

**MILL RYTHER HOLIDAY VILLAGE,
HAYLING ISLAND, HAMPSHIRE**

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: Avison Young

Report No: RT-MME-153231-01

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Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ
Tel: 01676 525880 Fax: 01676 521400
E-mail: admin@middlemarch-environmental.com Web: www.middlemarch-environmental.com

REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of practice for planning and development".

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	12/11/2020	Hannah Train GradCIEEM (Senior Ecological Consultant)	Tim Hextell MCIEEM (Principal Technical Ecological Consultant)	Tom Docker CEcol MCIEEM (Managing Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Avison Young to carry out a Preliminary Ecological Appraisal of the site of a proposed development at Mill Rythe Holiday Village in Hayling Island, Hampshire. To fulfil this brief an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.

Middlemarch Environmental Ltd previously completed a suite of ecological surveys and assessments at the site in 2016 and 2017 to inform a planning application associated with the refurbishment of the wider site. Permission for the development was granted by Havant Borough Council in May 2017 (Application Number: APP/16/01237), after which Middlemarch Environmental Ltd prepared a number of documents to discharge various planning conditions. It is now understood that a new planning application is to be submitted to seek to vary the development commenced under APP/16/01237. The proposal relates to three separate red-line areas within the site, although the amendments are submitted under one application and should be viewed as a variation of the existing permission. A suite of updated ecological survey and assessment work is required to support this new planning application.

The desk study exercise identified three European statutory sites within 5 km of the survey area (Solent Maritime Special Area of Conservation (SAC) and Chichester and Langstone Harbours Ramsar wetland and Special Protection Area (SPA)), four UK statutory sites within 2 km (all of which overlap with the SAC, Ramsar and SPA) and 15 non-statutory sites (in addition to numerous further Solent Wader and Brent Goose Strategy sites) within 2 km. The site is not located within 10 km of a statutory site designated for bats. The desk study also provided records of protected and notable species including bats, hedgehog, marine mammals, amphibians, reptiles, birds, invertebrates and plants.

The Phase 1 Habitat Survey was carried out on the 5th August 2020 by Tim Hextell, Principal Technical Ecological Consultant. The western half of the site is dominated by the existing Mill Rythe Holiday Village, encompassing a number of self-catering accommodation units and associated leisure facilities. The eastern half of the site is dominated by a former pitch and putt golf course, comprising a mosaic of grassland, scattered blocks of scrub and tall ruderal vegetation. In the north-east corner of the former pitch and putt course is a large triangular lake. Adjacent to the site lie coastal habitats which form part of Chichester and Langstone Harbour Ramsar wetland and SPA and the Solent Maritime SAC.

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made (refer to Chapter 7 for full details):

Management Plans

- Production of an **Ecological Mitigation Strategy (EMS)** to outline construction and operational phase avoidance, mitigation and compensation measures. *Middlemarch Environmental Ltd has been instructed to complete an EMS.*

Nature Conservation Sites

- **Solent Maritime SAC and Chichester and Langstone Harbours Ramsar and SPA (underpinned by Chichester Harbour SSSI and Langstone Harbour SSSI):** A Shadow Habitat Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment report should be prepared, to assess the likelihood of any impacts on Natura 2000 sites and outline mitigation measures. This report should be provided to Havant Borough Council to allow them to carry out an Appropriate Assessment in relation to the proposed development. *Middlemarch Environmental Ltd has been instructed to complete a Shadow Habitat Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment.*
- **Mill Rythe Holiday Village SINC and Mill Rythe Lane Saltmarsh SINC:** The EMS will further assess the likelihood of any impacts on these non-statutory sites and, where adverse impacts are anticipated, appropriate avoidance, mitigation and compensation measures will be identified. This document should be agreed with the Local Planning Authority ecologist prior to any works commencing.

Habitat Recommendations

- **Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including hedgerows, scattered trees and standing water.
- **Biodiversity Enhancement:** Biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity.

Baseline Ecological Surveys

- Middlemarch Environmental Ltd has completed the following surveys at the site in 2020: Reptile Survey (Report RT-MME-15331-02) and Bat Surveys (Report RT-MME-153320). Recommendations made in these survey reports should inform the measures detailed in the EMS.

Additional Recommendations

- **Sensitive Lighting:** In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species.
- **Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps.
- **Marine Mammals:** Pollution prevention measures will be outlined in the EMS, which, subject to implementation, will ensure that potential impacts on marine mammals are avoided.
- **Amphibians:** Sensitive vegetation clearance measures will be outlined in the EMS, informed by the results of the Reptile Survey. Subject to the implementation of these measures, potential impacts on amphibians will be avoided.
- **Nesting and Wintering Birds:** Works will need to be timed and controlled to avoid the most sensitive periods and locations for nesting and wintering birds. These measures should be incorporated into the EMS.

Invasive Plant Species

- Vigilance should be maintained and if any invasive plant species are identified, works should cease, and a suitably qualified ecologist should be contacted.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In August 2020 Avison Young commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Mill Rythe Holiday Village in Hayling Island, Hampshire.

Middlemarch Environmental Ltd previously completed the following assessments at the site in 2016 and 2017 to inform a planning application associated with the refurbishment of the wider site:

- Preliminary Ecological Appraisal (Report RT-MME-123420-01);
- Preliminary Roost Assessment (Report RT-MME-123420-02); and,
- Endoscope Bat Survey (Report RT-MME-124714-Rev A).

Due to the proximity of the site to Chichester and Langstone Harbours Ramsar wetland and Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Solent and Isle of Wight Lagoons SAC, and Portsmouth Harbour Ramsar wetland and SPA, Middlemarch Environmental Ltd also completed a Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-06-Rev C) in 2017.

Permission for the development was granted by Havant Borough Council in May 2017 (Application Number: APP/16/01237). Middlemarch Environmental Ltd subsequently prepared a Construction Ecological Management Plan (CEcMP, Report RT-MME-125561-01) and a Landscape and Ecological Management Plan (LEMP, Report RT-MME-125561-02 Rev B) in order to discharge two conditions of the planning permission.

It is now understood that a new planning application is to be submitted to seek to vary the development commenced under APP/16/01237, to allow for further redevelopment of the holiday site, including the demolition of redundant chalets, siting of new caravans and creation of a wildlife area within the former pitch and putt golf course located in the eastern part of the site. The proposal relates to three separate red-line areas within the site, although the amendments are submitted under one application and should be viewed as a variation of the existing permission. A suite of updated ecological survey and assessment work is required to support the planning application.

To assess the existing ecological interest of the site an updated ecological desk study was carried out, and a walkover survey was undertaken on 5th August 2020. In addition, Middlemarch Environmental Ltd has completed a Reptile Survey (Report RT-MME-153231-02) and Bat Surveys (Report RT-MME -153320) at the site in 2020.

Middlemarch Environmental Ltd has also been commissioned to prepare an Ecological Mitigation Strategy (Report RT-MME-153231-03) and an updated Shadow Habitat Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (Report RT-MME-153231-04), the latter of which is to be informed by Winter Bird Surveys.

1.2 SITE DESCRIPTION AND CONTEXT

The site comprises an irregular parcel of land approximately 13 ha in size, located on the eastern coast of Hayling Island, centred at National Grid Reference SU 7292 0061. The site effectively divides into two discrete areas. The western half of the site is dominated by the existing Mill Rythe Holiday Village, encompassing a number of self-catering accommodation units and associated leisure facilities. At the time of the survey, the site included approximately 50 buildings, tennis courts, structured play areas, bowling green, swimming pool, boating lake, car parking, access roads and associated hard and soft landscaping, the latter including extensive areas of formal mown grassland. The eastern half of the site is dominated by a former pitch and putt golf course of just over 2.5 ha in extent which is no longer in use and has developed a ranker sward with scattered blocks of scrub and tall ruderal vegetation. In the north-east corner of the former pitch and putt course is a large triangular lake.

Bordering the site to the north and east are a range of intertidal habitats separated from the surveyed areas by sea defences frequently occupied by dense scrub. To the south is Tournerbury Golf Course and to the

west are a series of medium-scale fields occupied by rough grazed pasture and arable crops delineated by well-timbered boundaries.

The site is adjacent to a number of statutory designated sites including Chichester and Langstone Harbours Ramsar wetland, Site of Special Scientific Interest and Special Protection Area and Solent Maritime Special Area of Conservation. These sites form large estuarine systems comprising habitats such as mud and sand flats and salt meadows.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
3877-410 Rev R / Proposed Site Plan	A&M Architectural Partnership LLP

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAGIC* website for statutory conservation sites; and,
- Hampshire Biodiversity Information Centre.

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations 2017)

The Habitats Regulations 2017 consolidate and update the Habitats Regulations 2010 (as amended). The Habitats Regulations 2017 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2017 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2017 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitats Regulations 2017, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In February 2019, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or

veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to incorporate biodiversity improvements in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

3.3 LOCAL PLANNING POLICY – HAVANT BOROUGH COUNCIL

The Core Strategy

The Havant Borough Core Strategy is the principal document in the council's Local Plan. It sets out the spatial planning strategy for the area up to 2026 and was adopted by Havant Borough Council on the 1st March 2011. The Core Policy of relevance to ecology is:

Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough

Planning permission will be granted for development that:

1. Ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community.
2. Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be

- achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.
3. Has particular regard to the following hierarchy of nature conservation designations within the borough:
 - (i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International].
 - (ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National].
 - (iii) Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].
 4. Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.
 5. Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation.
 6. Incorporates partnership working with conservation organisations to improve public understanding of biodiversity and to manage public access to designated sites, particularly on the coast, to reduce harm to nature conservation interests.
 7. Incorporates partnership working with landowners and developers to ensure land management practices restore, enhance and where appropriate create new valued landscapes, habitats and their soil structure, particularly the ancient woodland remnants of the Forest of Bere and coastal salt marsh.
 8. Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration.
 9. Maintains undeveloped gaps between the settlements of Emsworth/Havant; Havant/Waterlooville; Havant/Portsmouth; Emsworth/Westbourne and Leigh Park/Rowlands Castle as shown on the Proposals Map.
 10. Protects the best and most versatile agricultural land that has the greatest potential for local food security.
 11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

The Havant Borough Local Plan - Allocations

The Havant Borough Local Plan (Allocations), follows on from the Havant Borough Core Strategy and identifies sites for specific uses including, housing, employment, retail, recreation and green infrastructure up to 2026. The plan was adopted by the Council on the 23rd July 2014, and contains the following policies relevant to ecology:

Policy DM23 Sites for Brent Geese and Waders

Planning permission will be granted for developments that avoid important sites for Brent Geese and/or waders outside of the statutory designated areas.

Where this cannot be avoided, development proposals on or adjacent to an important Brent Goose and/or wader site outside of the statutory designated areas will need to demonstrate levels of impact, alone and in combination with other proposals subject to the tests of the Habitats Regulations. Where a negative impact upon a site cannot be avoided or satisfactorily mitigated, and the tests of the Habitats Regulations are met as necessary, replacement feeding/roosting habitat, on a no net loss basis, will be sought.

Where a negative impact upon an important site cannot be avoided or mitigated and replacement feeding/roosting habitat is not or cannot be provided on a no net loss basis, the proposal will be refused.

Planning permission will be granted for development on or adjacent to uncertain sites for Brent Geese and/or waders outside of the statutory designated areas, where appropriate surveys are undertaken and it is determined that the site has no importance.

Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in combination effect of net additional dwellings. This mitigation can be provided through:

- a) A financial contribution.

- b) A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations.
- c) A combination of measures in (a) and (b) above.

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.

The provisions of this policy do not exclude the possibility that some residential schemes, due to their size/and or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site specific avoidance or mitigation measures.

Local Plan 2036

The Borough Council is in the process of reviewing the current adopted Local Plan in order to extend the plan period to 2036 and to address the growth in the need for new housing.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out in August 2020 by Hampshire Biodiversity Information Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the site are summarised in Table 4.1.

Site Name	Designation	Proximity to Site	Description
European Statutory Sites			
Solent Maritime	SAC	Adjacent	This SAC encompasses a major estuarine system on the south coast of England with four coastal plain estuaries and four bar-built estuaries; it is the only site for smooth cord-grass <i>Spartina alterniflora</i> in the UK and contains the second largest aggregation of Atlantic salt meadows in the south and south-west England.
Chichester and Langstone Harbours	Ramsar and SPA	Adjacent	This Ramsar and SPA covers two large, estuarine basins containing extensive intertidal mudflats and sandflats with areas of seagrass beds, saltmarsh, shallow coastal waters, coastal lagoons, coastal grazing marsh and shingle ridges and islands. These habitats support internationally and nationally important numbers of overwintering and breeding bird species.
Solent and Dorset Coast	SPA	2.23 km south	The SPA regularly supports more than 1% of the Great Britain populations of three breeding tern species comprising sandwich tern <i>Sterna sandvicensis</i> , little tern <i>Sternula albifrons</i> and common tern <i>Sterna hirundo</i> .
UK Statutory Sites			
Chichester Harbour	SSSI	Adjacent	Chichester Harbour SSSI forms a component part of the Solent Maritime SAC and Chichester and Langstone Harbours Ramsar and SPA. The SSSI comprises a large estuarine basin in which at low water extensive mud and sandflats are exposed, drained by channels which unite to make a common exit to the sea. The site is of significance for wintering wildfowl and waders and also breeding. There are a wide range of habitats supporting important plant communities and notable invertebrates.
Gutner Point	LNR	225 m north	Gutner Point LNR falls within the Solent Maritime SAC and Chichester and Langstone Harbours Ramsar and SPA. The site comprises grassland, salt march and inter-tidal mud land extending into Chichester Harbour.
Hayling Billy	LNR	1.56 km west	This LNR falls within the Solent Maritime SAC and Chichester and Langstone Harbours Ramsar and SPA. It consists of an abandoned route of the Hayling Billy Train, home to a number of rare plants.
Langstone Harbour	SSSI	1.58 km west	This SSSI forms a component part of the Solent Maritime SAC and Chichester and Langstone Harbours Ramsar and SPA. The SSSI comprises a tidal basin which at high water resembles an almost landlocked lake. At low water extensive mud flats are exposed. The harbour includes one of the largest areas of mixed saltmarsh on the south coast, and extensive cord-grass <i>Spartina anglica</i> marsh in an advanced state of degeneration. The harbour is of international importance as a rich intertidal system supporting high densities of intertidal invertebrates and large populations of migrant and overwintering waders and wildfowl, dependent upon them and upon the extensive beds of eelgrass <i>Zostera</i> species. The <i>Zostera angustifolia</i> and <i>Z. noltii</i> beds are among the largest in Britain.

Table 4.1: Summary of Nature Conservation Sites (continues)

Site Name	Designation	Proximity to Site	Description
Non-statutory Sites			
Mill Rythe Holiday Village	SINC and SW&BGS	Overlaps with site	The site is designated for its semi-natural coastal or estuarine habitats and for supporting more than one notable species; including spiny retharrow <i>Ononis spinosa</i> . Secondary support area for Brent geese.
Mill Rythe Lane Saltmarsh	SINC and SW&BGS	220 m north-west	The site is designated for its semi-natural coastal or estuarine habitats. Core area for Brent geese.
Fields & Saltmarsh South of Copse Lane	SINC and SW&BGS	860 m north	The site is designated for its semi-natural coastal or estuarine habitats. Primary support area for Brent geese.
Gutner Lane Meadow	SINC and SW&BGS	910 m north	The site is designated for its semi-natural coastal or estuarine habitats and for supporting more than one notable species; including parsley water-dropwort <i>Oenanthe lachenalii</i> , Golden samphire <i>Inula crithmoides</i> , divided sedge, slender hare's-ear <i>Bupleurum tenuissimum</i> and sea wormwood. Comprises both core areas and low use areas for Brent geese.
North Copse, Havant	SINC	1.17 km north	Designated for its ancient semi-natural woodland habitat.
Mengham Salterns	SINC	1.36 km south	The site is designated for its semi-natural coastal or estuarine habitats and for supporting more than one notable species; including spiny retharrow and fennel leaved-pondweed <i>Potamogeton pectinatus</i>
Chichester Road Meadow	SINC and SW&BGS	1.52 km north	The site is designated for its agriculturally unimproved grasslands, semi-natural coastal or estuarine habitats and the notable species they support, which includes divided sedge and seaside brookweed <i>Samolus valerandi</i> . Primary support area for Brent geese.
Long Marsh	SINC and SW&BGS	1.62 km north-west	The site is designated for its semi-natural coastal or estuarine habitats and for supporting more than one notable species; including divided sedge <i>Carex divisa</i> , common glasswort <i>Salicornia europaea</i> and sea wormwood <i>Seriphidium maritimum</i> . Secondary support area for Brent geese.
Pill Box Field	SINC and SW&BGS	1.63 km north-west	Designated for its unimproved grassland community and for supporting more than one notable species including divided sedge. Primary support area for Brent geese.
Plot 6114 South of Knott's Marsh	SINC and SW&BGS	1.73 km north-west	Designated for its agriculturally unimproved grassland habitat. Primary support area for Brent geese.
Hayling Billy Line	SINC	1.79 km north-west	The site supports multiple notable species including divided sedge.
West Lane Field A	SINC and SW&BGS	1.8 km north-west	The site is designated for its semi-improved grassland which retain a significant element of unimproved grassland. Primary support area for Brent geese.
Selsmore Boating Lake	SINC	1.85 km south	The site is designated for its semi-natural coastal or estuarine habitats.
Beachlands East	SINC	1.98 m south	The site is designated for its semi-natural coastal or estuarine habitats and for supporting more than one notable species; including sand couch <i>Elytrigia juncea</i> , bur clover <i>Medicago polymorpha</i> , bulbous blue grass <i>Poa bulbosa</i> , suffocated clover <i>Trifolium suffocatum</i> and bur chervil <i>Anthriscus caucalis</i>
Plot 5835 South of Knott's Marsh	SINC and SW&BGS	1.98 km north-west	The site is designated for its agriculturally unimproved grasslands, semi-natural coastal or estuarine habitats and the notable species they support. Primary support area for Brent geese.
Key: SAC: Special Area of Conservation SPA: Special Protection Area SSSI: Site of Special Scientific Interest Ramsar: Site listed on The Convention on Wetlands of International Importance (Ramsar Convention) SINC: Site of Importance for Nature Conservation SW&BGS: Solent Wader and Brent Goose Strategy Site			

Table 4.1 (continued): Summary of Nature Conservation Sites

In addition to the designated sites listed in Table 4.1, there are over 50 further Solent Wader and Brent Goose Strategy sites within a 2 km radius of the site, including one 'Core Area' (H50C) adjacent to the site.

The survey area falls within SSSI Impact Risk Zones for Chichester Harbour SSSI and Langstone Harbour SSSI, sites which underpin the Solent Maritime SAC and Chichester and Langstone Harbours Ramsar and SPA (see Table 4.1).

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 2 km radius of the site. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Site	Species of Principal Importance?	Legislation / Conservation Status
Mammals – Bats					
Common pipistrelle <i>Pipistrellus pipistrellus</i>	101	2019	+Potentially on site	-	ECH 4, WCA 5, WCA 6
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	56	2019	+Potentially on site	✓	ECH 4, WCA 5, WCA 6
Serotine <i>Eptesicus serotinus</i>	16	2019	30 m south-west	-	ECH 4, WCA 5, WCA 6
Pipistrelle <i>Pipistrellus</i> sp.	21	2019	180 m west	#	ECH 4, WCA 5, WCA 6
Unidentified long-eared bat <i>Plecotus</i> sp.	6	2019	200 m south-west	#	ECH 4, WCA 5, WCA 6
Unidentified myotis <i>Myotis</i> sp.	15	2019	380 m west	-	ECH 4, WCA 5, WCA 6
Brown long-eared bat <i>Plecotus auritus</i>	3	2017	690 m west	✓	ECH 4, WCA 5, WCA 6
Nathusius' pipistrelle <i>Pipistrellus nathusii</i>	2	2019	860 m north	-	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera</i> sp.	5	2013	1 km north-west	#	#
Daubenton's bat <i>Myotis daubentonii</i>	3	2019	1 km south	-	ECH 4, WCA 5, WCA 6
Noctule <i>Nyctalus noctula</i>	3	2019	1.40 km north-west	✓	ECH 4, WCA 5, WCA 6
Leisler's bat <i>Nyctalus leisleri</i>	1	2015	1.55 km south	-	ECH 4, WCA 5, WCA 6
Brandt's bat <i>Myotis brandtii</i>	1	2002	1.80 km south	-	ECH 4, WCA 5, WCA 6
Barbastelle <i>Barbastella barbastellus</i>	1	2019	1.90 km north	✓	ECH 2, ECH 4, WCA 5, WCA 6
Bechstein's bat <i>Myotis bechsteinii</i>	1	2009	*Potentially within a 2 km radius	✓	ECH 2, ECH 4, WCA 5, WCA 6
Natterer's bat <i>Myotis nattereri</i>	1	2009	*Potentially within a 2 km radius	-	ECH 4, WCA 5, WCA 6
Mammals – Other					
Hedgehog <i>Erinaceus europaeus</i>	9	2019	880 m north-west	✓	WCA 6
Common seal <i>Phoca vitulina</i>	12	2016	1.15 km east	✓	ECH 2, ECH 5
Grey seal <i>Halichoerus grypus</i>	7	2019	1.15 km east	-	ECH 2, ECH 5
Bottle-nosed dolphin <i>Tursiops truncatus</i>	1	2007	1.4 km south-east	✓	ECH 2, ECH 4, WCA 5, WCA 6
Amphibians					
Common toad <i>Bufo bufo</i>	1	2015	410 m south	✓	WCA 5 S9(5)
Reptiles					
Slow worm <i>Anguis fragilis</i>	2	2015	410 m south	✓	WCA 5 S9(1) WCA 5 S9(5)

Table 4.2: Summary of Protected/Notable Species Records Within 2 km of Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Site	Species of Principal Importance?	Legislation / Conservation Status
Reptiles					
Grass snake <i>Natrix helvetica</i>	1	2015	410 m south	✓	WCA 5 S9(1) WCA 5 S9(5)
Common lizard <i>Zootoca vivipara</i>	1	2011	880 m north-west	✓	WCA 5 S9(1) WCA 5 S9(5)
Adder <i>Vipera berus</i>	1	2006	1.55 km north-west	✓	WCA 5 S9(1) WCA 5 S9(5)
Birds					
Hen harrier <i>Circus cyaneus</i>	9	2010	+Potentially on site	✓	WCA1i
Mediterranean gull <i>Larus melanocephalus</i>	97	2018	+Potentially on site	-	WCA1i
Merlin <i>Falco columbarius</i>	22	2018	180 m east	-	WCA1i
Red-backed shrike <i>Lanius collurio</i>	9	2015	180 m west	-	WCA1i
Whimbrel <i>Numenius phaeopus</i>	65	2018	320 m north	-	WCA1i
Black-tailed godwit <i>Limosa limosa</i>	45	2018	350 m south-east	✓	WCA1i
Greenshank <i>Tringa nebularia</i>	56	2018	350 m south-east	-	WCA1i
Kingfisher <i>Alcedo atthis</i>	38	2018	350 m south-east	-	WCA1i
Little tern <i>Sternula albifrons</i>	28	2017	350 m south-east	-	WCA1i
Slavonian grebe <i>Podiceps auritus</i>	43	2018	350 m south-east	-	WCA1i
Avocet <i>Recurvirostra avosetta</i>	17	2018	620 m north	-	WCA1i
Black-throated diver <i>Gavia arctica</i>	26	2018	620 m north	-	WCA1i
Great northern diver <i>Gavia immer</i>	46	2018	620 m north	-	WCA1i
Long tailed-duck <i>Clangula hyemalis</i>	30	2018	620 m north	-	WCA1i
Scaup <i>Aythya marila</i>	11	2017	720 m east	✓	WCA1i
Barn owl <i>Tyto alba</i>	16	2017	820 m north	-	WCA1i
Osprey <i>Pandion haliaetus</i>	52	2018	820 m north	-	WCA1i
Ruff <i>Calidris pugnax</i>	7	2015	950 m north	-	WCA1i
Firecrest <i>Regulus ignicapilla</i>	24	2018	1.45 km south-west	-	WCA1i
Bee-eater <i>Merops apiaster</i>	2	2008	1.52 km west	-	WCA1i
Cetti's warbler <i>Cettia cetti</i>	8	2018	1.58 km north-west	-	WCA1i
Black redstart <i>Phoenicurus ochuros</i>	38	2018	1.98 km south	-	WCA1i
Snow bunting <i>Plectrophenax nivalis</i>	10	2012	1.98 km south	-	WCA1i
Bearded tit <i>Panurus biarmicus</i>	1	2006	*Potentially within a 2 km radius	-	WCA1i
Bewick's swan <i>Cygnus columbianus</i>	3	2014	*Potentially within a 2 km radius	✓	WCA1i

Table 4.2 (continued): Summary of Protected/Notable Species Records Within 2 km of Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Site	Species of Principal Importance?	Legislation / Conservation Status
Black tern <i>Chlidonias niger</i>	21	2018	*Potentially within a 2 km radius	-	WCA1i
Black necked grebe <i>Podiceps nigricollis</i>	32	2018	*Potentially within a 2 km radius	-	WCA1i
Brambling <i>Fringilla montifringilla</i>	10	2017	*Potentially within a 2 km radius	-	WCA1i
Crossbill <i>Loxia curvirostra</i>	7	2015	*Potentially within a 2 km radius	-	WCA1i
Common scoter <i>Melanitta nigra</i>	34	2018	*Potentially within a 2 km radius	✓	WCA1i
Dartford warbler <i>Sylvia undata</i>	10	2018	*Potentially within a 2 km radius	-	WCA1i
Fieldfare <i>Turdus pilaris</i>	13	2018	*Potentially within a 2 km radius	-	WCA1i
Garganey <i>Anas querquedula</i>	3	2013	*Potentially within a 2 km radius	-	WCA1i
Golden Oriole <i>Oriolus oriolus</i>	3	2013	*Potentially within a 2 km radius	-	WCA1i
Goshawk <i>Accipiter gentilis</i>	1	2007	**potentially within a 2 km radius	-	WCA 1i
Green sandpiper <i>Tringa ochropus</i>	8	2018	*Potentially within a 2 km radius	-	WCA1i
Eurasian hobby <i>Falco subbuteo</i>	14	2018	**Potentially within a 2 km radius	-	WCA1i
Honey-buzzard <i>Pernis apivorus</i>	7	2013	**Potentially within a 2 km radius	-	WCA1i
Hoopoe <i>Upupa epops</i>	2	2016	*Potentially within a 2 km radius	✓	WCA1i
Indet. Diver <i>Gavia Sp.</i>	3	2017	*Potentially within a 2 km radius	-	WCA1i
Unidentified Harrier <i>Circus Sp.</i>	1	2005	*Potentially within a 2 km radius	-	WCA1i
Kentish Plover <i>Charadrius alexandrinus</i>	1	2009	*Potentially within a 2 km radius	-	WCA1i
Lapland Bunting <i>Calcarius lapponicus</i>	5	2011	*Potentially within a 2 km radius	-	WCA1i
Leach's Petrel <i>Oceanodroma leucorhoa</i>	4	2009	*Potentially within a 2 km radius	-	WCA1i
Little gull <i>Hydrocoloeus minutus</i>	20	2018	*Potentially within a 2 km radius	-	WCA1i
Little ringed plover <i>Charadrius dubius</i>	7	2018	**Potentially within a 2 km radius	-	WCA1i
Marsh harrier <i>Circus aeruginosus</i>	23	2018	*Potentially within a 2 km radius	-	WCA1i
Montagu's harrier <i>Circus pygargus</i>	2	2009	**Potentially within a 2 km radius	-	WCA1i
Peregrine <i>Falco peregrinus</i>	33	2018	**Potentially within a 2 km radius	-	WCA1i
Purple sandpiper <i>Calidris maritima</i>	8	2018	*Potentially within a 2 km radius	-	WCA1i
Red kite <i>Milvus milvus</i>	7	2014	*Potentially within a 2 km radius	-	WCA1i
Red-throated diver <i>Gavia stellata</i>	26	2018	*Potentially within a 2 km radius	-	WCA1i
Redwing <i>Turdus iliacus</i>	14	2018	*Potentially within a 2 km radius	-	WCA1i
Roseate tern <i>Sterna dougallii</i>	7	2018	**Potentially within a 2 km radius	✓	WCA 1i
Serín <i>Serinus serinus</i>	5	2017	*Potentially within a 2 km radius	✓	WCA1i

Table 4.2 (continued): Summary of Protected/Notable Species Records Within 2 km of Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Site	Species of Principal Importance?	Legislation / Conservation Status
Shore Lark <i>Eremophila alpestris</i>	7	2016	*Potentially within a 2 km radius	-	WCA1i
Spoonbill <i>Platalea leucorodia</i>	10	2018	*Potentially within a 2 km radius	-	WCA1i
Stone-curlew <i>Burhinus oedecnemus</i>	4	206	**potentially within a 2 km radius	✓	WCA1i
Velvet scoter <i>Melanitta fusca</i>	20	2018	*Potentially within a 2 km radius	✓	WCA1i
White-tailed eagle <i>Haliaeetus albicilla</i>	1	2010	*Potentially within a 2 km radius	-	WCA1i
Whooper swan <i>Cygnus cygnus</i>	1	2007	*Potentially within a 2 km radius	-	WCA1i
Wood sandpiper <i>Tringa glareola</i>	3	2018	*Potentially within a 2 km radius	-	WCA1i
Woodlark <i>Lullula arborea</i>	8	2018	*Potentially within a 2 km radius	✓	WCA1i
Wryneck <i>Jynx torquilla</i>	11	2018	*Potentially within a 2 km radius	-	WCA1i
Invertebrates					
Stag beetle <i>Lucanus cervus</i>	45	2019	230 m north	✓	ECH 2, WCA 5 S9(5)
Jersey tiger moth <i>Euplagia quadripunctaria</i>	1	2018	*Potentially within a 2 km radius	-	ECH 2
Plants					
Butcher's-broom <i>Ruscus aculeatus</i>	31	2017	480 m west	-	ECH 5
Sea knotgrass <i>Polygonum maritimum</i>	2	2000	*Potentially within a 2 km radius	-	WCA 8 S13(2):
Key: +: Grid reference provided was six figures and as such, the record may be located within 100 m of the study site. *: Grid reference provided was four figures only. **: Grid reference provided was two figures only. #: Dependent on species ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. ECH 5: Annex V of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. WCA 8 S13(2): Schedule 8 Section 13(2) of Wildlife and Countryside Act 1981 (as amended). Protection limited to selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead plant, or any part of, or anything derived from, such plant. Species of Principal Importance: Species of Principal Importance for Nature Conservation in England. Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).					

Table 4.2 (continued): Summary of Protected/Notable Species Records Within 2 km of Survey Area

Birds

In addition to the species listed in Table 4.2, the desk study provided numerous additional records of protected and notable bird species within a 2 km radius of the survey area comprising:

- Lesser redpoll *Acanthis cabaret*, skylark *Alauda arvensis*, white-fronted goose *Anser albifrons*, tree pipit *Anthus trivialis*, hawfinch *Coccothraustes coccothraustes*, cuckoo *Cuculus canorus*, corn bunting *Emberiza calandra*, yellowhammer *Emberiza citrinella*, herring gull *Larus argentatus*, linnet *Linaria cannabina*, twite *Linaria flavirostris*, grasshopper warbler *Locustella naevia*, yellow wagtail *Motacilla flava*, spotted flycatcher *Muscicapa striata*, house sparrow *Passer domesticus*, tree sparrow *Passer montanus*, arctic skua *Stercorarius parasiticus*, turtle dove *Streptopelia turtur*, starling *Sturnus vulgaris*, song thrush *Turdus philomelos*, ring ouzel *Turdus torquatus* and lapwing *Vanellus vanellus* (Species of Principal Importance and Red List bird species);
- Pochard *Aythya ferina*, ringed plover *Charadrius hiaticula*, pied flycatcher *Ficedula hypoleuca*, nightingale *Luscinia megarhynchos*, grey wagtail *Motacilla cinerea*, shag *Phalacrocorax aristotelis*, red-necked grebe *Podiceps grisegena*, kittiwake *Rissa tridactyla*, whinchat *Saxicola rubetra*, woodcock *Scolopax rusticola* and mistle thrush *Turdus viscivorus* (Red List bird species);
- Brent goose *Branta bernicla*, nightjar *Caprimulgus europaeus* and reed bunting *Emberiza schoeniclus* (Species of Principal Importance and RSPB Amber List bird species); and,
- 19 Amber List bird species including short-eared owl *Asio flammeus*, barnacle goose *Branta leucopsis*, snipe *Gallinago gallinago*, bar-tailed godwit *Limosa lapponica* and sandwich tern *Sterna sandvicensis*.

Plants

The desk study identified records of a further 84 species of notable plant within a 2 km radius of the site, of which seven are listed as Species of Principal Importance, including slender hare's-ear *Bupleurum tenuissimum*, divided sedge *Carex divisa* and sea barley *Hordeum marinum*. A further 23 species recorded are present on the IUCN red list listed as either vulnerable or endangered, including species such as strawberry clover *Trifolium fragiferum* and heath dog-violet *Viola canina*, both listed as vulnerable. Further notable plant species are listed as county scarce, such as spiny restharrow *Ononis spinosa*, or nationally scarce.

The desk study identified a further five species of notable lower plant species within a 2 km radius of the survey area, all of which are listed as 'county scarce'. This includes species such as Heim's pottia *Hennediella heimii* and yellow crisp-moss *Tortella flavovirens*.

Invertebrates

The desk study identified records of 39 invertebrate species within a 2 km radius of the survey area listed as Species of Principal Importance, including moth, butterfly and bee species. Examples of these species include the moss carder-bee *Bombus muscorum*, blood vein moth *Timandra comae* and small heath butterfly *Coenonympha pamphilus*. Another 12 species were identified that are listed on the IUCN red list including the bee wolf wasp *Philanthus triangulum* and Kent bent-wing moth *Phyllocnistis xenia*, both listed as vulnerable.

A further 101 records of invertebrate species listed as nationally scarce, rare or notable or county scarce or rare were provided. These included records of butterflies, bees, flies and beetles.

4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive species records within a 2 km radius of the site. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Site	Legislation / Conservation Status
Virginia creeper <i>Parthenocissus quinquefolia</i>	2	2013	520 m south	WCA 9
Three-cornered garlic <i>Allium triquetrum</i>	3	2017	780 m south-west	WCA 9
Japanese knotweed <i>Fallopia japonica</i>	10	2017	1.33 km south	WCA 9
Montbretia <i>Crocsmia x crocosmiiflora</i>	7	2017	1.65 km south-west	WCA 9
Japanese rose <i>Rosa rugosa</i>	1	2010	1.79 km west	WCA 9
Rhododendron <i>Rhododendron ponticum</i>	2	2017	*Potentially within a 2 km radius	WCA 9
Yellow archangel <i>Lamium galeobdolon</i> subsp. <i>argentatum</i>	1	2017	*Potentially within a 2 km radius	WCA 9
Key: WCA9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.				

Table 4.3: Summary of Invasive Species Records Within 2 km of Survey Area

Invasive species

The desk study also included records for a further 22 species of plant that have been identified as an invasive or non-native species (INNS) but are not listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This includes species such as Turkey oak *Quercus cerris* listed on the The Non-native Species Secretariat, Non-native Species Information Portal; and Stag's-horn sumach *Rhus typhina* Listed on the Plantlife list of INNS.

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C153231-01-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 5th August 2020 by Tim Hextell MCIEEM, Principal Technical Ecological Consultant. Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	25
Cloud (%)	0
Wind (Beaufort)	F2-3
Precipitation	Nil

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

No constraints were experienced during the survey.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity grassland;
- Boundaries;
- Built environment;
- Ditch;
- Introduced shrub;
- Scattered trees;
- Scrub;
- Standing water; and,
- Tall ruderal.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Amenity grassland

Areas of short mown amenity grassland were present throughout the site between the buildings and hardstanding. Species recorded included perennial rye grass *Lolium perenne*, meadow grass *Poa* sp., red fescue *Festuca rubra*, clovers *Trifolium* spp., autumn hawkbit *Leontodon autumnalis*, common mouse-ear *Cerastium fontanum*, buttercup *Ranunculus* sp., thistle *Cirsium* sp. and ribwort *Plantago lanceolata*.

The former pitch and putt golf course, when surveyed in 2016, comprised a very short and frequently mown sward. However, with it being no longer in use for golfing activities, the sward has become relatively ranker to 0.2 and 0.3 m in height. This area was dominated by grasses such as Yorkshire fog *Holcus lanatus*, red fescue, creeping bent *Agrostis stolonifera*, perennial rye grass and common forbs typified by common bird's-foot-trefoil *Lotus corniculatus*, creeping buttercup *Ranunculus repens*, clovers *Trifolium* spp., silverweed *Potentilla anserina* and creeping cinquefoil *Potentilla reptans*. The sward also possessed pockets of tall herb species such as common fleabane *Pulicaria dysentrica*, great willowherb *Epilobium hirsutum*, bristly oxtongue *Picris echioides* and thistles *Cirsium* spp. Some soft rush *Juncus effusus* was also noted.

In some areas where the sward had been closely cropped by rabbits *Oryctolagus cuniculus* species such as sea spurrey *Spergularia marina* and common cudweed *Filago vulgaris* were evident. In some areas, patches of often quite extensive bramble *Rubus fruticosus* agg. scrub was developing, with young trees and bushes

also starting to colonise the unmanaged area. Dense bramble scrub was most evident around the margins of the former pitch and putt course and was encroaching outwards into the grassy sward.

Boundaries

A number of boundary features were present around the site perimeter, as follows:

B1 – The northern boundary of the site was, in places, formed by a chain link fence covered with extensive growth of scrambling vegetation, primarily bramble. The north-eastern section of the site boundary, which abuts the former pitch and putt golf course, was formed by a wet ditch with adjacent dense bramble scrub, beyond which lies the sea defence embankment.

B2 – The eastern site boundary comprised a remnant chain link fence with concrete posts and occasional sections of hawthorn *Crataegus monogyna* dominated hedgerow.

B3 – The southern perimeter was formed by a 1.8 m high chain link fence supported by concrete posts. Along the inside of the fence was a tall hawthorn dominated hedgerow with frequent bramble.

B4 – The western site boundary was formed by a chain link fence supported by concrete posts and with extensive hawthorn/bramble scrub along, and over, the fencing.

Built environment

The western half of the surveyed area was dominated by a range of buildings and structures served by concrete and tarmacadamed service roads and pre-cast concrete flag footpaths. The buildings/structures ranged in size from small through to very large and were constructed from a variety of materials. Generally, buildings were in good condition, although some were rather weathered and beginning to degrade.

For full details of the buildings on site please refer to the Bat Surveys report (Report RT-MME-153320).

Ditch

Linked to the north-eastern waterbody in the corner of the former pitch and putt golf course was a broad ditch feature which continued along the majority of the northern boundary of the site. This feature was approximately 5 m in width and for the most part was occupied by dense bramble dominated scrub. A small section abutting the waterbody possessed a variable depth of open water, although this appeared to be badly silted and was colonising with sea club rush *Bolboschoenus maritimus*. The ditch was situated at the foot of an embankment forming the sea wall, occupied by a mixture of common coarse grass species and tall ruderal vegetation.

Introduced shrub

Scattered around the western section of the main holiday complex site were planted shrub beds containing a variety of ornamental species including cherry laurel *Prunus laurocerasus* and sumach *Rhus typhina*.

Scattered trees

Scattered trees were present within the western part of the holiday complex, occurring on the areas of mown amenity grassland and adjacent to the various buildings and structures. Species included aspen *Populus tremula*, Leyland cypress *Cupressus x leylandii*, cedar *Thuja* sp., Norway maple *Acer palanoides*, field maple *Acer campestre*, white poplar *Populus alba*, oak *Quercus* sp., pine *Pinus* sp., ash *Fraxinus excelsior*, cherry *Prunus* sp. and apple *Malus* sp. Trees ranged in age from semi-mature to mature and were largely in overall very good condition.

Young trees were also present on the former pitch and putt golf course in the eastern part of the site. Species recorded included goat willow *Salix caprea* and oak.

Scrub

A common habitat type within the surveyed area, though more evident in the eastern half of the survey area where extensive zones of dense and impenetrable bramble *Rubus fruticosus* agg. dominated woody vegetation delineated the margins of the former pitch and putt golf course. Additional woody vegetation recorded within the scrub areas included gorse *Ulex europaeus* and elder *Sambucus nigra*. Dense scrub also enclosed the lake in the north-eastern corner of the survey area and continued along, and adjacent to, the ditch and sea wall which formed the northern boundary of the study site.

Scattered patches of scrub were also beginning to colonise the central area of the former pitch and putt course with clumps of bramble and young hawthorn also beginning to become established along with dog rose *Rosa canina*.

Additional areas of dense scrub were recorded at the western end of the Mill Rythe Holiday complex adjacent to the Boating Lake and associated with the boundary fence and ditch in this area with bramble again being the dominant species with hawthorn, field maple, some poplars and frequent ivy also present.

Standing water

The survey area contains two large waterbodies.

In the north-west of the main holiday complex was a formal boating lake with concrete sides and base measuring approximately 75 m x 20 m. This feature possessed no aquatic vegetation and was largely surrounded by closely mown grassland.

In the north-east of the former pitch and putt course was a large triangular-shaped waterbody measuring just under 0.5 ha in extent. The banks were natural and near vertical being 0.5 m above water level and with dense stands of bramble dominated scrub encircling much of their circumference. Aquatic vegetation was limited to patches of sea club rush and reedmace *Typha latifolia*. In the north-western corner of this waterbody was a ditch feature which extended in a south-westerly direction. This ditch was largely choked with club rush and bramble and was heavily silted.

Tall ruderal

Stands of tall ruderal vegetation were present within the mosaic of grassland and scrub occupying the former pitch and putt course. Dominant species comprised great willowherb, thistles, common fleabane, common umbellifers, teasel *Dipsacus fullonum* and bristly oxtongue.

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds

The following bird species were observed on site during the field survey: blackbird *Turdus merula*, blue tit *Cyanistes caeruleus*, dunnoek *Prunella modularis*, greenfinch *Chloris chloris*, green woodpecker *Picus viridis*, house sparrow *Passer domesticus*, magpie *Pica pica*, mallard *Anas platyrhynchos*, robin *Erithacus rubecula*, starling *Sturnus vulgaris*, swallow *Hirundo rustica*, woodpigeon *Columba palumbus* and wren *Troglodytes troglodytes*.

Mammals

Widespread evidence of rabbit presence was noted, particularly at the eastern end of the site on the former pitch and putt golf course, where extensive burrow systems, abundant droppings and frequent closely cropped patches of turf were recorded.

5.5 INVASIVE PLANT SPECIES

No invasive species were identified on site during the survey.

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

The description of proposed development is as follows:

“Application for full planning permission, pursuant to APP/16/01237, for the redevelopment of the holiday site including the demolition of redundant chalets, use of land for the siting of 112 holiday caravans with areas of open recreational space, cease the use of the land for pitch and putt purposes and retain the remaining pitch and putt area as a managed wildlife area including the provision of an ecology bund & ditch, landscaping, the siting of three bird hides with bat roost in their roof spaces and a mown ‘circular wildlife walkway’.”

6.2 NATURE CONSERVATION SITES

The desk study exercise identified three European statutory sites within 5 km of the survey area and four UK statutory sites and 15 non-statutory sites (in addition to numerous further Solent Wader and Brent Goose Strategy sites) within 2 km. The significance of these sites to the proposed development is discussed below.

The site is not located within 10 km of a statutory site designated for bats.

European Statutory Sites

The Solent Maritime SAC and Chichester and Langstone Harbours Ramsar wetland and SPA are located adjacent to the site. The SAC is designated for its important estuarine habitats, whilst the Ramsar wetland and SPA (which cover a slightly different geographical area to the SAC) are designated for their populations of breeding and wintering birds.

Reference to Natural England’s Multi-Agency Geographic Information for the Countryside (MAGIC) website confirms that the application site lies within an Impact Risk Zone for these European sites. Of particular note is that for new residential developments (including holiday accommodation), financial contributions are required to mitigate for increased recreational disturbance of qualifying features. In addition, where developments result in increases in overnight accommodation, mitigation measures must be implemented to address increased nutrient deposition into European sites. Further detailed consideration of the potential impacts which may arise during the construction and operational phases of the proposed development and their likely effects upon the Solent Maritime SAC and Chichester and Langstone Harbours Ramsar wetland and SPA is therefore required, along with an assessment of appropriate mitigation, if significant effects are identified.

Middlemarch Environmental Ltd completed a Habitat Regulations Assessment: Stage 1 Screening Report (RT-MME-123420-06-Rev C) in 2017 and has been instructed to complete an updated Shadow Habitat Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (Report RT-MME-153231-04). A recommendation regarding this assessment has been made within Section 7.2.

UK Statutory Sites

Chichester Harbour SSSI (located adjacent to the site) and Langstone Harbour SSSI (located 1.58 km west of the site) underpin the Solent Maritime SAC and Chichester and Langstone Harbours Ramsar wetland and SPA designations. Gutner Point LNR (which falls within Solent Maritime SAC) lies 225 m north of the site. Measures to address potential impacts on European designated sites are discussed above and will ensure that impacts on their component SSSIs and other overlapping designated sites are avoided or minimised.

Non-Statutory Sites

Mill Rythe Holiday Village SINC forms the eastern part of the application site (largely occupied by the former pitch and putt golf course). This SINC supports spiny retharrow *Ononis spinosa* (a species that meets Section 6 of the SINC selection criteria) and is also a Secondary Support Area (Solent Wader and Brent Goose Strategy Site H43) for Brent geese. It is understood that the new accommodation units are proposed to be installed within the western portion of the former pitch and putt golf course, as this has been identified as a financially viable option which will secure the future of the site. This will, however, result in a reduction in the extent of both the SINC and the secondary support area for Brent geese.

A further three Solent Wader and Brent Goose Strategy Sites are located adjacent to the application site boundary: one Core Area (Site Code H50C), one Secondary Support Area (Site Code H40A) and one area overlapping with and Chichester and Langstone Harbours SPA (Site Code H40C). Mill Rythe Lane Saltmarsh SINC and Solent Wader and Brent Goose Strategy Site is located 220 m north-west. These nature conservation sites, along with the retained portion of Mill Rythe Holiday Village SINC, may be indirectly impacted as a result of the proposals, due to increases in pollution, dust and lighting, during both the construction and operational phases of the development and/or increased recreational pressure during the operational phase of the development. Potential impacts on Mill Rythe Holiday Village SINC and the Solent Wader and Brent Goose Strategy Sites overlapping with, and in close proximity to, the application site will be detailed in an Ecological Mitigation Strategy (EMS, Report RT-MME-153231-03) and appropriate avoidance, mitigation, compensation and enhancement measures identified. A recommendation regarding the development of the EMS is made in Section 7.1.

With the exception of a small number of additional Solent Wader and Brent Goose Strategy Sites, the remaining non-statutory sites identified in the desk study are located over 800 m from the site. Due to the nature of the development and the distance between the non-statutory conservation sites and the application site, it is unlikely that these sites will be directly or indirectly impacted by the proposed development.

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

Boundaries (hedgerows)

A hedgerow is defined as any boundary line of trees or shrubs measuring over 20 m in length and less than 5 m wide, and where any gaps between the trees or shrub species are less than 20 m wide (Bickmore, 2002). All hedgerows consisting predominantly (i.e. 80% or more cover) of at least one woody UK native species are listed as a Habitat of Principal Importance in England. The hedgerow located along the southern site boundary meets this criterion and is therefore a notable consideration in relation to the proposed works. Although further sections of hedgerow within the site do not meet the criteria to be classed as Habitats of Principal Importance in England, they contribute to the structural and species diversity and overall 'biodiversity value' of the site and have the potential to support a range of protected and notable species, as discussed in Section 6.4. The hedgerows should be retained and enhanced where possible, however, if loss of this habitat cannot be avoided then appropriate mitigation and compensation measures will need to be implemented. Recommendations regarding habitat retention and creation are provided in Section 7.3.

Scattered trees

The mature and semi-mature trees on site have intrinsic ecological value, with the potential to support a biodiverse assemblage of invertebrates and fungi which develops over time. Mature trees cannot easily be replaced in the short to medium term. It is anticipated that the majority of trees will be retained and incorporated into the landscaping scheme for the proposed development. Where loss of trees cannot be avoided, suitable replacement habitat should be provided. Recommendations regarding habitat retention and creation are provided in Section 7.3.

In the absence of mitigation, construction activities associated with the proposed development, such as ground works and use of operational machinery, could result in the physical damage or disturbance of retained trees, through compaction of soils and damage to the root stock. A recommendation regarding the protection of retained trees is provided in Section 7.3.

Standing water

'Ponds' are a Habitat of Principal Importance for Nature Conservation in England if they meet one or more of relevant criteria such as supporting particular protected or notable species. An initial site visit does not allow ponds to be assessed for these criteria and as such, there is potential for the ponds on site to qualify as

Habitats of Principal Importance in England. It is understood that the waterbodies on site are to be retained. However, there is the potential for these features to be impacted as a result of the development, through pollution from airborne particles and run-off. Opportunities exist to enhance the waterbodies as part of the scheme. A recommendation regarding the protection and enhancement of this habitat has been made in Section 7.3.

Amenity grassland, ditch, introduced shrub, scrub and tall ruderal

The amenity grassland, ditch, introduced shrub, scrub and tall ruderal are not a Habitats of Principal Importance and are well represented locally, have low-species diversity and/or could easily be replaced within the new development. However, in combination, these habitats contribute to the structural and species diversity and overall 'biodiversity value' of the site and have the potential to support a range of protected and notable species, as discussed in Section 6.4. Where loss of these habitats cannot be avoided, suitable replacement habitat should be provided. Recommendations regarding habitat retention and creation are provided in Section 7.3.

Built environment and boundaries (other)

The remaining habitats on site have negligible ecological value and are not a notable consideration with respect to the proposed development.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Boundaries (hedgerows)	✓ ¹	✓ ²	Habitat loss or fragmentation, root compaction.
Scattered trees	-	-	Habitat loss, damage to the canopy, root compaction.
Standing water	- ³	-	Pollution as a result of run-off.
Amenity grassland, ditch, introduced shrub, scrub and tall ruderal	-	-	Habitat loss, pollution as a result of run-off.
¹ Only one hedgerow on site meets the criteria to qualify as Habitat of Principal Importance in England. ² Hedgerows are listed as a 'Priority' habitat in the 'Havant Borough Biodiversity Strategy: January 2019' (Havant Borough Council, 2019) ³ Initial survey does not allow for full assessment of the potential for the waterbodies to qualify as Habitats of Principal Importance in England.			

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals

Bats

The desk study provided records of at least 12 species of bat within a 2 km radius of the site. The closest records were located potentially on site and were attributable to common pipistrelle and soprano pipistrelle. Some of the buildings and scattered trees on site are considered to possess features suitable for roosting bats. Building demolition or tree removal/management as part of the proposed works therefore has the potential to impact suitable roosting habitat for bats. Impacts include direct harm/injury, loss of suitable roosting habitat and disturbance through increases in lighting. Bats are, therefore, a notable consideration with regards to the proposed development. Middlemarch Environmental Ltd has completed Bat Surveys (Report RT-MME-153320) at the site in 2020. This report should be referred to for further details, with the recommendations made informing the EMS (Report RT-MME-153231-03).

The site supports also suitable habitat for foraging and commuting bats. Construction and operational phase lighting has the potential to lead to disturbance and fragmentation of suitable bat habitat. A recommendation regarding sensitive lighting is made in Section 7.4.

Terrestrial mammals (including badger and hedgehog)

No records of badger within a 2 km radius of the survey area were provided in the desk study. The habitats in the eastern portion of the site provide potential sett building, foraging and commuting habitat for badger. However, no signs of badger activity, such as setts, latrines or prints, were observed within the proposed works area or in the vicinity. It is possible that badgers may pass through the site on occasion.

The desk study provided nine records of hedgehog within a 2 km radius of the site. The site supports suitable foraging and refuge habitat for this species. There will be a small loss of suitable habitat for terrestrial mammals as a result of the proposed works, however further suitable habitat is extensive in the local area and no loss of favourable conservation status is predicted.

A precautionary recommendation for the protection of terrestrial mammals during the construction phase of the proposed development is made in Section 7.4.

Aquatic mammals (water vole and otter)

The desk study provided no records of water vole or otter within a 2 km radius of the site. The waterbodies on site were considered sub-optimal to support these species. The western lake had concrete sides with no opportunities for burrow creation. No evidence of either species was recorded during the field survey of the north-eastern lake. The ditches were either dry, densely vegetated, or contained very little water. The site is generally well used by the public throughout the year and subject to high levels of disturbance, further reducing the suitability of the site for use by water vole or otter. Aquatic mammals are therefore not deemed to be a notable in relation to the proposed development.

Marine mammals (common seal, grey seal and bottle-nosed dolphin)

The desk study provided 12 records of common seal, seven records of grey seal and one record of bottle-nosed dolphin within a 2 km radius of the site. Whilst habitats for these species will not be directly impacted as a result of the development, given the proximity of the site to suitable aquatic foraging and coastal habitat for marine mammals, consideration should be given to the potential for disturbance and pollution impacts as a result of the proposed works. Appropriate avoidance and mitigation measures to be implemented during the construction phase of the development should be outlined within the EMS (Report RT-MME-153231-03). A recommendation regarding this strategy is provided in Section 7.1.

Amphibians

The desk study provided a single record of common toad within a 2 km radius of the site. No records of great crested newt were provided in the desk study. There are two waterbodies within the surveyed area, both of which are lacking suitable aquatic vegetation for use by great crested newts for egg-laying. The waterbodies also support populations of fish and wildfowl, which further reduces their suitability for use by amphibians. These waterbodies will be retained as part of the proposals. As outlined in Section 6.3, opportunities exist to enhance these waterbodies as part of the scheme. A recommendation regarding the protection and enhancement of this habitat has been made in Section 7.3.

The majority of the main holiday complex is dominated by the built environment and managed amenity grassland, which is considered to be sub-optimal for amphibians during the terrestrial phase of their cycle. The former pitch and putt golf course which occupies the eastern portion of the site comprises a mosaic of grassland, scrub and tall ruderal vegetation, providing potentially suitable terrestrial habitat for amphibians. Some of this habitat will be removed to accommodate the works. However, providing reasonable avoidance measures are implemented, the risk of harm to individual amphibians can be reduced to negligible. These measures can be outlined in the EMS (Report RT-MME-153231-03). A recommendation regarding this strategy is provided in Section 7.1.

Reptiles

The desk study provided records of slow worm, grass snake, common lizard and adder within a 2 km radius of the site. The closest records were attributable to slow worm and grass snake, located 410 m south of the site. The most recent reptile records also related to these two species, dating from 2015. The mosaic of grassland, scrub and tall ruderal in the eastern part of the site provides reptiles opportunities for basking, refuge, foraging and hibernation. Some of this habitat will be cleared to accommodate the development. Potential impacts on reptiles include direct harm/injury and loss of suitable habitat. Reptiles are, therefore, a notable consideration with regards to the proposed development. Middlemarch Environmental Ltd has completed a Reptile Survey (Report RT-MME-153231-02) at the site in 2020. This report should be referred to for further details, with the recommendations made informing the EMS (Report RT-MME-153231-03).

Birds

The desk study provided numerous records of bird species listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), a large proportion of which can be attributed to the adjacent Chichester and Langstone Harbour Ramsar wetland and SPA. There is the potential for the works to cause disturbance to qualifying bird species of these European Statutory Sites. Middlemarch Environmental Ltd has been instructed to complete an updated Shadow Habitat Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (Report RT-MME-153231-04), which will be informed by Winter Bird Surveys. A recommendation regarding this assessment has been made within Section 7.2.

Numerous other notable Red and Amber listed bird species, and Species of Principal Importance, were identified within the desk study. The habitats within the site, including standing water, grassland, scrub, buildings, hedgerows and trees, have the potential to support nesting birds, including notable species. If the proposed works are to be undertaken during the nesting bird season then there is potential for direct impacts upon nesting birds and as such, a precautionary recommendation has been made in Section 7.4.

Invertebrates

Aquatic invertebrates

The desk study provided no records of notable aquatic invertebrates, such as white-clawed crayfish, within a 2 km radius of the site. The waterbodies on site are deemed unsuitable to support white-clawed crayfish: the western lake comprises concrete sides which offer no opportunities for burrow creation, whilst the eastern lake lacks areas of suitable substrate for foraging/refuge. The ditches were either dry, densely vegetated, or contained very little water at the time of the Phase 1 Habitat Survey. Aquatic invertebrates are therefore not deemed to be a notable consideration in relation to the proposed development.

Terrestrial invertebrates

The desk study provided 45 records of stag beetle, a Species of Principal Importance, the closest of which was located 230 m north of the site. The site lacks deadwood habitat favoured by stag beetle and it is therefore considered unlikely that this species will be directly impacted by the proposed development. The provision of deadwood within landscaped areas in the eastern part of the site will increase opportunities for stag beetles.

The desk study also provided a large number of records of other notable invertebrate species, including butterflies and moths listed as Species of Principal Importance, some of which could be present on or adjacent to the site. Although any invertebrates present within the site may be temporarily displaced during the proposed works, given that the presence of alternative habitat within the surrounding landscape, no long-term impacts on this species group is anticipated. A recommendation regarding habitat enhancement measures (including the provision of deadwood), which would increase the value of the site for invertebrates, is made in Section 7.3.

Notable plants

The desk study provided several records of notable plant species, including the 'County Scarce' spiny retharrow, which has been recorded within Mill Rythe Holiday Village SINC, which occupies the eastern half of the site. No species of particular note (including spiny retharrow) were recorded on site during the Phase 1 Habitat Survey, although this was a broad assessment and a detailed botanical assessment was not undertaken. Although some suitable habitat within the eastern part of the site which has the potential to support notable coastal plant species will be lost to accommodate the proposed development, the portion of the former pitch and putt golf course which will be retained is to be managed specifically for wildlife, including populations of notable plant species. Recommendations regarding habitat retention and enhancement are made in Section 7.3.

Other Species

The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings: dormouse *Muscardinus avellanarius*, brown hare *Lepus europaeus*, polecat *Mustela putorius*, pine marten *Martes martes* and red squirrel *Sciurus vulgaris*.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	#	Direct harm of injury, disturbance or destruction of roost. Temporary loss of foraging habitat, fragmentation, lighting.
Terrestrial mammals (badger and hedgehog)	#	Direct harm or injury.
Marine mammals (common and grey seals, bottle-nosed dolphin)	#	Pollution or disturbance of potential habitat.
Amphibians	#	Direct harm or injury, pollution of breeding habitat (pond).
Reptiles	✓	Direct harm or injury.
Birds	#	Direct harm or injury, disturbance or destruction of nest.
Invertebrates	#	Displacement from site.
Plants	#	Direct loss, long-term damage to supporting habitat.

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

The desk study returned local records of six plant species listed as invasive under Schedule 9 of the Wildlife and Countryside Act. None of these plants were recorded during the survey. However, given the importance of habitats on and adjacent to the site, a precautionary approach towards invasive species should be adopted. A recommendation is provided in Section 7.5.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals (as detailed on the 'Proposed Site Plan', Drawing 3877-410 Rev R), correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 MANAGEMENT PLANS/STRATEGIES

R1 Ecological Mitigation Strategy (EMS): Middlemarch Environmental Ltd has been instructed to prepare an EMS (Report RT-MME-153231-03). The EMS will detail control measures and mitigation proposals for both the construction and operational phases of development that will be implemented to ensure that the works proceed without breaching wildlife legislation, and that the favourable conservation status of ecological features will be maintained. The content of this document will be guided by wildlife legislation and relevant planning policy and biodiversity targets. This document should be agreed with the Local Planning Authority ecologist prior to any works commencing.

7.2 NATURE CONSERVATION SITES

The following recommendations are made regarding nature conservation sites:

- R2 Solent Maritime SAC and Chichester and Langstone Harbours Ramsar and SPA (underpinned by Chichester Harbour SSSI and Langstone Harbour SSSI):** Middlemarch Environmental Ltd has been instructed to prepare a Shadow Habitat Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (Report RT-MME-153231-03), to assess the likelihood of any impacts on Natura 2000 sites and outline mitigation measures. The report will be informed by Winter Bird Surveys and should be provided to Havant Borough Council to allow them to carry out an Appropriate Assessment in relation to the proposed development.
- R3 Mill Rythe Holiday Village SINC and Mill Rythe Lane Saltmarsh SINC:** The proposed works could potentially directly impact Mill Rythe Holiday Village SINC and indirectly impact Mill Rythe Lane Saltmarsh SINC. The EMS (see Section 7.1) will further assess the likelihood of any impacts on these non-statutory sites and, where adverse impacts are anticipated, appropriate avoidance, mitigation and compensation measures will be identified. This document should be agreed with the Local Planning Authority ecologist prior to any works commencing.

7.3 HABITATS

The following recommendations are made regarding the habitats present on site:

- R4 Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including hedgerows, scattered trees and standing water. Protection measures comprise:
- Trees/Hedgerows: Any trees/hedgerows on or overhanging the site, which are retained as a part of any proposed works should be protected in accordance with British Standard 5837:

2012 "Trees in relation to design, demolition and construction - recommendations".

Protection should be installed on site prior to the commencement of any works on site.

- Watercourses/Waterbodies: Environment Agency Pollution Prevention Guidelines should be adhered to throughout the works. Although formerly withdrawn in December 2015, the guidelines provide a framework for the design of working practices to avoid pollution and siltation. PPG5 (Environment Agency et al, 2007), relating to works and maintenance in or near water, is considered to be of relevance to the proposed project.

If retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy. Only native and/or wildlife attracting species should be planted.

- R5 Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. This will involve, for example:
- Planting of habitats which will be of value to wildlife, such as:
 - native seed/fruit bearing species to provide foraging habitat for mammals and birds;
 - nectar-rich species to attract bees, butterflies and moths;
 - wildflower grassland margins to provide larval food for caterpillars and to attract butterfly and moth species; and,
 - species which attract night flying insects which will be of value to foraging bats, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.
 - Inclusion of hedgehog passes under any fence lines to allow connectivity between the site and the wider area.
 - Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow, dense scrub for species such as song thrush, and bat boxes for species such as pipistrelle.
 - Creation of deadwood habitat for stag beetle and other invertebrate species.

7.4 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and local planning policy, the following recommendations are made:

- R6 Baseline Ecological Surveys:** Middlemarch Environmental Ltd has completed a Reptile Survey (Report RT-MME-153231-02) and Dusk Emergence and Dawn Re-Entry Bat Surveys (Report RT-MME -153320) at the site in 2020.

Conclusions and recommendations made in these survey reports should inform the measures detailed in the EMS (see Section 7.1).

- R7 Sensitive Lighting:** In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. Examples of good practice include:
- Avoiding the installation of new lighting in proximity to key ecological features, such as hedgerows and scattered trees.
 - Using modern LED fittings rather than metal halide or sodium fittings, as modern LEDs emit negligible UV radiation.
 - The use of directional lighting to reduce light spill, e.g. by installing bespoke fittings or using hoods or shields. For example, downlighting can be used to illuminate features such as footpaths whilst reducing the horizontal and vertical spill of light.
 - Implementing controls to ensure lighting is only active when needed, e.g. the use of timers or motion sensors.
 - Use of floor surface materials with low reflective quality. This will ensure that bats using the site and surrounding area are not affected by reflected illumination.

- R8 Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/ becoming trapped. Storage of materials on site should also be adequately secured and fenced off.

These measures will be included within the EMS (Section 7.1).

- R9 Marine Mammals:** Pollution prevention measures will be outlined in the EMS (see Section 7.1), which, subject to implementation, will ensure that potential impacts on marine mammals are avoided.

- R10 Amphibians:** Sensitive vegetation clearance measures will be informed by the results of the Reptile Survey (see Recommendation R6, Section 7.4) and outlined in the EMS (see Recommendation R1, Section 7.1). Subject to implementation of these measures, potential impacts on amphibians will be avoided.

- R11 Nesting and Wintering Birds:** Due to the proximity of works to Chichester and Langstone Harbour Ramsar wetland SPA, which supports bird populations of European importance during both the breeding season and over winter, it is likely that works will need to be timed and controlled to avoid the most sensitive periods and locations. Middlemarch Environmental Ltd has been instructed to prepare a Shadow Habitat Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (Report RT-MME-153231-03), informed by Winter Bird Surveys, to assess the likelihood of any impacts on Natura 2000 sites and outline mitigation measures (see Recommendation R2, Section 7.2).

Vegetation clearance and any building demolition/works should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to any works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged, and the nest abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.

In addition, construction works should also be avoided over winter. It is therefore recommended that works be completed at the end of the nesting season, but prior to the winter period, between September and October, under the supervision of an Ecological Clerk of Works.

Timing and control measures with respect to birds should be included within both the EMS (see Section 7.1) and the Shadow Habitat Regulations Assessment: Stage 1 Screening and Stage 2 Appropriate Assessment (see Section 7.2).

7.5 INVASIVE PLANT SPECIES

The following recommendation is made regarding invasive plant species:

- R12** Vigilance should be maintained throughout the course of site-based works. If any invasive plant species are identified, works should cease, and a suitably qualified ecologist should be contacted to determine how works should proceed.

8. DRAWINGS

Drawing C153231-01-01 – Phase 1 Habitat Map



C153231-01-01

Legend

Site boundary

Scattered scrub

Scattered tree

Target note

Species-poor intact hedgerow

A

Amenity grassland

Building

Dense scrub

Hardstanding

SI

Poor semi-improved grassland

Standing water

Tall ruderal

Project

Mill Rythe Holiday Village, Hayling Island

Drawing

Phase 1 Habitat Map

Client

Avison Young

Drawing Number

C153231-01-01

Revision

00

Scale @ A3

1:2000

Date

November 2020

Approved By

TH

Drawn By

GT

MIDDLEMARCH ENVIRONMENTAL

Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ
T:01676 525880 F:01676 521400
E:admin@middlemarch-environmental.com

This drawing is based on site survey
"3189-200-201-202-203-204 Site Survey.dwg", supplied by the client.

Mill Rythe Holiday Village – Target Notes

1. Lake in north-eastern corner of survey area with areas of club-rush and reedmace around its margins. Common waterfowl species present and evidence of fishing activity around its margins e.g. worn areas and fire hearths. Patches of often dense bramble along the banks too, most notably along the eastern edge. This lake is reported to contain good populations of fish.
2. To the east of the lake was a broad swathe of dense bramble interspersed with areas of tall ruderal vegetation and patches of short, rabbit-grazed turf. Some rabbit warrens in amongst vegetation and scattered brash/log piles. Valuable habitat mosaic potentially offering reptile habitat and nesting locations for a variety of bird species.
3. Broad and well-worn access track along eastern edge of survey area. Either side of track were margins of tall ruderals grading into dense bramble dominated scrub. Bank feature on eastern edge of track also present and in places remnant hawthorn dominated hedgerow with old chain link fence.
4. Former pitch and putt golf course. This area has not been in use for several years and is beginning to establish a rank sward dominated by Yorkshire fog with creeping bent, fescue and perennial rye grass still evident. Liberally scattered across this area were patches of thistles, fleabane, great willowherb and bristly oxtongue. Also scattered across the grassland were patches of both scattered and dense scrub with bramble the most obvious species but also including scattered young hawthorn. Though the sward was generally rather long, to 0.3 m in height, occasional patches of short turf were present which had been grazed by rabbits.
5. Northern side of the former pitch and putt golf course, and extending westwards to form the survey area boundary with adjacent banked seawall area, was a broad ditch feature, damp in places but generally occupied by dense bramble scrub with some gorse and elder. The bank of the seawall was largely occupied by common coarse grasses and tall ruderals with frequent umbellifers noted.
6. Area of concrete pads surrounded by closely mown grassland.
7. Grove of young trees/bushes with hawthorn and ash noted.
8. The bulk of the survey area was occupied by the formal part of the Mill Rythe Holiday Complex encompassing a wide variety of buildings/structures with hard surfacing, outdoor sports facilities and extensive areas of close mown amenity grassland, formal landscaped shrub areas and scattered trees, the latter in excellent condition. This area was generally considered to be of low/negligible ecological value.
9. Concrete boating lake surrounded by a fringe of less intensively managed grassland, though rather species-poor.
10. Block of bramble dominated scrub along edge of western site boundary with field maple, ivy, poplars.
11. Southern boundary of survey area was formed by a 3 m tall hawthorn dominated hedgerow with concrete post and chain link fence also present. Along the inside of the hedge, on the holiday camp side, was an access track. The boundary hedgerow is considered to provide a potentially important wildlife corridor.

9. PHOTOGRAPHS



Plate 9.1: Caravan pitches at eastern extent of main holiday site



Plate 9.2: Former pitch and putt golf course



Plate 9.3: Large waterbody in north-eastern corner of site



Plate 9.4: Example of chalets, amenity grassland and scattered trees



Plate 9.5: Formal Boating Lake in north-western corner of survey area



Plate 9.6: Areas of managed amenity grassland within main holiday village complex

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Joint Nature Conservation Committee (2012). *UK Post-2010 Biodiversity Framework*. Available: http://jncc.defra.gov.uk/pdf/UK_Post2010_Bio-Fwork.pdf

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

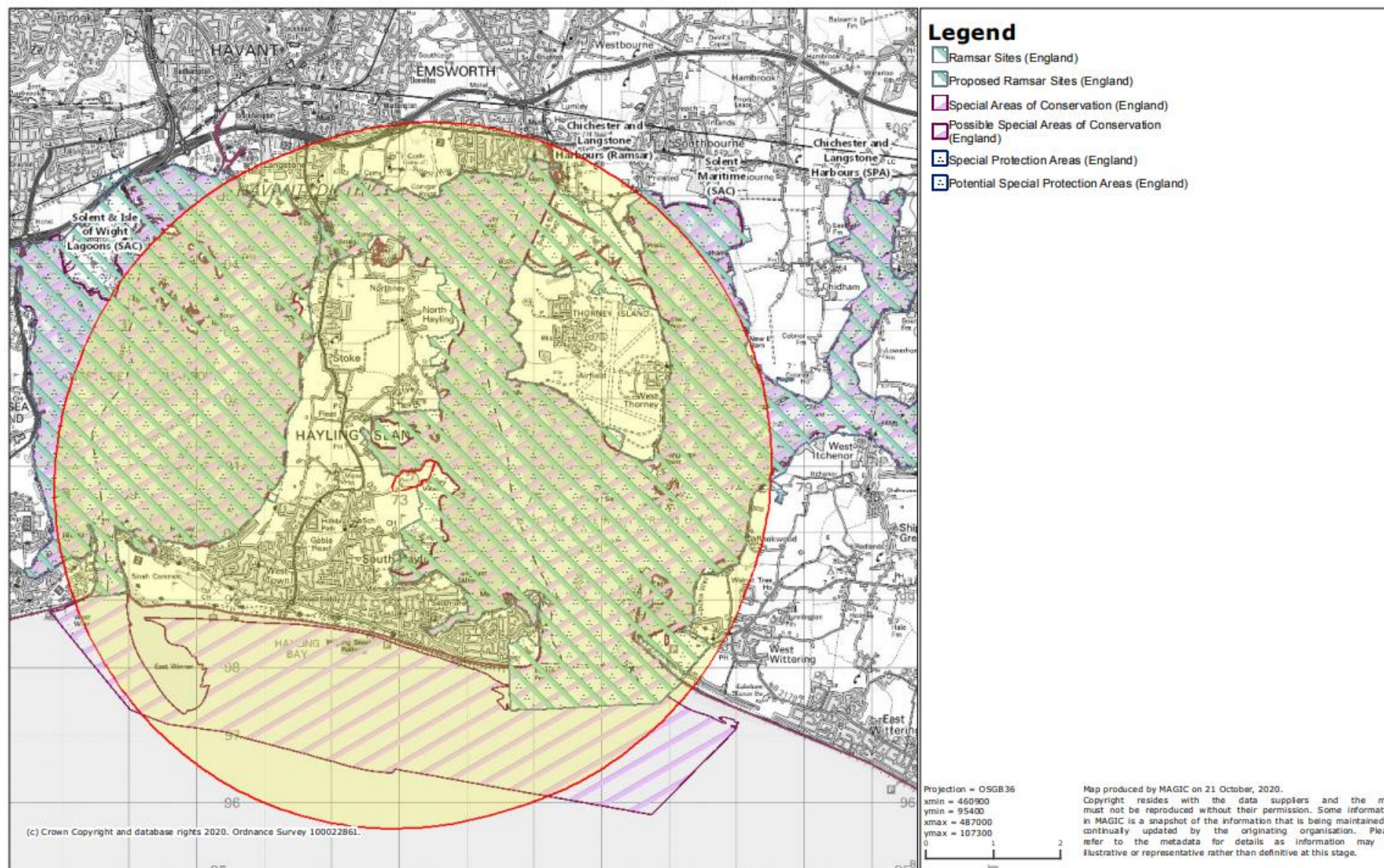
APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

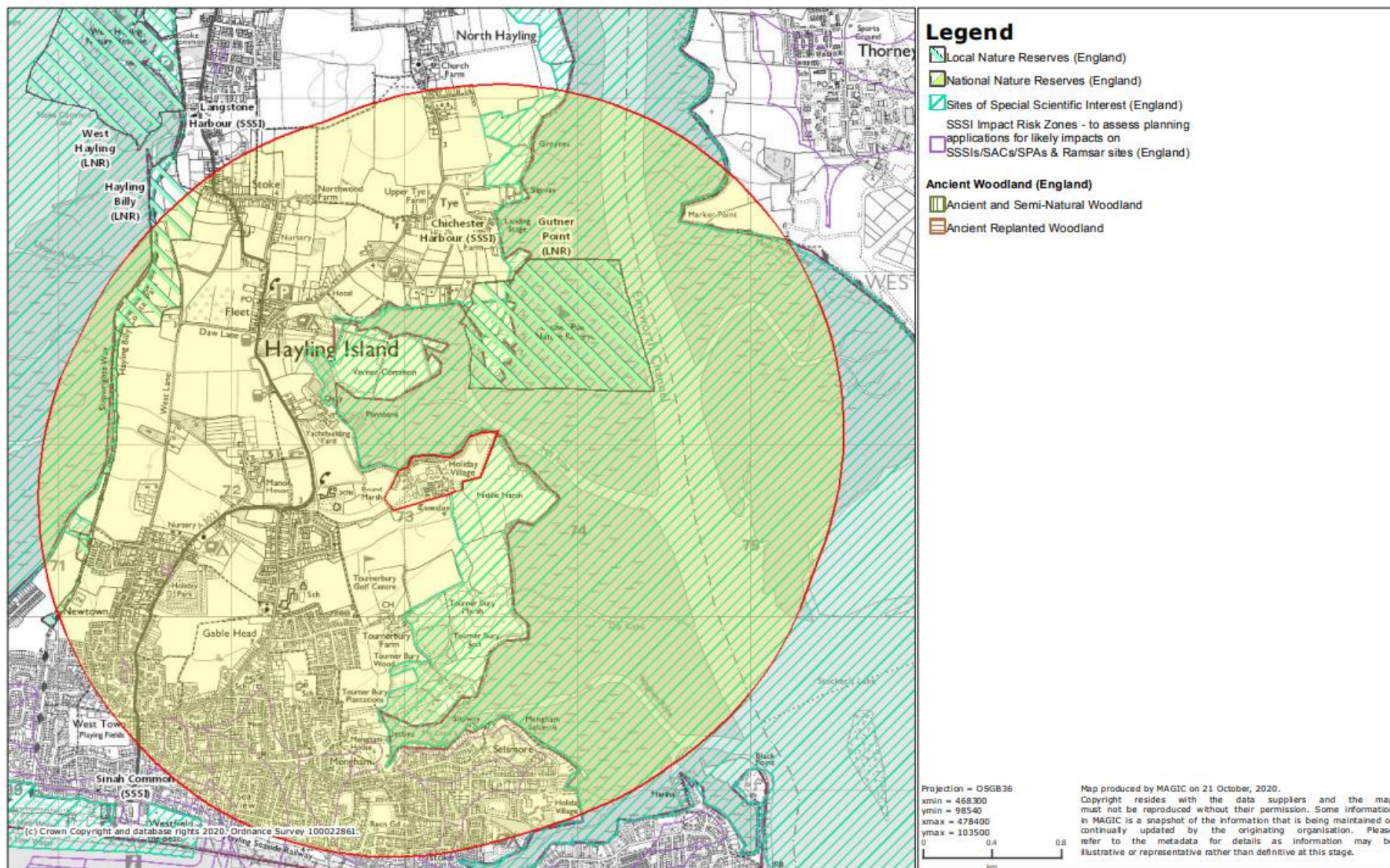
MAGiC

EU Statutory Sites within a 5 Km Radius



MAGiC

UK Statutory Sites within a 2 Km Radius



Site Check Results

Ramsar Sites (England)

Name

CHICHESTER AND LANGSTONE HARBOURS

Reference

UK11013

Hectares

5812.9

Special Areas of Conservation (England)

Name

SOLENT MARITIME

Reference

UK0030059

Hectares

11240.83

Hyperlink

<http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?eucode=UK0030059>

Special Protection Areas (England)

Name

CHICHESTER AND LANGSTONE HARBOURS

Reference

UK9011011

Hectares

5812.9

Proposed Ramsar Sites (England)

No Features found

Possible Special Areas of Conservation (England)

No Features found

Potential Special Protection Areas (England)

No Features found

Sites of Special Scientific Interest (England)

Name

Langstone Harbour SSSI

Reference

1000643

Natural England Contact

KENNETH JOHNSTONE

Natural England Phone Number

0845 600 3078

Hectares

2085.35

Citation

1001182

Hyperlink

<http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1001182>

Name

Chichester Harbour SSSI

Reference

1000116

Natural England Contact

JO BROOKSBANK

Natural England Phone Number

0845 600 3078

Hectares

3733.53

Citation

1003245

Hyperlink

<http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1003245>

SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications

ALL PLANNING APPLICATIONS - EXCEPT HOUSEHOLDER APPLICATIONS.

Notes 1

For new residential development in this area financial contributions are required to mitigate increased recreational disturbance on coastal SPAs and Ramsar Sites. Check with Local Planning Authority.

Notes 2

SOLENT NUTRIENT IMPACT AREA. For new development with overnight accommodation Reg 63 of the Conservation of Habitats and Species Regulations 2017 must be applied. LPA to refer to Natural England's Solent Nutrient Neutrality Advice Note June 2019.

National Nature Reserves (England)

No Features found

Local Nature Reserves (England)

Reference

1481385

Name

HAYLING BILLY

Hectares

42.02

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1481385>

Reference

1009642

Name

GUTNER POINT

Hectares

68.99

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009642>

Reference

1481385

Name

HAYLING BILLY

Hectares

42.02

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1481385>

Reference

1009642

Name

GUTNER POINT

Hectares

68.99

Hyperlink

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1009642>

Ancient Woodland (England)

No Features found

APPENDIX 2

Overview of Relevant Species Specific Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

Bat species included on the Hampshire Local Biodiversity Action Plan (LBAP) include barbastelle, serotine, Bechstein's bat, common pipistrelle and greater horseshoe bat.

The reader should refer to the original legislation for the definitive interpretation.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- '*Any structure or place that displays signs indicating current use by a badger*'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

Birds

The Conservation of Habitats and Species Regulations 2017 places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) – benefit from the greatest protection.

Common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing or injuring.

Sand lizard and smooth snake are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) which together make it illegal to kill, injure, capture, handle or disturb these animals. Places they use for breeding, resting, shelter and protection are protected from being damaged or destroyed. It is also illegal to obstruct these animals from using such areas.

All native reptile species are listed as Species of Principal Importance on the UK Post-2010 Biodiversity Framework (2012), and as such are material considerations in the planning process.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

The reader should refer to the original legislation for the definitive interpretation.