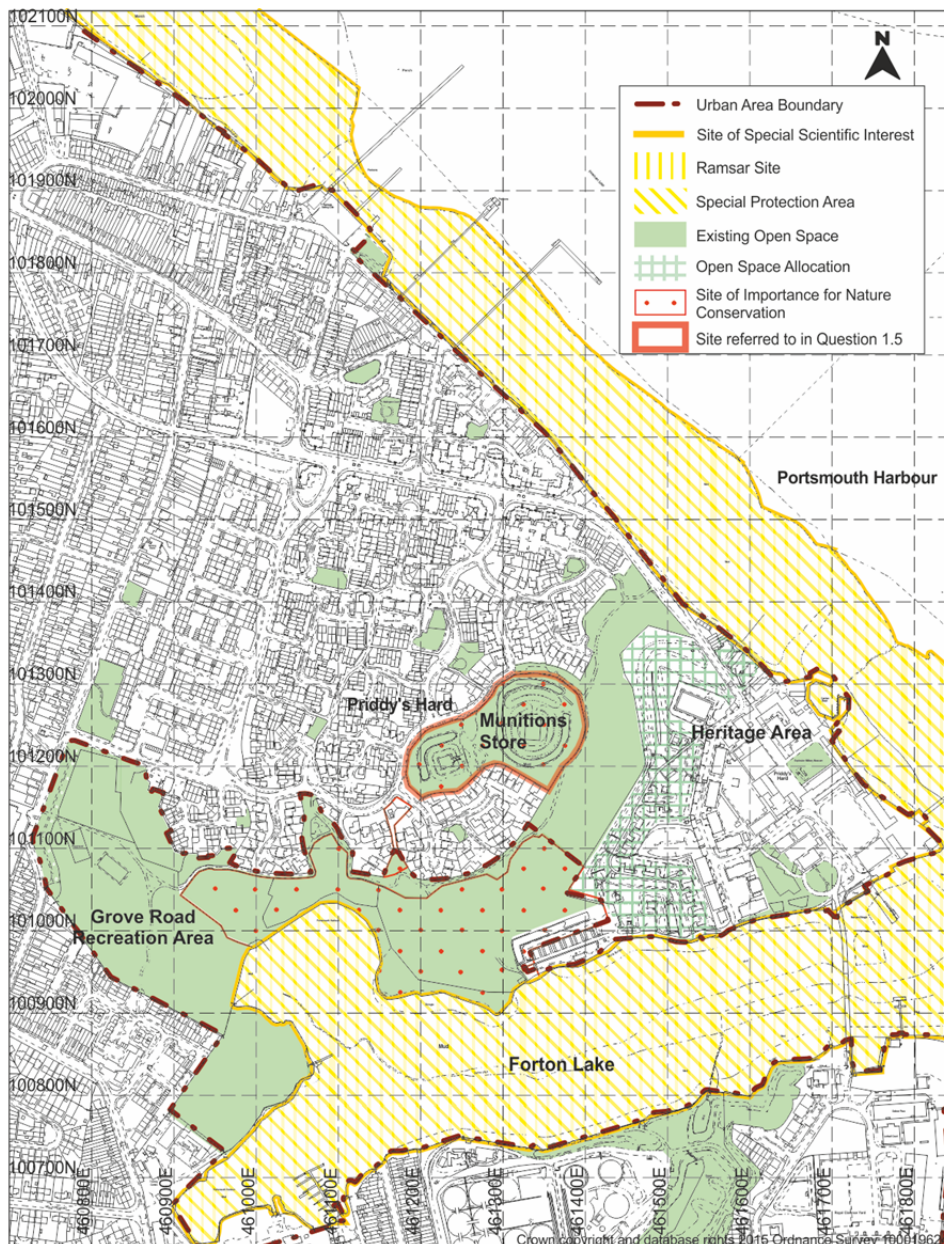


**GOSPORT**  
Borough Council

## Introduction

- 1.1 The Munitions Stores at Priddy's Hard (often referred to as a cordite store) originally formed part of the Priddy's Hard Ordnance Depot. The area directly surrounding the Munitions Stores consists of woodland and ponds/moats. The area has been designated as a Site of Importance for Nature Conservation (SINC) and therefore is afforded protection by Policy LP43 of the Gosport Borough Local Plan 2011-2029 (GBLP) (Submission Library LP/A1/1). The munitions store area forms the northern component of the Priddy's Hard SINC. It is surrounded by a 2m high fence and is not available for public access (see Plan 1).

### Plan 1: Location of the Munitions Store at Priddy's Hard and associated Sites of Importance for Nature Conservation



- 1.2 Following the closure of Priddy's Hard Ordnance Depot, the Ministry of Defence applied for outline planning permission for up to 700 houses under planning reference K14026 (permitted 24/2/98). In approving that application the Secretary of

State for Defence and Gosport Borough Council entered into an Agreement under Section 299A (24/2/98) of the Town and Country Planning Act 1990 securing a 'Management Plan Relating to Environmental Protection' (see Appendix 1), providing mitigation to the housing development approved. Within the agreement, the Munitions Store and the moat were to be retained and protected from development to provide conditions suitable for the retention and breeding of the Great Crested Newt (GCN) and the badger sett located within that area. Further provisions within the agreement related to the management of other areas outside of this enclosed land.

- 1.3 A Nature Conservation Management Plan was approved by the Borough Council in July 1999 and the residential scheme was then developed around this acknowledged area of nature conservation importance (extracts are included in Appendix 2). The aims of the management plan included the fulfilment of the requirements of the S.299A Agreement as mitigation for the housing development and introduced measures such as habitat creation and the management of protected species. The intentions were therefore clear that this site should be managed as a nature conservation area and not be developed.

**Designation of the Munitions Store as a nature conservation site.**

- 1.4 In the light of this mitigation included as part of the Priddy's Hard development the Gosport Borough Local Plan Review (Adopted 2006) (GBLPR) (LP/A5/1) identified the Munitions store site together with a more extensive coastal pasture area adjacent Forton Lake as a '*locally designated area of nature conservation importance*' and identified the area specifically as the Priddy's Hard Nature Conservation Area. Consequently Policy R/OS12 of the GBLPR seeks to protect such sites.
- 1.5 The '*locally designated area of nature conservation importance*' included all the Sites of Importance for Nature Conservation (SINCs) as well as the Priddy's Hard Nature Conservation Area. SINCs are identified by the local biological records centre, the Hampshire Biodiversity Information Centre (HBIC), and formally agreed by the SINC Panel (which includes representative from ecological organisations)<sup>1</sup>.
- 1.6 At the time of the GBLPR Inquiry, the Priddy's Hard site hadn't been surveyed by HBIC and therefore it had not been formally identified as a SINC by the SINC Panel. Nonetheless the Council considered that it should be given equal protection in all but name given the findings of the ecological surveys undertaken as part of the Priddy's Hard development, hence the policy included the Priddy's Hard site in addition to the SINCs. The Planning Inspector agreed that the relevant policy and supporting text be adopted.
- 1.7 Following the adoption of the GBLPR, HBIC undertook an ecological survey (largely focussed on flora species) of the whole Priddy's Hard Nature Conservation Area and the SINCs Panel confirmed that the area should be identified as a SINC for the following qualifying criteria:

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<sup>1</sup> Includes representative from the Hampshire County Council Ecology unit, the Hampshire and Isle of Wight Wildlife Trust and Natural England.

- 1B: Other woodland where there is significant element of ancient semi-natural woodland surviving;
  - 4A: Semi-natural coastal and estuarine habitats, including saltmarsh, intertidal mudflats, sand dunes, shingle, brackish ponds, grazing marsh and maritime grasslands;
  - 6A: Sites which support one or more notable species.
- 1.8 The nature conservation sites at Priddy's Hard including the Munitions Depot and the site adjacent Forton Lake are therefore protected in the GBLP by Policy LP43 which seeks to protect SINC. It states that planning permission will not be granted on such sites unless it can be clearly demonstrated that the benefits of the proposal outweigh the need to protect the nature conservation value of the site.
- 1.9 The Council acknowledges the criteria identified by HBIC does not currently fully reflect the Munitions Stores importance for reptiles and amphibians, and has instead concentrated on the important flora found on the site adjacent Forton Lake. That said the Munitions Store site would automatically qualify for SINC status due to the presence of important species such as Great Crested Newts identified on the site from earlier surveys in relation to the Priddy's Hard development.
- 1.10 In 2014, new surveys (July 2014) have been undertaken as part of the recent planning application for the creation of a new dwelling within the munitions store (Ref 14/00320). These surveys identify the presence of significant populations of reptiles and amphibian species at the site including protected species such as Great Crested Newts. In addition there is the presence of an active badger sett within this northern component of the Priddy's Hard SINC. The reptile and amphibian survey (GCN and Reptile Survey by PJC Ecology (July 2014)) can be viewed at the link below (see documents published on 12/08/14-Reptile Survey):  
<http://publicaccess.gosport.gov.uk/online-applications-17/applicationDetails.do?activeTab=documents&keyVal=N7M3PRHOG0F00>
- 1.11 HBIC have been notified of the survey information arising from the planning application and they have provided further clarification regarding the qualifying criteria for the Munitions Store part of the Priddy's Hard SINC. This is included in their e-mail dated 25 November 2014 (Appendix 3) which states that the Great Crested Newts (GCN), and other reptile species recorded on the site are sufficient for it to be designated as a SINC.
- 1.12 HBIC are now formally proposing for the avoidance of doubt that the criteria for the SINC are amended to include Criterion 6C: *Sites which support an outstanding assemblage of species*. This is being proposed due to the assemblage of amphibians and reptiles recorded (Great Crested, smooth and palmate newts, common lizard and slow worm). In addition confirmation of Great Crested Newts is being added to the criterion 6A. This information is to be presented to the SINC. Panel in March 2015 for their confirmation.
- 1.13 The Council therefore considers that the northern component of the Priddy's Hard SINC qualifies as a SINC and therefore should be afforded protection by Policy LP43.

This Policy is deemed to be in accordance with the NPPF in that Paragraph 109 of confirms that the planning system should contribute to, and enhance the natural and local environment in a number of ways, including minimising impacts on biodiversity and establishing coherent ecological networks. Paragraph 117 states that to minimise impacts on biodiversity, planning policies should identify and map components of local ecological networks including a hierarchy of international, national and locally designated sites of importance for biodiversity. The Priddy's Hard SINC in its entirety forms an important element of the local ecological network and should be retained for such purposes.

### **Relevance of recent planning application**

- 1.14 As identified above, the site has been subject of a recent planning application for a new dwelling within the SINC which is of relevance to this response. The full application details can be viewed at the link in Paragraph 1.10.
- 1.15 The Council has formally resolved to refuse this planning application. The relevant Board report can be viewed at:  
<http://www.gosport.gov.uk/sections/democratic-services/agendas-minutes/regulatory-board/agendas/2014/> (see Agenda of 2<sup>nd</sup> December 2014: Item 7)
- 1.16 An appeal decision has recently been made by the Planning Inspectorate (APP/J1725/A/14/2227762) on this planning application, which dismisses the appeal (see Appendix 4). The Inspector notes that the site is probably the only Great Crested Newt location in the Borough and that the continued presence of Great Crested Newts confirms the purpose of designating the site as a SINC (Paragraph 12 of the decision letter). He adds that, 'this makes the protection of this area's biodiversity and ecology a key priority.' He also acknowledges that the survey revealed an 'exceptional' population of slow worms and a 'good' population of common lizards (paragraph14).
- 1.17 The Munition Store site therefore represents significant nature conservation mitigation for the development of the much larger brownfield site for 700 dwellings which has been legally agreed as part of the development; and the site itself has significant nature conservation value.

### **Conclusion**

- 1.18 In the light of the evidence presented above it is clear that the Munitions Store site has significant biodiversity interest in its own right to be designated as a SINC and provides a refuge for important protected species. It can and should continue to be managed as a suitable nature conservation habitat as originally intended when the remainder of the Priddy's Hard Ordnance Depot was redeveloped.

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**Appendix 1: Priddy's Hard 'Management Plan Relating to Environmental Protection'  
secured under Section 299A (24/2/98) of the Town and Country Planning Act 1990.**

This appendix includes the entire legal agreement except Plan B which is not pertinent to this question as it relates to the arrangements for the main Priddy's Hard access road.

DATED 24 February 1998

**COPY**

SECRETARY OF STATE FOR DEFENCE (1)

THE COUNCIL OF THE BOROUGH OF GOSPORT (2)

PLANNING OBLIGATION

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made pursuant to Section 299A of the Town  
and Country Planning Act 1990 concerning the  
development of land at Priddy's Hard Gosport

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Nicholson Graham & Jones  
110 Cannon Street London EC4N 6AR

**THIS DEED** is made the *twenty fourth* day of *February* 1998  
**BETWEEN :-**

- (1) SECRETARY OF STATE FOR DEFENCE ("the Owner"); and
- (2) THE COUNCIL OF THE BOROUGH OF GOSPORT of Town Hall High Street Gosport in Hampshire ("the Council")

**WHEREAS :**

- (A) The Owner is interested in the Development Land and the Access Land in the manner described in the First Schedule hereto
- (B) For the purposes of the 1990 Act the Council are the local planning authority for the area within which the Development Land and the Access Land are situated
- (C) The Council has resolved to grant the Permission subject to the execution of this Deed
- (D) At the request of the Secretary of State an Environmental Assessment of the impact of the Development has been undertaken which has indicated that it is likely to have an impact upon flora and fauna including migrating birds using the Development Land and that the measures referred to in this Deed are necessary to mitigate such impact

**NOW THIS DEED IS CREATED** as follows :

1. **Interpretation**
- 1.1 In this Deed, unless the context otherwise requires:-
  - 1.1.1 "Access Land" : means the land described in Part Two of the First Schedule



- 1.1.2 "Application" : means the application for outline planning permission registered by the Council and bearing application reference number K.14026 for the construction of 700 dwellings in the manner set out in the Application and in the plans specifications and particulars deposited with the Council and forming part of the Application
- 1.1.3 "1990 Act" : means the Town and Country Planning Act 1990, as amended
- 1.1.4 "Development" : means the development described in the Application and permitted by the Permission
- 1.1.5 "Development Land" : means the land described in Part One of the First Schedule
- 1.1.6 "Material Operation" : means a material operation as defined in Section 56 (4) of the 1990 Act as varied by the provisions of Clause 2.4
- 1.1.7 "Permission" : means the planning permission to be granted pursuant to the Application by the Council or the Secretary of State for the Development in the form annexed hereto as Annexure 1
- 1.1.8 "Secretary of State" : means the Secretary of State for the Environment for the time being or any officer of the Department of the Environment lawfully acting on his behalf

1.2 Where the context so requires:

1.2.1 the singular includes the plural

1.2.2 references to any party shall include the successors in title of that party

- 1.2.3 where a party includes more than one person any obligations of that party shall be joint and several
- 1.2.4 references to Clauses and Schedules are references to clauses in and schedules to this Deed and
- 1.2.5 save as otherwise provided in this Deed any approval in writing or consent to be given by the Council under this Deed shall not be unreasonably withheld or delayed

2. **Legal effect**

- 2.1 This Deed is made pursuant to Section 299A of the 1990 Act and is a planning obligation for the purposes of that provision and is enforceable by the Council to the extent specified in section 299A(3)(a) of the 1990 Act
- 2.2 No person or company shall be liable for any breach of this Deed after he or it shall have parted with all interest in the Development Land or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest
- 2.3 The obligations contained in this Deed shall not take effect until the following conditions precedent have been fulfilled:
  - 2.3.1 the Permission has been granted for the Development; and
  - 2.3.2 the Permission has been implemented by the carrying out of a Material Operation
- 2.4 For the purposes of determining whether or not a Material Operation has been carried out there shall be disregarded such operations as works of decontamination archaeological investigation demolition site clearance the erection of fences and hoardings
- 2.5 If the Permission expires within the meaning of Sections 91 to 93 of the 1990 Act or is revoked or otherwise withdrawn or modified by any statutory procedure without the consent of the Owner this Deed shall cease to have effect

- 2.6 The Owner's covenant set out in Clause 3.1 and the obligations contained in the Second Schedule hereto (including any further or additional requirement of the Council or the Highway Authority (including the payment of money)) shall be interpreted in accordance with the guidance contained in the Department of the Environment Circular 16/91 or any substitution thereof so as not to impose on the Owner any further or additional obligation which is not fairly and reasonably related in scale and kind to the Development **PROVIDED** and for the avoidance of doubt this Clause shall not be interpreted so as to relieve the Owner of any obligation to construct or provide the access road junctions and traffic control measures referred to in paragraph 3 of the Second Schedule
- 2.7 Nothing in this Deed shall be construed as prohibiting or limiting any right to develop any part of the Development Land in accordance with a planning permission (other than the Permission) granted by the Council or by the Secretary of State on appeal or reference to him after the date of this Deed
- 2.8 Nothing in this Deed shall derogate from any of the rights powers and duties of the Council pursuant to any of its statutory functions or in any capacity
- 2.9 The obligations under this Deed shall not be enforceable against the persons and their mortgagees who purchase for their own private occupation (including purchase by way of a lease) individual dwelling units erected as part of the Development
- 2.10 This Agreement is a Local Land Charge and shall be registered as such
- 2.11 The Council will upon the written request of the Owner at any time after the Owner's obligations have been performed or otherwise discharged issue written confirmation thereof and thereafter forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed

2.12 Any notice required to be given or served hereunder shall be sufficiently served on the Council if sent by Registered or Recorded Delivery Post to the Council at the address herein before mentioned and shall unless or until the Owner otherwise in writing directs be sufficiently served on the Owner if addressed to the Secretary of State for Defence and sent by Registered or Recorded Delivery Post to the Ministry of Defence Estate Organisation (Lands) (South West) High Street Durrington Salisbury Wiltshire SP4 8AF and (unless non delivery is proved) a notice so sent by post shall be deemed to be given at the time when it ought in due course of post to be delivered at the address to which it is sent

3. **Covenants**

The Owner covenants with the Council as follows:-

- 3.1 To submit to the Council proposals for the construction of an access road along the approximate line of the Access Land in such a manner as to provide a continuous and accessible link between the Development Land and the A32 Gosport/Fareham road such proposals to accord with the obligations contained in the Second Schedule and subject to obtaining all necessary consents to carry out the construction of such access road in accordance with those proposals
- 3.2 Prior to the commencement of the Development to enter into a management plan approved by the Council for the purpose of mitigating adverse effects on wildlife within the Development Land such management plan to have regard to the conservation measures contained in the Third Schedule **PROVIDED ALWAYS THAT** this obligation and the measures contained in the Third Schedule shall be deemed to have been satisfied by the payment to the Nature Conservancy Council for England (English Nature) or as English Nature may direct of such sum or sums of money as shall have been agreed between English Nature and the Owner for the purpose of the satisfaction of any such obligation

IN WITNESS of which the parties have sealed this Deed as a deed on the date first above written

**THE FIRST SCHEDULE**

**(PART ONE)**

**The Development Land**

All that freehold Land situated at Priddy's Hard Gosport which for the purpose of identification is outlined in red on Plan "A" annexed hereto

**(PART TWO)**

**The Access Land**

All that land shown on Plan "B" annexed hereto as to which the part coloured green is in the freehold ownership of the Owner and the part coloured pink is in the freehold of the Council and is subject to the rights in favour of the Owner contained in the Deed of Grant dated 4 August 1995 and made between the Council of the one part and the Owner of the other part

**THE SECOND SCHEDULE**

**Access Road Obligations**

1. An obligation to obtain any necessary planning consents
2. An obligation to comply with the requirements of any development brief for the time being approved by the Council for the purposes of regulating development on the Development Land so far as such requirements affect the construction of the access road and any associated timing or phasing thereof
3. An obligation to comply with such specifications and conditions for the construction of the access road as may reasonably be imposed by the Highway Authority including the provisions of appropriate junctions and the undertaking of traffic control measures as appropriate both on and off the

- access road including (if so required by the Highway Authority) the completion of an Agreement under Section 278 of the Highways Act 1980
4. An obligation to provide in conjunction with the Development and any detailed planning application for construction of the access road thereto a Traffic Impact Assessment and/or an Environmental Assessment in accordance with the detailed requirements of the Local Planning Authority
  5. An obligation (so far as such works are reasonably necessary to comply with any reasonable requirements of the Highway Authority arising out of the Development Traffic Impact Assessment and/or Environmental Assessment referred to in (4) above) to carry out such off-site highway improvement works including improvement works to the A32 traffic corridor as may be reasonably required by the Highway Authority or to make such financial contribution thereto as the Highway Authority may reasonably require PROVIDED ALWAYS THAT any obligation to be implied hereunder by the Highway Authority shall be only directly applicable to the Development
  6. An obligation to ensure that the said access road is made up to an adoptable standard and dedicated to the public so as to be freely available for use by the general public at all times

#### **THE THIRD SCHEDULE**

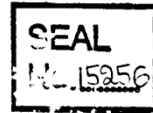
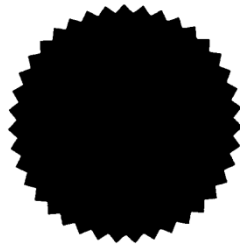
##### **Management Plan Relating to Environmental Protection**

1. The north eastern magazine and moat edged blue on Plan "A" attached hereto will be retained and protected from development to provide conditions suitable for the retention and breeding of the Great Crested Newt
2. The area of the embanked magazine edged green on Plan "A" attached hereto will be retained and protected from development to provide protection for the badger sett located within that area
3. An area of grassland and scrub to be identified in the Management Plan will be retained for the purpose of providing a link between the heritage area as the same is identified on the plan attached hereto and those areas identified in paragraphs 1 and 2

4. The area edged yellow on Plan "A" will be retained and protected from development. Within this area land will be identified to provide the following habitats:-

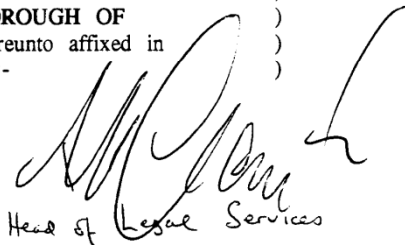
- (a) Coastal slacks suitable for wetland plants and winter feeding by wading birds
- (b) Short grassland suitable for Brent Geese
- (c) Taller grassland for insects and other fauna
- (d) Open ponds for aquatic plants and animals

THE CORPORATE SEAL of THE )  
SECRETARY OF STATE FOR )  
DEFENCE hereunto affixed is )  
authenticated by:- )

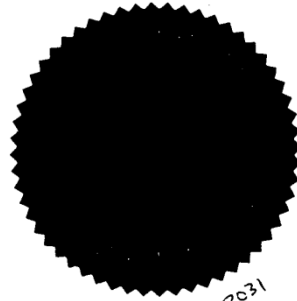


Authorised by The Secretary of State

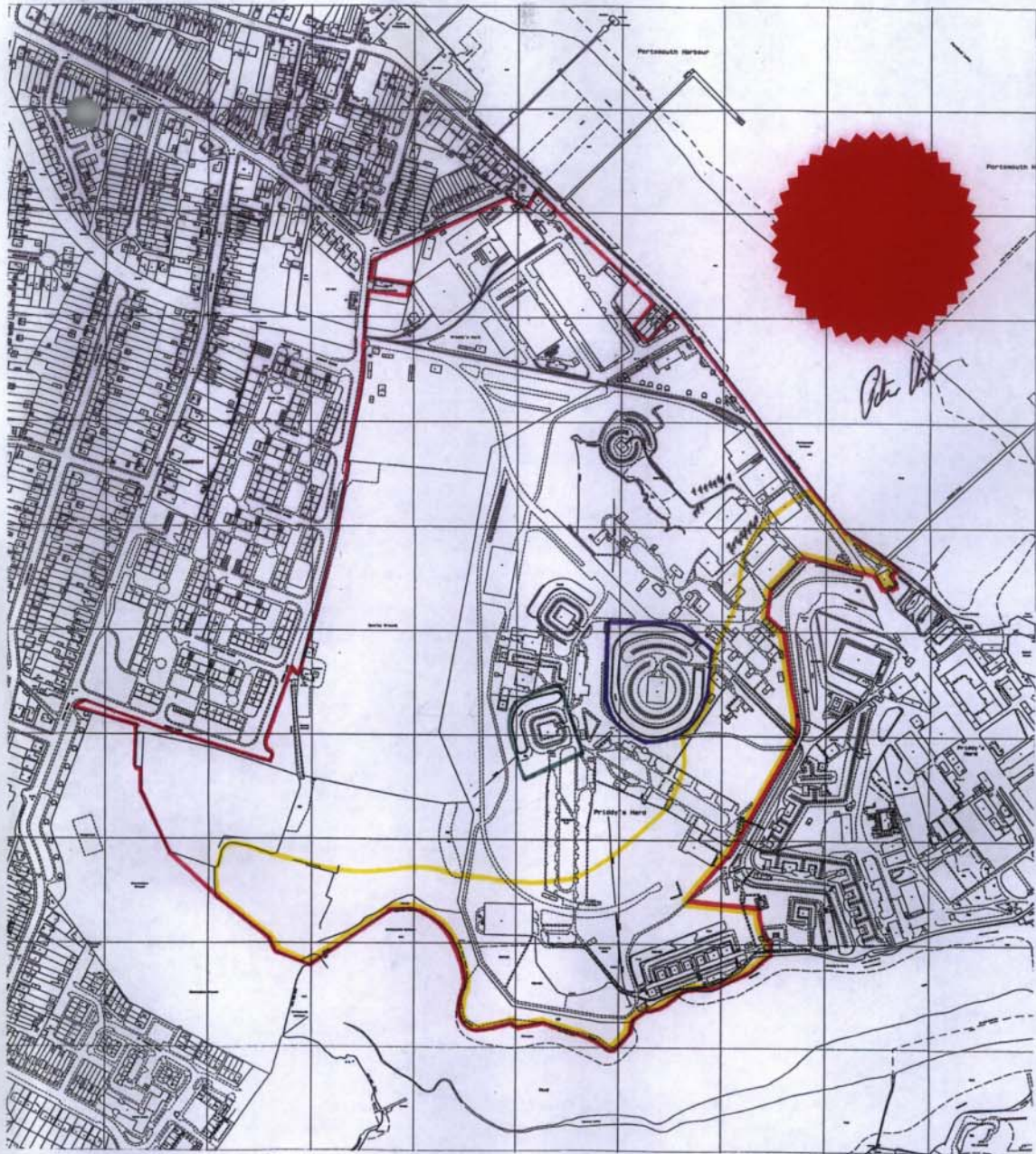
THE COMMON SEAL of The )  
Council of the BOROUGH OF )  
GOSPORT was hereunto affixed in )  
in the presence of:- )







Head of Legal Services



2031



**KEY**

-  APPLICATION SITE
-  NORTH EASTERN MAGAZINE & MOAT (NEWT MAGAZINE)
-  SOUTH WESTERN MAGAZINE (BADGER MAGAZINE)
-  OPEN SPACE



**PLAN A**

1:5000

*M. Edmund*  
Head of Legal Services





**Appendix 2: Extracts from the Priddy's Hard Nature Conservation Management Plan as part of the original mitigation scheme.**

This Appendix includes the following extracts:

- Contents (to give context of the whole Management Plan)
- Section 1: Introduction (paragraphs 1.1-1.6)
- Section 2: Description- (paragraphs 2.1 - 2.7.2 and 2.11-2.13.2)
- Section 3: Rationale for Management (paragraphs 3.1-3.10)
- Section 4: Establishment of a Nature Conservation Area (paragraphs 4.1-4.5)
- Section 7: Habitat Management Compartment 3 (paragraphs 7.1-7.3)

**PRIDDY'S HARD  
GOSPORT**

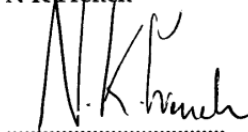
**NATURE CONSERVATION  
MANAGEMENT PLAN**

**FINAL REPORT  
RELEASE SHEET  
JUNE 1999**

**For  
Barratt (Southampton) Ltd.**

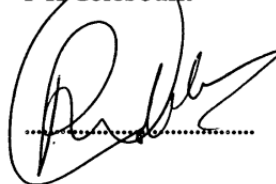
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**Report Prepared  
for Issue by:  
N K French**



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**Report Approved  
for Issue by:  
P H Colebourn**



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**PRIDDY'S HARD  
GOSPORT  
NATURE CONSERVATION  
MANAGEMENT PLAN**

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## **PRIDDY'S HARD**

### **NATURE CONSERVATION MANAGEMENT PLAN**

#### **1.0 INTRODUCTION**

##### **1.1 Background**

Ecological Planning & Research (EPR) was commissioned in 1995 by the Ministry of Defence to undertake ecological survey and evaluation, and impact assessment, and to prepare mitigation proposals, to accompany an outline planning application for residential and other uses at Priddy's Hard, Gosport (Site Location, **Figure 1**)

EPR was subsequently appointed by Barratt (Southampton) Ltd to carry these investigations forward into the Development Brief for the site and to provide ecological advice on implementation, including the protection and management of protected amphibians, reptiles and mammals.

The EPR report outlined an extensive Nature Conservation Mitigation scheme, including works both on site and off site at RNAD Frater.

##### **1.2 Requirement for the Nature Conservation Management Plan**

Outline Planning Consent for the redevelopment was granted by Gosport Borough Council in 1998. The Conditions attached to the Consent require a Nature Conservation Management Plan to be prepared for the conservation area and other elements of the flora and fauna of Priddy's Hard. They also require off site mitigation works at RNAD Frater, which have been agreed between the Ministry of Defence as landowner and English Nature, under a Habitat Regulations R.16 Agreement.

The Development Brief for the site was adopted by Gosport Borough Council in April 1999.

##### **1.3 The Nature Conservation Management Plan**

This final document of the Nature Conservation Management Plan is a requirement of the Planning Consent. It has been prepared by Ecological Planning & Research (EPR) and submitted to the Borough Council for acceptance. The area of the NCMP is shown on **Figure 2**.

##### **1.4 Coverage**

This Nature Conservation Management Plan is mainly concerned with the area subject to the S.299A Agreement, purchased by Barratt Homes Ltd from the Ministry of Defence. It also deals with some issues of the future management of land at the margins.

**1.5 Extract from the S 299A Agreement: Third Schedule Management Plan relating to Environmental Protection.**

1. The northeastern moat will be retained and protected from development to provide conditions suitable for the retention and breeding of the Great Crested Newt.
2. The area of embanked magazine will be retained and protected from development to provide protection for the badger sett located within that area.
3. An area of grassland and scrub to be identified in the management plan will be retained for the purpose of providing a link between the Heritage Area and those areas identified in paragraphs 1 & 2.
4. Land will be retained and protected to provide the following habitats:-
  - Coastal slacks suitable for wetland plants and winter feeding by wading birds.
  - Short grassland suitable for Brent Geese
  - Taller grassland for insects and other fauna
  - Open ponds for aquatic plants and animals

**1.6 Responsibility for Implementation**

Responsibility for implementing the Management Plan rests initially with Barratt Homes Ltd. In due course other bodies, including the Borough Council and its nominees or lessees, are likely to become involved in, or wholly responsible for, management of parts of the site.

The Borough Council is likely, subject to agreement, to be responsible for the management of the Public Open Space within the 'Cordon Sanitaire' to the Heritage Area.

## 2.0 DESCRIPTION

### 2.1 Site Location

Priddy's Hard lies near the Gosport shore of Portsmouth Harbour (**Figure 1**) and is bounded on the south by Forton Lake, a tidal inlet of Portsmouth Harbour, on the west by the Grove Recreation Ground and existing development, and on the east by the Priddy's Hard Heritage Area.

The site itself lies entirely in Gosport Borough, but parts of the offshore shingle spit at the south-east tip, together with Burrow Island, lie in Portsmouth, because the City boundary lies along the Gosport low shore.

The total development covers approximately 32ha of which approximately 10.6ha is designated for Nature Conservation and Public Open Space. At present it can be accessed only from Elson via Priory Road at Grid Ref. SU 613 016.

### 2.2 Site Description

#### 2.2.1 Extent of Nature Conservation Area

A sketch plan for the development of the site is shown as **Figure 2**, on which is marked the boundary of the Nature Conservation Area.

#### 2.2.2 Grassland

The existing horse grazed grasslands of Felicia Park include a damp species-rich neutral to acid grassland, the typical natural flora on Hampshire's coastal clays.

Elsewhere on the site, the natural soil type has been influenced by the effects of concrete hard standing and basic slag and has been modified to exhibit a more calcareous nature. In these areas calcicolous plants such as Lady's Bedstraw, Wild Carrot, Black Knapweed and Field Scabious are abundant.

#### 2.2.3 Woodland and Scrub

On more elevated land, dry acid oak woodland is developing with typical plant species such as Wood Sage, Bluebell, and Bracken. Areas to the south and west were formerly covered extensively by Hawthorn and Blackthorn scrub along with occasional patches of Gorse. Much of this has been cleared during the decontamination process leaving only scattered scrub and a dense overgrown hedgerow along the old site boundary fence.

#### 2.2.4 Aquatic Habitats – Freshwater

The proposed Nature Conservation Area contains three areas of fresh water.

- A large moat around the north eastern magazine,
- A small moat to the north west of the embanked magazine
- A moat to the north of the shell rooms.

### 2.2.5 Aquatic Habitats – Maritime

To the south the site is bounded by Forton Lake, a tidal inlet of the Portsmouth Harbour SPA, the shoreline is a low concrete structure along with a shingle strand line and intertidal mud. Frequent colonies of the nationally scarce Rock Samphire and Golden Samphire grow on the concrete and other materials along upper shore.

### 2.2.6 Protected Species

Badgers setts have been located within the embanked magazine and in the Heritage area. The badgers have been recorded foraging extensively over the whole site.

Bats had been recorded using the derelict buildings. These were Pipistrelle, Long Eared (presumably Brown) and possibly Serotine. All buildings were surveyed for the presence of bats prior to demolition.

Great Crested Newts have been recorded in the two northern moats.

Common Lizard and Slow-worm are abundant within the areas of retained grassland.

## 2.3 Tenure

The site is currently owned by Barratts Homes Ltd.

## 2.4 Map Coverage

Due to the highly classified nature of the site in the past many older maps give sparse detail. The recently published O.S. Explorer Series No 119 Meon Valley contains most information.

Ordnance Survey series:-

1: 25 000 Pathfinder Sheet 1304

1: 25 000 Explorer Sheet 119

1: 50 000 Landranger, Sheet. 190

1st Edition (Old Series) 1" to the 1 mile

## 2.5 Photographic Coverage

A series of 25 35mm slides showing the development site during site clearance are archived at Ecological Planning & Research, Shawford Mill, Winchester.

## 2.6 Physical Environmental Information

### 2.6.1 Hydrology

For their Remediation of Soil Contamination method statement Grant Evans produced a series of technical reports which detailed some aspects of the hydrology of the site. This data includes both water quality and levels taken from boreholes and the main water bodies on the development site, over the past three years.



### 2.6.2 Soils

The soils on the site are generally coastal alluvium with various proportions of brickearth - loessic material from post glacial dust storms. These produce clayish soils, which are more or less stagno-gleys. However, the original soils have been heavily disturbed and admixtures of other materials such as concrete and rubble are widespread.

From the standpoint of nature conservation the soils are naturally neutral, but there is the potential for both base-enriched soils where concrete has been leaching bases into the soil, or in the longer term acid areas where the eluviation of clays and bases acidifies the upper horizons

Contractors working for Grant Evans removed contaminated fill (ash etc) from development site in 1998/99. Technical reports containing details of the contaminants found and soil profiles of excavated trenches can be obtained from that company.

## 2.7 Flora and Habitats on the Site at Time of Survey in 1995

### 2.7.1 Grasslands and Scrub

#### Vegetation History

The RNAD was originally amenity grassland between military buildings. Grass was mown frequently to remove the risk of fire in the ammunition handling facility, as it still is at RNAD Frater. Herbs were therefore mainly unable to flower, and scrub was absent. Following decommissioning and cessation of mowing and prior to site clearance much of the site grew into a mosaic of tall, unmanaged grassland and scrub. The scrub was a mixture principally of Oak, Willow, Hawthorn and Bramble. In some areas, particularly on the old banks and ramparts, Gorse had become dense.

#### Grassland Composition

The grassland flora which had developed following decommissioning was generally species-poor, supporting herbs typical of rank, semi-improved, coastal grassland such as Wild Carrot *Daucus carota*, Common Sorrel *Rumex acetosa*, Tansy *Tanacetum vulgare* and Ox-eye Daisy *Leucanthemum vulgare*. Some areas of shorter grassland occurred on infertile places with Common Restharrow *Ononis repens*, Bird's-foot Trefoil *Lotus corniculatus*, Yellow-rattle *Rhinanthus minor* and Common Centaury *Centaureum erythraea*.

### 2.7.2 Aquatic habitats

Several ponds, three of which support Great Crested Newts, occur on the site. There are four moats within the Application Site, all of which held standing water, although the north west moat is much drier than the others. Generally these moats are heavily shaded by adjacent trees and shrubs, and consequently have little

aquatic vegetation. The southern moat near the Shell rooms is somewhat more open with reasonable marginal vegetation and has a higher nature conservation value although it may be subject to a brackish influence.

## **2.11 Fauna**

### **2.11.1 Protected Species - Badgers**

Badger surveys were undertaken in July 1994 and March 1995, and by Ecological Planning & Research in 1997 - 98. Additional badger investigations have been undertaken along the route of the Access Road and around Fort Brockhurst. One principal badger setts occur in the development area. It is a Main sett with more than 6 active eyes in the bank of the main Magazine earthwork within the site. A second main sett occurs outside the Plan Area but within the Heritage Area. These are shown on **Figure 4**. A further sett occurs about 1 mile north at Fort Brockhurst. The 1992 Protection of Badger Act protects both badgers and their setts from harm and injury.

#### **Badger Paths and Activity**

In addition to the Badger setts, Badger paths, dung pits and snuffle areas have been noted in the development site. The full territorial range of these Badgers has not been established. The badgers in the Magazine sett were previously fed by the occupant of Felicia Park.

### **2.11.2 Protected Species - Bats**

Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended). Two, possibly three, species of Bats have been recorded at Priddy's Hard (EPR 1998). The Pipistrelle *Pipistrellus pipistrellus* is by far the commonest species and one which will readily exploit a new urban environment.

The other species recorded include a species of Long Eared Bat (presumably Brown), and possibly Serotine - a large bat seen briefly at dusk.

All species of bats recorded at Priddy's Hard will take advantage of the new housing almost immediately and the habitat creation ie wet meadows and shelterbelts will form an important feeding habitat.

### **2.11.3 Protected Species - Great Crested Newts**

Great Crested Newts are fully protected under European legislation. A licence is required from English Nature to handle or catch them. Searches of the all the four main ponds on the site in June 1997 found no adult Great Crested Newts. The south-western pond contained newt larvae, and the central magazine pond eggs of either Smooth or Palmate Newts. Re-survey in May 1998 located adult Great Crested Newts in the central Magazine pond, Pond 2, and Pond 3, the south-western Magazine pond. See **Figure 5**.

Newts are mainly terrestrial. They leave ponds for much of the summer, and also hibernate away from them. Great Crested Newt larvae do not return to the pond until about three years old. Newt fencing to prevent newts leaving the general area surrounding the ponds was installed to ensure that amphibians were not adversely affected during the site clearance stage.

#### 2.11.4 Protected Species - Common Reptiles

Common Lizards and Slow-Worms have been noted on site. These species are on Schedule 8 of the Wildlife and Countryside Act, as amended, and are protected from deliberate harm, including the effects of site clearance.

These reptiles have been the subject of a translocation programme, and site monitoring refugia have already been placed on the site. Reptiles will be able to use the nature conservation area in later years, but many have been translocated away from the site as the landforms and habitats in the Nature Conservation Area have not yet been established.

For position of Reptile Refugia and Newt and Reptile Fencing see Figure 5.

#### 2.12 Insects

The rank grassland previously existing or now surviving on the site has developed some structural variation; for example the now unmown grasslands contain numerous *Lasius* ant-hills. These and some tussockiness gives it a reasonable value for insects and invertebrates, but it generally lacks the unusual species of herbs and grasses required by invertebrates, which have specific plant hosts. Its insect fauna is therefore essentially limited in diversity. There is a record of Grey Bush-cricket, which is largely restricted to coastal habitats in Southern England.

It is likely that the insect value of the site will be considerably enhanced by the nature conservation area. Many new insects may be supported by the plant species in the grasslands, and opportunities for colonisation by species of invertebrates which prefer patches of open ground or structured, tussocky, grasslands will be improved.

#### 2.13 Birds

##### 2.13.1 Introduction

The Nature Conservation Area has a southern boundary with the statutorily protected SSSI of Portsmouth Harbour. The birds using the shores of the harbour

both to the east and south of the site were investigated during the preparation of the ES. The data available at that time is set out in Appendix 2. Additional information is available from a further report on the birds of the Gosport shore prepared for Gosport Borough Council by EPR in winter 1997/98. The principal aspects are summarised below to provide a context for the proposals of the Nature Conservation Management Plan.

##### 2.13.2 Breeding birds of Priddy's Hard

Species of interest noted in recent years include Dartford Warbler, Barn Owl and Little Owl, and Shelduck. Dartford Warbler may have bred in low growing coastal scrub, notably Gorse and Bramble, on both the Application Site and the Heritage Area. This provided good wintering habitat but rather marginal breeding habitat, which would not survive succession for many years. Much of the outgrown gorse has since been cleared. Barn Owls used to occur on the development site. The rough grassland was suitable hunting habitat and the many disused buildings provide an abundance of potential nest sites. However, there appear to be no records of proven breeding. Shelduck have been observed in the vicinity of the site in spring, and, given the coastal location and habitats present, may have bred within the application site. Little Owl was recorded in 1993 and may have bred.

### **3.0 RATIONALE FOR MANAGEMENT**

#### **3.1 Aims of the Plan**

The aims of the Nature Conservation Management Plan are to:

- Fulfil the requirements of the S.299A Agreement between the land owners, Barratt Southampton Ltd and others, and Gosport Borough Council;
- Guide the management of the retained areas of land for nature conservation and other ancillary uses,
- Ensure that the development does not create an unacceptable level of impact on the adjoining Portsmouth Harbour SSSI/SPA,
- Ensure the welfare of statutorily protected animals, particularly Badgers, Bats, Great Crested Newts, and common reptiles

#### **3.2 Scope of the Nature Conservation Management Plan**

The general scope of the proposals for this area is illustrated on Figure 6. The scope of the plan includes the consideration of:

1. Creation of coastal grassland habitats,
2. Management of the coastal grassland habitats by grazing, as far as possible in conjunction with public access,
3. Creation and enhancement of wetland habitats for birds and plants,
4. Protection of badger setts and pathways, creation of badger feeding areas,
5. Creation and management of aquatic and terrestrial habitat for Great Crested Newts and other amphibians,
6. Arrangements for monitoring species and habitats, nature conservation and interpretation facilities

### 3.3 Objectives for Coastal Grassland Creation

The objectives for the coastal grassland are to:

- protect the existing wet and dry grassland interests in the south of the site
- create a single extensive grazing unit to allow management by stock, as large as can be accommodated, to simulate a coastal common,
- create a structured grassland with tussocks and bare areas suitable for coastal and grassland insects,
- create and maintain a herb-rich grassland, allowing colonisation by coastal plants

### 3.4 Objectives for Coastal Grassland Management

The objectives for management of the coastal grassland are to:

- maintain and enhance the wet and dry grassland interests in the south of the site
- provide for free-range extensive grazing by stock, to maximise habitat diversity,
- manage grassland to create a structured sward with tussocks and bare areas suitable for coastal and grassland insects,
- maintain a herb-rich grassland composition, allowing enrichment through colonisation by coastal plants

### 3.5 Objectives for Wetland Habitat Creation

The site contains only a little wetland habitat at present. The main area is the small embanked saltmarsh between Felicia Park and the shore, with one small additional area of damp grassland near Forton Lake. However, it is a requirement of the S.299A agreement that areas of wetland be established for wintering waders, especially Redshank.

The layout of the Nature Conservation Area is therefore designed to:

- retain the moats around the south western and central Magazines and the southern moat at the Shell buildings
- expand the number and variety of wetland habitats to diversify opportunities for flora and fauna to colonise
- create a stable wetland environment for the support of a diversity of vertebrates including amphibians, and insects and other invertebrates
- utilise excavations made during site clearance as the basis of new pools, some of which will be wet only in winter
- create a wetland environment which can be mainly managed by grazing

### 3.6 Objectives for Wetland Management

The management of the wetlands identified above will be targeted at a range of conservation features of the site. A variety of types of wetland and wetland management will be necessary; for example for Great Crested Newts it is essential that the water body should dry up at some point during the year, in order to eliminate species, such as fish, which predate on newt larvae.

The wetland management will aim to:

- maintain a self-sustaining wetland complex
- maintain conditions for protected species
- allow for a natural increase in diversity over time
- prevent succession to wet woodland
- avoid pollution

### 3.7 Objectives for Birds

To mitigate effects on the SSSI to the south at Forton Lake and to the east at Portsmouth Harbour, the S.299A agreement specifies that the developer will provide wintering habitat for wading birds. The Nature Conservation Plan is intended to;

- Provide a self-sustaining wetland which will support wading birds in winter
- Maximise the bird habitat diversity on the site as a whole
- Minimise human access to the wintering or breeding bird habitats on the site, especially those bordering Forton Lake
- Contribute if possible to Brent Geese feeding

### 3.8 Objectives for Protected Species Conservation

#### Badgers

The objectives for Badger Conservation are:-

- to ensure that areas around both active and inactive badger setts remain undisturbed, and that the badgers have free passage to all part of their foraging territory via exclusion fencing, gates, and underpasses where necessary.
- Plant or encourage fruit bearing trees and shrubs such as Crab apples, Hazel and Hawthorn within badger foraging areas.
- Minimise the effect of street lighting illumination adjacent to the sett areas through screening with native tree and shrub planting.

**Foxes**

The objective for Fox Conservation is to Construct artificial fox earths for use by animals displaced by the development using concrete pipes.

**Bats**

The objectives for Bat Conservation are:-

- Construct artificial roosts from wooden boarding on battens fixed to the walls of the Shell Room building or erect Schwegler type bat boxes.
- Allow access to the cavity walls within these buildings, which would also give important hibernation sites

**Amphibians and Reptiles**

The Nature Conservation Management Plan is required to specify the details of the required surrounding habitat, including rough grassland and stones or logs. See Figure 7 for design of amphibian hibernacula.

The presence of Great Crested Newts will continue to be monitored during the development process. A mitigation plan for the management of amphibians and reptiles during construction was submitted to English Nature, and implemented.

The scope of the Management Plan proposals for Amphibians and Reptiles is to:

- sustain a breeding population of Great Crested Newts in several ponds
- to provide hibernating and feeding habitat for the newts and reptiles on site
- to monitor the survival of the Great Crested Newts

**3.9 Objectives for Monitoring**

The Nature Conservation Management Plan sets out the necessary monitoring programme to:-

- maintain data on the presence, population, and distribution of the protected species on the site
- obtain the necessary data to optimise the management of the grasslands and ensure an increase in biodiversity and to feed back in to the Management Plan for revision or alterations to short term objectives

**3.10 Compartments for Management**

The Management Plan was designed by Ecological Planning & Research to meet the objectives presented in Section 3.3. To achieve these long term objectives, the area has been divided into three main compartments (Figure 8) based on their differing characteristics and the various management techniques required. The general methods for the implementation of the Nature Conservation Area are outlined in Section 4.0. The implementation and subsequent management of each compartment is outlined in turn in Sections 5.0 to 7.0.

#### 4.0 OPERATIONS TO ESTABLISH THE NATURE CONSERVATION AREA

##### 4.1 Public Paths and Access

The Development Brief provides for a system of paths within the development, a number of which run across or along the edges of the nature conservation area. The paths are shown on Figure 8. A larger scale plan is in preparation.

The objectives of the path layout are to:

- Provide controllable access to the area of coastal grassland, and;
- Allow an informal path linking the development site to the Grove Road area and the western edge of the Heritage Area.

In addressing these objectives, a number of requirements have been borne in mind:

- The need to ensure that all paths and street furniture installations are as rural in style as possible,
- The need to avoid excessive lighting which might disturb birds or badgers

On the basis of these objectives and requirements, the following access facilities are proposed.

1. A cycleway and footpath from Grove Road around the edge of the Bovis development to the distributor road. The cycleway will be hoggin surfaced. It will run outside the edge of the western part of the grazing area, and will not be open to grazing stock.
2. A pedestrian path from the distributor road to the public open space, following the eastern edge of the Bovis site. This will run within the belt of planted native scrub, with views out to the nature conservation area. It will not be lit and will be an amenity path with an informal surface.
3. From the above, access will be through a kissing gate on to the gravel maintenance paths which give access to the coastal strip. The gate will normally be closed to prevent disturbance to bird, but may be opened seasonally at the discretion of the Site Manager for guided visits.
4. A further cycleway crosses the Public Open Space from the distributor road to the Heritage Area. This will be lit and hard surfaced.



## 4.2 Fencing, Gates, Bridges

### Fencing

The entire area to be grazed will require stock-proof fences, to allow grazing and deter unauthorised access and to limit dog worrying. Fencing may also be needed along the shore, but at present it is proposed that the eastern and western fences will be continued in to the water to prevent stock leaving the site along the shore.

Other fencing such as rabbit and badger exclusion (control) fencing may also be required. In areas of high badger activity and along the main ditch systems, rabbit netting or plastic coated mesh fencing should be added to control badgers.

At the request of Gosport Borough Council, the area to be fenced excludes the main part of the Cordon Sanitaire along the ramparts, which they wish to be mown open space short grassland.

### Field Gates

Gates are required to allow stock to grazed areas, and allow a controlled grazing regime.

### Kissing Gates

Access to the footpaths is via kissing gates, which have been designed to allow 'universal' access. Whilst initially designed to allow wheelchair access they are also acceptable to pushchair users

### Maintenance Route Bridges

Sleeper bridges will need to be constructed over ditch systems to give access to stock and personnel for maintenance purposes.

### Management Access

Access points from the gravel road will be needed to allow for a Landrover or similar vehicle to access the nature conservation area for maintenance of fences, management of scrub, etc.

### Recontouring of Existing Pond Margins

The ponds on the site at present were created by the need to create mounds as protection from blasts. As a result they are steep sided and offer little marginal habitat. They are also heavily shaded in places and suffer from leaf-fall enrichment. The northern margin of the southern Shell building moat, and the south-eastern margin of the south western moat will be excavated to make shallow flashes which can be colonised by aquatic marginal plants and eventually provide for emergent vegetation to enhance the potential for insects such as dragonflies.

### 4.3 Establishment of Grasslands and other Vegetation

#### General Methods

The grasslands and wetland vegetation will in general be allowed to establish themselves by natural colonisation. However, there are certain areas where vegetation will need to be introduced as seed or plants, or where additional species will need to be introduced to assist in the establishment of biodiversity and a healthy ecology:

- the large cleared area of neutral grassland
- the damp brackish grasslands around the new ponds
- the margins of freshwater ditches

#### Establishment of Neutral/Acid Grasslands

The areas cleared of ash where subsoils are exposed will need to be lightly harrowed to break up tracked-over clays. Some seed of a range of herb species will need to be introduced, possibly with a non-persistent nurse grass. The source of the seed will be determined during 1999, and the seed will be collected either by D-Vac or by cutting for hay in 1999. If possible it will be sown in autumn 1999, but it is more likely that this will take place in spring 2000.

#### Establishment of Brackish Grasslands

The areas to be established as brackish grasslands are those around Pond A. In this area the whole of the ground will be re-levelled to create the wetland. Some seed of a range of herb species will need to be introduced, to supplement natural colonisation by coastal plants. The source of the seed will be determined during winter 1999, and is likely to be either South Moor in Havant, or Warblington Meadow. The seed will be collected either by D-Vac or cutting for hay in 1999. It is intended that if possible it will be sown in autumn 1999 or spring 2000.

#### Establishment of Aquatic Marginal plants

The margins of the new system of freshwater ditches and scrapes will be planted with species such as Yellow Iris, Loosestrife, sedges, water mint, etc. These are likely to be introduced as plug plants from specialist growers of native species. All will be of certificated regional origin, and may be grown on contract using local seed sources. These are likely to be introduced in about the year 2000 when they have been grown and when the groundwater conditions and the regularity and extent of wet conditions is clearer.

#### Establishment of Amenity Grasslands

The areas to be established as public amenity grassland to the north of the grazed area will be designed with a regime of various levels and frequencies of mowing in mind. Areas to be kept permanently short will be based on an amenity mix with the emphasis on manageability and resilience. The sward will be specified for amenity, but may include an element of clovers which are likely to prove of

incidental attractiveness to Brent Geese. These will nevertheless not be fertile or fertilised grasslands. In any event these are likely to be fairly diverse swards given appropriate management. The short grass will grade into areas mown less frequently, and allowed to flower to support insects and birds. In these defined areas, an element of native plant seed will also be introduced.

#### 4.4 Management of Public Access

The Nature Conservation Area will not open for general unsupervised public access, especially as for much of the year disturbance by humans and dogs would cause unacceptable adverse effects on breeding or wintering birds. Controlled public access will be available under the guidance of the Site managers after the summer bird breeding season. The managers are likely to be wardens or rangers representing the managing organisation. They will guide the level of access to various parts of the NCA in the interest of protecting breeding birds.

At the beginning of November, the southern area will start to become wetter underfoot and to collect pools of surface water. It will start to attract migratory birds, waders and probably Brent geese. At this time the southern coastal grassland and wetlands will be restricted even from controlled access until the following summer.

This will be achieved by closing the gates from the public paths, which will be under the control of the site manager. Access along the shore will also be restricted, in order to encourage birds to use the coastal shingle banks, wet pools and other micro-habitats in the southern area.

#### 4.5 Management of Grasslands

##### Grazing

The grasslands of the nature conservation area will require regular management to prevent succession to scrub. The Nature Conservation management Plan envisages that the principal means of such management should be grazing as stock create abundant micro-habitats for insects and other invertebrates.

Stock used for grazing should ideally be cattle, and further work will be required by the implementers of the NCMP to establish suitable local sources of such stock. It may be that the urban farm proposal could provide a source of stock. Alternatively stock can be rented in or supplied by a local farmer.

##### Mowing

Mowing is very much a second best option for grassland management where nature conservation objectives are involved. If mowing of any area is a chosen alternative then it must be ensured that the cuttings are removed. This can be achieved via the use of a forage harvester or tractor mounted pick-up box.

## 7.0 HABITAT MANAGEMENT COMPARTMENT 3 - Figure 11

### 7.1 Extent and Aims

This compartment is to the north of the site and contains not only the main existing water bodies (ponds 3 & 4) and therefore the Great Crested Newt habitat, but also contains much of the Badger interest. Its management is primarily aimed at Protected Species, although it will also benefit insects and birds generally.

### 7.2 Habitat Creation

Preparation of this area for nature conservation management requires the following operations:

#### Provision of Badger Habitat

Badgers forage over a considerable distance and provision must be made to ensure that they have unrestricted access to all suitable grassland.

Badgers will be encouraged to new areas of grassland through the strategic placement of fencing, gates and underpasses together with careful planting of screening vegetation and the provision of native shrubs to act as a food source.

Access must also be provided to the northwest of the site (along the proposed access route) to allow genetic interchange to occur between neighbouring badger groups.

#### Provision of Amphibian Habitat

The Great Crested newt's life cycle consists of only a short period of activity in the aquatic environment, usually from late March through to mid summer for adults, although the newtlets (in their first year), leave during late summer.

Therefore a greater part of their life cycle is spent in a terrestrial habitat adjacent to the water than actually in the water itself. When they leave the water either as an adult to hibernate, or as a newtlet to spend the next four years attaining adulthood, they need an undisturbed terrestrial habitat containing hibernation sites. An adult female newt has been recorded up to 1.1km away from the breeding pond.

The stable habitat of the coastal common and the public open space will provide appropriate terrestrial newt habitat and it is likely that newts may exploit the pathways, rockeries and concrete bases of the adjacent new housing along with new garden ponds.

To assist the newts in adapting to the new habitats, artificial hibernation sites consisting of concrete slabs and clean bricks covered with fine earth and sand will be created. These will be placed in 6 -9 strategic locations up to 50m away from the moats. If possible, they should have the entrance facing south to allow for basking on arousal from hibernation.

### 7.3 Management for Protected Species

#### Management for Amphibians

Both the aquatic and terrestrial habitats for Great Crested Newts will be maintained and enhanced.

A seasonal water regime in moats suitable for Great Crested Newts is low or no water during Autumn, at least every two to three years to minimise predator build-up, especially of fish. This will be the objective in the two northern moats in **Compartment 3**. Salinity and water quality will be monitored and maintained at appropriate levels.

Wardening will aim to ensure minimal damage from human interference around the moats during the terrestrial life cycle and create 'amphibian shelters' from redundant bricks and concrete blocks around the moats.

Salinity and water quality will be monitored and maintained at appropriate levels.

Encroaching willow will be removed from south, east and western aspects of the moats.

#### Management for Mammals

Management will aim to ensure that areas around both active and inactive badger setts remain undisturbed and allow their free passage to all parts of their foraging territory via exclusion fencing, gates and underpasses. Plant or encourage fruit bearing shrubs such as Crab Apples, Hawthorn etc within their foraging area in **Compartment 3**. Allow some Bramble colonisation.

Minimise the effect of street lighting illumination adjacent to the sett areas by screening using native tree and shrub planting. **Compartment 3**.

Badger sett usage will be monitored annually in conjunction with the Badger Protection Group.

Construct artificial fox earths using concrete pipes for use by animals displaced by the development.

Bat boxes will be installed where appropriate.

#### Management for Invertebrates

Management of the vegetation around the moats and banks will aim to improve the habitat for invertebrates to create a structure, the flowering of appropriate nectar plants, and appropriate micro-habitats such as bare clays and sands. Scrub will be managed to create sheltered sunny bays. Bare soil and poached areas will be allowed to develop within desired limits of no more than 2% by area.

Invertebrate surveys will be undertaken (see 8.4).

### Appendix 3: HBIC e-mail re Priddy's Hard SINC (25/11/14)

From: Callegari, Sarah [sarah.callegari@hants.gov.uk](mailto:sarah.callegari@hants.gov.uk)

To: Jayson Grygiel

Subject: RE Priddy's Hard SINC

Dear Jayson,

Thank you for the information.

I can confirm that the presence of 5 female GCN and an egg verifies the importance of the northern area of the SINC for this species and falls within the thresholds for including the species as a 6A notable species for the site.

I have also reviewed the other species recorded and unfortunately the other species do not meet the thresholds for inclusion as 6A species. However, on the basis that 5 different amphibian and reptile species were recorded within the northern area, I am recommending to the panel that the 6C criteria is applied to the site for the assemblage of amphibian/reptile species (the threshold is the presence of 4 or more different species). This proposal will go to the SINC panel within the next few weeks, with the decision finalised by next March.

As I mentioned on the phone, the 6 suite of criteria don't necessarily require validation by the panel as it's a case of them being present or absent in the correct numbers; i.e. there's not a level of interpretation needed to evaluate them, unlike the habitat-based criteria. So I can't see there being an issue with either the addition of GCN to the 6A list or the 6C proposal as I have assessed the species required to be there, in the appropriate numbers. However, as this will result in the addition of a new criteria, I would like the panel to be aware of the change.

On a separate but related note, whilst I was updating this site I came across an update from 2009, at which point criteria 2B was added to the designation for species-rich semi-improved grassland with coastal elements, again within the southern section. The proposal was approved by the panel but unfortunately wasn't cascaded into the live SINC layer. I'm afraid I don't know how this was missed. I have now added the 2B criteria to the designation and it shouldn't affect the issue here as it refers to grassland located within the southern section. This will come through on your GIS after the next HBIC update of the layer, probably alongside the above proposals.

I hope that the above is satisfactory with regards to the planning issue but please get in touch if you require further information.

Thanks,

Sarah

Dr Sarah Callegari

Ecologist

Hampshire Biodiversity Information Centre

## Appendix 4: Planning Inspectorate Appeal Decision (30<sup>th</sup> January 2015)

Appeal Ref: APP/J1725/A/14/2227762



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### Appeal Decision

Site visit made on 5 January 2015

**by Nick Fagan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2015

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**Appeal Ref: APP/J1725/A/14/2227762**

**Former Munitions Store/Cordite Magazine, Britannia Way, Gosport, Hampshire PO12 4FZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Alan Dawes & Mrs Siegrid Dawes against Gosport Borough Council.
  - The application Ref 14/00320/FULL, is dated 20 June 2014.
  - The development proposed is the change of use of the former cordite magazine (B8) use to a single dwelling (C3) including partial demolition and conversion works, and the construction of a new access drive to Britannia Way.
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#### Decision

1. The appeal is dismissed.

#### Procedural Matters

2. A third party claimed that ownership certificates for both the application and appeal had been filled in incorrectly. Mr Dawes is the sole applicant listed on the original application form but both Mr and Mrs Dawes are the appellants. It appears that the original application may have been technically incorrectly registered by the Council. But this is understandable because the Council had no knowledge that Mrs Dawes was not also an owner of the land at the time.
3. Mr Dawes served a retrospective notice on Mrs Dawes in relation to Certificate B on 30 December 2014. I also met both Mr and Mrs Dawes at the site visit, so Mrs Dawes is clearly aware of the appeal. She has not therefore been prejudiced by the fact that a Certificate A rather than a Certificate B was mistakenly completed when the application was originally submitted and that she was not therefore formally notified at the time.
4. The Council has put forward putative refusal reasons that include reference to various policies in the emerging new Gosport Borough Local Plan 2011-2029 (GBLP)<sup>1</sup>. Although these policies signal emerging policy I attribute little weight to them because the Examination of this new Plan has not yet taken place and I am unaware of the level and nature of objections against them.

#### Main Issues

5. The main issues in this case are whether the proposal:

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<sup>1</sup> Publication Version, July 2014

- (a) is compatible with the site's location in a Site of Interest for Nature Conservation (SINC) including whether it would be likely to harm protected species,
- (b) would lead to the loss of open space in the area,
- (c) would harm the character and appearance of the building, and
- (d) whether there is a justified requirement to provide financial contributions towards off-site open space, designated adjacent nature conservation sites, and highway/transport infrastructure in the area and if so whether this has been provided by a S106 obligation.

## Reasons

### *Nature conservation*

6. The site is located in Priddy's Hard SINC, as set out in Policy R/OS12 of the adopted Gosport Borough Local Plan Review 2006 (LP) and its supporting text. This Policy states that development likely to have an adverse effect on such a designated site will not be permitted unless there are reasons which outweigh the need to safeguard the nature conservation value of the site. The appellants have not advanced any such reasons but consider that the proposal would not have any such adverse effects on this SINC and indeed would enhance its biodiversity.
7. The SINC appears to have been designated sometime before the adoption of the LP in 2006 because of the presence of four rare species of flora. In light of the appellants' recent reptile/amphibian survey recording the presence of Great Crested Newts (GCN) and reptiles on or close to the appeal site, the Hampshire Biodiversity Information Centre considers that the presence of these fauna also justifies its designation.
8. The designation of this SINC followed and was part of the wider recent development of this part of Gosport for 700+ dwellings, large areas of open space, for purposes of nature conservation and enhancement, and the preservation of the older former Ministry of Defence military munitions buildings as a heritage centre by the Council about 15-20 years ago. In particular a S299A Agreement dated 24 February 1998 required this building and the adjacent cordite magazine immediately to the south west to be retained and protected from development. In the case of this building this was to provide conditions suitable for the retention and breeding of the Great Crested Newt, and in the case of the adjacent cordite store it was to provide protection for the badger set in that area.
9. I acknowledge the arguments put forward by both the appellants and Council concerning whether or not the building has or has not a lawful Class B8 use, although I am puzzled by the appellants' reference to "3.7 of the Deed"<sup>2</sup> because the S299A Agreement does not contain a section 3.7. However, it is not necessary for me to conclude one way or the other on this matter because a different use is being applied for here. I must assess this on its merits, bearing in mind that priority must be given to nature conservation interests on and adjacent to the site given the stipulations in the 299A Agreement and the SINC designation. I am conscious that the Agreement and the subsequent

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<sup>2</sup> Appellants' Final Comments, paragraph 1.1



- Management Plan<sup>3</sup>(MP) that put its nature conservation priorities into effect was at least partly to mitigate the effect of the 700+ new houses on the local environment.
10. It is noteworthy that public access to this area of the SINC (*Area 3* in the MP) is prevented by a 2m high fence, in order to safeguard its biodiversity. The proposal would create a new driveway within the northern boundary of this part of the SINC as well as form a garden area around the (part demolished) cordite store.
  11. It is unlikely that the rare species of flora would be found on this part of the SINC, apart from maybe Bluebells, because they are grassland plants more likely to grow nearer the coastal areas rather than in the woodland that surrounds the site. Nonetheless, I cannot see any reference in the appellants' representations as to whether any survey has been conducted to establish the presence or otherwise of these species on the site. This is a significant failing, given the site lies within the SINC.
  12. I note from the appellants' second ecology survey<sup>4</sup> that GCN, a protected species under the Habitat Regulations, have been found in the ditch/moat immediately next to the site. A GCN egg was also found which indicates that GCNs are breeding in this location. I note that this site is probably the only one in the Borough that supports a population of GCNs and the continued presence of GCNs confirms the purpose of designating the site as a SINC. This makes the protection of this area's biodiversity and ecology a key priority.
  13. GCNs are known to be mainly terrestrially based although they breed in ponds and other areas of water like the moat adjacent to the site. The areas next to the moat, including areas within the site itself, are likely to be inhabited by GCNs as a consequence. The GCN and Reptile survey suggests that conventional mitigation measures such as protective fencing and translocation if any specimens were found within the site itself would be implemented to ensure the GCN population was protected. It also states that log/rubble piles would be placed in key locations outside the site near to where the GCNs were found in terms of enhancing their habitat.
  14. In terms of reptiles, the survey revealed that there is an 'exceptional' population of slow worms on the wider site, including in the appeal site on the northern side of the moat where the new access road is proposed, and also a 'good' population of common lizards. Similar mitigation and (joint) enhancement measures would be applied as for the GCNs.
  15. However, I am concerned that little detail has been provided in the appellants' survey as to exactly where on the wider SINC site these species were found and therefore how the proposals may impact on them. Additionally I am unclear where, if any GCNs or reptiles were to be found on the site itself, including the area to the north of the moat intended for the new access drive, where exactly they would be translocated to. I am also unclear whether or not a Green/Brown roof is to be incorporated on the building; this does not appear to be a firm part of the conversion scheme at present. The mitigation appears to include permanent fencing to exclude the future residential occupiers of the

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<sup>3</sup> Priddy's Hard Nature Conservation Management Plan, Final Report, June 1999

<sup>4</sup> GCN & Reptile Survey by PJC Ecology, July 2014

- proposed dwelling from trespassing onto the habitat areas adjacent but I have no details of their specification or location.
16. A firmer and more detailed set of mitigation and enhancement measures is necessary. This should include a site plan showing the location of all GCN mitigation and enhancement features including any permanent fencing separating the residential site from the adjacent habitats in this part of the SINC, and a more fully-detailed mitigation strategy to include the timing and methods for all GCN-related mitigation and enhancement works, including ongoing monitoring and management.
  17. I have considered whether such measures could be reserved by a planning condition, but have decided, in view of the rarity of GCNs in the area and the fact that the priority for this wider site is the preservation of a breeding GCN population, that this would be inappropriate. This is backed up by advice in retained Circular 6/2005 (*Biodiversity and Geological Conservation*). I also consider that there is a high nature conservation hurdle to overcome before a residential use can be realistically contemplated on this site. In order to at least preserve, and hopefully enhance biodiversity on the wider site I consider that the above detailed mitigation and enhancement works should also be produced upfront for the affected reptiles.
  18. I have also seen no justification in any of the appellants' representations as to why and how a residential proposal would justify the requirement in the MP that "*management will aim to ensure that areas around both active and inactive (my underlining) badger setts remain undisturbed and allow their free passage to all of their foraging territory...*".<sup>5</sup> As I understand it, there are inactive badger holes on or very close to the site suggesting that it is likely to be used, even if not so used at the time of the survey, by badgers.
  19. The proposed new access drive from Britannia Way would not result in the loss of any significant trees, as acknowledged by the Council. But it would, needlessly in my view, result in the loss of vegetation within the boundary of the SINC. Whilst this area is mainly grass adjacent to the moat's embankment it is possible that this would harm the habitat of the GCNs and indeed the reptiles and badgers. This could be avoided by using the existing hard surfaced path/roadway to the adjacent car parking area, which is outside the SINC boundary and forming an access at or just south of the point marked 'Option 2' on the submitted 1:500 Site Plan.
  20. A residential use of this building is not necessarily incompatible with the site's location in the Priddy's Hard SINC including whether it would be likely to harm protected species. But the onus lies with the appellants to justify not only that the relevant rare flora and fauna have been adequately protected but that biodiversity and nature conservation have been enhanced by the proposal, as they claim. From their submitted representations I cannot conclude that this would be the case.
  21. There is insufficient information for me to conclude that the proposal will not be likely to have an adverse effect on the SINC, and as it stands it is therefore contrary to LP Policy R/OS12, as well as paragraphs 17, 109 and 118 of the National Planning Policy Framework (NPPF). Equally, there is a likelihood, in the absence of such information, that it would have an adverse impact on

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<sup>5</sup> Ibid Page 34, Paragraph 7.3

GCNs, slow worms and badgers and/or their habitats. It would therefore fail to comply with LP Policy R/OS13 as well as the above NPPF paragraphs, which requires such protected species and their habitats not to be harmed.

*Open Space*

22. As set out above, I attribute little weight to the policies in the emerging GBLP, including draft Policy LP35. Notwithstanding this, the explanation of this Policy in its accompanying text suggests that the open spaces addressed by this Policy are those which facilitate public access, such as but not confined to sports pitches or other areas for public recreation. It also states that a site's ecological characteristics should be taken into account in deciding whether to grant planning permission for new development.
23. The site is open apart from the building itself, the proposal would not make it any less open and it would remain shielded from public view. More importantly, because it forms part of Area 3 of the Priddy's Hard SINC the public are restricted from using it. I cannot therefore see how the proposal would have any significant impact on the use of this 'open space'. I therefore conclude that the proposal would not lead to the loss of open space in the area.

*Character of the building*

24. The building, a former cordite magazine built around 1900, is not a statutorily listed or even a locally listed building. When many of the other munitions buildings at Priddy's Hard were listed, English Heritage declined to list this one or the adjacent cordite magazine to the south-west. Nonetheless, the Council consider it to be a non-designated heritage asset on the basis of its historical association with the former munitions uses at Priddy's Hard.
25. I agree, because the documentation supplied by the appellants makes clear that this was indeed the case. Its interest lies in the historical development of these relatively later cordite magazines as part of the technological improvements in the developments of explosives for shells from the early years of the late eighteenth century to the later years of the early twentieth century. As such I consider any conversion of this building should take account of and respect the purpose for which it was originally constructed.
26. The appellants state that they wish to retain the steel tracks which supported the cranes or hoists that were used to lift the munitions in the magazine. It is, however, unclear from their plans whether in fact they would be retained.
27. They also wish to demolish approximately the southern third of the building and nearly fully glaze its new southern wall, as well as block up many of the original openings and create a several new ones. Of particular note is the proposed significant widening of the western opening on the north elevation to create a double garage door with a new equally wide window above it for a new store room. Whilst the proposal would create a full size space for the main living area next to the new southern glazed wall the rest of the building would have a first floor, most of which would be unused space above the ground floor rooms' ceilings.
28. These alterations would not respect the original character of the building or its historic use and I consider the design of the new dwelling to be a missed opportunity. In particular, I do not understand why the majority of the full interior height of the building cannot be used in a successful residential

conversion. This would obviate the need for the rather insensitive elevational changes to the existing fenestration, which has an attractive if functional symmetrical appearance. It would also fail to retain the original interior form of the building and thus reference to its original use. The changes proposed would seriously compromise its external appearance as well as fail to retain a feel for the building's historic purpose.

29. I acknowledge the building is hidden from any public view and the proposed changes to it would therefore have a limited visual impact. I also acknowledge that the plan is to convert the building to a Code Level 5 dwelling, which is commendable. Mr Dawes's involvement with Greenbelt Group Ltd, which owns the adjoining SINC land, would also in theory enable him to be involved in the direct day to day management of the adjacent ecological habitat assuming he would live in the new dwelling, which I understand is his intention. Nevertheless, for the reasons set out above I conclude that the proposed conversion would seriously harm its character and appearance.
30. LP Policy R/DP1 requires, amongst other matters, that significant harm is not caused to the historic environment and buildings of local importance. I consider this building to be part of the historic environment of Priddy's Hard and a non-designated heritage asset. For the above reasons the proposal would significantly harm it and it therefore fails to comply with this Policy, as well as paragraph 135 of the NPPF.

#### *Contributions*

31. The appellants concede the need to make financial contributions in respect of outdoor playing space and mitigation for the nationally designated sites of nature conservation situated very near the site. The Council has fully justified its requirements for such in its appeal statement and complied with the legal tests set out in Regulation 122 of the *Community Infrastructure Levy Regulations 2010*.
32. The appellants dispute the need for a transport infrastructure contribution because they consider the building has a lawful Class B8 use which would generate more vehicular traffic. I attach little weight to this argument because at present there is no vehicular access to the site. Although the appellants claim that the dropped curb on Britannia Way would allow them to form such an access under permitted development rights, given the uncertainty about whether or not the previous lawful use was extinguished by the S299 Agreement I consider the likelihood of a B8 occupier coming forward in the foreseeable future as highly unlikely. The Council has also successfully justified in its appeal statement its reasons for requiring such a contribution and I therefore consider such a contribution should be paid by the appellants.
33. However, the appellants have not provided a signed and dated S106 planning obligation requiring them to pay any such contributions on commencement of development. It is therefore unclear how such contributions will be provided to the Council.
34. I must therefore conclude that the proposal fails to satisfy the requirements for such contributions set out in LP Policies R/OS8, R/T4, R/DP3 and R/OS13.

**Other Matters**

35. The Council points out that it has a 5+ years supply of deliverable housing sites and it is not therefore necessary to balance housing need against any harmful impacts of the proposal. The appellant has not challenged the Council's housing supply figures, which appear to be fully justified, and so I agree with the Council's conclusion on this point.

**Conclusion**

36. For the above reasons, and taking into account all other matters including the numerous objections from statutory and other consultees and from neighbouring residents, I conclude that the proposal would not result in sustainable development in accordance with the NPPF and the appeal should therefore be dismissed.

*Nick Fagan*

INSPECTOR