



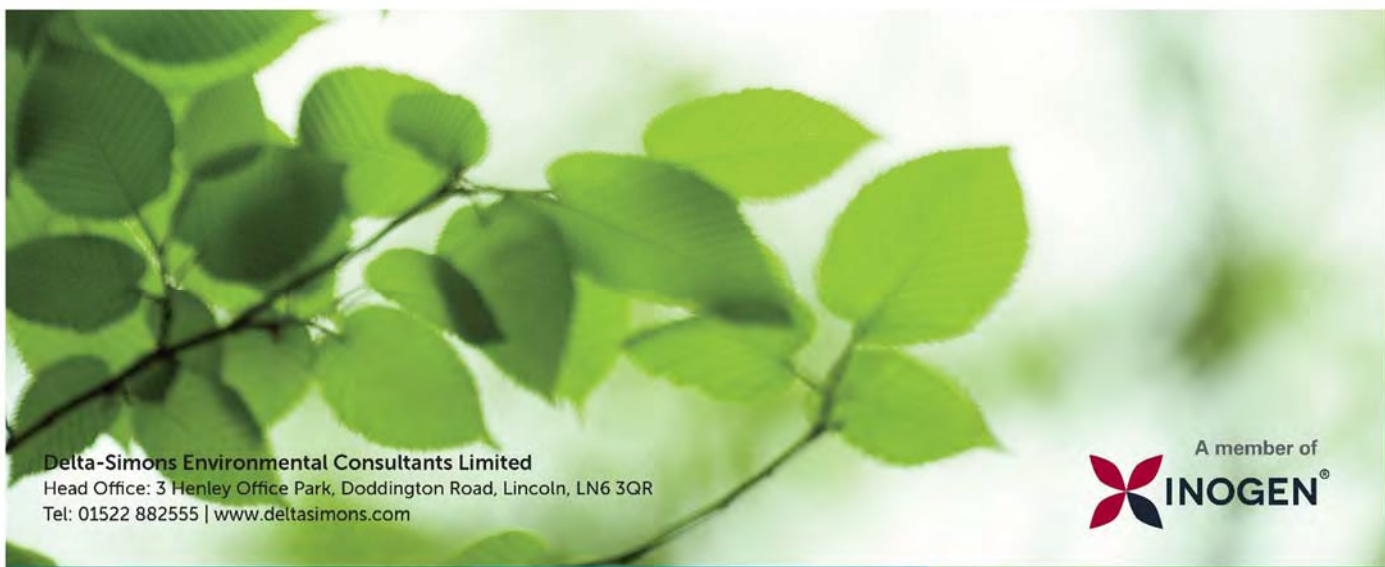
Preliminary Ecological Appraisal and Dormouse Survey

Stanton's Yard, Havant

Presented to **Tiger Developments**

Issued: February 2019

Delta-Simons Project No. 18-0609.03



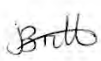
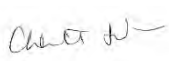
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Report Details

Client	Tiger Developments
Report Title	Preliminary Ecological Appraisal and Dormouse Survey
Site Address	Stanton's Yard, Larchwood Avenue, Havant PO9 3QL
Project No.	18-0609.03
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Quality Assurance

Issue No.	Status	Issue Date	Comments	Author	Technical Review	Authorised
2	Final	18 th February 2019		 		
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Executive Summary

Scope of Works	Delta-Simons Environmental Consultants Ltd was instructed by Legge Consulting on behalf of Tiger Developments ('the Client') to undertake a Preliminary Ecological Appraisal (PEA) and dormouse survey of an area of land situated to the west of Larchwood Avenue in Havant, Hampshire (the 'Site'). The PEA comprised a Phase 1 Habitat Survey and protected species assessment, which was completed on 1 st June 2018. A dormouse survey was undertaken on a monthly basis from August 2018 to November 2018, inclusive. It is understood the surveys have been undertaken to inform the Client of any constraints with regards to the redevelopment of the Site and to inform a planning application for the construction of a hotel.
Current Site Status	The Site comprises concrete hardstanding with colonising grassland and tall ruderal vegetation, surrounded by broadleaved woodland.
Proposed Development	It is understood that the Site is to undergo redevelopment for hotel use. It is proposed that the south-western corner of the Site will comprise a hotel, with associated parking extending across the remaining extent of the Site. Vehicles will access the Site from Larchwood Avenue to the east. The majority of trees around the boundaries of the Site are to be retained as part of landscape proposals.
Results: Habitats on-Site	The following habitats are found on the Site: ▲ Semi-natural broadleaved woodland; ▲ Scattered broadleaved trees; ▲ Tall ruderals; ▲ Wall; ▲ Fence; and ▲ Hardstanding.
Habitats adjoining the Site	The Site is situated on the north-western edge of Havant. Retail and commercial units occupy the land immediately to the north, east, and south of the Site, with residential properties beyond to the east. Broadleaved woodland extends to the west of the Site, with connectivity to areas of ancient woodland further to the south and west. Further ancient woodland lies to the west beyond the A3 motorway. A radio mast and metal substation lie adjacent to the south-eastern corner of the Site.
Potential for Protected/ Notable Species	The broadleaved woodland and scattered trees on Site offer suitable habitats for nesting birds. There were no trees or buildings on Site assessed to offer any potential to roosting bats, and whilst the woodland edges provide foraging opportunities, this is limited by the size of the Site and immediate surrounding habitats. The data search highlighted several records of hazel dormouse in the local area, and several of the Sites of Importance for Nature Conservation (SINCs) within 2 km hold records of this species. Due to the composition of woodland species on Site and its connectivity to wider areas of ancient woodland, further surveys for dormouse were undertaken. Whilst this species was recorded to be absent from the Site, as it is known to occur within the local area there is the potential for individuals to venture onto Site during the proposed works.
Requirement for Further Surveys	Given the anticipated impacts of the redevelopment, it is considered that the potential presence of the protected and notable species identified can be mitigated for through

	the implementation of appropriate precautionary working measures and timing of works, such there no requirements for further surveys at this time.
Construction and Operational Phase Recommendations and Enhancement Measures	The detailed recommendations set out within the Report are summarised below: <u>Species Protection</u> <u>Nesting Birds</u> ▲ Where possible, areas of broadleaved woodland along the Site boundaries should be retained within the development proposals; ▲ Where this is not possible, clearance works of potential bird nesting habitat should be performed either before early March or after late August in order to avoid the main bird nesting season. Conflict with the development can be avoided by clearing the Site of any suitable nesting habitat outside of the breeding period in advance of any proposed works; and ▲ If, however, Site clearance works are deemed necessary during the nesting period an experienced ecologist will be required to check the Site habitats immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed works. <u>Bats</u> ▲ The detailed lighting design on Site should be functional and directional and in line with current guidance. <u>Dormice</u> ▲ A precautionary method statement should be prepared and followed during the proposed clearance of identified vegetation to ensure that dormice are not disturbed or harmed during the works. This will include a tool box talk and a pre-commencement fingertip search of all suitable vegetation to be cleared by a suitable qualified ecologist; and ▲ Clearance activities must be undertaken during the active period for this species (March – October, inclusive, depending on weather conditions). Site Protection Any retained trees and woodland habitat, both on-Site and adjacent to the Site, should be protected to BS5837 (2012) during the development works, through the use of protective barriers, and other means, where necessary Site Enhancements A list of recommendations to enhance the biodiversity of the Site are found in Section 6.0 of this Report.
This Preliminary Ecological Appraisal Executive Summary is intended as a summary of the assessment of the Site based on information received by Delta-Simons at the time of production. This Executive Summary should be read in conjunction with the full Report.	

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1.0 Introduction

1.1 Purpose and Scope of the Survey

Delta-Simons Environmental Consultants Ltd was instructed by Legge Consulting on behalf of Tiger Developments ('the Client') to undertake a Preliminary Ecological Appraisal (PEA) and dormouse survey of land situated to the west of Larchwood Avenue in Havant, Hampshire (hereafter referred to as the "Site"). In addition, public land immediately surrounding the Site was surveyed, where access allowed. The survey was undertaken to inform the Client of any constraints with regards to the redevelopment of the Site and to inform a planning application for a hotel development.

The aims of the surveys were to:

- ▲ Identify habitat types on the Site using the standard methodology devised by the Joint Nature Conservation Committee (JNCC, 2010);
- ▲ Identify areas of potential for protected species/ species of conservation concern within the Site;
- ▲ Identify areas of potential for protected species/ species of conservation concern immediately outside the Site;
- ▲ Establish the presence or likely absence of dormice at the Site;
- ▲ Identify any invasive plant species included within Schedule 9 of the Wildlife and Countryside Act (WCA) 1981 (as amended);
- ▲ Prepare a Phase 1 Habitat Plan of the Site; and
- ▲ Propose recommendations for further surveys and/or mitigation, where appropriate.

The Site location and the survey area are shown in Figure 1.

1.2 Site Description

The Site is centred at Ordnance Survey (OS) grid reference SU 69527 07592, to the north-west of Havant in Hampshire. The Site covers an area of 0.5 hectares (ha) and comprises concrete hardstanding with colonising grassland and tall ruderal vegetation, surrounded by broadleaved woodland. The Site did not support standing water at the time of the survey.

The Site is situated on the north-western edge of Havant. Retail and commercial units occupy land to the north, east and south of the Site, with associated hardstanding car parks. Broadleaved woodland extends to the west of the Site and is bisected by the A3 motorway. A radio mast and metal substation lie beyond the south-eastern corner of the Site.

The Site layout is shown in Figure 2.

1.3 Proposed Development

It is understood that the Site is to undergo redevelopment as a hotel. From the drawing provided by the Client (Figure 3), it is proposed that the south-western corner of the Site will comprise a hotel, with associated parking extending across the remaining extent of the Site. Vehicles will access the Site from Larchwood Avenue to the east. It is understood that the majority of trees around the boundaries of the Site are to be retained following the development.

2.0 Legislation & Policy Summary

Specific habitats and species of relevance to the Site receive legal protection in the United Kingdom under various pieces of legislation, including:

- ▲ National Planning Policy Framework (NPPF, 2018);
- ▲ The Conservation of Habitats and Species Regulations 2017;
- ▲ The Wildlife and Countryside Act (WCA) 1981 (as amended);
- ▲ The Countryside and Rights of Way (CRoW) Act 2000;
- ▲ The Natural Environment and Rural Communities Act (NERC) 2006; and
- ▲ The Protection of Badgers Act 1992.

Where relevant, this appraisal takes account of the legislative protection afforded to specific habitats and species. The legislation surrounding each faunal or floral species or group is provided in Appendix A and references are included in Appendix B.

3.0 Methodology

The PEA and dormouse survey have been undertaken to the following current guidance: CIEEM (2017), Guidelines for Preliminary Ecological Appraisal, Dormouse Conservation Handbook (Bright et al 2006) and BS 42020: 2013 Biodiversity. Code of Practice for Planning and Development.

3.1 Desk Study

Data search

A data search was undertaken to identify statutory and non-statutory designated sites and records of protected and notable species.

In June 2018, available records of protected and notable species were collated from the local record centre, the Hampshire Biodiversity Information Centre (HBIC), along with the non-statutory designated sites within a 2 km radius of the Site centre. A search for international statutory designated sites for nature conservation within 6 km of the Site centre was undertaken, together with a search for national statutory designated sites for nature conservation within 2 km of the Site centre, using the Multi-Agency Geographic Information for the Countryside (MAGIC) website.

In addition, free and publicly accessible Ordnance survey maps and aerial photographs were searched for waterbodies on, or within, 500 m of the Site boundary. This information has been used to assess the Site for its potential for amphibians, the results of which are found in Section 4.3.

3.2 Survey

The habitats on the Site were surveyed on 1st June 2018 by two Delta-Simons ecologists. Since access was not permitted to the surrounding land, it was visually assessed from the Site boundary.

The following was undertaken during the survey:

- ▲ Habitats were classified and mapped using the standard JNCC Phase 1 habitat classification and methodology (JNCC, 2010). Dominant plant species were recorded in each different habitat. The plant species nomenclature followed that of Stace (2010);
- ▲ Terrestrial habitats on-Site were surveyed for the presence of, or potential for the following protected or notable species:
 - ▲ Birds: All species with special reference to key species (such as those on Schedule 1 of the WCA, 1981 (as amended), England Biodiversity Priority Species (EBP) (previously UK Biodiversity Action Plan (UKBAP) species) and Birds of Conservation Concern (BoCC) (Eaton et al., 2015);
 - ▲ Amphibians: Great Crested Newt (GCN) *Triturus cristatus*;
 - ▲ Reptiles: common lizard *Zootoca vivipara*, adder *Vipera berus*, slow worm *Anguis fragilis* and barred grass snake *Natrix Helvetica*; and
 - ▲ Mammals: bat (all species) and badger *Meles meles*.
- ▲ Widespread terrestrial invasive species listed on Schedule 9 of the WCA 1981 (as amended) were recorded. These are Japanese knotweed, *Fallopia japonica* giant knotweed *Fallopia sachalinensis* hybrid knotweed, *Fallopia baldschuanica*, giant hogweed *Heracleum mantegazzianum* and, Himalayan balsam *Impatiens glandulifera*.

3.2.1 Birds

Visual and/ or audible identification was made of any birds on the Site or flying over the Site during the survey period. Suitable habitat was, where possible, inspected and any evidence of old nesting activity was recorded.

3.2.2 Amphibians

The terrestrial habitats at the Site were assessed for their potential to support amphibian species and a desk search was undertaken (see Section 3.1).

3.2.3 Reptiles

A cold-searching method was employed which involved identifying suitable habitats for reptiles within areas on-Site and immediately off-Site. Natural and artificial refugia (logs, large debris and so on) were lifted and examined for the presence of reptiles and their field signs (such as shed skins).

3.2.4 Bats

The Site was assessed for its suitability to support roosting and foraging bats (see Appendix C).

3.2.5 Badgers

The Site was inspected for signs of badger activity, including sett entrances, latrines, footprints, runs through vegetation, guard hairs caught on fences and snuffle holes, and its suitability to support this species assessed.

3.2.6 Other Protected or Notable Species

Where applicable, during the survey, evidence was recorded of any other protected or notable species, including England Biodiversity Priority (EBP) species. Habitats with the potential to support additional protected or notable species were also recorded, if present, during the survey.

3.2.7 Invasive Species

The occurrence of any invasive plant species on the Site was identified in terms of species and stand size.

3.2.8 Limitations to the Survey

There were no limitations to the survey in terms of access, timing and weather conditions. The baseline conditions described in this report were accurate at the time at which the survey was undertaken. Should at least two years pass by, and/or conditions on-Site/ Site usage change prior to the commencement of works, an update survey should be undertaken.

3.3 Dormouse Survey

The Site was assessed to have suitability for hazel dormice and, as such, further surveys were undertaken to determine the presence or likely absence of this species at the Site. In accordance with the Dormouse Conservation Handbook, which recommends that a minimum of 50 tubes are used per site, spaced at approximately 20 m intervals, a total of 67 tubes were deployed across the Site and adjoining woodland in suitable vegetation. Figure 4 indicates the areas in which dormouse nest tubes were placed. Each tube was checked on a monthly basis for evidence of dormouse activity by a suitably qualified dormouse surveyor.

The Dormouse Conservation Handbook uses an "Index of Probability" to assess the likelihood of a survey detecting dormice where a score is assigned for each month which nest tubes are on a site (see Table 1) and recommends that a total of 20 points is necessary. With 67 survey tubes set out in late July 2018 and checked monthly August through until November 2018 a survey effort score of 21.44 was achieved.

Table 1: Index of Probability of Finding Dormice

Month	Index of Probability	Minimum No of Tubes	Tube Score
August	5	67	$67/50 \times 5 = 6.7$
September	7	67	$67/50 \times 7 = 9.38$
October	2	67	$67/50 \times 2 = 2.68$
November	2	67	$67/50 \times 2 = 2.68$
			Total 21.44

4.0 Results

4.1 Desk Study

The pertinent information from the data search is set out below for designated sites, whilst species are discussed in the relevant species sections. Full results of the HBIC data search are available to the Client on request.

Designated Sites

The results of the MAGIC data search indicate that there are four internationally designated statutory sites located within 6 km of the Site, which are detailed below. The MAGIC search and the HBIC desk search indicate that there are 47 non-statutory designated sites within 2 km of the Site centre. Table 2 sets out the designated sites identified.

The Site falls within the Impact Risk Zones (IRZ) of the international designated sites, within which all planning applications must be assessed for likely impacts. For new residential development in this area, financial contributions are required to mitigate increased recreational disturbance on coastal Special Protection Areas (SPAs) and Ramsar Sites. As the construction of a new hotel is anticipated to result in similar increased pressures upon the coastal areas, it is likely that financial contributions will be necessary to compensate for any associated impacts.

4.1.1 International Statutory Designated sites within 6 km of the Site centre:

Portsmouth Harbour (SPA) and Ramsar) – 5.2 km south-west of the Site

Portsmouth Harbour is located on the central south coast of England. It is a large industrialised estuary and includes one of the four largest expanses of mud-flats and tidal creeks on the south coast of Britain. The mud-flats support large beds of Narrow-leaved Eelgrass *Zostera angustifolia* and Dwarf Eelgrass *Z. noltii*, extensive green algae beds, mainly *Enteromorpha* species, and Sea Lettuce *Ulva lactuca*. Portsmouth Harbour has only a narrow connection to the sea via the Solent, and receives comparatively little fresh water, thus giving it an unusual hydrology. The site supports important numbers of wintering Dark-bellied Brent Goose *Branta bernicla*, which feed also in surrounding agricultural areas away from the SPA.

This site qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

- ▲ Over winter; Dark-bellied Brent Goose; 2,847 individuals representing at least 0.9% of the wintering Western Siberia/Western Europe population (5 year peak mean 1991/2 - 1995/6).

Portsmouth Harbour is also designated as a Ramsar site under the following criteria:

Ramsar criterion 3

- ▲ The intertidal mudflat areas possess extensive beds of eelgrasses which support the grazing dark-bellied brent geese populations. The mud-snail *Hydrobia ulvae* is found at extremely high densities, which helps to support the wading bird interest of the site. Common cord-grass *Spartina anglica* dominates large areas of the saltmarsh and there are also extensive areas of green algae and sea lettuce. More locally the saltmarsh is dominated by sea purslane *Halimione portulacoides* which gradates to more varied communities at the higher shore levels. The site also includes a number of saline lagoons hosting nationally important species.

Ramsar criterion 6 – species/populations occurring at levels of international importance.

Qualifying Species/populations (as identified at designation):

Species with peak counts in winter:

- ▲ Dark-bellied brent goose; 2105 individuals, representing an average of 2.1% of the GB population (5 year peak mean 1998/9-2002/3).

Chichester And Langstone Harbours (SPA and Ramsar) - 2.1 km south of the Site

Chichester and Langstone Harbours are located on the south coast of England in Hampshire and West Sussex. They are large, sheltered estuarine basins comprising extensive sand- and mud-flats exposed at low tide. The two harbours are joined by a stretch of water that separates Hayling Island from the mainland. Tidal channels drain the basin and penetrate far inland. The mud-flats are rich in invertebrates and also support extensive beds of algae, especially species, and eelgrasses. The basin contains a wide range of coastal habitats supporting important plant and animal communities. The site is of particular significance for waterbirds, especially in migration periods and in winter. It also supports important colonies of breeding terns.

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

During the breeding season;

- ▲ Little Tern *Sterna albifrons*, 100 pairs representing up to 4.2% of the breeding population in Great Britain (5 year mean, 1992-1996); and
- ▲ Sandwich Tern *Sterna sandvicensis*, 158 pairs representing up to 1.1% of the breeding population in Great Britain (1998).

On passage;

- ▲ Little Egret *Egretta garzetta*, 137 individuals representing up to 17.1% of the population in Great Britain (Count as at 1998).

Over winter;

- ▲ Bar-tailed Godwit *Limosa lapponica*, 1,692 individuals representing up to 3.2% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6); and
- ▲ Little Egret, 100 individuals representing up to 20.0% of the wintering population in Great Britain (Count as at 1998).

This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

On passage;

- ▲ Ringed Plover *Charadrius hiaticula*, 2,471 individuals representing up to 4.9% of the Europe/Northern Africa - wintering population (5 year peak mean 1991/2 - 1995/6).

Over winter;

- ▲ Black-tailed Godwit *Limosa limosa islandica*, 1,003 individuals representing up to 1.4% of the wintering Iceland - breeding population (5 year peak mean 1991/2 - 1995/6);
- ▲ Dark-bellied Brent Goose, 17,119 individuals representing up to 5.7% of the wintering Western Siberia/Western Europe population (5 year peak mean 1991/2 - 1995/6);
- ▲ Dunlin *Calidris alpina alpina*, 44,294 individuals representing up to 3.2% of the wintering Northern Siberia/Europe/Western Africa population (5 year peak mean 1991/2 - 1995/6);
- ▲ Grey Plover *Pluvialis squatarola*, 3,825 individuals representing up to 2.5% of the wintering Eastern Atlantic - wintering population (5 year peak mean 1991/2 - 1995/6);
- ▲ Redshank *Tringa totanus*, 1,788 individuals representing up to 1.2% of the wintering Eastern Atlantic - wintering population (5 year peak mean 1991/2 - 1995/6); and
- ▲ Ringed Plover, 846 individuals representing up to 1.7% of the wintering Europe/Northern Africa - wintering population (5 year peak mean 1991/2 - 1995/6).

Assemblage qualification: A wetland of international importance.

The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl:

Over winter, the area regularly supports 93,142 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: Wigeon *Anas penelope*, Bar-tailed Godwit, Dark-bellied Brent Goose, Ringed Plover, Grey Plover, Dunlin, Black-tailed Godwit, Redshank, Little Grebe *Tachybaptus ruficollis*, Little Egret, Shelduck *Tadorna tadorna*, Curlew *Numenius arquata*, Teal *Anas crecca*, Pintail *Anas acuta*, Shoveler *Anas clypeata*, Red-breasted Merganser *Mergus serrator*, Oystercatcher *Haematopus ostralegus*, Lapwing *Vanellus vanellus*, Knot *Calidris canutus*, Sanderling *Calidris alba*, Cormorant *Phalacrocorax carbo*, Whimbrel *Numenius phaeopus*.

Chichester And Langstone Harbours is also designated as a Ramsar site under the following criteria:

Ramsar criterion 1

- ▲ Two large estuarine basins linked by the channel which divides Hayling Island from the main Hampshire coastline. The site includes intertidal mudflats, saltmarsh, sand and shingle spits and sand dunes.

Ramsar criterion 5 - Assemblages of international importance.

- ▲ Species with peak counts in winter: 76480 waterfowl (5 year peak mean 1998/99-2002/2003).

Ramsar criterion 6 – species/populations occurring at levels of international importance.

Qualifying Species/populations (as identified at designation):

- ▲ Species with peak counts in spring/autumn;
- ▲ Ringed plover, Europe/Northwest Africa 853 individuals, representing an average of 1.1% of the population (5 year peak mean 1998/9- 2002/3);
- ▲ Black-tailed godwit, Iceland/W Europe 906 individuals, representing an average of 2.5% of the population (5 year peak mean 1998/9- 2002/3); and
- ▲ Common redshank, 2577 individuals, representing an average of 1% of the population (5 year peak mean 1998/9- 2002/3).

Species with peak counts in winter:

- ▲ Dark-bellied brent goose, 12987 individuals, representing an average of 6% of the population (5 year peak mean 1998/9- 2002/3);
- ▲ Common shelduck, NW Europe 1468 individuals, representing an average of 1.8% of the GB population (5 year peak mean 1998/9-2002/3);
- ▲ Grey plover, E Atlantic/W Africa -wintering 3043 individuals, representing an average of 1.2% of the population (5 year peak mean 1998/9-2002/3); and
- ▲ Dunlin, W Siberia/W Europe 33436 individuals, representing an average of 2.5% of the population (5 year peak mean 1998/9-2002/3).

Species/populations identified subsequent to designation for possible future consideration under criterion 6.

Species regularly supported during the breeding season:

- ▲ Little tern, W Europe 130 apparently occupied nests, representing an average of 1.1% of the breeding population (Seabird 2000 Census).

Solent & Isle of Wight Lagoons (Special Area of Conservation (SAC)) – 3.7 km south of the Site

Annex I habitats that are a primary reason for selection of this site:

*1150 Coastal lagoons (*Priority feature)*

- ▲ The Solent on the south coast of England encompasses a series of Coastal lagoons, including percolation, isolated and sluiced lagoons. The site includes a number of lagoons in the marshes in the Keyhaven –

Pennington area, at Farlington Marshes in Chichester Harbour, behind the sea-wall at Bembridge Harbour and at Gilkicker, near Gosport.

The lagoons show a range of salinities and substrates, ranging from soft mud to muddy sand with a high proportion of shingle, which support a diverse fauna including large populations of three notable species: the nationally rare foxtail stonewort *Lamprothamnium papulosum*, the nationally scarce lagoon sand shrimp *Gammarus insensibilis*, and the nationally scarce starlet sea anemone *Nematostella vectensis*. The lagoons in Keyhaven – Pennington Marshes are part of a network of ditches and ponds within the saltmarsh behind a sea-wall. Farlington Marshes is an isolated lagoon in marsh pasture that, although separated from the sea by a sea-wall, receives sea water during spring tides. The lagoon holds a well-developed low-medium salinity insect-dominated fauna. Gilkicker Lagoon is a sluiced lagoon with marked seasonal salinity fluctuation and supports a high species diversity. The lagoons at Bembridge Harbour have formed in a depression behind the sea-wall and sea water enters by percolation. Species diversity in these lagoons is high and the fauna includes very high densities of *N. vectensis*.

Solent Maritime (SAC) - 2.1 km south of the Site

Annex I habitats that are a primary reason for selection of this site:

1130 Estuaries

- ▲ The Solent encompasses a major estuarine system on the south coast of England with four coastal plain estuaries (Yar, Medina, King's Quay Shore, Hamble) and four bar-built estuaries (Newtown Harbour, Beaulieu, Langstone Harbour, Chichester Harbour). The site is the only one in the series to contain more than one physiographic sub-type of estuary and is the only cluster site. The Solent and its inlets are unique in Britain and Europe for their hydrographic regime of four tides each day, and for the complexity of the marine and estuarine habitats present within the area. Sediment habitats within the estuaries include extensive estuarine flats, often with intertidal areas supporting eelgrass and green algae, sand and shingle spits, and natural shoreline transitions. The mudflats range from low and variable salinity in the upper reaches of the estuaries to very sheltered almost fully marine muds in Chichester and Langstone Harbours. Unusual features include the presence of very rare sponges in the Yar estuary and a sandy 'reef' of the polychaete *Sabellaria spinulosa* on the steep eastern side of the entrance to Chichester Harbour.

1320 Spartina swards (Spartinion maritimae)

- ▲ Solent Maritime is the only site for smooth cord-grass *Spartina alterniflora* in the UK and is one of only two sites where significant amounts of small cord-grass *S. maritima* are found. It is also one of the few remaining sites for Townsend's cord-grass *S. x townsendii* and holds extensive areas of common cord-grass *S. anglica*, all four taxa thus occurring here in close proximity. It has additional historical and scientific interest as the site where *S. alterniflora* was first recorded in the UK (1829) and where *S. x townsendii* and, later, *S. anglica* first occurred.

1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)

- ▲ The Solent contains the second-largest aggregation of Atlantic salt meadows in south and south-west England. Solent Maritime is a composite site composed of a large number of separate areas of saltmarsh. In contrast to the Severn estuary, the salt meadows at this site are notable as being representative of the ungrazed type and support a different range of communities dominated by sea-purslane *Atriplex portulacoides*, common sea-lavender *Limonium vulgare* and thrift *Armeria maritima*. As a whole the site is less truncated by man-made features than other parts of the south coast and shows rare and unusual transitions to freshwater reedswamp and alluvial woodland as well as coastal grassland. Typical Atlantic salt meadow is still widespread in this site, despite a long history of colonisation by cord-grass.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:

1110 Sandbanks which are slightly covered by sea water all the time

1140 Mudflats and sandflats not covered by seawater at low tide

*1150 Coastal lagoons (*Priority feature)*

1210 Annual vegetation of drift lines

1220 Perennial vegetation of stony banks

1310 *Salicornia* and other annuals colonizing mud and sand

2120 Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")

Table 2: Non-Statutory Designated sites within 2 km of the Site centre

Site Name	Designation	Distance and Direction from Site Boundary	Designation Criteria Summary
Portsmouth Golf Course West	Site of Importance for Nature Conservation (SINC)	1.8 km south west	Not available.
Fort Purbrook	SINC	1.9 km south-west	Contains <i>Onobrychis viciifolia</i> (sainfoin) and <i>Spiranthes spiralis</i> (autumn lady's-tresses).
Purbrook Park Wood	SINC	1.9 km south-west	Not available.
Land to the north of Portsdown Hill Road	SINC	1.8 km south-west	Contains <i>Cupido minimus</i> (small blue) and Autumn Lady's-Tresses.
Sandy Dell	SINC	1.7 km west	Not available.
Field to West of Gillman Road	SINC	1.9 km south-west	Not available.
Fort Purbrook Paddock 1 (Havant)	SINC	1.8 km south-west	Contains small blue and autumn lady's-tresses.
Fort Purbrook Paddock 2 (Havant)	SINC	1.7 km south-west	Contains autumn lady's-tresses.
Stakes Coppice Remnant 1	SINC	1.7 km north-west	Not available.
East and West of Gillman Road	SINC	1.9 km south-west	Contains <i>Petroselinum segetum</i> (corn parsley) and <i>Poa compressa</i> (flattened meadow-grass).
Fort Purbrook Paddock 3 (Havant)	SINC	1.7 km south-west	Not available.
Newlease Copse, Havant	SINC	1.3 km north-west	Not available.
Fort Purbrook Paddock 4 (Havant)	SINC	1.7 km south-west	Not available.

Portsmouth Golf Course East	SINC	1.4 km south-west	Not available.
Frank's Coppice	SINC	1.6 km north-west	Not available.
Field East of Farlington Redoubt (North)	SINC	1.6 km south-west	Not available.
Stakes Coppice Remnant 2	SINC	1.3 km north-west	Not available.
Gundymoor Wood (West)	SINC	800 m west	Not available.
Portsmouth City Golf Course Copse	SINC	1.1 km south-west	Contains <i>Ophrys insectifera</i> (fly orchid).
Camp Down Grassland Remnants	SINC	1.2 km south	Not available.
Gundymoor Wood (Main)	SINC	400 m west	Not available.
Stakes Coppice Remnant 4	SINC	1.4 km north-west	Not available.
Stakes Coppice Remnant 5	SINC	1.2 km north-west	Not available.
Forty Acres Farm B	SINC	1.7 km south	Contains dark-bellied brent goose.
Johnston's Coppice	SINC	600 m west	Contains hazel dormouse <i>Muscardinus avellanarius</i> .
Stakes Coppice Remnant 6	SINC	1 km north-west	Not available.
Fields off Havant Road	SINC	approximately 1.3 km south-west	Contains dark-bellied brent goose and <i>Euphorbia exigua</i> (dwarf spurge).
Farlington Marshes Grassland (North-East)	SINC	2 km south	Not available.
Littlepark Wood (West)	SINC	300 m west	Contains hazel dormouse.
Meadow Adjacent to Johnston's Copse	SINC	300 m north-west	Contains hazel dormouse.
Stakes Coppice Remnant 7	SINC	1.2 km north	Not available.
Hurst Wood, Havant	SINC	2 km north	Not available.
Neville's Park West Wood	SINC	700 m north	Not available.

Littlepark Wood (East)	SINC	200 m south	Not available.
Hulbert Road Meadow	SINC	300 m north	Not available.
Outhurst/Inhurst/Beech Woods	SINC	1.6 km north	Not available.
Neville's Park East Wood	SINC	400 m north	Not available.
Neville's Park Areas 4-10	SINC	300 m north-east	Contains <i>Bromus commutatus</i> (Meadow Brome).
Neville's Park Areas 2 & 3	SINC	800 m north-east	Not available.
Cherry Tree Row	SINC	1.3 km north-east	Not available.
Beech Wood East	SINC	1.6 km north	Not available.
Bushy Lease	SINC	900 m north-east	Not available.
Manor Farm A	SINC	1.5 km south	Contains dark-bellied brent goose.
Broadmarsh Playing Field	SINC	1.9 km south	Contains dark-bellied brent goose.
The Warren, Havant	SINC	1.8 km north-east	Not available.
Dunsbury Hill Wood	SINC	2 km north-east	Not available.
B2177 Portsdown Hill Road	Road Verge of Ecological Importance (RVEI)	1.7 km south-west	Chalk flora with <i>Anacamptis pyramidalis</i> (Pyramidal Orchid) and <i>Echium vulgare</i> (Viper's-bugloss)

4.2 Survey

4.2.1 Habitats on Site

The Site comprises formerly developed land characterised by concrete hardstanding with colonising grassland and ruderal species, surrounded by broadleaved woodland.

Figure 2 shows the extent of habitat types and boundary features. Descriptions of the habitat types and dominant plant species found at the Site are provided below. Habitat descriptions and codings are by broad habitat type, as listed in the Phase 1 Habitat Survey Manual (JNCC, 2010). Photographs of the Site survey are located in Appendix D.

Habitats recorded on Site are:

Semi-Natural Broadleaved Woodland

The western area of the Site and the northern and southern Site boundaries were occupied by semi-natural broadleaved woodland (Photograph 1), characterised by abundant aspen *Populus tremula* and goat willow *Salix caprea*, with frequent ash *Fraxinus excelsior*, horse chestnut *Aesculus hippocastanum*, hazel *Corylus avellana*, sycamore *Acer pseudoplatanus*, alder *Alnus glutinosa*, and occasional silver birch *Betula pendula*, cherry *Prunus* sp., and hornbeam *Carpinus betulus*. The ground flora of the woodland was characterised by herb

Robert *Geranium robertianum*, wood avens *Geum urbanum*, cleavers *Galium aparine*, ivy *Hedera helix*, bramble *Rubus fruticosus* agg., hawthorn *Crataegus monogyna*, and young sycamore.

Scattered Broadleaved Trees

Two scattered broadleaved trees occurred within the centre of the Site, comprising one young ash and one elder *Sambucus nigra*.

Tall ruderals

Areas of tall ruderals were present around the edges of the hardstanding in the centre of the Site (Photograph 2), characterised by frequent nettle *Urtica dioica*, thistle *Cirsium* agg., teasel *Dipsacus fullonum*, and curled dock *Rumex crispus* with occasional, willowherb *Epilobium* sp., and herb species including garlic mustard *Alliaria petiolata*, hedge bindweed *Calystegia sepium*, creeping buttercup *Ranunculus repens*, dandelion *Taraxacum* sp., common ragwort *Senecio jacobaea*, oxeye daisy *Leucanthemum vulgare*, and herb Robert. Several scattered scrub species were also present within this habitat, comprising buddleia *Buddleja* sp., bramble, dogwood *Cornus sanguinea*, and elder.

Wall

A 5 ft high breeze-block wall bordered sections of the hardstanding and defined the eastern Site boundary.

Fence

A 6 ft high coated wire chain-link fence defined the southern and northern Site boundaries, parts of the western Site boundary and formed part of the boundary of the substation.

Hardstanding

The majority of the Site comprised concrete hardstanding (Photograph 3), with colonising grasses and herb species including cocksfoot *Dactylis glomerata*, common ragwort, oxeye daisy, lesser trefoil *Trifolium dubium*, black knapweed *Centaurea nigra*, common vetch *Vicia sativa*, white clover *Trifolium repens*, daisy *Bellis perennis*, dove's-foot cranesbill *Geranium molle*, and bird's-foot trefoil *Lotus corniculatus*.

4.2.2 Habitats immediately surrounding the Site

Retail and commercial units occupy the land immediately adjacent to the Site to the north, east, and south, with associated hardstanding car parks. Broadleaved woodland extends beyond the western Site boundary and appeared to support a similar species composition to that recorded on-Site. A radio mast and metal substation lie beyond the south-eastern corner of the Site (Photograph 4).

4.3 Notable and Protected Species Assessment Relevant to the Site

Birds

The data search provided records for 43 species listed on Schedule 1 of the WCA 1981 (as amended) within 2 km of the Site centre in the past 10 years. The majority of these records are of coastal species associated with the Natura 2000 sites to the south of the Site. Species which may utilise the habitats on Site include firecrest *Regulus ignicapilla* and black redstart *Phoenicurus ochruros*, which may use the woodland and hardstanding areas for foraging.

The broadleaved woodland and scattered trees on Site offer suitable habitats for nesting birds, although no bird nesting activity was observed at the time of the inspection. Bird species recorded at the time of the survey were carrion crow *Corvus corone*, woodpigeon *Columba palumbus*, wren *Troglodytes troglodytes*, robin *Erithacus rubecula*, and great tit *Parus major*.

No birds listed on Schedule 1, or those listed on the Red List of BoCC (Eaton et al., 2015) were recorded. It should be noted that this is not a comprehensive inventory of the bird species which may be present at the Site.

Great Crested Newts

The data search provided no records of GCN, or of any other amphibian species, within 2 km of the Site in the past 10 years. A review of aerial photographs and OS maps revealed that there are no ponds on-Site or within 500 m of the Site to support breeding amphibians. The terrestrial habitats on-Site were predominantly hardstanding, and connectivity to wider areas was restricted by breezeblock walls on Site, and retail units with hardstanding car parks in the immediate area. Connectivity to further areas of woodland to the west was restricted by the A3 motorway. GCN are not considered to be a constraint at this Site and are not considered further within this Report.

Reptiles

The data search provided 48 records of slow-worm *Anguis fragilis* within 2 km of the Site in the past 10 years, with the closest record located 650 m east of the Site. The majority of records, however, originated from the woodlands around the Havant Bypass, 1.8 km south of the Site. No evidence of reptiles was recorded on the Site, and the habitats featured on Site were not assessed to offer the suitable mosaic of refuge and basking opportunities necessary to support reptiles. Therefore, reptiles are not considered to be a constraint at this Site and are not considered further within this Report.

Bats

The data search provided records of nine species of bat within 2 km of the Site centre in the past 10 years:

- ▲ 61 records of Serotine bat *Eptesicus serotinus*, with the closest record 470 m west of the Site;
- ▲ One record of Bechstein's bat *Myotis bechsteinii* 1.3 km north of the Site;
- ▲ Four records of Natterer's bat *M. nattereri*, the closest record located 700 m west of the Site;
- ▲ 33 records of Noctule *Nyctalus noctula*, the closest record located 550 m north-west of the Site;
- ▲ One record of Nathusius' pipistrelle *Pipistrellus nathusii* 1.8 km east of the Site;
- ▲ 90 records of common pipistrelle *P. pipistrellus*, the closest record located 430 m west of the Site;
- ▲ 40 records of soprano pipistrelle *P. pygmaeus*, the closest record located 540 m north-west of the Site;
- ▲ Three records of brown long-eared bat *Plecotus auritus* the closest record located 540 m north-west of the Site; and
- ▲ One record of parti-coloured bat *Vespertilio murinus* 960 m west of the Site.

Additionally, the data search provided 15 records of unidentified *Myotis* sp., 27 records of unidentified *Pipistrellus* sp., three records of unidentified *Plecotus* sp., and five records of unidentified *Chiroptera* sp. Within 2 km of the Site in the past 10 years.

No structures or trees on Site contained features suitable to support roosting bats and were assessed as having negligible BRP. The woodland at the Site may provide limited foraging opportunity for any bats that occur within the local area, however, given the size of the Site and the retail and commercial properties bordering three sides, the value of on-Site habitat for bats is considered to be low, with greater opportunities associated with the woodland within the local area.

Badgers

The data search provided one record of Eurasian badger within 2 km of the Site centre (details are confidential due to welfare issues). However, the Site did not support any evidence to indicate that badgers were using or inhabiting it. There were no sett entrances, latrines, snuffle holes, mammal runs or badger dung found within the survey area. Woodland to the west of the Site is considered to provide greater opportunities for this species which is considered unlikely to venture onto the Site due to the surrounding retail and commercial properties, and boundary walls restricting movement. Badgers are not considered a constraint at this Site and are not considered further within this Report.

Other Protected Species

With the exception of dormice which are discussed in Section 4.4 below, the Site did not support any evidence of other protected species or habitats that could support them.

Invasive Species

The data search provided four records of Japanese knotweed within 2 km of the Site in the last 10 years, the closest record located 1.6 km west of the Site, and one record of Himalayan balsam located to the south-west of the Site (specific location cannot be determined due to record resolution). However, no widespread invasive species were identified during the Site survey.

4.4 Dormouse Survey

The data search highlighted three records of hazel dormouse *Muscardinus avellanarius* within 2 km of the Site in the past 10 years, with two of these records located within the area of ancient woodland 300 m to the west of the Site. While the A3 motorway is considered to discourage dispersal between this location and the Site, significant areas of ancient woodland are present within the local area with connectivity to the Site. Additionally, the woodland habitat on Site, though limited in area and representing woodland edge habitat, contains several species suitable to support dormice, including hazel, oak, hornbeam and silver birch. There is, therefore, the potential for hazel dormice to occur within the surrounding woodland habitat and to venture onto the Site.

The broadleaved woodland and scrub on-Site were considered to provide suitable habitat for dormice and is well connected to surrounding habitat. The Site is, therefore, considered to be of High potential for dormice as it is well established and dormouse records are present within 500 m of the Site, with the closest record 270 m to the west of the Site in 2009.

The dormouse survey found no evidence of dormice on Site or in the woodland immediately adjacent to the Site. Table 3 below indicates the dates on which the tubes were checked, and any findings within the tubes.

Table 3: Nest Tube Survey Results.

Month	Evidence
16 th August	None
19 th September	1 <i>Apodemus</i> spp nest
16 th October	None
14 th November	None

5.0 Evaluation

Designated sites-statutory sites/ non-statutory sites

The results of the MAGIC and HBIC data search indicate that there are four internationally designated statutory sites located within 6 km of the Site, and 47 non-statutory designated sites within 2 km of the Site centre. The Site falls within the IRZ of the international sites, within which the Local Planning Authority (LPA) are required to consult Natural England on likely risks from certain development types including residential developments of 500 units or more. As the proposed development is for a hotel, potential impacts would be similar to those of a residential development and the LPA should be consulted on requirements for undertaking a Stage 1 Habitat Regulations Assessment (HRA). It must be noted that a financial contribution can be applied in this area for residential developments to mitigate for the increased levels of human disturbance.

Given that the Site comprises previously developed land, dominated by hard standing habitat of limited ecological value, and is surrounded by commercial and retail units to the north, east and south of the Site, with the A3 motorway a short distance to the west, the construction phase of the development is not anticipated to have any significant adverse impacts upon the non-statutory designated sites, the closest of which is situated 200 m to the south. Furthermore, the majority of the non-statutory sites are understood to comprise private land with no public access such that there are not anticipated to be any adverse impacts resulting from increased recreational pressures.

Habitats

The Site is characterised by concrete hardstanding with colonising grassland and ruderal species, surrounded by broadleaved woodland. The hardstanding habitat is considered to be of negligible ecological value, and whilst the woodland provides opportunities for small mammals, invertebrates, birds and foraging bats and is a Priority Habitat, that which occurs on Site is small in size and lacks connectivity to all but the west of the Site, limiting its value within the context of the local area. It is understood that the majority of boundary trees are to be retained at the Site, with minor removal of predominately self-set immature specimens that encroach into the main area of the Site. Retained trees should be adequately protected during the construction phase of the development to maintain their biodiversity value.

Species

The broadleaved woodland and scattered trees on Site offer suitable habitats for nesting birds and, therefore, any site clearance works which impact this habitat have the potential to disturb nesting birds if appropriate mitigation is not implemented.

There were no trees or buildings on Site assessed to offer any potential to roosting bats, and whilst the value of it for foraging bats is considered to be limited by its size and lack of connectivity to the north, east and south, there is the potential for any bats in the local area to forage at the Site and within adjacent woodland to the west. A sensitive lighting plan is, therefore, required to limit any impact on bats using retained habitat on-Site and beyond the western Site boundary.

The results of the dormouse surveys indicate that there is a likely absence of hazel dormice currently on Site. However, the data search highlighted three records of hazel dormouse in the local area, and several of the SINC's within 2 km also hold records of this species. Significant areas of ancient woodland are present within the local area, providing extensive resources for this species, which has connectivity to the Site. Therefore, although dormice are considered to be likely absent from the Site, they may be present within the surrounding woodland habitat and may venture onto the Site as part of wider territories.

The potential impacts of the proposed development on dormice are considered below:

- ▲ **Connectivity and habitat loss**– The majority of boundary trees at the Site are to be retained following the development and these will continue to provide resources and connective corridors for this species. Furthermore, the Site is surrounded on three sides by existing development such that connectivity beyond the Site boundary is already limited on these aspects. A small number of trees, predominately self-set immature specimens are to be removed as part of the development proposals, representing a small

proportion of available habitat within the local area that is, therefore, not considered significant. The loss of vegetation and retained connectivity is, therefore, not considered to impact upon the distribution or conservation status of hazel dormice in the local area;

- ▲ Direct mortality/ disturbance – Given the small number of trees, and their limited vegetation cover, and the areas of ground vegetation to be removed as part of the development, the risk of direct mortality or disturbance to any hazel dormice that might be present on or adjacent to the Site is considered to be low. Furthermore, it is considered that appropriate mitigation can be applied during the clearance activities to ensure that no offence occurs; and
- ▲ Anthropogenic disturbance – Whilst the proposed development will result in increased anthropogenic activity at the Site, this is not considered to be significant based on the previous built use of the Site and the surrounding urban development, including the existing artificial lighting beyond the Site boundaries. Furthermore, there will be no public access into the adjacent woodland habitat from the Site boundary such that recreational pressure on the woodland habitat is considered unlikely.

Overall the potential impact on any dormice as a result of the development proposals is considered to be limited, with the implementation of precautionary mitigation measures ensuring no offence occurs and the conservation status of the local population maintained.

6.0 Recommendations

6.1 Further Survey Requirement

Given the anticipated impacts of the redevelopment, it is considered that the potential presence of the protected and notable species identified can be mitigated for through the implementation of appropriate precautionary working measures and timing of works, such there no requirements for further surveys at this time.

6.2 Construction and Operational Phase Protection/Enhancement Measures

Species Protection

Nesting Birds

- ▲ Where possible, areas of broadleaved woodland along the Site boundaries should be retained within the development proposals to continue to provide nesting opportunities;
- ▲ Where this is not possible, clearance works of potential bird nesting habitat should be performed either before early March or after late August in order to avoid the main bird nesting season. Conflict with the development can be avoided by clearing the Site of any suitable nesting habitat outside of the breeding period in advance of any proposed works; and
- ▲ If, however, Site clearance works are deemed necessary during the nesting period an experienced ecologist will be required to check the Site habitats immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed works.

Bats

The detailed lighting design on Site should be functional and directional and in line with current guidance (BCT, 2009; BCT, 2014; Stone, E.L. (2013)). It should avoid excessive up-lighting and light spill,. The vegetation retained around the Site boundary or planted on Site should be unlit.

Hazel Dormice

A precautionary method statement should be followed with regards to dormice and the proposed clearance of identified vegetation. This will include:

- ▲ A suitably qualified ecologist will provide a tool box talk prior to the commencement of any vegetation clearance works to all contractors on-Site;
- ▲ Immediately prior to any clearance works, all suitable habitat within the working area will be fingertip searched by an experienced ecologist for the presence, or evidence of hazel dormice; and
- ▲ Vegetation clearance works will be undertaken during the active period for hazel dormice (March – October, inclusive, depending on weather conditions.

Site Protection

Any retained trees both on-Site and adjacent to the Site, should be protected to BS5837 (2012) during the development works, through the use of protective barriers, and other means, where necessary.

General Site Enhancement

Following the issue of the NPPF (2018), by the Ministry of Housing, Communities and Local Government, *"Planning policies and decisions should contribute to and enhance the local environment by (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..."*; and, therefore, we recommend the following principles of design should be followed:

- ▲ Planting should aim to enhance the biodiversity value of the local area and be of native species, or those of known value to wildlife, sourced from local nurseries to enhance foraging opportunities for local birds and bats, by increasing the invertebrate diversity on-Site. It is recommended that where trees are planted, they

have a functional understorey. A species list of recommended trees and shrubs is provided in Appendix E; and

- ▲ Installation of two open-fronted bird boxes, one small holed bird box, one bat box, and five wooden dormouse nest boxes on trees to be retained around the Site, with the dormouse boxes proposed along the northern tree line. Delta-Simons can provide further advice on the type of, and best locations for, bird and bat boxes for the Site if required.

7.0 Disclaimer

The recommendations contained in this Report represent Delta-Simons' professional opinions, based upon the information referred to in Section 1.0 of this Report, exercising the duty of care required of an experienced Ecology Consultant. Delta-Simons does not warrant or guarantee that the Site is free of Bats or other protected species.

The behaviour of animals can be unpredictable and may not conform to characteristics recorded in current scientific literature. This Report, therefore, cannot predict with absolute certainty that animal species will or will not occur in apparently suitable locations or habitats or that they will not occur in locations or habitats that appear unsuitable.

No part of the survey included an assessment of the materials and conditions of any buildings. No part of the survey included an asbestos assessment, nor did it represent an appraisal of other deleterious materials or hazardous substances.

This Report was prepared by Delta-Simons for the sole and exclusive use of the Client and for the specific purpose for which Delta-Simons was instructed as defined in Section 1.0 of this Report. Nothing contained in this Report shall be construed to give any rights or benefits to anyone other than the Client and Delta-Simons, and all duties and responsibilities undertaken are for the sole and exclusive benefit of the Client and not for the benefit of any other party. In particular, Delta-Simons does not intend, without its written consent, for this Report to be disseminated to anyone other than the Client or to be used or relied upon by anyone other than the Client. Use of the Report by any other person is unauthorised and such use is at the sole risk of the user. Anyone using or relying upon this Report, other than the Client, agrees by virtue of its use to indemnify and hold harmless Delta-Simons from and against all claims, losses and damages (of whatsoever nature and howsoever or whensoever arising), arising out of or resulting from the performance of the work by the Consultant.

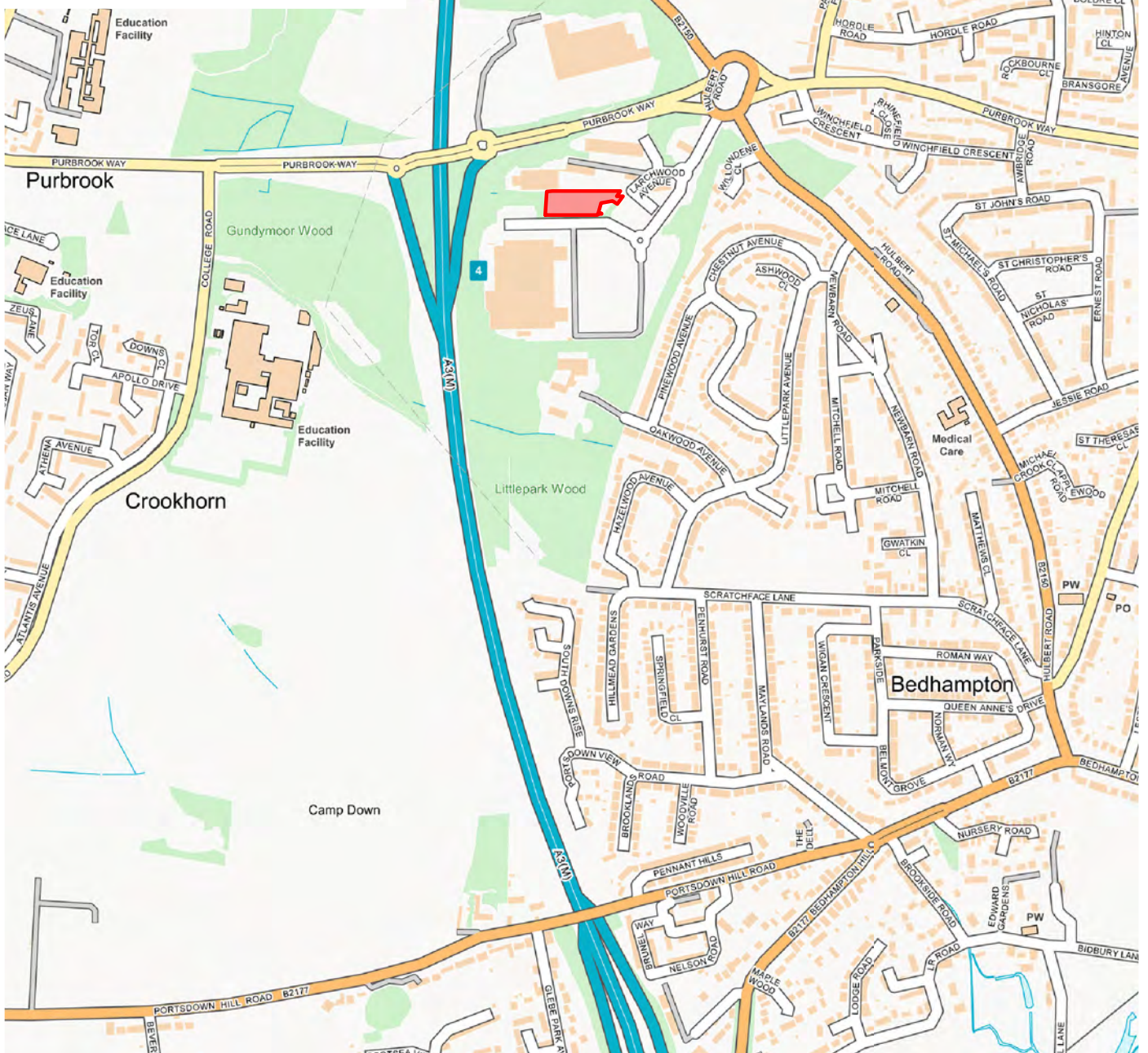
Figure 1 – Site Location Map



LEGEND



Site Boundary



Contains OS data ©, Crown Copyright and Database Right (2017/2018)

Figure 2 – Extended Phase 1 Habitat Survey Plan



LEGEND

Site Boundary

Broadleaved Semi - Natural Woodland

Broadleaved Scattered Trees

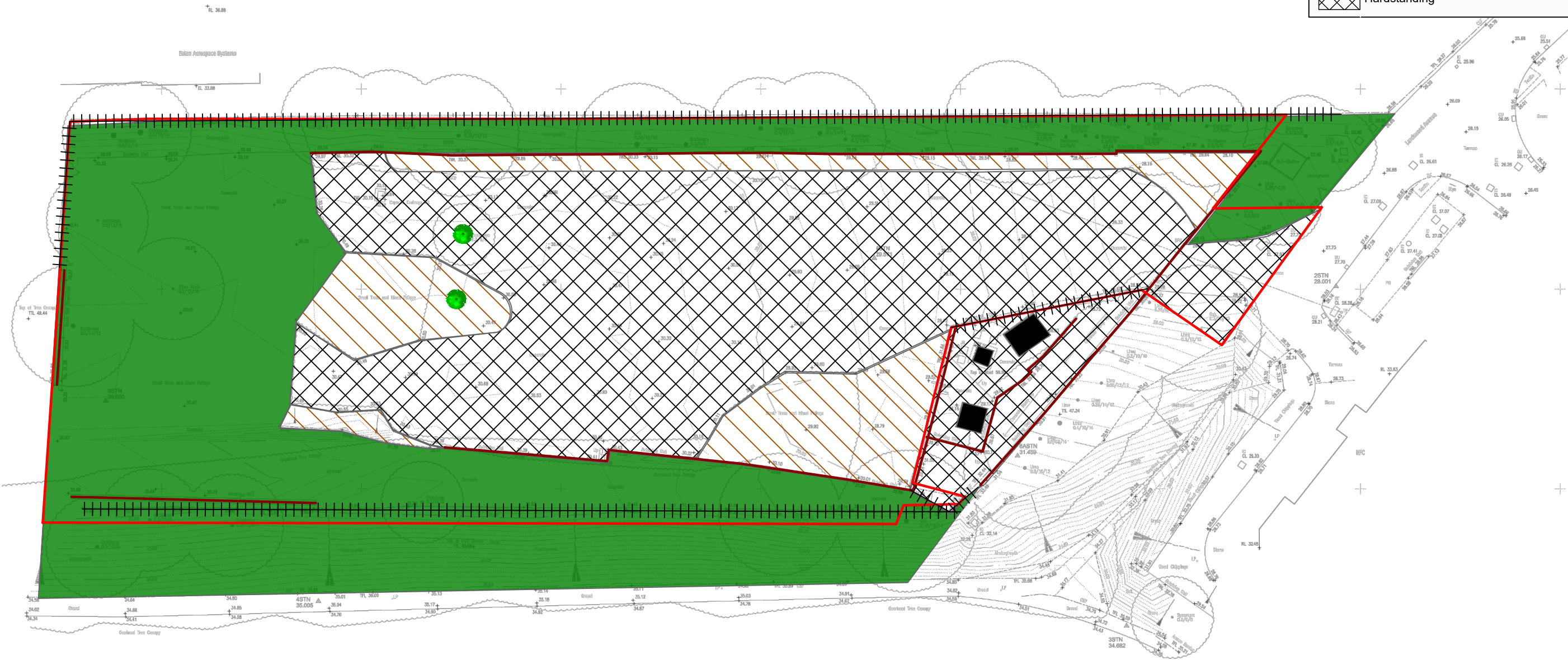
Tall Ruderals

Fence

Wall

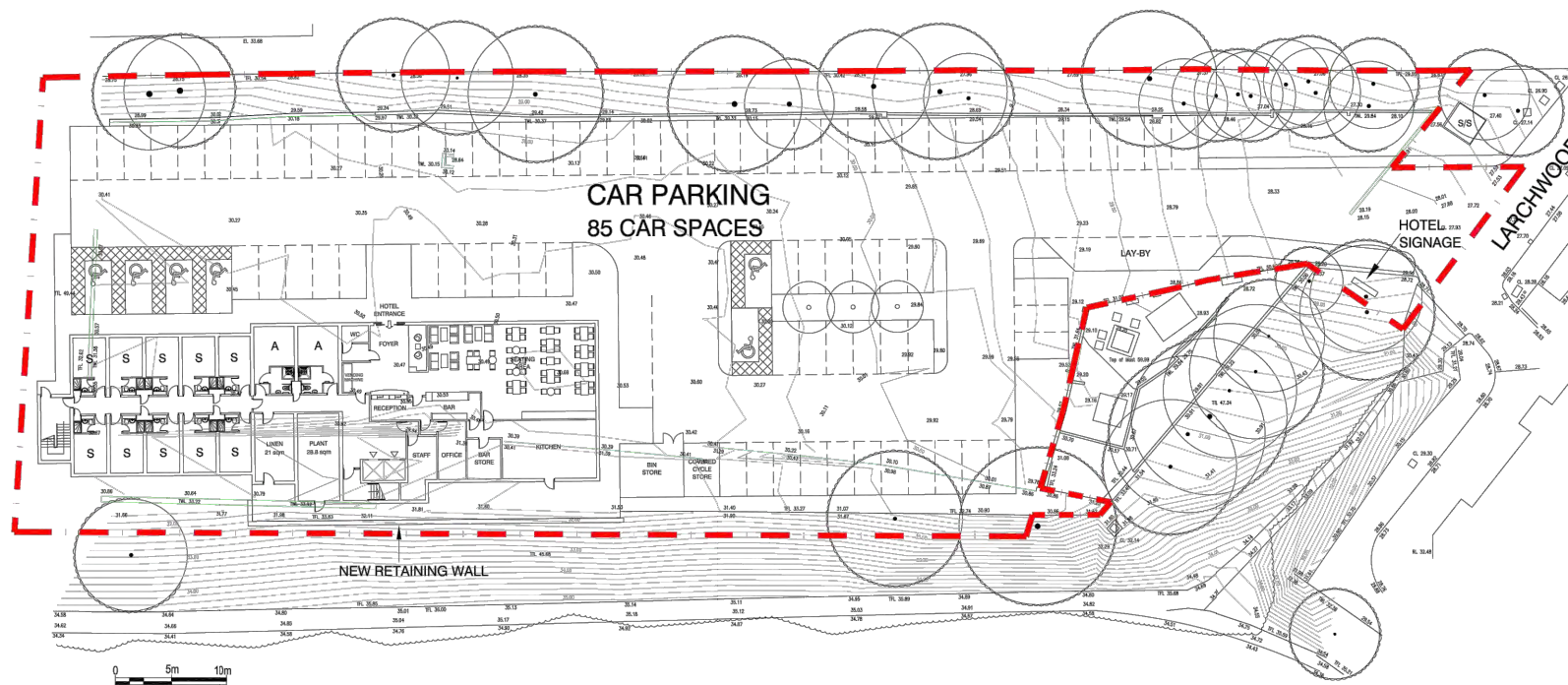
Building

Hardstanding



Site Plan Provided by Client

Figure 3 – Proposed Development Plan



Site Plan Provided by Client

Figure 4 – Area Surveyed for Hazel Dormice



LEGEND

Site Boundary

Area surveyed with nest tubes



Bing maps

Appendix A – Relevant Legislation

Relevant Legislation

National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), sets out, amongst other points, how *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

"Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity..."

The National Planning Policy Framework (NPPF), advises that ecological surveys are undertaken before planning permission is determined. It sets out, amongst other points, how at an overview level the *'planning system should contribute to and enhance the national and local environment by:*

The NPPF states that this should be achieved through local planning development frameworks and gives recommendations for criteria based policies which recognise the hierarchy of designated sites which range from internationally important habitat, to sites of importance at a local level and ensure that protection is *"in a manner commensurate with their statutory status or identified quality in the development plan."*

A list of principles which local planning authorities should follow when determining planning applications is included in the NPPF:

- ▲ *"If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- ▲ *Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons¹ and a suitable compensation strategy exists;*
- ▲ *Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; and*
- ▲ *Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

It is also worth noting that where there are potential impacts upon internationally designated sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites) as a result of a proposed development, *"The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined."*

In addition, the Office of the Deputy Prime Minister circular 06/ 2005 remains current. It states that *'The presence of a protected species is a material consideration when a planning authority is considering a development proposal'. The circular advises that local authorities should consult Natural England before granting planning permission if the proposals could adversely affect a protected species.'*

The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 are the British response to the Habitats & Species Directive 1992, and consolidate all the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law.

¹ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

The Regulations for the protection of European Protected Species (EPS) have been amended and consolidated with key changes including the removal of most of the defences from Regulation 40 and Regulation 43 including the removal of the 'incidental result of an otherwise lawful operation' defence, and the increase in the threshold for the offence of deliberately disturbing a EPS. Proposals that will affect European protected species may require a licence from Natural England to allow an otherwise unlawful act. In the 2009 a new offence of 'breaching condition of an EPS licence' was added to the regulations. The licensing process is separate from and planning process. European protected species include all species of bats, great crested newt *Triturus cristatus*, dormouse *Muscardinus avellanarius*, and European otter *Lutra lutra*, amongst others.

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

This is the primary legislation covering endangered species in England and sets out the framework for the designation of Sites of Special Scientific Interest (SSSIs). It confers differing levels of protection on species themselves, their habitats or both depending on their conservation status. Species offered protection by the Act are listed in a series of schedules. These Schedules are subject to a rolling review every five years. Protected species are listed under Section 1 (birds), Schedule 5 (animals other than birds and invertebrates) and Schedule 8 (plants).

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. Section 41 (England) list habitats and species of principal importance to the conservation of biodiversity in England. These species and habitats are a material consideration in the planning process.

Species

Birds

All wild birds are protected under Section 1 of the WCA 1981 (as amended). Subsection 1(1) makes it an offence to intentionally kill, injure, or take any wild bird; take, damage or destroy the nest of any such bird whilst it is in use or being built; or take or destroy an egg of any such wild bird. It is, furthermore, an offence to either intentionally, or recklessly, disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The law covers all species of wild birds including common, pest or opportunistic species.

Amphibians

All native amphibians are protected under the WCA 1981 (as amended), with some species also protected under the European Habitats Directive (92/43/EC), transposed in England and Wales through the Conservation of Habitats and Species Regulations 2017. All amphibians are protected from keeping, transporting, selling or exchanging. This means that in practice reasonable measures must be taken to avoid their incidental mortality.

The Great Crested Newt (GCN) is protected under the Conservation of Habitats and Species Regulations 2017 and Schedule 5 / 9(4)(b) and (c) of the WCA 1981 (as amended). It is an offence to deliberately kill, injure, capture GCN or to deliberately disturb this species, or to intentionally or recklessly obstruct access to their places of shelter or protection, to damage or destroy their breeding sites or resting places, or to intentionally or recklessly disturb a GCN whilst in a place of shelter or protection. The legislation applies to all stages of the life cycle including eggs, larvae and juveniles. It should be noted that GCNs spend the majority of their lives on land, venturing up to 500 m (but more usually 250 m) from their breeding ponds and as such any ground works within 500 m of a breeding pond could potentially have an adverse effect on GCNs.

Reptiles

All six native species of reptiles are protected under the 1981 WCA (as amended), from intentional killing or injury. As such, all reasonable steps must be taken to avoid their incidental mortality when carrying out works.

Bats

All bats and their resting places are protected under Section 9(4)(b) and (c) of the WCA 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017.

It is an offence to destroy or damage a breeding site or resting place of a bat, to intentionally or recklessly obstruct access to any place of shelter or protection for bats, to deliberately disturb bat species, to intentionally or recklessly disturb a bat whilst in its place of shelter or protection, or deliberately capture, injure or kill a bat. It should be noted that a breeding site or resting place of a bat is protected whether or not bats are present, as long as it is likely that they will return, and any activity or works damaging or destroying such a breeding site or resting place are likely to require a Natural England European Protected Species Licence (EPSL).

Badgers

Badgers *Meles meles* and their setts are protected under the 1992 Protection of Badgers Act. Under this Act it is an offence to wilfully kill, injure, take, possess or cruelly ill-treat badgers, or to attempt to do so. It is also an offence to intentionally or recklessly damage, destroy, or obstruct access to any part of a sett, or to disturb an occupied sett, either by intent or negligence. When interpreting the Act, Natural England defines a sett as any structure within an area used by badgers that shows signs of having been occupied by badgers within the last 12 months.

Hazel Dormice

Hazel dormice are protected under Schedules 5 & 6 of the WCA 1981 (as amended), and are listed on Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Under the current legislation it is illegal to intentionally or deliberately kill, injure or capture dormice, deliberately disturb dormice (whether in a nest or not), or to damage or destroy dormouse breeding sites or resting places.

Invasive Species

Invasive species are plant species which are prohibited from release into the wild. There is an extensive list (currently 42) which are set out in section 14(2) of the WCA 1981 (as amended) which states that '*if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.*'

The most widespread of these are Japanese knotweed *Fallopia japonica* and giant hogweed *Heracleum mantegazzianum* which are also covered by several pieces of legislation. The Environmental Protection Act 1990 (as amended) is a broad ranging piece of legislation that singles out Japanese knotweed and giant hogweed for special mention. The Act places a 'Duty of Care' on the producer and anyone they employ to dispose of soil or other material contaminated with Japanese knotweed or giant hogweed, such material becomes a controlled waste, which can only be taken to licensed landfill and must be dealt with in an appropriate way.

Appendix B – References

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Appendix C – Assessment of Structures, Trees and Habitats for Bats

Assessment of Structures, Trees and Habitats for Bats

Guidance on Assessing the Potential Suitability of Development Sites to Support Bats (adapted from Collins, J. (ed)).

Suitability	Description	
	Roosting	Commuting and Foraging
Negligible	An inspected structure or tree which is considered to have no features of importance for roosting bats. No further constraints apply to the method or timing of proposed works.	Negligible habitat features on-Site to support commuting or foraging bats.
Low	A structure with at least one or more features suitable to support opportunistic individual bats. However, inadequate space, shelter, protection and conditions, and the low suitability of surrounding habitats means that it is unlikely to be used as a maternity or hibernation roost site. A tree of adequate age and stature to support potential roosting features, however, either no features, or only features of limited potential recorded from the ground.	Habitat with potential to support low numbers of commuting bats due to its quality and connectivity. For example, a gappy hedgerow or unvegetated stream that is isolated from the surrounding landscape. Alternatively, suitable but isolated habitats suitable to support low numbers of foraging bats such as a lone tree or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that are of adequate size, shelter and protection, with suitable conditions and surrounding habitat to support a bat roost not of high conservation status (with respect to roost type not individual species conservation status).	Linear habitat continuity connecting to the wider landscape offering potential to support commuting bats, such as rows of trees and scrub or linked back gardens. Habitat such as trees, scrub, grassland or a waterbody with connectivity to the wider landscape offering foraging opportunities for bats.
High	A structure or tree with one or more potential roost sites that are suitable for use by large numbers of bats on a regular basis and for long periods of time due to their size, shelter, protection, conditions and the surrounding habitat.	Continuous high-quality habitat with strong connectivity to the wider landscape that is likely to be used by commuting bats on a regular basis, such as flowing waterbodies, hedgerows, rows of trees and woodland edges. High quality habitat with strong connectivity to the wider landscape that is likely to be regularly used by foraging bats, such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to, and connected to, known roost sites.

Appendix D – Photographs

Stanton's Yard, Havant

Delta-Simons Project No. 18-0609.03



Photograph 1 – Semi-natural broadleaved woodland



Photograph 2 – Tall ruderals



Photograph 3 – Hardstanding



Photograph 4 – Radio mast and substation

Appendix E – Native Floral Species to Plant for Wildlife Enhancement On-Site

Native Floral Species to Plant for Wildlife Enhancement On-Site

The following list gives good examples of plants for different conditions which have value for native fauna either as a food source or shelter. To maximise value for wildlife plants should ideally be native, not cultivars, and sourced locally where possible. Planting should look to provide food at all levels, with underplanting of trees with shrubs or species rich grassland to provide maximum value out of an area and add interest to planting schemes.

Note: it is currently generally not advised to plant ash because of ash die back. However, ash is a very valuable plant for wildlife especially as a semi-mature and mature tree. Therefore, if locally sourced trees or self-sets known to be free of the fungus are available then these should be incorporated. Additionally, trees not showing signs of being affected should be retained where possible.

Trees and Shrubs

Large trees

- ▲ Beech *Fagus sylvatica*;
- ▲ Bird cherry *Prunus padus*;
- ▲ Elm *Ulmus procera*;
- ▲ Oaks *Quercus robur* and *Q. petraea*;
- ▲ White willow *Salix alba*;
- ▲ Field maple *Acer campestre*;
- ▲ Silver birch *Betula pendula*;
- ▲ Rowan *Sorbus aucuparia*;
- ▲ Small-leaved lime *Tilia cordata*; and
- ▲ Walnut *Juglans regia*.

Medium/ Small Trees

- ▲ Alder *Alnus glutinosa*;
- ▲ Apples *Malus* spp. (local varieties can be found);
- ▲ Field maple *Acer campestre*;
- ▲ Holly *Ilex aquifolium*;
- ▲ Pears *Pyrus* spp.;
- ▲ Rowan *Sorbus aucuparia*;
- ▲ Silver birch *Betula pendula*;
- ▲ Yew *Taxus baccata*;
- ▲ Elder *Sambucus nigra*;
- ▲ Hazel *Corylus avellana*;
- ▲ Hawthorn *Crataegus monogyna*;
- ▲ Honeysuckle *Lonicera periclymenum*;
- ▲ Wild privet *Ligustrum vulgare*;
- ▲ Blackthorn *Prunus spinosa*; and
- ▲ Guelder-rose *Viburnum opulus*.

Plants for hedgerows and woodland understoreys

A combination of shrubs and climbers can make attractive hedges of great benefit for wildlife, as well as providing a functional boundary. Standard trees should be incorporated in hedgerows, with ash, oak and wayfarer tree three traditional choices, depending on the region. These should be marked so as not to be cut during management works. In addition, undersowing with a suitable shade tolerant wildflower mix is important to maximise value.

Trees and shrubs suitable for hedges and understorey planting

- ▲ Blackthorn *Prunus spinosa*;
- ▲ Buckthorn *Rhamnus catharticus*;
- ▲ Field maple *Acer campestre*;
- ▲ Holly *Ilex aquifolium*;
- ▲ Elder *Sambucus nigra*;
- ▲ Guelder rose *Viburnum opulus*;
- ▲ Hawthorn *Crataegus monogyna*;
- ▲ Hazel *Corylus avellana*;
- ▲ Privets, including wild privet *Ligustrum vulgare*; and
- ▲ Spindle *Euonymus europaeus*.

Climber and scramblers suitable for hedgerows and understorey planting

- ▲ Dog rose *Rosa canina*;
- ▲ Field rose *Rosa arvensis*;
- ▲ Ivy *Hedera helix*;
- ▲ Honeysuckle *Lonicera periclymenum*;
- ▲ Wild clematis/ old man's beard *Clematis vitalba*; and
- ▲ Hop *Humulus lupulus*.

Understorey flowering plants providing ground cover for shady areas

These species flower early before trees are in full leaf, and will do well in areas that become shady later in the year.

- ▲ Bluebell *Hyacinthoides non-scripta*;
- ▲ Bugle *Ajuga reptans*;
- ▲ Wild daffodil *Narcissus pseudonarcissus*;
- ▲ Foxglove *Digitalis purpurea*;
- ▲ Lords-and-ladies/ cuckoopint *Arum maculatum*;
- ▲ Primrose *Primula vulgaris*;
- ▲ Sweet violet *Viola odorata*; and
- ▲ Wood avens *Geum urbanum*.