



Canmoor Developments Ltd.

Dunham Bush Site, Downley Road, Havant

ECOLOGICAL APPRAISAL

July 2024

FPCR Environment and Design Ltd

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CONTENTS

1.0	NON-TECHNICAL SUMMARY	3
2.0	INTRODUCTION	4
3.0	LEGISLATION AND POLICY	5
4.0	METHODOLOGY.....	6
5.0	RESULTS.....	10
6.0	DISCUSSION AND RECOMMENDATIONS	21

TABLES

Table 1: Criteria used for assessing likely presence/absence of protected/notable species

Table 2: Bat Roost Potential Categories for Trees and Buildings

Table 3. International Designations within 10km

Table 4: Non-Statutory Designated Sites within 1km

Table 5: Protected and Notable Species Records

Table 6: Building Descriptions

FIGURES

Figure 1: Consultation Plan

Figure 2: UKHabs Plan with Building References

APPENDICES

Appendix A: Legislation and Policy

Appendix B: Botanical Species List

Appendix C: Site Photographs

Appendix D: Biodiversity Net Gain Report

1.0 NON-TECHNICAL SUMMARY

Report Scope and Methodology
- FPCR were commissioned by Canmoor Developments Ltd to undertake an Ecological Appraisal of Dunham Bush Site, Downley Road, Havant, to identify ecological constraints and opportunities regarding proposals for the development of warehouses and office units. - A UKHab survey and desktop study were completed by FPCR to inform this assessment. The survey included a walkover and Potential Roost Assessment of buildings at the Site on 15th December 2023 mapping all habitats present, along with their potential to offer suitable habitat for protected and notable species.
Key Findings
- There are several national and internationally designated sites within 10km of the Site. The only internationally designated site(s) which the application Site falls within the recognised zone of influence (Zoi) for is Chichester and Langstone Harbours SPA. - The Site was predominately hardstanding with buildings, with small areas of modified grassland, scattered trees and bramble scrub. These were of no more than local importance as they represented common/widespread habitats supporting limited botanical diversity. - The Site provided some degree of suitable habitat for protected/notable species including breeding birds and reptiles. - The biodiversity net gain assessment has established the baseline habitat units to total 0.95, increasing to 1.31 net change post development, resulting in a percentage net gain of 38.32% in habitats and an increase of 0.45 units in linear features. - The site is for business purposes only, will result in no additional overnight accommodation and is not a high water use type proposal, and therefore assessment of nutrient neutrality in relation to the Solent Protected Sites is not required.
Constraints and Opportunities
- The development proposals will result in the loss of small areas of modified grassland, introduced shrub and bramble scrub. However, these losses will be compensated for by the provision of additional native planting within the landscaping scheme. - New habitats have been proposed within the GI, such as wildflower grassland, native hedgerow, scrub planting and small urban trees. - Two of the onsite trees have been retained within the scheme. During the works, these features will be protected through the implementation of appropriate root protection areas (RPA's) and protective fencing in accordance with BS 5837 (2012) Trees in Relation to Design, as indicated by the Arboricultural Survey and Impact Assessment (BEA Landscape & Design, 2024). - Six bird nest boxes are proposed, in addition to planting to enhance biodiversity over the baseline level.
Recommendations for Further Survey
Birds: A pre-demolition survey to check for nesting birds is required, should demolition commence within the active nesting period (March – September). This would be outlined within a CEMP.

2.0 INTRODUCTION

2.1 The following report has been prepared by FPCR Environment and Design Ltd on behalf of Canmoor Developments Ltd. for land off Downley Road, Havant (central OS Grid Reference SU 72822 07640) hereafter referred to as the 'Site'.

2.2 The scope and objectives of this report are to:

- present the findings of the Site walkover, undertaken on 15th December 2023,
- detail the findings of protected species surveys completed to date,
- detail any further surveys required,
- review the site proposals and provide recommendations for mitigation, compensation and enhancement.

Site Context

2.3 The Site is approximately 1.69ha in size and is located on the northeastern extent of Havant, Portsmouth. The habitats comprise built development-sealed surface (hard-standing ground and buildings), in addition to small areas of modified grassland and ruderal/ ephemeral along the fence lines. Five cherry sp. *Prunus sp.* trees are scattered across the site.

2.4 Large expanses of industrial units and residential housing bound the Site on all sides. Just beyond the residential area to the east arable fields and woodland blocks dominate the landscape. The wider landscape beyond this includes the A27 which lies approximately 1.3 km south of the Site and the urban sprawl of Havant.

Development Proposals

2.5 The proposals are for a detailed planning application for the demolition and replacement of the existing buildings with a warehouse and office units including structural planting, landscaping, and vehicular access points, at Dunham Bush Site, Downley Road, Havant.

3.0 LEGISLATION AND POLICY

3.1 Relevant national policy and legislation in relation to ecology and development are as follows:

- The Conservation of Habitats and Species Regulations (CHSR) 2019 (as amended) in relation to:
 - European Protected Species (EPS) great crested newt *Triturus cristatus* (GCN), bats (all species) and hazel dormouse *Muscardinus avellanarius*.
 - European protected sites - Special Areas of Conservation (SAC) and Special Protection Areas (SPAs).
- The Wildlife and Countryside Act (WCA) 1981 (as amended) in relation to:
 - All wild birds (including Schedule 1 species)
 - Schedule 5 species
 - Flora listed under Schedules 8 and 9
 - Sites of Special Scientific Interest (SSSI)
- Protection of Badgers Act (PBA) 1992.
- Natural Environmental and Rural Communities (NERC) Act 2006 in relation to various priority species and habitats.
- Hedgerow Regulations 1997 made under Section 97 of the Environment Act 1995.
- National Planning Policy Framework (NPPF) December 2023.
- Havant Borough Core Strategy 2011 Policy CS11- Protecting and Enhancing the Special Environment and Heritage of Havant Borough.

4.0 METHODOLOGY

Desk Study

- 4.1 To compile existing baseline information, relevant ecological information was gathered from:
- Hampshire Biodiversity Information Centre (HBIC);
 - Multi-Agency Geographic Information for the Countryside (MAGIC)¹; and,
 - Colour 1:25,000 OS base maps²;
- 4.2 The search area for biodiversity information was related to the significance of sites and species and potential zones of influence, as follows:
- 10km around the application area for sites of International Importance including SPAs, SACs and Ramsar sites.
 - 2km around the application area for sites of National or Regional Importance including SSSIs.
 - 1km around the application area for sites of Local Importance including Local Wildlife Sites (LWS) and protected and notable species records.

Habitat survey

- 4.3 An Extended Phase 1 Habitat (JNCC, 2010)³ was completed at the site on the 15th December 2023. This involved a systematic walk over of the survey area to classify the broad habitat types present and mark them on a survey map. Target notes (Tn) were used to record features or habitats of particular interest, as well as any sightings or evidence of protected or notable species.
- 4.4 Survey methods for the UKHab survey, undertaken in tandem, followed the extended UKHab Survey technique as recommended by Natural England⁴ and the Chartered Institute of Ecology and Environmental Management⁵. This involved a systematic walkover of the Site to classify the broad habitat types and identify any Habitats of Principal Importance (HPI) for the conservation of biodiversity as listed within Section 41 (S41) of the NERC Act 2006. Habitats described in this report following UKHab naming convention, with specific habitat codes provided.
- 4.5 All habitats/habitat compartments were also assessed using technical guidance for the Defra Statutory Biodiversity Metric⁶. This provides a list of criteria for a range of broad habitat types which are used to categorise the habitats as having a 'poor', 'moderate' or 'good' condition score.
- 4.6 The Site survey included habitats within the application boundary as well as ground based external and internal building assessments and ground level tree assessments.
- 4.7 Consideration has been given as to the presence of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) (WCA 1981)⁷ and the presence of any notable

¹ MAGIC Available at: <https://magic.defra.gov.uk/>

² [Online]. www.ordnancesurvey.co.uk

³ JNCC. (1990). Handbook for Phase 1 habitat survey – a technique for environmental audit. Peterborough: JNCC

⁴ Natural England, 2014. *Protected species and development: advice for local planning authorities*. (updated 2021) [online] Available at: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications> [Accessed 05/03/2021]

⁵ CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester

⁶ DEFRA Statutory Biodiversity Metric) Available at: https://assets.publishing.service.gov.uk/media/65673fee750074000d1dee31/The_Statutory_Biodiversity_Metric_-_Draft_User_Guide.pdf

⁷ Act of Parliament, (1981). The Wildlife and Countryside Act 1981 (as amended), London: HMSO.

weeds including those covered under the Weed Act 1959⁸ (where population is significant enough to be considered injurious).

Fauna

- 4.8 During the extended phase 1 habitat survey, observations, identification and signs of any species protected under the following list of Acts and Regulations (collectively referred to herein as 'Protected Species') were recorded:
- Schedule 1 of the Wildlife and Countryside Act 1981 (as amended);
 - The Protection of Badgers Act 1992;
 - The Conservation of Habitats and Species Regulations 2017 (amended)
- 4.9 Consideration was also given to the existence and use of the Site by other fauna listed as one or more of the following (collectively referred to herein as 'Notable Species'):
- Species of Principal Importance (SPI) for the conservation of biodiversity in England on the Natural Environment and Rural Communities (NERC) Act, Section 41 (S41);
 - Red Data Book (RDB) and Red List species.
 - Birds of Conservation Concern (BoCC).
 - Species listed on any Local Biodiversity Action Plan (LBAP) initiatives.
 - Nationally scarce/notable invertebrate species.
- 4.10 The likely presence or absence of protected and notable species has been assessed against a number of factors outlined in *Table 1*.

Table 1: Criteria used for assessing likely presence/absence of protected/notable species

Likelihood of Presence	Example Criteria
Negligible	Where one or more of the following is true for the Site: it offers no suitable habitat; it is isolated from known areas of suitable habitats/species presence; displays no evidence of use by the species in question; it is outside of the known local/regional/national distribution for the species; and there are no desk study records are present during the data search.
Low	Where one or more of the following is true for the Site: the habitats present are of poor to moderate suitability; there is limited or restricted connectivity to areas of suitable offsite habitat or areas with known presence; it is in a location where the species distribution is known to be sparse at a local or regional scale; the desk study indicates the presence of the species in the locality in small to moderate numbers.
Moderate	Where one or more of the following is true for the Site: the habitats present are of moderate to high suitability; it is clearly connected to suitable offsite habitat or areas with known presence; it is in a location where the species is known to be well distributed; the desk study indicates the presence of the species in the locality in moderate to good numbers.

⁸ Act of Parliament. (1959). The Weed Act 1959. London: HMSO.

Likelihood of Presence	Example Criteria
High	Where one or more of the following is true for the Site: the habitats present are of optimal suitability; it is adjacent to areas of suitable offsite habitat or areas with known presence; it is in a location where the species is known to be well distributed; there are field signs evidencing that a species has been present on the Site; the desk study indicates the presence of the species has been historically present on or within the immediate vicinity of the Site.
Present	The species was observed using the Site during the extended phase 1 habitat survey or, where appropriate for certain species, field signs indicate the regular use of the Site i.e. the presence of a badger sett.

Bat Roost Assessments

- 4.11 The buildings and trees on Site were subject to ground level assessments and then placed into bat roost potential categories as per current guidance⁹, as summarised in *Table 2*.

Table 2: Bat Roost Potential Categories for Trees and Buildings

Categories	Description for buildings	Description for trees
Confirmed Roost	Evidence of roosting bats in the form of live/dead bats, droppings, urine staining, fur oil staining etc.	
High Potential	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	A tree with one or more PRFs that are obviously suitable for large numbers of bats on a more regular basis and/or longer duration due to their size, shelter, suitable conditions (height above ground, light levels, etc), and surrounding habitat. Examples include, but are not limited to, woodpecker holes, large cavities, hollow trunks, hazards beams.
Moderate Potential	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (irrespective of species conservation status, which is established after presence is confirmed).	A tree with PRFs which could support one or more potential roost sites due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status e.g. large roost or maternity roost. Examples include, but are not limited to, rot holes, branch socket cavities, canker cavities, etc.
Low Potential	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats.	A tree of sufficient size and age to contain PRFs but with none seen from the ground or features that offer very limited potential. Examples include, but are not limited to, shallow splits, upward facing holes, etc.
Negligible Potential	No obvious habitat features present likely to be used by roosting bats.	

⁹ Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn)*. The Bat Conservation Trust, London.

- 4.12 The trees on Site were searched for potential roosting features (PRFs) from ground level with the aid of a torch and binoculars, where appropriate. Features¹⁰ include:
- Natural holes (e.g. knot holes) arising from naturally shed branches or branches previously pruned back to a branch collar.
 - Man-made holes (e.g. cavities that have developed from flush cuts or cavities created by branches tearing out from parent stems).
 - Woodpecker holes.
 - Cracks/splits in stems or branches (horizontal and vertical).
 - Partially detached, or loose bark plates.
 - Cankers (caused by localised bark death) in which cavities have developed.
 - Other hollows or cavities, including butt rots.
 - Compression of forks with occluded bark, forming potential cavities.
 - Crossing stems or branches with suitable roosting space between.
 - Ivy stems with diameters more than 50mm with suitable roosting space behind (or where roosting space can be seen where a mat of thinner stems has left a gap between the mat and the trunk).
 - Bat or bird boxes.

Limitations

- 4.13 This assessment aims to provide baseline ecological data for the Site and as such presents an overview of the habitats and features present during the specific surveys undertaken to date. Due to the transient and complex nature of ecosystems, no investigation can provide a complete representation or prediction of the natural environment present, however, every effort has been made to ensure an accurate description of the Site is presented, by following best practice guidance, experience, and professional judgement.
- 4.14 Given the transient nature of natural processes, ecological data should never be relied upon for more than two years from completion of surveys.
- 4.15 The Phase 1 Habitat and UKHAB survey in December 2023 was undertaken outside of the optimal survey season. However, given the limited extent of habitats present and the species being widespread and common, the sub-optimal time of year isn't considered to affect the habitat assessment made.
- 4.16 No other limitations specific to this survey influenced this assessment.

¹⁰ BS 8596:2015 Surveying for bats in trees and woodland – Guide. British Standards Institute.

5.0 RESULTS

Desk Study

Statutory Sites

- 5.1 Five internationally designated sites were located within a 10km radius of the Site, as summarised in Table 3, with the locations mapped in Figure 1 Statutory Designated Sites Plan.

Table 3. International Designations within 10km

Designated Area	Distance from Site Boundary	Designation Reason
Chichester and Langstone Harbours SPA, RAMSAR	3.50km southeast	Chichester and Langstone Harbours SPA and RAMSAR covers two large estuarine basins, which together with Portsmouth Harbour forms one of the most important sheltered intertidal areas on the south coast of England. Extensive intertidal mudflats and sandflats are present, supporting internationally and nationally important numbers of overwintering and breeding bird species.
Portsmouth Harbour SPA, RAMSAR	8.05km southwest	Portsmouth Harbour SPA and RAMSAR is a large, industrialised estuary, which together with Chichester and Langstone Harbours, forms one of the most important sheltered intertidal areas on the south coast of England. The harbour has been designated as an SPA due to internationally and nationally important numbers of birds, specifically Dark-bellied Brent goose <i>Branta bernicla</i> ; red-breasted merganser <i>Mergus serrator</i> ; dunlin <i>Calidris alpina</i> ; and black-tailed godwit <i>Limosa limosa</i> .
Solent Maritime SAC	2.41km south	Solent Maritime SAC is designated for a major estuarine system which supports a range of rare sponges. It is the only site for smooth cordgrass <i>Spartina alterniflora</i> in the UK and is one of the few sites in the UK where other <i>Spartina</i> swards are present in significant amounts. The Solent also contains the second-largest aggregation of Atlantic salt meadows in the south and south-west England; the salt meadows are representative of the ungrazed salt meadow and support a range of communities dominated by sea-purslane <i>Atriplex portulacoides</i> , common sea-lavender <i>Limonium vulgare</i> and thrift <i>Armeria maritima</i> .
Solent & Isle of Wight Lagoons SAC	2.85km south	The Solent encompasses a series of coastal lagoons, with a range of salinities and substrates, supporting a diverse fauna including large populations of foxtail stonewort <i>Lamprothamnium papulosum</i> , lagoon sand shrimp <i>Gammarus insensibilis</i> and starlet sea anemone <i>Nematostella vectensis</i> .
Kingley Vale SAC	7.87km northeast	Kingley Vale is one of the largest areas of yew <i>Taxus baccata</i> woods on chalk in Britain. It is also an important orchid site.

Statutory Sites of National Conservation Value

- 5.2 No Sites of Special Scientific Interest (SSSIs) or Local Nature Reserves (LNRs) are identified within a 2km radius of the Site boundary.

Non-Statutory Designations

- 5.3 The desk study undertaken with HBIC, identified three non-statutory designated Sites of Importance for Nature Conservation (SINCs) within a 1km radius of the Site boundary. These are detailed in Table 4, with their locations mapped in Figure 1: Consultation Plan.

Table 4: Non-Statutory Designated Sites within 1km

Sites of Importance for Nature Conservation	Reference	Distance	Bearing	Area (ha)
Barton's Copse & The Slip	EH0252	438m	N	18.04
Battins Copse	HV0134	835m	W	2.75
Southleigh forest (South)	HV0116	950m	NE	48.16

- 5.4 Records of protected or otherwise notable taxa provided by HBIC, within 2km of the Site boundary, are listed in *Table 5* below, with the locations presented in *Figure 1: Consultation Plan*.
- 5.5 Records have been provided from the last ten years; however, the whole set of data was analysed to establish the requirement for further surveys. In the case of bird species, only those species included on the BoCC Amber or Red lists, or on the Wildlife and Countryside Act Schedule 1 were included, unless otherwise considered a notable species.

Table 5: Protected and Notable Species Records

Species	Dates	Relevant Legislation	Approximate Location Relative to Site
Reptiles and Amphibians			
Slow-worm <i>Anguis fragilis</i>	2018-2019	NERC_s41 WCA_s5s91(t)	Two records, 910m south
Common Lizard <i>Zootoca vivipara</i>	2014-2023	NERC_s41 WCA_s5s91(t)	One record, 1450m northwest
Grass Snake <i>Natrix helvetica</i>	2019	NERC_s41 WCA_s5s91(t)	One record, 1596m northwest
Birds			
Black-necked Grebe <i>Podiceps nigricollis</i>	2018-2021	WCA_s1	One record, 1930m southeast
Black-tailed Godwit <i>Limosa limosa</i>	2014-2021	WCA_s1 BOCC Red	Multiple records, 1550m south
Black-throated Diver <i>Gavia arctica</i>	2018	EU_Bird_1 WCA_s1	One record, 1929m southeast
Brambling <i>Fringilla montifringilla</i>	2014-2018	WCA_s1	Multiple records, 1555m east
Cetti's warbler <i>Cettia cetti</i>	2015-2021	WCA_s1	Two records, 1835m west
Crossbill <i>Loxia curvirostra</i>	2018-2020	WCA_s1	Multiple records, 1145m south
Fieldfare <i>Turdus pilaris</i>	2015-2021	BOCC_Red WCA_s1	Multiple records, 840m west
Fire crest <i>Regulus ignicapillus</i>	2014-2021	WCA_s1	Multiple records, 840m west
Green Sandpiper <i>Tringa ochropus</i>	2014-2021	WCA_s1	Multiple records, 1660m west
Greenshank <i>Tringa nebularia</i>	2014-2021	WCA_s1	Multiple records, 1930m southeast

Species	Dates	Relevant Legislation	Approximate Location Relative to Site
Kingfisher <i>Alcedo atthis</i>	2014-2021	EU_Bird_1	Multiple records, 1700m northeast
Mediterranean Gull <i>Ichthyaeetus melanocephalus</i>	2014-2021	EU_Bird_1 WCA_s1	Multiple records, 335m north
Osprey <i>Pandion haliaetus</i>	2014-2021	EU_Bird_1 WCA_s1	Multiple records, 1785m west
Red Kite <i>Milvus milvus</i>	2014-2022	EU_Bird_1 WCA_s1 CR	Multiple records, 150m south
Redwing <i>Turdus iliacus</i>	2015-2021	BOCC Amber WCA_s1	Multiple records, 1550m south
Serim <i>Serinus serinus</i>	2018	WCA_s1	One record, 840m west
Slavonian Grebe <i>Podiceps auratus</i>	2018-2021	EU_Bird_1 WCA_s1	One record, 1930m southeast
Wryneck <i>Jynx torquilla</i>	2017-2018	WCA_s1	One record, 1930m southeast
Invertebrates			
Stag Beetle <i>Lucanus cervus</i>	2015-2021	NERC_s41	Multiple records, 120m north
Mammals (Terrestrial)			
European Water Vole <i>Arvicola amphibius</i>	2014-2015	NERC_s41 WCA_s5s94a WCA_s5s94b WCA_s5s94c	Multiple records, 1875m southwest
Mammals (Bats)			
Alcathoe's Bat <i>Myotis alcathoe</i>	2018	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	One record, 590m north
Barbastelle <i>barbastelle barbastellus</i>	2016-2021	EU_Hab_2 EU_Hab_4 HabReg_s2 NERC_s41 WCA_s5s94b WCA_s5s94c	Multiple records, 590m north
Bechstein's Bat <i>Myotis bechsteinii</i>	2018-2022	EU_Hab_2 EU_Hab_4 HabReg_s2 NERC_s41 WCA_s5s94b WCA_s5s94c	Multiple records, 815m east
Brandt's Bat <i>Myotis brandtii</i>	2018	EU_Hab_4 HabReg_s2 NERC_s41 WCA_s5s94b WCA_s5s94c	One record, 585m north
Brown Long-eared bat <i>Plecotus auritus</i>	2016-2022	EU_Hab_4 HabReg_s2 NERC_s41 WCA_s5s94b WCA_s5s94c	Multiple records, 585m north
Common pipistrelle <i>Pipistrellus pipistrellus</i>	2014-2022	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	Multiple records, 130m east

Species	Dates	Relevant Legislation	Approximate Location Relative to Site
Daubenton's bat <i>Myotis daubentonii</i>	2015-2022	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	Multiple records, 1500m northwest
Leisler's Bat <i>Nyctalus leisleri</i>	2017-2022	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	Multiple records, 835m northeast
Myotis Bat <i>Myotis</i> sp.	2015-2022	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	Multiple records, 235m northeast
Nathusius' Pipistrelle <i>Pipistrellus nathusii</i>	2014-2021	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	Multiple records, 585m northeast
Natterer's Bat <i>Myotis nattereri</i>	2016-2022	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	Multiple records, 585m northeast
Noctule Bat <i>Nyctalus noctula</i>	2014-2022	EU_Hab_4 HabReg_s2 NERC_s41 WCA_s5s94b WCA_s5s94c	Multiple records, 585m northeast
Serotine <i>Eptesicus serotinus</i>	2014-2023	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	Multiple records, 585m northeast
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	2014-2022	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	Multiple records, 300m north
Whiskered Bat <i>Myotis mystacinus</i>	2016-2022	EU_Hab_4 HabReg_s2 WCA_s5s94b WCA_s5s94c	Multiple records, 585m northeast
Key: EU_Bird_1 – Annex I of the Birds Directive, EU_Hab_4 – Annex IV of the Habitats Directive, IUCN_EN_2014 – See IUCN (2001) (guidelines, covering England, BOCC_Red - Birds of Conservation Concern Red List, NR – Nationally rare (occurring in 15 or fewer 10km squares in Great Britain, NERC_s41 - Priority species listed under Section 41 of the Natural England Environment and Rural Communities Act 2008, WCA1 - Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), WCA5 – Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), Hab_Reg_2 - Schedule 2 of Conservation of Habitats and Species Regulations 2010 (European Protected Species animal), PBA – Protection of Badgers Act 1992			

Habitats

- 5.6 The Site is located on the northeastern extent of Havant, Portsmouth. The habitats comprise built development-sealed surface (hard-standing ground and buildings), in addition to small areas of modified grassland and ruderal/ ephemeral habitat. Five cherry trees are scattered across the Site. The habitats described below are illustrated in Figure 2 and site photographs are provided in Appendix C. This application is accompanied by a Biodiversity Net Gain Report (Appendix D), where further details on the habitats and recommendations are provided.

Hardstanding

- 5.7 The Site was dominated by hardstanding which surrounded the onsite buildings on all sides, running up to Downley Road and the train tracks.

Modified Grassland

- 5.8 Four small areas of modified grassland managed by regular mowing were present within the Site, forming landscaped areas along the western Site boundary with Downley Road. Grass species included dominant perennial ryegrass *Lolium perenne* and frequent creeping bent *Agrostis stolonifera*. Herbaceous composition included frequent ribwort plantain *Plantago lanceolata* and creeping buttercup *Ranunculus repens* and occasional herb robert *Geranium robertianum*, selfheal *Prunella vulgaris* and rare wild strawberry *Fragaria vesca*. Modified grassland is a low distinctiveness habitat and this compartment was assessed as being in Poor condition, due to being species-poor, the presence of tyre damage and Schedule 9 species *Cotoneaster sp.* and *Rhododendron sp.*

Bramble Scrub

- 5.9 A small area of bramble *Rubus fruticosus agg.* scrub within the boundary of the Site was located in the northeastern corner of the Site. The scrub is a medium distinctiveness habitat, assessed as being in Poor condition due to comprising bramble species.

Scattered Trees

- 5.10 Eight trees of varying age classes were present across the Site. The trees were assessed as being in good condition, due to passing all criteria other than being native species.

Ruderal/ Ephemeral

- 5.11 A small area of ruderal/ ephemeral habitat was present along the fenceline along the eastern Site boundary, though the majority of this habitat was present outside of the Site boundary. Species present included butterfly bush *Buddleja sp.*, common nettle *Urtica dioica*, bramble, creeping thistle *Cirsium arvense* and ox-eye daisy *Leucanthemum vulgare*.

Built Development

- 5.12 Two connected built structures (B1 and B2) were identified on Site associated with areas of hardstanding ground.
- 5.13 Building B1 was a two-storey building with a flat roof. The western aspect was rendered with pebble dash and stone. The southernmost section of B1 was open on the ground floor, beneath the enclosed first floor (B1a). This building was formerly used as offices but is now disused. The internal environment was bright, due to the presence of many windows and scattered skylights.
- 5.14 Building B2 was a single storey brick building with a multi-pitched corrugated roof. There was a small single storey extension (B2a) on the northeastern corner of B2, which had a flat felt roof. Along the eastern aspect of B2, there was an additional connected open topped brick building (B2b), which was mortared and in good condition. On the southern aspect of B2 there was an open sided corrugated metal building with steel support beams (B2c). Internally, all parts of B2 were bright. The building was formerly used as a warehouse factory but is now disused.

Fauna

Badgers

- 5.15 The Site was dominated by hardstanding ground which is unsuitable for badgers as a result of providing no suitable foraging opportunities or sett building habitat. The small section of onsite dense continuous scrub is limited in extent and not connected to other suitable off-site habitats. No evidence of badgers utilising the Site were identified during the walkover survey and are, therefore, scoped out of further assessment.

Bats

Roosting Habitat

- 5.16 Two built structures (B1 and B2) were identified within the Site boundary. The potential for these buildings to support roosting bats is outlined further in *Table 6* below.
- 5.17 Furthermore, eight trees were present across the Site. However, no potential bat roosting features were identified associated with these trees at the time of survey following a ground-level tree assessment.

Table 6: Building Descriptions

Building Ref	Building description	Bat roosting potential	Photographs
B1	Building B1 was a two-storey building with a flat roof. The western aspect was rendered with pebble dash and stone. Mostly solid plasterboard and a few areas with tiles. All false ceiling. Northern aspect concrete render. Small one storey flat, felt roof protrusion. Small holes in the stone/concrete render were present but these are backed by solid structure. The internal environment is bright, due to many windows and scattered skylights.	Negligible	
B1 a	Section of open ground floor with first floor enclosed.	Negligible	

B2	B2 was a single storey building with a multi-pitched corrugated roof. There is translucent panelling on one side of the pitches with solid panelling on the other. There is a void present between the ceiling panels and the corrugated sheets. Gaps under ridge tiles of pitches. A few small gaps under fascia. Weepholes in brick work.. Gap under flashing in places such as southwest corner. All features lead directly into building interior and therefore do not provide access into features such as wall cavities suitable for crevice dwelling species. Internally the environment is light. It is a disused warehouse factory with metal support beams.	Negligible	 
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B2 a	Single storey flat felt roof with two rooms that have slatted open doors and wood and concrete beams	Negligible	 The image shows a close-up of a brick wall. A yellow warning sign with a black triangle and exclamation mark is mounted on the wall. Below the sign is a blue door with slatted panels. The door is slightly ajar, revealing a dark interior. The wall is made of red bricks, and there are some pipes and electrical conduits visible above the door.
B2 b	Open topped brick building with mortar in good condition.	Negligible	 The image shows the exterior of a white brick building. The building has a flat roof and a blue door. A yellow sign with a black arrow pointing left is visible on the wall. The building is surrounded by a gravel area, and there are some wooden pallets and debris in the foreground. A red brick building is visible in the background.

B2 c	Open sided corrugated metal building with steel support beams.	Negligible	
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Foraging and Commuting

- 5.18 The Site was dominated by hardstanding ground which provides limited bat foraging potential. The buildings are fronted on the western aspect by a road and the wider industrial estate which is well lit. The rear (eastern aspect) of the building backs onto the Havant railway line which does have a narrow strip of scrub on both sides which bats are likely to utilise for commuting.
- 5.19 A number of bat records were returned by the data search from the last ten years within 1km of the Site, including records of grounded bats, observations, bat emergences, and roost records, from a range of common and widespread species including common pipistrelle, soprano pipistrelle and brown long-eared bats, Daubenton's, myotis species, noctule and serotine, as well as records of rarer species including barbastelle, Bechstein's and Alcaethoe's.

Birds

- 5.20 The Site was dominated by hardstanding which offers limited nesting habitat. However, remaining habitats including onsite bramble scrub and immature trees provide suitable habitat to support a range of common and widespread species typical of suburban settings. However, no nesting evidence was identified at the time of survey.
- 5.21 In addition, onsite buildings also provide suitable nesting habitat to support a range of common and widespread species typical of suburban settings. However, no evidence of nesting birds in the buildings onsite was identified.

Dormice

- 5.22 No records of dormice were returned within 2km of the site. Due to the limited suitability of onsite habitats for dormice, in addition to the lack of connectivity to more suitable areas of habitat within the wider area, this species is scoped out for further assessment.

Great Crested Newts

- 5.23 There are no records from the previous ten years that were returned within 2km of the site.
- 5.24 The Site has no suitable breeding habitat for GCN and terrestrial habitat was limited to the onsite bramble scrub. This species is unlikely to be present and is scoped out of further assessment.

Reptiles

- 5.25 There is a small amount of suitable habitat for reptiles on Site which is limited to the bramble scrub in the north eastern corner of the site. The railway embankment scrub adjacent to the eastern site boundary may also support reptiles, although there are no records within 900m of the site. It is considered unlikely reptiles are present on Site given the lack of suitable habitat, however precautionary measures are recommended during the construction phase.

6.0 DISCUSSION AND RECOMMENDATIONS

- 6.1 The proposed development is for creation of industrial units with ancillary offices with accompanying parking infrastructure.
- 6.2 The proposals sought ecological input during an early phase of the design process to ensure that the impacts on ecological receptors will be kept to a minimum. BNG calculations have been completed (See *Appendix D*) to ensure that a net gain can be achieved.
- 6.3 The proposals have been assessed against the current ecological baseline to review the potential impacts anticipated and to provide recommendations for mitigation, compensation and/or ecological enhancement where appropriate. The assessment of impacts and recommendations for mitigation is based on the most up-to-date Landscape & Ecological Management Plan (*FPCR Environment and Design Ltd., 2024*).

Desk Study

Statutory Designated Sites

- 6.4 A number of internationally protected sites are present within the 10km search area. The site is for business purposes only and therefore can be excluded from any further assessment of likely impacts from increased recreational disturbance and nutrient neutrality.

Non-Statutory Designated Sites

- 6.5 Barton's Copse & The Slip SINC is approximately 440m from the application and there are a further two SINC's within 1km of the application Site. None of these sites are likely to be impacted by the proposals.

Habitats & Biodiversity Net Gain

- 6.6 The habitats present within the Site comprise predominately developed land-sealed surface. Small areas of low and medium distinctiveness habitat types including modified grassland, introduced shrub, scattered trees and bramble scrub..
- 6.7 Eight trees of varying age classes were present across the Site. Six of these trees are to be removed, as recommended in the Tree Survey (BEA Landscape Design Ltd, 2024) due to ill health. The remaining trees within the Site are being retained by the current proposals. During construction works, all retained trees will need to be protected through the implementation of appropriate measures including root protection areas and protective fencing in accordance with BS 5837 (2012) Trees in Relation to Design, as indicated by the Arboricultural Survey and Impact Assessment (BEA Landscape Design Ltd, 2024).
- 6.8 Appendix D of this report details the BNG assessment of this site including the baseline and post development habitats. Post development habitats include new tree and native hedgerow planting, modified and other neutral grassland and scrub and introduced shrubs.
- 6.9 The proposed site plan has been assessed using the Statutory Biodiversity Metric tool and this has demonstrated that the proposals will lead to a net gain of 0.36 habitat units, representing a +38.32% change in biodiversity units, and an uplift of 0.45 hedgerow units; a % increase can't be calculated due to the baseline value being 0.

- 6.10 A Habitat Management and Monitoring Plan (HMMP) or similar, should be produced which will detail the planting and landscape information, and the management and monitoring of the proposed and enhanced habitats for a minimum of 30 years, in accordance with the Environment Act 2021.

Protected and/or Notable Species

Bats

- 6.11 The trees on Site were deemed negligible for roosting bats given the lack of potential roosting features observed. The trees are too young and small for features to currently be present.
- 6.12 On-site buildings were assessed as providing negligible potential to support roosting bats, with no features identified that were suitable within B1 or B2 and associated outbuildings.
- 6.13 The overall value of the site to foraging and commuting bats is low due to the lack of suitable habitats and urban nature of its location. The railway adjacent to the eastern boundary of the site is likely to provide a commuting route for local bat populations but given the existing high levels of lighting at the rear of the building, the proposals are unlikely to have any significant impacts. The proposed eastern elevations of the two new buildings include three access points and a number of windows. Lighting on this aspect will be limited to only that required for building and pedestrian safety purposes. This lighting will be specified with fittings that are sensitive to bats as per the Bats and Artificial Lighting at Night Guidance Document¹¹. This will likely lower the lighting levels from their current baseline given the number of fittings currently present on site for security purposes.

Birds

- 6.14 The small area of bramble and urban trees provide a small amount of suitable habitat for common and widespread urban edge/generalist bird species. The disused buildings also offer some potential nesting habitat for species such as feral pigeon. The site is not of significant value to breeding birds due to the low amounts of habitat present and further surveys are not required.
- 6.15 The vegetation and buildings removal should be completed outside of the active nesting season (March – September). Where this is not possible, any clearance and demolition will be preceded by a check for nests by an ecologist. Should any nests be found, these will be retained and buffered until the chicks have fledged. Details of this will be provided in a Construction and Environment Management Plan (CEMP).
- 6.16 Six x woodstone nest boxes (or similar) will be positioned on the rear (eastern aspect) of the buildings facing onto the railway habitat, at least 5m or more above ground level to provide a post development enhancement for breeding birds.

Reptiles

- 6.17 Although the presence of reptiles using the habitats on site is considered unlikely, construction works should commence using a precautionary approach as outlined below. All works within potential reptile habitat will ideally be undertaken during suitable weather conditions, outside the reptile dormant phase. No works shall take place between November and mid-March (inclusive)

¹¹ ILP (2023). Guidance Note 08/23- Bats and Artificial Lighting at Night. Accessed 20.06.2024.

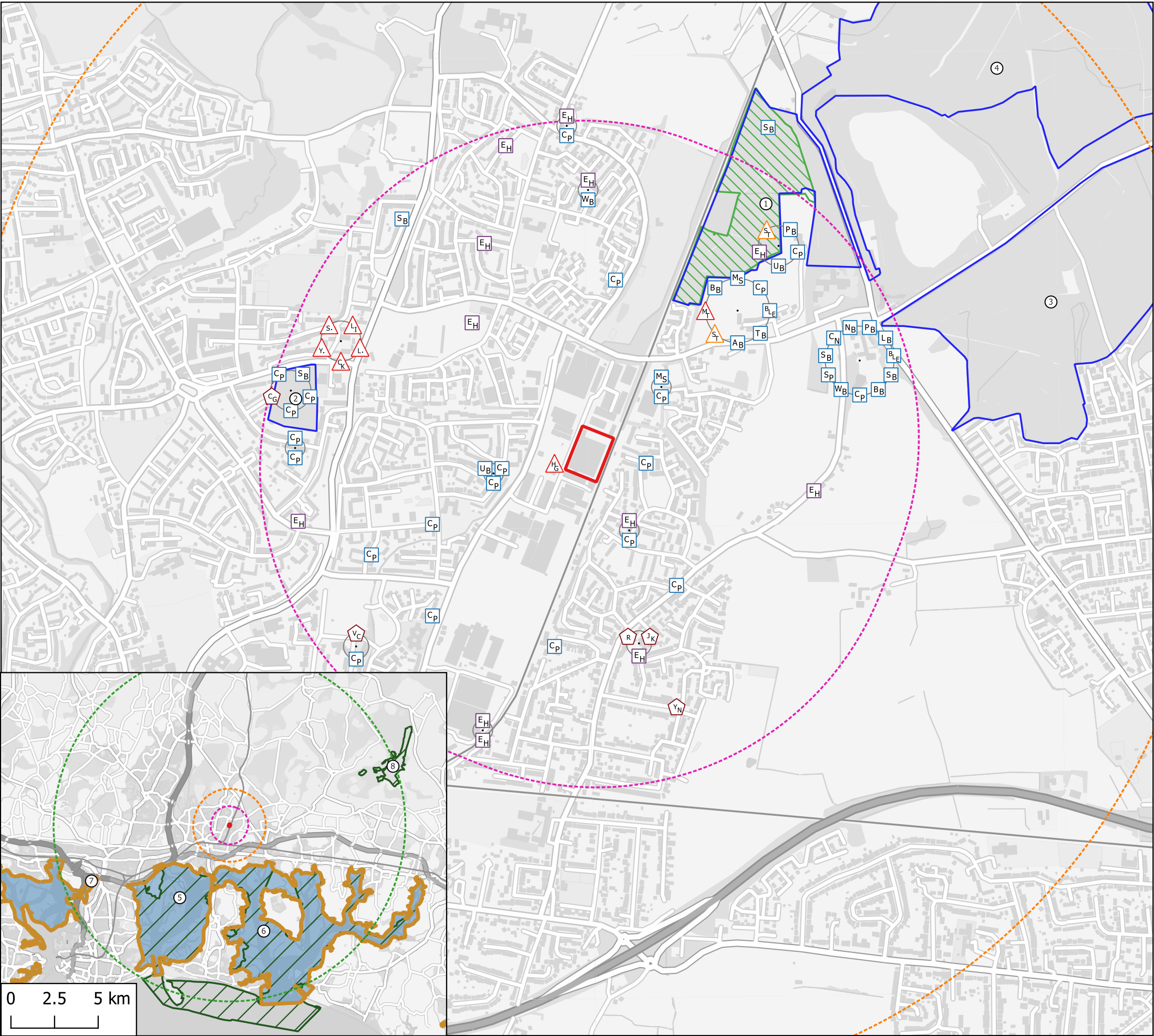
when reptiles are likely to be hibernating. Doing so will minimise the risk of torpid reptiles being present within onsite terrestrial habitats.

- 6.18 The working areas will be subject to a passive displacement exercise under supervision of an ecological clerk of works (ECoW), which will focus on manipulation of affected habitats, to reduce their suitability without harming the animals themselves. This will be managed through a cutting regime, which will encourage any reptiles to move away from such areas and into areas of retained habitat at the boundaries of the site. The vegetation clearance will be undertaken in stages by hand strimmer's to a height of 200mm, these areas should then be left for 24 hours and then cut down to 50mm. All arisings will be completely removed from the working area to prevent potential areas of refugia from being used by reptiles moving across the area.

Other Species

Hedgehogs

- 6.19 Whilst no records of hedgehog were returned by the data search, the Site provided some habitat for foraging and sheltering hedgehogs, including scrub.
- 6.20 During the works, all excavations should be made safe if left overnight by way of a 45° slope or mammal ladders. In addition, any scrub clearance works should be undertaken outside of the hibernation season for hedgehogs (October – March), or the habitat should be searched by a suitably qualified ecologist prior to clearance, and any animals found moved to a hedgehog house which is placed on Site, away from the area of works.



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Key

- Site Boundary
- 2km Buffer
- 1km Buffer
- 10km Buffer

Protected/Notable Species within 1km

- | | | | |
|------------------|---------------------------|----------------|-----------------------|
| C _p | Common pipistrelle | Y | Yellowhammer |
| S _p | Soprano pipistrelle | S _t | Song thrush |
| C _N | Common noctule | J _K | Japanese knotweed |
| B _L E | Brown long-eared | R | Rhododendron |
| M _S | Myotis species | C _G | Three-cornered garlic |
| W _B | Whiskered bat | Y _N | Yellow-necked mouse |
| N _B | Natterer's Bat | B _B | Barbastelle |
| S _B | Serotine bat | U _B | Chiroptera |
| E _H | Western European hedgehog | A _B | Alcathoe bat |
| L | Lapwing | S _B | Bechstein's bat |
| H _G | Herring gull | T _B | Brandt's bat |
| C _T | Cuckoo | L _B | Leisler's bat |
| M | Marsh tit | V _C | Virginia creeper |
| S | Skylark | P _B | Plecotus Species |
| L _I | Linnet | | |

Designated Sites

- Sites of Importance for Nature Conservation (SINC)
- Semi-Natural Ancient Woodland
- Special Protected Area (SPA)
- Special Area of Conservation (SAC)
- RAMSAR Sites

1. Barton's Copse & The Slip (SINC)
2. Battins Copse (SINC)
3. Southleigh Forest (South) (SINC)
4. Southleigh Forest (SINC)
5. Chichester and Langstone harbours (SPA, RAMSAR, SSSI)
6. Solent Maritime (SAC)
7. Portsmouth Harbour (SPA, RAMSAR, SSSI)
8. Kingley Vale (SAC, SSSI)



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Key

 Red Line Boundary

 Buildings

Baseline Habitats

 Bramble scrub

 Developed land; sealed surface

 Introduced shrub

 Modified grassland

Baseline Trees

 Existing Medium Urban Tree

 Existing Small Urban Tree

APPENDIX A: RELEVANT LEGISLATION, POLICY AND GUIDANCE

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

- 1.1 The Regulations ensure that the habitat and species protection and standards derived from EU law as per “The Habitat Regulations” Amendment will continue to apply after Brexit.

European Protected Sites

- 1.2 The Habitats Regulations ratifies into UK law the “Habitats Directive” (92/43/EEC) and the “Birds Directive” (79/409/EEC). It places a duty on the Secretary of State to propose a list of sites which are important for species listed in Annex I and II of the Habitats Directive respectively to the European Commission.
- 1.3 The Regulations require the compilation and maintenance of a register of European sites to include SACs as well as Special Protection Areas (SPAs) designated for birds, which are collectively called National Site Networks. Internationally important wetlands under the Ramsar Convention known as “Ramsar Sites” are also considered. All European sites are also designated under UK law as Sites of Special Scientific Interest (SSSIs; please see below).

Habitats Regulation Assessment

- 1.4 There is a requirement under EU law that Member States’ take measures to reach and maintain European Protected Sites’ at Favourable Conservation Status (FCS). An Appropriate Assessment is required for plans or projects that may potentially damage a European Protected Site. This is based on an assessment against a given European Protected Site’s Conservation Objectives. The process is commonly known as a Habitats Regulations Assessment (HRA).
- 1.5 The HRA must be conducted by, or on behalf of, the Competent Authority. The HRA process assesses plans or projects alone or in combination. It involves a four-stage approach as follows:
- Stage One: Screening - also known as the Test of Likely Significant Effect (TOLSE). If the Competent Authority cannot screen out a *likely significant effect*, an Appropriate Assessment is required.
 - Stage Two: Appropriate Assessment - the Competent Authority will only agree to plans or projects that will not affect the *integrity* of a European site also known as the “Integrity Test”.
 - Stage Three: Alternative Solutions - assesses any alternative solutions of a potentially damaging plan or project that failed the Integrity Test, and if it is determined there are no alternative solutions, the project cannot be agreed to and it will either need to be changed or refused.
 - Stage Four: The final stage may allow a plan or project to proceed if after failing stage three if it is for Imperative Reasons of Overriding Public Interest, and only if suitable compensatory measures are secured.
- 1.6 Any plan or project that may have a potentially damaging effect on a transient species or the habitat on which it relies (for example bats or birds), that is both a Qualifying Features of a European Protected Site and considered *functionally linked* with a European Protected Site, are required under law to be considered as part of any HRA process.

European Protected Species

- 1.7 The Habitats Regulations includes a list of animals and plant species taken from the Annex IV of the Habitats Directive that have a natural range in Great Britain. These are collectively known as European Protected Species (EPS) and are listed in Table 1. The regulations make it an offence to deliberately capture, kill, disturb, take or destroy eggs of, or damage or destroy a breeding or resting place of animals listed in Schedule 2 of the Regulations, and to pick, collect, cut, uproot or destroy wild plants listed in Schedule 5 of the Regulations. They also protect these species alive or dead and parts thereof from various forms of possession and trade.

Table 1: The Habitats Regulations Schedule 2 and Schedule 5 species

	Common Name	Scientific Name
Schedule 2 – European Protected Animal Species	Horseshoe bats – all species	<i>Rhinolophidae</i>
	Bats – all species	<i>Vespertilionidae</i>
	Large blue butterfly	<i>Maculinea arion</i>
	Wild cat	<i>Felis silvestris</i>
	Dolphins, porpoises & whales - all species	<i>Cetacea</i>
	Hazel dormouse	<i>Muscardinus avellanarius</i>
	Pool frog	<i>Rana lessonae</i>
	Sand lizard	<i>Lacerta agilis</i>
	Fisher's estuarine moth	<i>Gortyna borelii lunata</i>
	Great crested newt	<i>Triturus cristatus</i>
	Otter	<i>Lutra lutra</i>
	Lesser Whirlpool Ram's-horn snail	<i>Anisus vorticulus</i>
	Smooth snake	<i>Coronella austriaca</i>
	Sturgeon	<i>Acipenser sturio</i>
	Natterjack toad	<i>Bufo calamita</i>
	Marine turtles	<i>Caretta caretta</i> <i>Chelonia mydas</i> <i>Lepidochelys kempii</i> <i>Eretmochelys imbricata</i> <i>Dermochelys coriacea</i>
Schedule 5 – European Protected Plant Species	Shore dock	<i>Rumex rupestris</i>
	Killarney fern	<i>Trichomanes speciosum</i>
	Early gentian	<i>Gentianella anglica</i>
	Lady's-slipper	<i>Cypripedium calceolus</i>
	Creeping marshwort	<i>Apium repens</i>
	Slender naiad	<i>Najas flexilis</i>
	Fen orchid	<i>Liparis loeselii</i>
	Floating-leaved water plantain	<i>Luronium natans</i>
	Yellow marsh saxifrage	<i>Saxifraga hirculus</i>

- 1.8 These actions may be made lawful in certain circumstances through the granting of licences by the appropriate authority (Natural England). Licences must only be granted after the appropriate authority is satisfied that no satisfactory alternatives are available. In most circumstances, licences are only applied for and granted following full planning permission.
- 1.9 In determining whether or not to grant a licence Natural England must apply the requirements of The Conservation of Habitats and Species Regulations 2012 (amendment) and, in particular, the three derogation tests:

- Test 1: A licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- Test 2: The appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- Test 3: The appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Wildlife and Countryside Act 1981 (as amended)

- 1.10 The Wildlife and Countryside Act 1981 (WCA) (as amended) is the principal legislation providing protection for wildlife in the UK. It prescribes legislation for wild birds, other animals, wild plants and non-native species. In addition, it provides for the designation of Sites of Special Scientific Interest (SSSI) in England.

Wild birds

- 1.11 The WCA as amended by Schedule 12 of the Countryside and Rights of Way Act 2000 makes it an offence (with exception to species listed in Schedule 2) to intentionally or recklessly:
- kill, injure, or take any wild bird;
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006); or
 - take or destroy an egg of any wild bird.
- 1.12 For birds listed on Schedule 1 of the WCA, protection extends to offences relating to the intentional or reckless disturbance of these birds while at their nests or their dependent young.

Other animals

- 1.13 The WCA (as amended) makes it an offence to (subject to exceptions) intentionally or recklessly kill, injure or take wild animals listed on Schedule 5 of the Act. For some species, the protection extends to interference with places used for shelter or protection, or disturbing animals occupying or obstructing access to such places. These species are regarded as “fully protected” and as well as the EPS species listed above include the mammal species water vole *Arvicola terrestris*, pine marten *Martes martes* and red squirrel *Sciurus vulgaris* as well as selected others from a range of species groups including, fish, butterflies, hemipteran bugs, beetles, crickets, dragonflies, moths, spiders, crustaceans, sea-mats, molluscs, Annelid worms and sea anemones (and allies).
- 1.14 There are seven species on Schedule 5 of the Act that not fully protected but are still protected against killing and injuring these include the common reptile species slow worm *Anguis fragilis*, viviparous lizard *Lacerta vivipara*, grass snake *Natrix natrix* and adder *Vipera berus*.
- 1.15 The Act prohibits certain methods of killing, injuring, or taking wild animals, and numerous species are protected against sale only as well as other variations for example Atlantic stream (white-clawed) crayfish *Austropotamobius pallipes* are protected against taking and sale.

Vascular plants, bryophytes, lichens and fungi

- 1.16 With regards to native flora the Act makes it an offence to (subject to exceptions) intentionally or recklessly pick, uproot or destroy any wild plant listed in Schedule 8. Similarly, the Act prevents the sale, offer or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

Non-native species

- 1.17 The Act contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9 in England and Wales.

Sites of Special Scientific Interest

- 1.18 The Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs). These sites can be identified for their flora, fauna, geological or physiological interest. In England, the power to confirm an SSSI lies with Natural England.
- 1.19 Laws protecting areas designated as SSSIs are described in Sections 28 to 33 of Part 2 of the Wildlife and Countryside Act 1981 (as amended). SSSIs are the principle statutory designation of sites in the UK and offences are enforced through Natural England. Offences include the following:

SSSI owners and occupiers

- carrying out, causing or allowing operations likely to damage an SSSI without Natural England consent.
- failing to keep to a management notice.
- failing to let us know about a change in ownership or occupation of land in an SSSI.

Public bodies

- carrying out or authorising operations likely to damage an SSSI without meeting the requirements to notify Natural England.
- failing to minimise any damage to an SSSI and if there is any damage, failing to restore it to its former state so far as is reasonably practical and possible.

Any person

- intentionally or recklessly damaging, destroying or disturbing any of the habitats or features of an SSSI.
- intentionally or recklessly damaging, destroying, obscuring or taking down a site notice put up on land within an SSSI.
- preventing a Natural England officer lawfully accessing an SSSI.

Environment Act 2021

- 1.20 The act became law on 10th November 2021 and covers a range of environmental protections and enhancements. It is enforced by an independent Office for Environmental Protection (OEP). In relation to nature and biodiversity, the act will deliver:
- Strengthened biodiversity duty
 - A requirement for developments to deliver at least 10% biodiversity net gain

- Local Nature Recovery Strategies
- Protected Site Strategies and Species Conservation Strategies
- Conservation Covenants
- Strengthened woodland protection enforcement measures

Protection of Badgers Act 1992

- 1.21 Badgers and their setts are protected under the Protection of Badgers Act 1992. This act is based on the need to protect badgers from persecution by baiting and deliberate harm or injury.

The act makes it an offence to:

- intentionally capture, kill or injure a badger;
- damage, destroy or block access to their setts;
- disturb badgers in setts;
- treat a badger cruelly;
- deliberately send or intentionally allow a dog into a sett; and
- bait or dig for badgers.

A sett is defined as:

“Any structure or place that displays signs indicating current use by a badger”.

Natural Environmental and Rural Communities (NERC) Act 2006

- 1.22 Section 40 of the NERC Act 2006 imposes a duty on every public authority to conserve biodiversity in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 1.23 Section 41 (S41) of the NERC Act 2006 requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The list (including 56 habitats and 943 species) has been drawn up in consultation with Natural England and draws upon the UK BAP List of Priority Species and Habitats. The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006.

National Planning Policy Framework (NPPF) December 2023

- 1.24 The National Planning Policy Framework (NPPF) sets out the Government's planning policy for England. As such, the NPPF must be a material consideration for local authorities when considering planning decisions. The following relate to ecology/biodiversity:

Policy 15 – Conserving and enhancing the natural environment

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

184. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be

consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

185. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

186. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

187. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Area of Conservation, and listed or proposed Ramsar sites.

188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Local Nature Reserves

- 1.25 Local Nature Reserve (LNR) is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006 by principal local authorities.
- 1.26 Local authorities have the powers to acquire, declare and manage LNRs. Parish and town councils can declare LNRs providing power is given by the district or county council. LNRs may or may not have other statutory designations such as SSSI status. LNRs must be controlled by the local authority through ownership, lease or agreement with the owner. The main aim must be to care for the natural features which make the site special. LNRs are of local, but not necessarily national, importance.
- 1.27 LNRs are usually owned by local authorities, with management often passed onto other organisations such as County Wildlife Trusts etc. They often have good public access and facilities. There is no legal necessity to manage an LNR to any set standard but management agreements and plans often exist. Protection of LNRs is usually provided through local planning policy and through local bylaws.

Non-Statutory Protected Local Sites

- 1.28 Non-statutory Designated Sites are sites designated by local authorities which fall outside the statutory criteria for designation. They are policy protected and included in the National Planning Policy Framework (NPPF) as "Local Sites". Local Planning Authorities should set criteria-based policies against which proposals for developments on or affecting protected wildlife sites should be judged. Non-statutory sites are given various names including County Wildlife Sites (CWS), Sites of Importance for Nature Conservation (SINC) and Local Wildlife Sites (LWS). to this end Ancient Woodland Inventory (AWI) sites are also considered non-statutory sites.

Hedgerows

- 1.29 Hedgerows are designated as Habitats of Principal Importance under the NERC Act 2006. The National Planning Policy Framework (NPPF) emphasises the preservation, restoration and re-creation of priority habitats and ecological networks. Hedgerows are important components of ecological networks linking other important habitats and designated sites.
- 1.30 Hedgerows also receive statutory protection under the Hedgerow Regulations 1997 made under Section 97 of the Environment Act 1995, which came into force in 1997. The regulations introduced new arrangements for local planning authorities in England and Wales to protect important hedgerows in the countryside, by controlling their removal through a system of notification. Important hedgerows are defined by complex assessment criteria, which draw on biodiversity features, historical context and the landscape value of the hedgerow.

Local Biodiversity Action Plan (LBAP)

- 1.31 Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level), and are usually drawn up by a consortium of local Government organisations and conservation charities.

Birds of Conservation Concern (BoCC)

- 1.32 The Birds of Conservation Concern (BoCC) is jointly prepared by the British Trust for Ornithology (BTO), Joint Nature Conservation Committee (JNCC) and The Royal Society for the Protection of Birds (RSPB).
- 1.33 The report classifies birds according to the extent that they are known to be declining. The classifications are split into groups, Red, Amber and Green, with species classified as Red being those with the greatest declines. The criteria for classifications are presented in *Table 2*.

Table 2: BoCC species classification criteria

Red List Criteria	Global Conservation Status - Species listed by BirdLife International as being Globally Threatened using IUCN criteria
	Historical Decline - A severe decline in the UK between 1800 and 1995, without substantial recent recovery.
	Breeding Population Decline - Severe decline in the UK breeding population size, of more than 50%, over 25 years or the entire period used for assessments since the first BoCC review, starting in 1969 ("longer-term").
	Non-breeding Population Decline - Severe decline in the UK non-breeding population size, of more than 50%, over 25 years or the longer-term.
	Breeding Range Decline - Severe decline in the UK range, of more than 50%, as measured by number of 10 km squares occupied by breeding birds, over 25 years or the longer-term.
Amber List Criteria	European Conservation status - Categorised as a Species of European Conservation Concern
	Historical Decline – Recovery - Red listed for Historical Decline in a previous review but with substantial recent recovery (more than doubled in the last 25 years).
	Breeding Population Decline - As for red list criteria and, but with moderate decline (by more than 25% but less than 50%).
	Non-breeding Population Decline - As for red list criteria and, but with moderate decline (by more than 25% but less than 50%).
	Breeding Range Decline - As for red list criteria and, but with moderate decline (by more than 25% but less than 50%).
	Rarity - UK breeding population of less than 300 pairs, or non-breeding population of less than 900 individuals.
	Localisation - At least 50% of the UK breeding or non-breeding population found in 10 or fewer sites.
Green List Criteria	International Importance - At least 20% of the European breeding or non-breeding population found in the UK.
	All regularly occurring species that do not qualify under any of the red or amber criteria are green listed.
	Includes those species listed as recovering from Historical Decline in the last review that have continued to recover and do not qualify under any of the other criteria.

APPENDIX B: BOTANICAL SPECIES LIST DAFOR SCALE: DOMINANT, ABUNDANT, FREQUENT, OCCASIONAL, RARE

Scientific Name	Species	Ephemeral/Ruderal	MG	Trees
<i>Buddleja davidii</i>	Buddleia	D		
<i>Urtica dioica</i>	Common Nettle	F		
<i>Rubus fruticosus</i> agg.	Bramble	O		
<i>Epilobium ciliatum</i>	Willowherb sp.	R		
<i>Lolium perenne</i>	Perennial rye grass		D	
<i>Plantago lanceolata</i>	Ribwort Plantain		LF	
<i>Geranium robertianum</i>	Herb Roberts		F	
<i>Taraxacum</i> agg.	Dandelion		LF	
<i>Helminthotheca echioides</i>	Bristly Ox tongue		O	
<i>Geranium molle</i>	Doves foot cranesbill		O	
<i>Prunella vulgaris</i>	Self heal		LO	
<i>Achillea millefolium</i>	Yarrow		LA	
<i>Potentilla reptans</i>	Creeping Cinquefoil		LF	
<i>Cirsium arvense</i>	Creeping thistle	O	O	
<i>Carex pendula</i>	Pendulas sedge	R		
<i>Bellis perennis</i>	Daisy		O	
<i>Leucanthemum vulgare</i>	Ox-eye daisy	O	LO	
<i>Rosa canina</i>	Dog rose	LO		
<i>Festuca rubra</i>	Red fescue		LF	
<i>Vicia sativa</i>	Common Vetch		R	
<i>Dactylis glomerata</i>	Cocksfoot		F	
<i>Hedera helix</i>	Ivy	LO	LO	
<i>Aegopodium podagraria</i>	Ground Elder		LO	
<i>Senecio jacobaea</i>	Common Ragwort		O	
<i>Fragaria vesca</i>	Wild strawberry		LF	
<i>Trifolium repens</i>	White clover		F	
<i>Cirsium vulgare</i>	Spear Thistle	R		
<i>Senecio vulgaris</i>	Groundsel	LO	LO	
<i>Lamium purpureum</i>	Red Deadnettle		R	
<i>Agrostis stolonifera</i>	Creeping Bent Grass		F	
<i>Ranunculus repens</i>	Creeping Buttercup		LF	
<i>Rumex acetosa</i>	Common Sorrel		O	
<i>Prunus avium</i>	Cherry sp.			✓

APPENDIX C: SITE PHOTOGRAPHS



Photograph 1: Site frontage, Downley Road



Photograph 2: Site frontage, Downley Road



Photograph 3: View of railway line and scrub to rear of buildings



Photograph 4: Hard standing to rear of buildings