



EXTENDED PHASE 1 ECOLOGICAL ASSESSMENT

SPINNAKERS, WITTERING ROAD, HAYLING ISLAND, PO11 9SP

FINAL REPORT

May 2022

Report conditions

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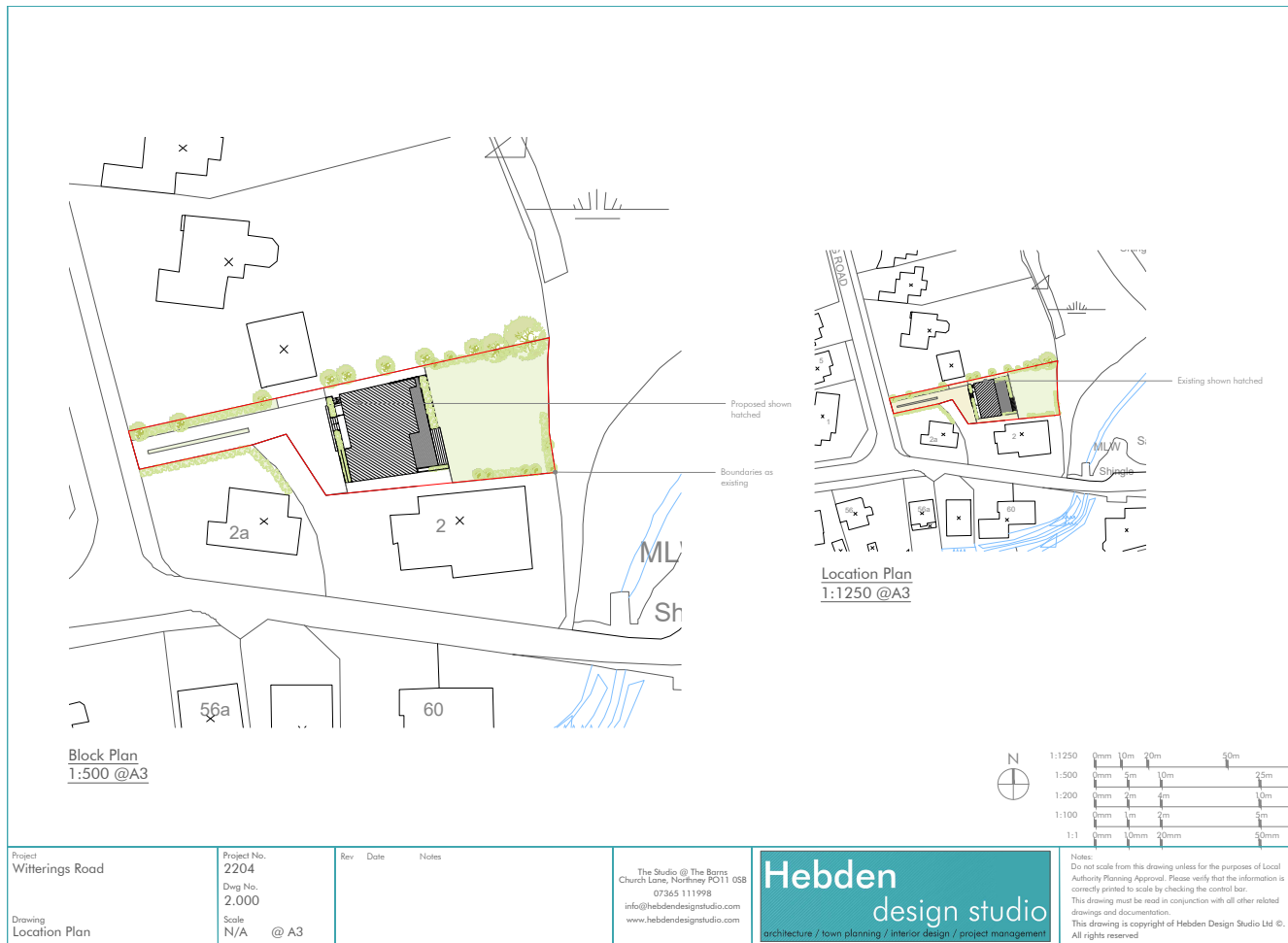
Executive Summary

- This extended phase 1 ecological assessment report has been prepared in order to support a planning application for the proposed alterations to the existing house at Spinnakers, Hayling Island.
- An extended phase 1 ecological assessment of the application site was undertaken on the 10th March 2022 by Katy Goddard of Phillips Ecology.
- The survey area comprised the site which comprised the existing dwelling and its garden. A data search extended to a 2km radius for designated sites and notable habitats.
- The site is considered to support opportunities for protected and priority species including breeding birds and hedgehog. The existing dwelling is considered to support negligible suitability for roosting bats.
- No further survey work is required.
- With the implementation of precautionary construction avoidance measures, impacts on designated sites and protected species will be avoided.

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1. Introduction

1.1 Report purpose

This report has been prepared in order to present the extended phase 1 ecological assessment undertaken for Spinnakers, Hayling Island (central grid reference: SZ 74917 98650).

1.2 Description of proposal

The final proposals are yet to be confirmed but will involve alterations to the existing structure.

1.3 Report context

Hebden Design Studio have prepared a planning application on behalf of the Applicant for the alterations to the dwelling at Spinnakers, Hayling Island. Phillips Ecology have been instructed by the Applicant to undertake an ecological assessment to support this application, which will be submitted to Havant Borough Council.

1.4 Scope of assessment

An extended phase 1 ecological assessment was carried out on the 10th March 2022. The survey comprised a field survey and desktop study in order to identify notable or protected sites, habitats or species potentially affected by the proposal under consideration.

1.5 Survey area

The survey area comprised the site which comprised the existing dwelling and its garden. A data search extended to a 2km radius for designated sites and notable habitats.

1.6 Limitations

Limitations which are specific to each phase of the assessment are given in the relevant sections, below.

2. Data search

2.1 Methodology

A desk-based assessment was undertaken by Phillips Ecology on the 11th March 2022 with Multi-Agency Geographic Information for the Countryside (MAGIC). The MAGIC database was consulted for records of statutory designated sites and priority habitats for the development site and a 2km radius.

2.2 Limitations

The data search results are bound by the following statement contained within MAGICs general disclaimer: *"The materials contained on this website are of a general, informational, nature. We have used reasonable endeavours to ensure the accuracy and completeness of the contents of the pages on this site but the information does not constitute advice and must not be relied on as such."*

2.3 Results

2.3.1 Statutory designated sites

Six statutory designated sites are located within a 2km radius of the application site. These comprise Ramsar, Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Special Protection Areas (SPA). Details on these are given in table 1, below.

Table 1 Statutory designated sites within 2km of the application site

Site Name	Approx. distance and direction from the site	Reason for designation
Chichester and Langstone Harbours Ramsar	5m E	Two large estuarine basins linked by the channel which divides Hayling Island from the main Hampshire coastline. The site includes intertidal mudflats, saltmarsh, sand and shingle spits and sand dunes. The site supports wintering bird assemblages of international importance and bird species of international importance, including: ringed plover <i>Charadrius hiaticula</i>, Black-tailed godwit <i>Limosa limosa islandica</i>, Common redshank <i>Tringa totanus tetanus</i>; Dark-bellied brent goose <i>Branta bernicla</i>, Common shelduck <i>Tadorna tadorna</i>, Grey plover <i>Pluvialis squatarola</i>, Dunlin <i>Calidris alpina</i>; and Little tern <i>Sterna albifrons albifrons</i>.
Chichester Harbour SSSI	5m E	Chichester Harbour is a large estuarine basin in which at low water extensive mud and sandflats are exposed, drained by channels. The site is of particular significance for wintering wildfowl and waders and also breeding birds both within the harbour and in the surrounding permanent pasture fields and woodlands. There is a wide range of habitats which have important plant communities.

Site Name	Approx. distance and direction from the site	Reason for designation
Solent Maritime SAC	5m E	Annex I habitats that are a primary reason for selection of this site: • Estuaries, • Spartina swards <i>Spartinion maritimae</i>; and • Atlantic salt meadows <i>Glauco-Puccinellietalia maritimae</i>. Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site: • Sandbanks which are slightly covered by sea water all the time; • Mudflats and sandflats not covered by seawater at low tide; ▪ Coastal lagoons; • Annual vegetation of drift lines; ▪ Perennial vegetation of stony banks; • Salicornia and other annuals colonising mud and sand; • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes). Annex II species present as a qualifying feature, but not a primary reason for site selection: • Desmoulin's whorl snail <i>Vertigo moulinsiana</i>
Chichester and Langstone Harbours SPA	5m E	The site supports populations of European Importance of the following species listed on Annex I of the Directive: Little tern, Sandwich tern <i>Sterna sandvicensis</i>, Little egret, Bar-tailed godwit <i>Limosa lapponica</i>, Ringed plover, Black-tailed godwit, Dark-bellied brent goose, Dunlin, Grey plover; and Redshank <i>Tringa totanus</i>. The site is also a wetland of international importance, regularly supporting at least 20,000 waterfowl.
Sandy Point LNR	140m SW	At the south-eastern corner of Hayling Island, Sandy Point Nature Reserve has a mosaic of habitats. This mosaic is made up of sand dunes, heathland, shingle, grassland and scrub. These fragile habitats offer a glimpse into how Hayling Island's southern foreshore would have once looked

2.3.2 Ancient woodlands

No non-statutory ancient woodlands are located within a 2km radius of the application site.

2.3.3 *Priority habitats*

The data search revealed the following priority habitats within 2km of the application site:

- Coastal saltmarsh
- Mudflats
- Saline lagoons
- Lowland heathland
- Deciduous woodland
- Coastal sand dunes
- Lowland dry acid grassland
- Coastal and floodplain grazing marsh
- Good quality semi-improved grassland
- Coastal vegetated shingle
- Maritime cliff and slope
- Purple moor grass and rush pastures

2.3.4 *Protected Species*

The data search revealed one record of a protected species license being granted within a 2km radius of the site, the details are as follows:

- Bat: Common pipistrelle *Pipistrellus pipistrellus* and soprano pipistrelle *P. Pygmaeus* – 2017 – 1.75km NW.

3. Habitats

3.1 Methodology

A field survey was carried out on the 10th March 2022 by Katy Goddard of Phillips Ecology. During the survey, all broad habitat types were identified and a list was compiled of characteristic plant species within each habitat type. These habitats are described below in accordance with Phase 1 habitat terminology.

3.2 Limitations

The habitat survey was carried out during March which is outside the optimal period for recording vascular plant species. Whilst certain species would not have been evident if present, it was possible to identify vegetation to effectively classify habitat types in accordance with Phase 1 habitat terminology and no limitations were encountered.

3.3 Existing records

The data search revealed that priority habitats associated with the local landscape within 2km of the site comprise coastal saltmarsh, mudflats, saline lagoons, lowland heathland, deciduous woodland, coastal sand dunes, lowland dry acid grassland, coastal and floodplain grazing marsh, good quality semi-improved grassland, coastal vegetated shingle, maritime cliff and slope, and purple moor grass and rush pastures. Coastal salt marsh habitat is immediately adjacent to, and mudflats habitat is 5m from, the eastern boundary of the application site.

3.4 Results

The following Phase 1 habitat types were recorded within the application site.

3.4.1 Poor semi-improved grassland (J1.2)

An area of managed lawn mown to a short sward is present in the rear garden to the east of the house (Figure 1). The lawn is comprised of grasses interspersed with herbaceous species including clover *Trifolium spp.*, dandelion and hawksbeard *Crepis spp.* In addition, the coastal edge species sea sandwort *Honckenya peploides* is present.



Figure 1 – amenity grassland in the rear garden of the property

3.4.2 Introduced shrub (J1.4)

The garden supports introduced shrub species which are arranged in flower beds around the managed lawn (Figure 2). The species include blue echeveria *Echeveria secunda*, heather *Calluna vulgaris*, blackthorn *Prunus spinosa*, Australian laurel *Pittosporum tobira* and ornamental grasses that have been pruned to stumps.



Figure 2 – ornamental shrubs in the south-eastern corner of the site

3.4.3 Boundaries (J2)

The northern and southern boundaries of the site comprise a mix of fencing (J2.4), low brick walls (J2.5) and species poor defunct hedgerow (J2.2.2) with bay laurel *Laurus nobilis*, kermes oak *Quercus coccifera* and New Zealand broadleaf *Griselinia littoralis*. The eastern boundary is a low boundary formed of wooden sleepers, and a flood gate (Figure 3). Leading away from the flood gate is a ramp formed of sleepers. In addition, lengths of Wilson's honeysuckle *Lonicera nitida* border the decking areas.



Figure 3 – eastern boundary of the site

3.4.4 Buildings (J3.6)

The application site contains one built structure, the house. This is described further in section 5.

3.4.5 Other habitat (J5)

Hardstanding in the form of a gravel driveway and paved walkways are associated with the property (Figure 4). In addition, raised decking with brick steps leads away from the

eastern elevation of the house and a second decking area is present along the western elevation.



Figure 4 – decking, steps and paving leading away from the eastern elevation of the house

4. Protected and notable species assessment

The scope of works, data search and habitat assessment have informed the scope of the protected and notable species assessment. On this basis, the following protected and priority species have been considered further within this report:

- Bats
- Badgers
- Dormice
- Hedgehogs
- Reptiles
- Amphibians
- Breeding birds

The surveyed site has been assessed for its potential to support the above- named protected species based upon the criteria in Table 2.

Table 2 Protected species grading criteria

Grading criteria	Justification
<i>Negligible</i>	Site is entirely unsuitable for species. Presence of species highly unlikely.
<i>Low Potential</i>	Minimal suitable habitat present or, if present, highly degraded/fragmented. Minimal linkage to suitable habitat beyond site. Presence of species unlikely.
<i>Moderate</i>	Presence of some suitable habitat features for species. Surveyed site within/close to known range or known occurrence but factors such as isolation/fragmentation may reduce potential. Presence of species is more likely than not.
<i>High</i>	Presence of optimal habitat features for species. Surveyed site within known range/close to known occurrence. Excellent connectivity to optimal habitat. No justification for discounting presence of species.
<i>Confirmed presence</i>	Species confirmed on site through direct sighting, presence of field signs (e.g. scat, hair, prints, nest, eggs, habitation etc.) or through desk-based assessment.

5. Bats

5.1 Methodology

The survey did not depart from the Bat Conservation Trust's (BCT) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition) which states that "A preliminary roost inspection survey is a detailed inspection of the exterior and interior of a structure to look for features that bats could use for entry/exit and roosting and to search for signs of bats".

The external features of the built structure which will be modified by the proposed works in such a way that bats or their roosts could be impacted (directly or indirectly) if present, was systematically inspected in detail to compile information on potential and actual bat access points and roosting places such as lifted or broken tiles, loose brickwork and open eaves. This included a thorough search for evidence of bat activity such as bat droppings, urine splashes and fur staining.

5.2 Survey equipment

Survey equipment comprised:

- High-powered torch
- Ladders
- Camera
- Binoculars

5.3 Limitations

Limitations were not encountered during the course of the survey.

5.4 Assessment methodology

The suitability of the building for supporting bat roosts will be assessed against the guidelines within Table 3 which have been adapted from the BCT Good Practice Guidelines.

Table 3 Suitability assessment guidelines

Suitability	Description of Roosting Habitats
<i>Negligible</i>	Structure has no reasonable likelihood of supporting roosting bats i.e. no suitable roosting features present.
<i>Low</i>	A structure which could be used opportunistically by individual bats i.e. one or more potential roost sites which do not provide sufficient space, shelter, protection, appropriate conditions (e.g. temperature, light, humidity) and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats.
<i>Moderate</i>	A structure which could be used by bats but is not likely to support a roost of high conservation status (e.g. maternity roost). This structure would support features which exhibit suitable size, shelter, protection, conditions and surrounding habitat for roosting bats.

High

A structure which is obviously suitable for supporting larger numbers of bats, on a regular basis and for longer periods of time.

5.5 Results

5.5.1 Building description relevant to bats

The house comprises a modern cube-shaped structure (Figures 5 and 6). The main section comprises a single-storey structure with painted and rendered elevations. A first-floor cross section with timber cladding extends across the northern end of the house. The northern corners of the rendered section of the house comprise glass panelling. Plastic verge caps are present at the top edges of the timber clad elevations, while clay tiles cap the top of the rendered elevations. The eastern elevation of the first-floor cross section is recessed creating a sheltered balcony with glass panelling. The underside edge of the timber clad section is edged with plastic comb fillers. The house is set on a brick plinth with a basement level present, with external access from the northern elevation.

Internally, the house does not support a roof void.



Figure 5 – western elevation of the house



Figure 6 – eastern elevation of the house

An account of suitable access/egress features and recorded evidence of bat activity is given in table 4.

Table 4 – Recorded features and activity

	<i>Suitability</i>	<i>Evidence</i>
<i>Exterior</i>	The following suitable access/egress and roosting features were recorded externally during the survey: - Gaps where the timber cladding meets the glass panelling.	No evidence of activity was recorded externally during the survey. On closer inspection, the gaps were found to be shallow due to wooden boards inset behind the cladding.
<i>Interior</i>	N/A	N/A

5.5.2 *Site grounds description relevant to bats*

The site grounds comprise hard-standing, managed lawn, ornamental shrubs and defunct hedgerow. To the west, Eastoke is comprised of residential properties and their associated gardens, commercial development and services. Immediately to the east are intertidal habitats. These habitats superficially appear to provide limited foraging resources for bats. However, Phillips Ecology have previously carried out nocturnal surveys using thermal imagers and observed bats foraging over intertidal habitats during periods of the tidal cycle when these habitats are exposed. As such it is possible that bats could commute over the site, potentially from nearby dwellings or woodland habitats, where mature trees are present, to utilise this resource.

5.6 **Assessment**

When considered in view of the criteria set out in Table 3, the existing dwelling is considered to support negligible roost suitability - i.e. a structure which has no reasonable likelihood of supporting roosting bats. This assessment is based on the lack of features identified and evidence recorded during the survey.

In the context of the wider landscape, the habitats within the footprint of the proposal are considered unexceptional for foraging and commuting bats. They are, nevertheless, suitable for commuting and foraging bats and it is highly likely that bats will commute and forage through the site as a compartment of their wider foraging range.

6. Badgers

6.1 **Methodology**

The survey involved a detailed investigation of the site to identify evidence of badger residence, foraging or territorial activity. This includes badger setts, latrine sites, dung piles, well-used trails, prints and hairs. Particular emphasis was placed on locating badger setts, paths and signs of territorial activity such as dung piles and latrines.

6.2 **Limitations**

Limitations were not encountered during the course of the survey.

6.3 **Results**

No evidence of badger activity was recorded within the site during the survey.

6.4 **Assessment**

Badgers are considered to be absent from the site.

7. Dormice

7.1 Methodology

An assessment was made of the suitability of habitat on site to support hazel dormice. Key habitats are woodland, scrub and hedgerows, particularly where these offer dense vegetation within which to nest/hibernate and key resources such as hazel nuts, fruiting/nectar-rich plants (e.g. hawthorn, bramble) to provide a continuum of food resources throughout the active season and honeysuckle *Lonicera periclymenum* (for nesting material). Landscape-scale habitat linkages such as hedgerows are fundamental for dormouse presence where small scale or sub-optimal habitats are recorded within a site.

7.2 Limitations

Limitations were not encountered during the course of the survey.

7.3 Results

The site lacks suitable vegetation species to support dormice and is not well connected to optimal habitat.

7.4 Assessment

Overall, the site is considered to support negligible potential for dormice.

8. Hedgehogs

8.1 Methodology

The site was assessed for its suitability to support hedgehogs based on the presence of favoured habitats such as woodland edges, hedgerows, grassland and suburban habitats.

Hedgehogs are most abundant within gardens, parks and amenity land close to or within human settlements. They are generally scarce in areas of coniferous woodland, marshes and moorland, probably because of a lack of suitable sites and materials for the construction of winter nests (Morris, 2006). Any evidence of hedgehog activity such as prints or droppings was recorded.

8.2 Limitations

Low detections rates are associated with evidence of hedgehog activity; therefore, absence of evidence does not confirm the absence of hedgehogs. For this reason, the assessment of the likely presence/absence of hedgehogs has largely been informed by the species' local distribution and the habitats within the site and local area.

8.3 Results

The areas of ornamental planting within the site have the potential to support foraging hedgehog although no direct evidence was noted.

8.4 **Assessment**

There is considered to be moderate potential for hedgehog to occur on site.

9. Reptiles

9.1 **Methodology**

An assessment was made of the site's suitability to support reptile populations. Key habitat features include: tussocky/patchy grassland; scrub edge; linear watercourses; ponds; compost heaps; brash piles and rubble/soil heaps. Linkage to suitable habitat within the surrounding landscape will increase the potential for reptiles to occur, although populations can occur within isolated/fragmented habitats even within urban areas.

9.2 **Limitations**

Limitations were not encountered during the course of the survey.

9.3 **Results**

The managed lawn and hardstanding that dominate the site do not exhibit sufficient cover to support reptiles. In addition, the introduced scrubs are scattered and lack cover. The hedgerow provides sub-optimal shelter for the more widespread species of reptiles, such as slow worm.

9.4 **Assessment**

There is considered to be low potential for small numbers of reptiles to occur on site.

10. Great Crested Newts

10.1 **Methodology**

Great crested newts are only present in their breeding ponds during the spring and early summer – for the rest of the year, they will be dispersed across the surrounding area, generally in grassland, scrub, woodland and hedgerows, although they may be found in gardens and brownfield sites. They can travel some distance from their breeding ponds, and as a general rule, developments within 500m of such a pond may have the potential to have an impact on GCN, although to a certain extent, this does depend on any intervening habitat or barriers to dispersal.

An assessment was made of any waterbodies and terrestrial habitat within the site for their suitability to support populations of amphibians. Suitable waterbodies will generally be characterised by the presence of good quality water, diverse macrophyte cover and an absence of fish. For the European-protected great crested newt, each waterbody is normally assessed using the Habitat Suitability Index (HSI) system (Oldham et al., 2000) and assigned a grading score between zero (poor suitability) and 1 (excellent suitability).

10.2 Limitations

The HSI for great crested newts is a measure of habitat suitability. In general, ponds with high HSI scores are more likely to support great crested newts than those with low scores. However, in isolation, the system is not sufficiently precise to allow the conclusion that any particular pond with a high score will support newts, or that any pond with a low score will not do so (Oldham et al., 2000).

10.3 Results

The desktop survey has revealed that a single waterbody is located within 500m of the application site, within Sandy Point LNR. The majority of the site lacks suitable vegetation cover and the hedgerow provides sub-optimal cover for great crested newts.

10.4 Assessment

Given the absence of a network of waterbodies within 500m of the application site and the lack of suitable terrestrial habitat within the application site, there is considered to be negligible potential for great crested newt to occur on site.

11. Breeding Birds

11.1 Methodology

An assessment was made of the site's suitability to support breeding bird species. Nesting birds will utilise a broad range of habitats, including: built structures, trees, scrub, isolated shrubs, dense herbaceous vegetation (terrestrial and aquatic) and open grassland. All bird species and evidence of breeding activity (active or inactive) observed on site were recorded.

11.2 Limitations

Limitations were not encountered during the course of the survey.

11.3 Results

The hedgerow within the site is considered to support nesting opportunities for breeding birds.

11.4 Assessment

The site is considered to support moderate potential for breeding birds.

12. Discussion and Assessment of Impacts

12.1 Relevant legislation and policy

Circular 06/2005 identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development. The site is considered to support habitats with suitability and potential for protected species and these may be affected by the proposed development. Therefore, the proposal triggers 'reasonable likelihood' under the Circular.

The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations) may apply should protected species be confirmed on site.

In the case that a European protected species (bats in this case) is found to be present and impacted by the proposal, the local planning authority will be required to engage with the Habitat Regulations. Permission will be granted unless:

- a) the development is likely to result in a breach of the Habitats Regulations, and
- b) is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law (under licence).

When considering whether Natural England would not be unlikely to grant a licence for the identified impact, the local planning authority must consider the three tests which are set out in the Habitat Regulations:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

Natural England will grant a licence if the development proposal is able to meet the three tests.

Case-law (Morge vs. Hampshire County Council) has clarified that planning authorities are able to grant permission for developments that would cause a breach of the Regulations is likely (i.e. in the case of this proposal, destruction of a bat roost), provided that sufficient information is provided to give the planning authority assurance that the relevant EPSM licence is not unlikely to be granted - i.e. planning authorities also have a duty to assess planning applications against these tests.

12.2 Designated sites

The proposed development will not result in the direct loss of any of the identified designated sites.

The application site is immediately adjacent to the Chichester and Langstone Harbours Ramsar, Chichester Harbour SSSI, Chichester and Langstone Harbours SPA and Solent Maritime SAC. The application site itself does not have the potential to be functionally supporting habitat due to residential disturbance and the size of the lawned area, therefore no direct loss of any habitat that could be considered functionally linked supporting habitat for any designated site is anticipated.

However, qualifying bird species within the designated sites are susceptible to disturbance, resulting in avoidance behaviours such as flight which may in turn affect feeding behaviour and ultimately impact the birds' health and productivity. However, it is noted that the birds frequenting the habitats near to the survey area are generally accustomed to activity levels from the marina, sailing club and the residential areas. However, the level of activity from the construction phase of the development could be greater than what the birds are accustomed to.

Therefore, as there are no features that would screen construction activity from the designated sites, in the absence of mitigation measures, construction work between the 1st October and the 31st March has the potential to adversely affect qualifying birds utilising the designated sites.

Additionally, the Chichester and Langstone Harbours support a range of habitats and species that are vulnerable to impacts arising from development such as disturbance and pollution during the construction and operational phases of a development. As such, the proposals have the potential to impact the abovementioned designated sites if appropriate pollution prevention measures are not implemented during the construction phase of the development.

No further impacts on designated sites associated with the development of the site are anticipated.

12.3 Habitats

The main habitats which will be directly impacted are amenity grassland, introduced shrubs and hardstanding. As the vegetation to be removed is managed, easily replicable and of low botanical value, it is considered that there will be no impact to habitats of ecological importance such as priority habitats as a result of its loss.

12.4 Bats

On the basis that the existing dwelling supports negligible suitability for roosting bats, there is considered to be no reasonable likelihood that bats will be present and affected by the proposed works.

The application site is considered to support suitability for foraging bats and commuting bats leaving or returning to roost. Increasing lighting could impact foraging and commuting bats.

12.5 **Badgers**

Impacts on badgers are not anticipated given the absence of recorded activity on site.

12.6 **Hazel dormouse**

The proposal will not result in the loss of habitat which is considered to support suitability for dormice. Therefore, no impacts on dormice are anticipated.

12.7 **Hedgehog**

Impacts on hedgehogs may result from the removal of foraging or nesting habitat associated with the grassland and shrubs.

12.8 **Reptiles**

The development of the site will result in the loss of habitat which has potential to support low numbers of widespread reptiles. Therefore, the construction phase of any proposed development will have the potential to result in killing or injury of reptiles which would be an offence under the Wildlife and Countryside Act 1981 (as amended).

Therefore, there is considered to be potential for impacts upon these species.

12.9 **Great crested newts**

The proposed works will not result in the loss of habitat which is considered to support suitability for great crested newts. Therefore, no impacts on great crested newts are anticipated.

12.10 **Breeding birds**

The development of the site will likely result in the loss of suitable breeding bird habitat. The removal of this habitat has the potential to damage or destroy active bird nests if carried out during the breeding bird season which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. Development will also likely result in a net loss of bird nesting opportunities.

13. Requirement for further surveys

Further surveys are required where there is a reasonable likelihood that a protected species will be present and impacted by the proposed development. An assessment into the requirement for further surveys is presented below, however in summary, no further surveys are considered necessary.

13.1 Designated sites

Subject to the precautionary mitigation measures set out in Section 14, no further surveys are considered necessary.

13.2 Habitats

No further surveys are considered necessary.

13.3 Bats

Given that the house is considered to support negligible suitability for roosting bats, no further survey work in respect of bats is considered necessary.

The affected areas of habitat within the site are not of significant value as a foraging or commuting resource. Therefore, further survey effort is considered unnecessary for understanding impacts on foraging and commuting bats, subject to precautionary avoidance measures including a sensitive lighting scheme.

13.4 Badgers

As impacts on badgers are not anticipated, no further recommendations relating to badgers are considered necessary.

13.5 Hazel dormice

As impacts on dormice are not anticipated, no further recommendations relating to dormice are considered necessary.

13.6 Hedgehog

Subject to the precautionary mitigation measures set out in Section 14, no further surveys are considered necessary.

13.7 Reptiles

Subject to the precautionary mitigation measures set out in Section 14, no further surveys are considered necessary.

13.8 Great crested newts

As impacts on great crested newt are not anticipated, no further recommendations relating to great crested newts are considered necessary.

13.9 Breeding birds

Subject to the precautionary mitigation measures set out in Section 14, no further surveys are considered necessary.

14. Mitigation recommendations

14.1 Designated sites

Appropriate avoidance and mitigation measures will be required to ensure that the proposed construction works do not adversely impact the nearby designated sites and supporting habitat.

The following measures are proposed during the construction phase of the development:

- A suitable temporary visual screen will be installed along the eastern boundary of the site between 1st October and the 31st March. This could be hedges fencing with dust netting or fencing panels. This will ensure that construction works are screened.
- The key factor in safeguarding against water pollution during the construction phase will be the diligence of the site manager and operatives. Therefore, the site manager and all site operatives should be made aware of the presence of the Chichester and Langstone Harbours and Solent Maritime and should understand the requirement to ensure that construction works do not encroach into the designated sites.
- Any temporary site compound set out for the storage of equipment, materials or machinery and cutting or mixing materials associated with the construction works should be located as far from the designated sites as possible and not within 10m. All stockpiles of loose material should be covered to prevent run-off during periods of rain or wind dispersal of dust. Any temporary compound and all associated construction materials will be removed on completion of the works.
- If possible, store fuel and oils off site. If this is not possible then a proprietary bunded storage facility of the smallest practicable size located as far from the designated sites as possible and in all cases at least 10m.
- If possible, undertake refuelling off site. If this is not possible refuelling should take place as far from the designated sites as possible on an impermeable surface. In practice this is likely to comprise a hardstand portion of the driveway.
- A spill kit must be maintained on site.
- Any construction lighting must be directed away from the designated sites at all times.

14.2 Bats

In order to limit any effects on foraging and commuting bats, external lighting should be limited to only that which is absolutely necessary for safety purposes, both during the construction phase and once the proposals are complete. The following lighting measures are required:

- Lighting to the completed extension should be as low brightness as possible, kept at a low level and directed away from all structures, boundaries and the

designated sites. Lighting on sensors should not be so sensitive that foraging bats trigger them.

- All lighting must follow the Bat Conservation Trusts and Institute of Lighting Professionals guidance on bats and artificial lighting (BCT, 2018).

14.3 **Hedgehogs**

In order to avoid harm to hedgehogs during construction works the following precautionary measures will be employed:

- Any leaf litter or garden waste piles will be dismantled by hand in a sensitive and careful manner.
- No bonfires will be made or lit on site.

14.4 **Reptiles**

Care should be taken that the development does not disturb reptiles. Key habitat features for reptiles include brash piles and rubble/soil heaps. Linkage to suitable habitat within the surrounding landscape will increase the potential for reptiles to occur, although populations can occur within isolated/fragmented habitats even within urban areas. Should any reptiles be encountered, they should be allowed to move away of their own accord. All waste shall be placed directly into a skip so that rubble piles and therefore potential hibernation areas are not created in areas which will subsequently be disturbed by site works.

14.5 **Breeding birds**

Care should be taken that development does not disturb breeding birds. The bird nesting season is taken to be March to August, inclusive. Any removal of suitable nest habitat will either need to be undertaken outside of this period or else checked by an experienced ecologist to ensure that no nesting birds are present. If occupied nests are present then the nest must not be removed, and works around the nest can only recommence once the nest becomes unoccupied of its own accord.

15. Enhancements

The delivery of biodiversity enhancement on development sites is promoted by the National Planning Policy Framework (NPPF) and Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.

Where opportunities exist it is best practice to provide enhancement features which encourage greater biodiversity within development sites in accordance with the NPPF and Local Planning Authority's responsibilities under the NERC Act.

Opportunities for enhancement which are proportionate to the scale of the development include:

- The provision of new bat roosting opportunities in the form two bat boxes. These should be installed as high as possible, at least 3m above ground, in different locations of sheltered positions on the western and eastern elevations of the dwelling.
- The provision of additional bird nesting opportunities. These could be external boxes located on the walls of the proposed dwelling or within the garden. A total of two open fronted bird boxes would be appropriate.

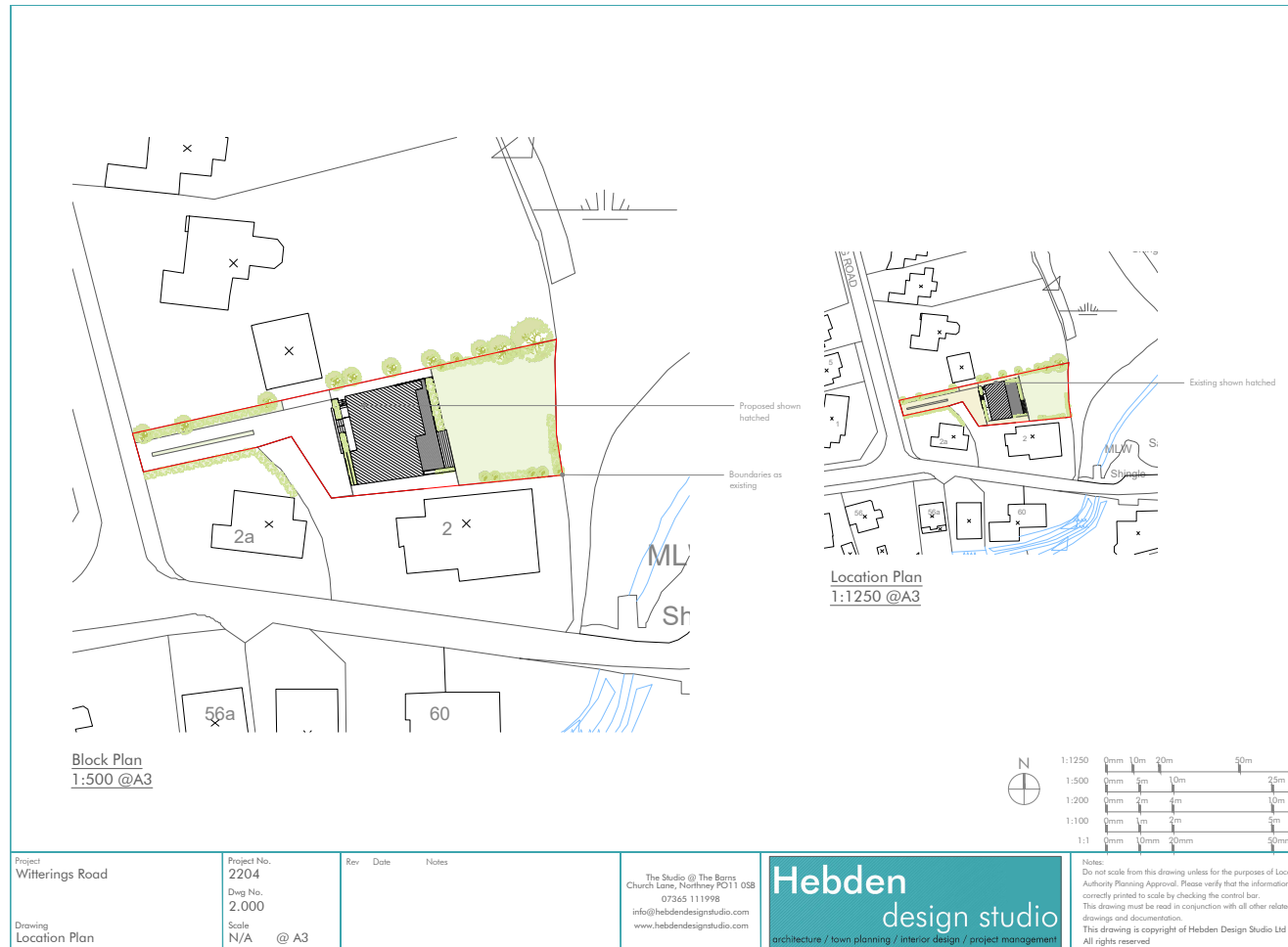
16. Conclusion

The extended phase 1 ecological assessment has confirmed that the site supports opportunities for a range of protected species including breeding birds and hedgehogs. However, given the scale of the proposal, it is possible to deliver a scheme with a range of measures which avoid impacts on a number of identified protected and priority species. These include sensitive lighting and timing of the works. No further survey work is considered necessary. Opportunities for ecological enhancement have been suggested for the site.

17. References

- **Altringham J D, 2003**, British Bats, Collins New Naturalist
- **Anon, 2001**, *Great Crested Newt Mitigation Guidelines*, English Nature, Peterborough.
- **Bat Conservation Trust, 2016**, BCT Bat Survey Guidelines Third edition
- **Bat Conservation Trust, 2018**, Guidance Note 08/18, Bats and artificial lighting in the UK, Bats and the Built Environment Series. BCT, London.
- **Chartered Institute of Ecology and Environmental Management (2017)** *Guidelines for Preliminary Ecological Appraisal*. CIEEM, Winchester
- **English Nature, 2002**, Barn owls on site – A guide for developers and planners
- **Gent T and Gibson S 1998** *Herpetofauna Workers Manual* JNCC
- **Joint Nature Conservation Committee. 1993.** *A Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*. Peterborough: Joint Nature Conservation Committee.
- **Mitchell Jones AJ, 2004**, *Bat Mitigation guidelines*, English Nature
- **Mitchell Jones AJ and McLeish A P, The Bat Workers Manual**, JNCC
- **Morris, P. A. (2006)** *The New Hedgehog Book*. London, Whittet Books.
- **Natural Environment and Rural Communities Act 2006**, Ch 3, s. 40
- **Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000).** *Evaluating the suitability of habitat for the Great Crested Newt (Triturus cristatus)*. Herpetological Journal 10 (4), 143 - 155.

Appendix 1 – Proposed Site Plan





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