



Wellington Way, WaterlooVille, Hampshire, PO7 7EE

Preliminary Ecological Appraisal

Report for CPI Wellington Way 2 Ltd

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Author	Robin Searle BSc ACIEEM			
Version	Checked by	Approved by	Date	Type
1.0	Georgina Knibbs MSc BSc GradCIEEM	David Coote MPhys MSc	19/12/2017	
2.0		Robin Searle BSc ACIEEM	21/12/2017	
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Summary of key issues

The Ecology Consultancy was commissioned to carry out a Preliminary Ecological Appraisal (PEA), comprising a Phase 1 habitat survey, protected species assessment and ecological evaluation of land at Wellington Way, Waterloooville. The main findings of the PEA are as follows:

- The site consisted of two adjacent buildings which formed part of the Wellington Way Shopping Centre and were surrounded by areas of hardstanding. Ephemeral/ short perennial vegetation was scattered across the site.
- The site is not subject to any statutory or non-statutory nature conservation designations. There are no statutory designated sites within a 1km radius. The nearest non-statutory designated site is Stakes Coppice Remnant 1 Site of Nature Conservation importance (SNCI) located approximately 657m away.
- Habitats present are considered to be of value within the immediate vicinity of the site only (but may assume higher value where they support protected and/or notable species).
- **Bats** – buildings with low potential to support a bat roost were identified within the site boundary and will be affected by the development. In order to comply with legislation, further survey is required to ascertain if any bats are using these buildings for roosting. A Preliminary bat Roost Assessment has been carried out and is found in Appendix 1 of this report. **NB: The PRA found no evidence of bats and concluded that no further work is required prior to demolition of buildings.**
- **Breeding birds** – the site has moderate potential to support common and widespread breeding birds on the roofs of the buildings. In order to comply with legislation, these buildings should be demolished September to February inclusive which is outside of the main bird breeding season. Where this is not possible, a check for nesting birds prior to vegetation clearance should be undertaken by an experienced ecologist and, if any nests are found, the nests should be protected until such time as the young have left the nest. If any nesting birds are found at any time during clearance works, work should stop immediately, and an ecologist consulted.
- Recommendations to enhance the biodiversity value of the site in accordance with national and local planning policies comprise the inclusion of wildlife planting; the provision of a Sustainable urban Drainage Scheme (SuDS) including a biodiverse green roof and the provision of bird boxes.

1 Introduction

BACKGROUND TO COMMISSION

- 1.1 The Ecology Consultancy was commissioned by CPI Wellington Way 2 Ltd in November 2017, to carry out a Preliminary Ecological Appraisal (PEA) of land at Wellington Way, Waterlooville, Hampshire. The appraisal was carried out in order to provide ecological information to inform a planning application for a proposed mixed commercial and residential development. This appraisal considers land within the planning application site boundary (hereon referred to as 'the site') as indicated on the plan provided by the client (Bright Space Architects, 2017a).
- 1.2 A Preliminary Roost Assessment (PRA) has been undertaken for the site alongside the PEA and the Technical Advice Note is attached in Appendix 1 of this report.

SCOPE OF THE REPORT

- 1.3 This aim of this appraisal is to provide baseline ecological information about the site. This will be used to identify any potential ecological constraints associated with the proposed development and/or to identify the need for additional survey work to further evaluate any impact that may risk contravention of legislation or policy relating to protected species and nature conservation. Where necessary, avoidance, mitigation/compensation and/or enhancement measures have been recommended to ensure compliance.
- 1.4 This appraisal is based on the following information sources:
 - a desk study of the site and land within a 1km surrounding radius;
 - a Phase 1 habitat survey (JNCC, 2010) of the site to identify and map the habitats present;
 - a protected species assessment of the site to identify features with potential to support legally protected species; and
 - an evaluation of the site's importance for nature conservation.
- 1.5 This appraisal has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2017) and as detailed in British Standard 42020:2013 *Biodiversity - Code of Practice for Biodiversity and Development* (BSI, 2013).

- 1.6 The survey, assessment and report were conducted and written by Robin Searle BSc ACIEEM, an Ecologist with five years' experience who is competent in carrying out Phase 1 habitat surveys and protected species assessments.

SITE CONTEXT AND STATUS

- 1.7 The proposed development site is 2.32 hectares (ha) in size and is centred on Ordnance Survey National Grid reference SU 68177 09387. The site lies within a densely urban area of WaterlooVille and is not subject to any nature conservation designations. It is bordered by St George's Church to the north, mixed commercial buildings to the east and south and Hambledon Road to the west. The wider landscape is predominantly urban and dominated by buildings and road infrastructure with the majority of vegetation restricted to residential gardens and small areas of open space. More extensive vegetated habitat is present approximately 500m west in the form of agricultural fields and a block of woodland habitat is present to the north-east.

DEVELOPMENT PROPOSALS

- 1.8 The development proposals for the site, based on current plans provided by the client (Bright Space Architects, 2017a), are to demolish the existing buildings and replace with a multi-story building of mixed commercial and residential use together with a private residential garden at ground level and green (sedum-based) roof on part of the building. The following description of the proposals has been taken from the Pre-Application Document (Bright Space Architects 2017b):

"The ground floor consists of a gym, cinema room. Also situated on the ground level is a concierge, lounge, rented storage units and TV/ cinema room for the residents. The remainder of the proposal consists of 264 studio units over 9 storeys. A cycle store on the ground floor provides secure storage for a minimum of one cycle space per flat. The plant and bin store are situated on the ground floor accessed using the service yard from Hambledon road. The bin store provides 33 1100l Euro bins for both recycling and general refuse.

Communal Garden and Terrace

A tiered private residents garden is situated on lower levels providing both amenity space and an attractive outlook for the residents. This will also have ecological benefits by providing improved wildlife habitats. On the fourth floor the residents will also benefit from a communal dining area/ lounge that opens onto a covered terrace area, providing additional amenity space and views across WaterlooVille."

RELEVANT LEGISLATION AND PLANNING POLICY

1.9 The following key pieces of nature conservation legislation are relevant to this appraisal. A more detailed description of legislation is provided in Appendix 5:

- The Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations);
- Wildlife and Countryside Act 1981 (as amended); and
- Natural Environment and Rural Communities Act 2006.

1.10 The National Planning Policy Framework (Department of Communities and Local Government, 2012) requires local authorities to avoid and minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity when taking planning decisions.

1.11 Other planning policies at the local level which are of relevance to this development include the Havant Borough Core Strategy (2011). Further information is provided in Appendix 5.

1.12 The Havant Borough Local Plan 2036 is pending; the draft is scheduled to be considered for consultation on 18th December 2017.

2 Methodology

DESK STUDY

2.1 The following data sources were reviewed to provide information on the location of non-statutory designated sites¹, legally protected species² - specifically bats, Species and Habitats of Principal Importance³ within a 1km radius of the site. The search radius was considered proportionate to the site proposals which are on previously developed land and have a small zone of influence. A wider search area of 5km was used to gather information on statutory designated sites⁴ due to their greater significance at a landscape scale:

- Hampshire Biodiversity Information Centre [HBIC], the local Biological Records Centre, principally for bat records and information on non-statutory sites;
- MAGIC (<http://www.magic.gov.uk/>) - the Government's on-line mapping service for nature conservation information; and
- Ordnance Survey mapping and publicly available aerial photography.

HABITAT SURVEY

2.2 A habitat survey of the site was carried out on the 30 November 2017 in clear, dry conditions. It covered the entire site including boundary features. Habitats were described and mapped following standard Phase 1 habitat survey methodology (JNCC, 2010). Habitats were marked on a paper base map and subsequently digitised using ESRI ArcGIS software. Habitats were also assessed against descriptions of Habitat of Principal Importance as set-out by the JNCC (BRIG, 2008)⁵.

2.3 Records for dominant and notable plants are provided, as are incidental records of birds and other fauna noted during the course of the habitat survey.

¹ Non-statutory sites are designated by local authorities (e.g. Sites of Importance for Nature Conservation or Local Wildlife Sites).

² **Legally protected species** include those listed in Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981; Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended); or in the Protection of Badgers Act 1992 (as amended).

³ **Species/ Habitats of Principal Importance** are those listed on Section 41 of the Natural Environment and Rural Communities Act, 2006.

⁴ Statutory designations include Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR).

⁵ Data required to confirm that certain habitats (including rivers and ponds) meet criteria for Habitats of Principle Importance is beyond that obtained during a Phase 1 habitat survey. In these cases the potential for such habitats to meet relevant criteria is noted but further surveys to confirm this assessment may be recommended

- 2.4 Common names are used where widely accepted – for amphibians, birds, fish, mammals, reptiles and vascular plants. Scientific names are provided for other groups but at first mention only if there is also an accepted common name.
- 2.5 The site was also surveyed for the presence of invasive plant species as defined by Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, detailed mapping of such species is beyond the scope of this commission and the location on habitat plan are indicative only.
- 2.6 Target notes are used to provide information on specific features of ecological interest (e.g. a badger sett) or habitat features that were too small to be mapped.

PROTECTED AND NOTABLE SPECIES ASSESSMENT

- 2.7 The suitability of the site for legally protected species was assessed on the basis of relevant desk study records⁶ combined with field observations from the habitat survey. The likely value of habitat for protected species occurrence was ranked on a scale from ‘negligible’ to ‘present’ as described in Table 2.1.
- 2.8 The assessment of habitat suitability for protected or notable species was based on professional judgement drawing on experience of carrying out surveys of a large number of urban and rural sites and best practice survey guidance on identifying field signs which includes that for the following species: badger (e.g. Roper, 2010); bats (Collins (ed.), 2016); hazel dormouse (English Nature, 2006); great crested newt (Langton *et al.* 2001); otter (Chanin, 2003); reptiles (Gent and Gibson, 2003); and water vole (Dean *et al.* 2016).

Table 2.1: Protected species assessment categories

Category	Description
Present	Presence confirmed from the current survey or by recent, confirmed records.
High	Habitat present provides all of the known key requirements for a given species/species group. Local records are provided by desk study. The site is within or close to a national or regional stronghold for a particular species. Good quality surrounding habitat and good connectivity.
Moderate	Habitat present provides all of the known key requirements for a given species/species group. Several desk study records and/or site within national distribution and with suitable surrounding habitat. Factors limiting the likelihood of occurrence may include small habitat area, barriers to movement and disturbance.

⁶ Primarily dependent on the age of the records, distance from the site and types of habitats at the site.

Low	Habitat present is of relatively poor quality for a given species/species group. Few or no desk study records. However, presence cannot be discounted on the basis of national distribution, nature of surrounding habitats or habitat fragmentation.
Negligible	Habitat is either absent or of very poor quality for a particular species or species group. There were no desk study records. Surrounding habitat unlikely to support wider populations of a species/species group. The site may also be outside or peripheral to known national range for a species.

2.9 The findings of this assessment establish the need for protected species surveys that are required to achieve compliance with relevant legislation. Surveys are commonly required for widespread species such as bats, great crested newt, reptiles and badger; but may be necessary for other species if suitable habitat is present.

2.10 Surveys may be required where a site is judged to be of low suitability for a particular species/species group. However, in some cases there may be opportunities to comply with legislation, without further survey, through precautionary measures prior to and during construction.

SITE EVALUATION

2.11 The site's ecological value has been evaluated broadly following guidance issued by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2016) which ranks the nature conservation value of a site according to a geographic scale of reference: international, national, regional, county/metropolitan, district/borough, local/parish or of value at the site scale. In evaluating the nature conservation value of the site the following factors were considered: nature conservation designations; species/habitat rarity; naturalness; fragility and connectivity to other habitats.

DATA VALIDITY AND LIMITATIONS

2.12 Every effort has been made to provide a comprehensive description of the site, however, the following limitations apply to this assessment.

- The protected species assessment provides a preliminary view of the likelihood of protected species occurring on the site. It should not be taken as providing a full and definitive survey of any protected species group. Additional surveys may be recommended if on the basis of the preliminary assessment or during subsequent surveys it is considered reasonably likely that protected species may be present.
- The ecological evaluation is preliminary and may change subject to the findings of further ecological surveys (should these be required).

- Even where data for a particular species group is provided in the desk study, a lack of records for a defined geographical area does not necessarily mean that there is a lack of ecological interest, the area may simply be under-recorded.
- Where only four figure grid references are provided for protected species by third parties, the precise location of species records can be difficult to determine and they could potentially be present anywhere within the given 1km x 1km square. Equally six figure grid references may be accurate to the nearest 100m only.
- The Phase 1 habitat survey does not constitute a full botanical survey or provide accurate mapping of invasive plant species.
- The Phase 1 habitat survey was undertaken in November which is a suboptimal time of year to survey flora. The habitats on site were dominated by buildings and hardstanding that are unlikely to vary in their floral composition through the year, and accordingly the survey was considered sufficient to assess the quality of the habitats present.
- Ecological survey data is typically valid for two years unless otherwise specified.

2.13 Despite these limitations, it is considered that this report accurately reflects the habitats present, their biodiversity values and the potential of the site to support protected and notable species.

3 Results

DESIGNATED SITES

Statutory designated nature conservation sites

- 3.1 The proposed development site is not subject to any statutory nature conservation designations and no statutory designated sites are present within 1km.
- 3.2 There are three European statutory sites within a 5km radius of the site as listed in the table below.

Table 3.1: Statutory sites (excluding Local Nature Reserves) within a 5km radius of the site boundary.

Site Name	Reason for designation	Area (ha)	Distance from site (m)
Special Protection Area			
Chichester and Langstone Harbours	This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of little tern, sandwich tern, little egret, bar-tailed godwit. 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: ringed plover, black-tailed godwit, dark-bellied brent goose, dunlin, grey plover, redshank and ringed plover. The site has an assemblage qualification of 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.	5, 810.03	4.03km S
Special Area of Conservation			
Solent Maritime	The Annex I habitats that are the primary reason for the designation of this site area: Estuaries, <i>Spartina</i> swards (<i>Spartinion maritimae</i>) and Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>).	11, 243.12	4.14km S
Ramsar site			
Chichester and Langstone Harbours	Designated as an internationally important wetland for comprising two large estuarine basins linked by a channel and including extensive intertidal mudflats, saltmarsh, sand and shingle spits, and dunes supporting reedbeds and some grassland. The numbers of wintering waterbirds regularly exceed 20,000 individuals and include internationally and nationally important numbers of several species.	5, 810.00	4.03km S

Sites of Special Scientific Interest: Impact Risk Zones

- 3.3 Impact Risk Zones (IRZ's) are intended as a tool for local planning authorities to identify when specific types of development may require consultation with Natural England regarding their potential impact on SSSIs. If the site includes an increase in residential units of 500 or more then consultation with Natural England will be required.

Non-statutory designated nature conservation sites

- 3.4 The proposed development site is not subject to any non-statutory nature conservation designations. Seven non-statutory sites designated as Sites of Nature Conservation Importance (SNCI) are present within 1km of the site (see Table 3.2).

Table 3.2: Non-Statutory Designated Sites

Site Name	Distance from site and orientation	Reason for designation
Stakes Coppice Remnant 1	657m S	Designated for meeting criterion 1B “ <i>Other woodland where there is a significant element of ancient semi-natural woodland surviving</i> ”, and 7A “ <i>Sites of nature conservation interest which occur in areas otherwise deficient in such interest, and/or are known to be of particularly high value to local communities e.g. community wildlife sites</i> ” (Hampshire County Council, 1996).
Frank's Coppice	724m SE	Designated for meeting criterion 1B
Outhurst/Inhurst /Beech Woods	851m E	Designated for meeting criterion 1A “ <i>Ancient semi-natural woodlands</i> ” (Hampshire County Council, 1996).
Park Wood, Havant	911m NE	Designated for meeting criterion 1A
Stakes Coppice Remnant 4	917m SE	Designated for meeting criterion 1B
The Queen's Inclosure	945m NE	Designated for meeting criterion 1A
Stakes Coppice Remnant 2	964m SE	Designated for meeting criterion 1B

Habitat inventories

Ancient woodland

- 3.5 A single area of ancient woodland is present within a 1km radius according to the ancient woodland inventory. This is the Ancient Semi-Natural Woodland site 'Park Wood' which is also designated as SNCI and located approximately 911m north of the site.

PHASE 1 HABITAT SURVEY

Overview

- 3.6 The site consists of two adjacent buildings forming part of the Wellington Way Shopping Centre which were surrounded by areas of hardstanding. Ephemeral/ short perennial vegetation was scattered across the site.
- 3.7 Phase 1 habitats types are mapped in Figure 1, areas are given in Table 3.2. A description of dominant and notable species and the composition of each habitat is provided below.

Table 3.2: Phase 1 Habitat Areas

Phase 1 Habitat	Extent	%
Buildings	1.54ha	66
Hardstanding	0.78ha	34

Habitat description

Buildings

- 3.8 The entire site consisted of two adjacent buildings forming part of the Wellington Way Shopping Centre which were surrounded by areas of hardstanding. Buildings 1 and 2 (*see* Habitat Map, Appendix 2) were brick-built structures with two-stories; the lower story comprised a series of shops and the upper story consisted of residential space (*see* Photograph 1, Appendix 3). Both buildings featured a flat asphalt roof which overlapped the building facades where gaps were visible. The windows and doors were lined with timber and were in poor condition, with some loose sections of timber cladding creating gaps between the materials.

Hardstanding

- 3.9 Hardstanding consisting of concrete material was present around the buildings. The strip of hardstanding between the two buildings provided a walkway via the shop fronts (*see* Photograph 2, Appendix 3).

3.10 Scattered ephemeral/ short perennial vegetation was present occasionally across areas of hardstanding across the site. Species recorded include shepherd's-purse, annual meadow-grass, dandelion and groundsel.

PROTECTED AND INVASIVE SPECIES ASSESSMENT

3.11 The potential for the site to support protected species has been assessed using criteria provided in Table 3.3, based on the results of the desk study and observations made during the site survey of habitats at the site. Other legally protected species are not referred to as it is considered that the site does not contain habitats that would be suitable to support them. The following species/species groups are potentially present at the site:

- bats;
- breeding birds; and
- invasive species.

3.12 The table also summarises relevant legislation and policies relating to protected and invasive species. Key pieces of statute are summarised in Section 1 and set-out in greater detail in Appendix 5.

Table 3.3: Protected and Invasive Species Assessment

Habitat/ species	Status 7, 8	Likelihood of occurrence
Bats	HR WCA S5	LOW: There are desk study records for six species of bat within 1km, these are: serotine, whiskered, noctule, common pipistrelle, soprano pipistrelle and brown long-eared bat. Features suitable for roosting bats were limited to small gaps present between the asphalt roof and the building facades (see Photograph 3, Appendix 3). These features were visible on parts of the facades of buildings 1 and 2. The site is within a densely urban area and high levels of human disturbance and light pollution are likely to deter bats from using these features. Foraging habitat is absent on site and in the wider surrounds is limited to small areas of green space and residential gardens. Considering this, the site was assessed as having overall low potential to support roosting bats as absence cannot be discounted due to the presence of potential roosting features. Buildings 1 and 2 had low potential to support roosting bats therefore bats are considered further in Section 4 of this report.
Breeding birds	WCA S5	MEDIUM: Desk study records for birds were not requested. The on-site buildings provide potential to support common and widespread breeding birds such as pigeon and common gull. Several common bird species were observed during the habitat survey including pied wagtail and pigeon. It is likely that breeding birds will occur at the site in low numbers and as such they are considered further in Section 4 of this report.
Invasive species	WCA S9	NEGLECTIBLE: Desk study records were not requested. Vegetation on site was limited to scattered ephemeral/ short perennial wildflowers and grasses and none of these are listed as invasive under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Although the site survey was undertaken outside of the growing season, it is still possible to identify over-wintering or dead parts of a plant, such as the old stems of Japanese knotweed, therefore the survey is considered to provide robust evidence for absence. As there is a negligible likelihood of presence, invasive species listed on Schedule 9 are not considered further in this report.

⁷ The following abbreviations have been used to signify the legislation regarding different species: HR = Conservation of Habitats and Species Regulations 2010 (as amended); WCA S1 = Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); WCA S5 = Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); WCA S9 = Schedule 9 of the Wildlife and Countryside Act 1981 (as amended); PBA = Protection of Badgers Act, 1992.

⁸ The following abbreviations have been used to signify the policy of conservation assessments applying to notable species: SPI = Species of Principal Importance under the NERC Act 2006; LBAP = Local Biodiversity Action Plan species; BoCC = Birds of Conservation Concern - amber list / red list (Eaton *et al.*, 2015); and/or RD/NN = red data book/nationally notable species (JNCC, undated).

NATURE CONSERVATION EVALUATION

- 3.13 The proposed development site is not subject to any nature conservation designations. It consists entirely of commercial/residential buildings and hardstanding which are common and widespread in the area and not considered ecologically valuable habitats. The site is distant from any sites of nature conservation importance.
- 3.14 The habitats on site were suitable for common and widespread species. Records for common pipistrelle and serotine bats, which are both Hampshire Biodiversity Action Plan (BAP) species and Species of Principal Importance, were provided in the desk study. It is not possible to confirm the value of bat populations that may be present at the site until further surveys have been undertaken. Recommendations for further survey are provided in Section 4.
- 3.15 The habitats at the site and populations of species, if present, are likely to be of value within the immediate vicinity of the site only. It is unlikely that the site would support rare species, or diverse assemblages or large populations of any noteworthy species.

4 Potential Impacts and Recommendations

4.1 This section summarises the potential impacts on habitats and notable species that may be present at this site. The impact assessment is preliminary and further detailed assessment and surveys will be required to assess impacts and design suitable mitigation, where appropriate.

4.2 The following key ecological issues have been identified:

- habitat suitable for roosting bats is present – further survey will be required to establish their presence/likely absence in buildings that are due to be removed. **NB: A Preliminary bat Roost Assessment has been carried out which found no evidence of bats and concluded that no further work is required prior to demolition of buildings;**
- habitat suitable for breeding birds is present – measures must be taken to avoid killing birds or destroying their nests; and
- a range of measures should be undertaken to satisfy the requirement for ecological enhancement included in planning policy.

CONSTRAINTS AND MITIGATION/COMPENSATION

Designated Nature Conservation Sites

4.3 No impacts are envisaged on statutory or non-statutory designated sites due to the small scale of the proposed development and distance of the site from any designated site. Therefore, there are no constraints to the proposed development in this regard.

Habitats

4.4 The entire site consists of commercial/ residential buildings and hardstanding which are not considered to be ecologically valuable habitats. Therefore, no particular constraints were identified in relation to the intrinsic value of the habitats present. The site proposals (Bright Space Architects, 2017a) include the provision of garden space. As current vegetation is restricted to scattered ephemeral vegetation, the development has the potential to provide an overall net increase in biodiversity at the site.

Bats

4.5 All British species of bat are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species

Regulations 2010 (as amended). Under this legislation it is an offence to deliberately capture, kill, disturb and damage or destroy a bat roost. Some species of bat are also Species of Principal Importance and Hampshire BAP species.

- 4.6 It is thought unlikely that roosting bats are present at the site given the lack of suitable foraging habitat there and high disturbance levels from human activity and light pollution likely experienced at the site. However, presence cannot be discounted due to the presence of roosting features (gaps between asphalt and building façade) on Buildings 1 and 2.
- 4.7 As the buildings are due to be demolished, a PRA was carried out at the site on 15 December 2017, the report of which is included within Appendix 1, which includes methodology, results and recommendations for mitigation. **NB: The PRA found no evidence of bats and concluded that no further work is required prior to demolition of buildings.**
- 4.8 It is recommended that measures are implemented to avoid night-time lighting of features with potential for roosting bats, as well as areas that could provide flight lines and foraging habitats for bats. Further advice on the locations and appropriate methods for controlling light emissions is provided within the PRA report (see Appendix 1).

Breeding birds

- 4.9 All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). The site is likely to support common and widespread species of breeding birds on top of the buildings.
- 4.10 All building demolition must be carried out September to February inclusive, to avoid any potential offences relating to breeding birds during their main bird breeding season (Newton *et al.*, 2011).
- 4.11 If demolition during the breeding season is unavoidable then potential nesting habitat must be inspected shortly before work commences to identify active birds' nests. Should they be present, the nest and a suitable buffer of habitat around it must be retained until the young have left the nest.

Other protected species

- 4.12 Works must stop immediately, and advice sought from a suitably qualified ecologist in the unlikely event that any protected species are found during site clearance or construction.

FURTHER SURVEY REQUIREMENTS

- 4.13 Table 4.1 lists further survey requirements as recommended in the constraints section.

Table 4.1: Further survey requirements

Species/ Habitat	Survey Requirement	Number of surveys and seasonal considerations
Bats	To carry out a Preliminary Roost Assessment (PRA) of buildings to be removed for the development.	A PRA was carried out at the site on 15 December 2017 in line with current best practice guidelines (Collins (ed.), 2016). The results of the PRA, and any further recommendations with respect to bats are included within Appendix 1 of this report.

OPPORTUNITIES FOR ECOLOGICAL ENHANCEMENT

- 4.14 Planning policy at the national and local level and strategic biodiversity partnerships encourage inclusion of ecological enhancements in development projects. Ecological enhancements can also contribute to green infrastructure and ecosystem services such as storm water attenuation and reducing the urban heat island effect. The following measures would be suitable for integration into the site's design, but would require a more detailed design to successfully implement.

Wildlife planting

- 4.15 Wildlife planting should be integral to the soft landscape plans and should include native species and/or species of recognised wildlife value⁹. The use of nectar-rich and berry producing plants will attract a wider range of insects, birds and mammals and continue to accommodate those already recorded at the site. Trees should also be provided and can be under-planted to improve structure and cover for wildlife. Consideration should also be given to creation of species-rich native hedgerows.
- 4.16 Good horticultural practice should be utilised, including the use of peat-free composts, mulches and soil conditioners, native plants with local provenance and avoidance of

⁹ For example The Royal Horticultural Society (RHS) Perfect for Pollinators Scheme <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/encourage-wildlife-to-your-garden/plants-for-pollinators> and the joint RHS/Wildlife Trust's Gardening With Wildlife In Mind Database <http://www.joyofplants.com/wildlife/home.php>

the use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

- 4.17 Landscaping should include the use of climbing plants growing on a support structure to provide vertical nesting habitat and foraging resources for birds and invertebrates. The support structure should ideally be placed 50-100mm off the façade. Plants should comprise native species or non-native species of recognised wildlife value and either deciduous or evergreen species depending on the specification.

Sustainable Urban Drainage System (SuDS)

- 4.18 SuDS comprise a linked system of soft landscaping, green roofs, rain-water harvesting technologies including ponds, below ground drainage and porous surfacing which can be designed into a development to intercept and attenuate surface water and prevent flooding. Design of a SuDS would be appropriate to this development and should be considered as part of the site master plan. A SuDS would also increase biodiversity, for example by providing a series of habitats for wildlife to use, if appropriately designed and planted – see below.

Biodiverse green roof

- 4.19 The aspiration should be to install biodiverse green roofs on houses (subject to loading capacity) as they deliver multiple green infrastructure benefits, including being of high wildlife value. Biodiverse roofs feature a diversity plant species of wildlife value and more beneficial to wildlife than sedum-based roofs which are low in species diversity. It is advised that any green roof should meet minimum standards published by the Green Roof Organisation (GRO, 2011) and professional advice is sought (e.g. The Green Infrastructure Consultancy - <http://greeninfrastructureconsultancy.com/>) in order to align the technical specification with the environmental goals of the development.

Provision of bird boxes

- 4.20 To both compensate for the loss of breeding bird habitat and increase the overall provision of nesting habitat at the site it is recommended that bird boxes are erected on/in buildings or within the newly created garden space. Many different designs are available including nest cups to support house martins or boxes to support colonial species such as starling or house sparrow.
- 4.21 Woodcrete/woodstone bird boxes (or equivalent sustainable material) are recommended as they are long lasting compared to wooden boxes, insulate occupants

from extremes of temperature and condensation and are available in a broad range of designs.

- 4.22 Landscape planting (as detailed above) could also provide compensatory breeding habitat for bird species in the form of dense scrub/shrubs/hedgerows/trees etc.

References

Bright Space Architects. (2017a) *Wellington Way, Waterlooville, Westbrook Properties. Proposed Site Plan. Drawing no. SK04. Rev A.* Bright Space Architects, Hampshire.

Bright Space Architects. (2017b) *Proposed Development at Wellington Way, Waterlooville. Pre-Application Document.* Bright Space Architects, Hampshire.

British Standards Institution (BSI) (2012) BS 5837:2012- *Trees in relation to design, demolition and construction.* BSI, London.

British Standards Institution (2013) Biodiversity. Code of practice for planning and development: 42020. BSI, London.

Biodiversity Reporting and Information Group (BRIG) (2008) *UK Biodiversity Action Plan Priority Habitat Descriptions.* JNCC. Peterborough.

CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

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

Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines.* 3rd edition. The Bat Conservation Trust, London.

Connolly, S. & Charles, P. (2005) *Environmental good practice pocket book.* CIRIA, London.

Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016) *The Water Vole Mitigation Handbook (The mammal Society Mitigation Guidance Series).* Eds Fiona Matthews and Paul Chanin. The Mammal Society, London.

Department of Communities and Local Government (2012) *National Planning Policy Framework.* DCLG. London.

Eaton, M.A., Aebischer, N.J., Brown, A.F., Hearn, R.D., Lock, L., Musgrove, A.J., Noble, D.G., Stroud, D.A. and Gregory, R.D. (2015). Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. British Birds 108, 708–746. <http://britishbirds.co.uk/wp-content/uploads/2014/07/BoCC4.pdf> [accessed 18 December 2017].

English Nature (2006) *The Dormouse Conservation Handbook.* 2nd Edition. Natural England. Peterborough.

Gent, T. and Gibson, S. (2003) *Herpetofauna Workers Manual.* JNCC, Peterborough.

GRO (2014) *The GRO Green Roof Code: Green Roof Code of Best Practice for the UK 2014.* Groundwork Sheffield, Sheffield.

Hampshire County Council (1996). *Criteria for Selecting Sites of Importance for Nature Conservation in Hampshire*. URL <http://documents.hants.gov.uk/biodiversity/SINCCriteria.pdf> [accessed 15 December 2017].

Havant Borough Council (2011). *Havant Borough Core Strategy March 2011. Local Development Framework*. URL <https://www.havant.gov.uk/sites/default/files/documents/ADOPTED%20CORE%20STRATEGY%20.pdf> [accessed 15 December 2017].

JNCC (2010) *Handbook for Phase 1 Habitat Survey – A Technique for Environmental Audit*. England Field Unit, Nature Conservancy Council. Reprinted by Joint Nature Conservation Committee, Peterborough.

Langton, T.E.S., Beckett, C.L., and Foster, J.P. (2001) *Great Crested Newt Conservation. Handbook*. Froglife, Halesworth.

MAGIC (2016) *Multi-Agency Geographic Information for the Countryside*. <http://www.magic.gov.uk/> [accessed 18 December 2017].

Natural England (2013) *GIS Digital Boundary Datasets – Priority Habitat Inventory*. http://www.gis.naturalengland.org.uk/pubs/gis/GIS_register.asp [accessed 18 December 2017].

Newton, J., Nicholson, B., Saunders, R., Willets, R. & Venables, R. (2011) *Working with wildlife: guidance for the construction industry* (2nd Ed.). CIRIA, London.

Roper, T.J. (2010) *Badger*. Harper Collins, London.

Stace, C.A. (2010) *New Flora of the British Isles* (3rd Ed.). Cambridge University Press, Cambridge.

Appendix 1: Preliminary Bat Roost Assessment

**Bat Preliminary Roost Assessment
Technical Advice Note
Wellington Way (shopping centre)
Waterlooville
Hampshire
PO7 7ED**



The Old Dairy
Barcombe Mills Rd, Lewes,
East Sussex, BN8 5FF
T – 01273 813739
F – 020 7326 1118
E - Linda@ecologyconsultancy.co.uk
W – www.ecologyconsultancy.co.uk

To: CPI Wellington Way 2 Ltd c/o Josh McEvoy

From: Charlie Dwight (TEC)

Date: 09 January 2018

1.0 Background

The Ecology Consultancy was commissioned by CPI Wellington Way 2 Ltd in December 2017 to undertake a Preliminary Roost Assessment (PRA) to assess the presence or likely absence of bats within two buildings, located within a shopping centre, Wellington Way, Waterlooville, Hampshire. The need for this survey was identified during a Preliminary Ecological Appraisal (PEA) carried out by The Ecology Consultancy (2017). This technical note should be read in conjunction with the PEA report.

The PRA was carried out by Charlie Dwight MCIEEM CEcol a Principal Ecologist with eleven years commercial bat survey experience (Natural England Level 2 Class Licence 2015-11425-CLS-CLS) and Linda Kerrison BSc MSc an ecologist with over four years commercial bat survey experience (Natural England Level 2 Class Licence 2017-31110-CLS-CLS).

The bat PRA covered two buildings at Wellington Way shopping centre, which are proposed to be demolished as part of developed proposals, which are detailed in the PEA report (The Ecology Consultancy, 2017). The results of the bat PRA (building inspection survey) is presented within this technical advice note.

All bat species and bat roosts are afforded legal protection under The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations 2017') and the Wildlife and Countryside 1981 (as amended). In summary this legislation makes it an offence to injure, kill, take and/or disturb roosting bats and or cause damage to any place a bat uses for shelter.

2.0 Methodology

The PRA was carried out on 15/12/2017 in suitable weather conditions of 5°C, calm wind, 6/8 okta cloud cover and no rain.

The bat surveys were carried in accordance with standardised methodologies defined within the Good Practice Bat Survey Guidelines (Collins (ed.), 2016) and within the Bat Workers Manual (Mitchell-Jones, 2004).

Equipment used and at hand during the building inspection included an extendable ladder, close-focusing binoculars, endoscope (SeeSnake Rigid Micro), hand held LED torch and a high-powered torch.

The survey comprised a detailed external inspection. Where suitable features for roosting bats were found they were inspected with the use of an endoscope and high powered torch, to determine presence of likely absence of roosting bats. The survey also searched for signs of roosting bats including:

- Droppings;
- Scratch marks around any potentially suitable bat access points, and
- Rub marks around potentially suitable bat access points.

Assessment Criteria

The potential for the building to support roosting bats was assessed using the findings of the survey. The following criteria were used to determine the level of potential:

- Negligible – While presence cannot be absolutely discounted there were no significant visible features that could be used by bats for roosting.
- Low – Small number of potential roosting features that could be utilised by individual opportunistic roosting bats. Site situated within isolated habitat that could be used by foraging bats but which is not connected by prominent linear features such as woodland edge, hedgerows and tree lines.
- Moderate – Several potential roost features in the buildings, trees or other structures. There is surrounding habitat suitable to support foraging and roosting bats. The site is connected with the wider landscape by linear features such as woodland edge, lines of trees and hedgerows that could be used by commuting bats.
- High – Buildings, trees or other structures such as mines, caves, tunnels, ice houses and cellars with numerous features of significance for roosting bats. Surrounding landscape has high value habitat for roosting, foraging and commuting and is contiguous with on-site

habitats. The site is connected with the wider landscape by strong linear features and may be close to known roosts or other potentially valuable habitat resources.

- Presence confirmed – Evidence indicates a building is used by bats, for example:
 - Bats seen roosting or observed flying from a roost or freely in the habitat;
 - Signs of bat activity such as droppings, carcasses or feeding remains found;
 - Bats heard ‘chattering’ inside on a warm day or at dusk.

3.0 Results

The building inspection covered two buildings within the site, B1 and B2 (refer to Habitat Plan in Appendix 2 of PEA). The buildings were located within the town centre of Waterloo. Building 1 was adjacent to a church along its northern extent. The site itself was devoid of any trees and greenspaces and comprises 100% buildings and hardstanding.

The two buildings formed part of the Wellington Way shopping centre and were constructed of brick, circa 1960s, with flat asphalt roofs, lined with lead. Minor narrow gaps were present under the lead flashing along the top of the structures. Four drainage hole slits were present upon the northern elevation of B1. A hole within the brickwork leading into a cavity wall was present on the northern elevation of B1. Based upon the features present upon the structures, B1 and B2 was initially assessed as having very low potential for roosting bats during the PEA.

An endoscopic inspection of all suitable potential bat access points was carried out and included:

- Drainage holes x 4 (north elevation B1);
- A hole leading into a cavity wall (northern elevation of B1);
- Lifted timber fascia’s (west elevation B2);
- Gaps under lead flashing (B1 and B2, all elevations).

No evidence of roosting bats was found at the time of the survey and bats were considered to be likely absent from the site. Following the endoscope inspection and due to the busy urban location of the built structures, lack of connectivity between the site and the surrounding landscape and lack of suitable foraging habitats within close proximity to the site, **B1 and B2** were re-assessed and downgraded to **Negligible** potential for roosting bats.

4.0 Recommendations

1. No evidence of bats were found at the time of the PRA and following a detailed endoscope survey both buildings were assessed as having **Negligible** potential for roosting bats. Therefore, no further bat surveys are required to enable the demolition and re-development of the site.
2. Demolition of B1 and B2 may proceed in the absence of a bat European Protected Species Mitigation (EPSM) Licence.

References

British Standards Institution (2013) *Biodiversity. Code of practice for planning and development: 42020*. BSI, London.

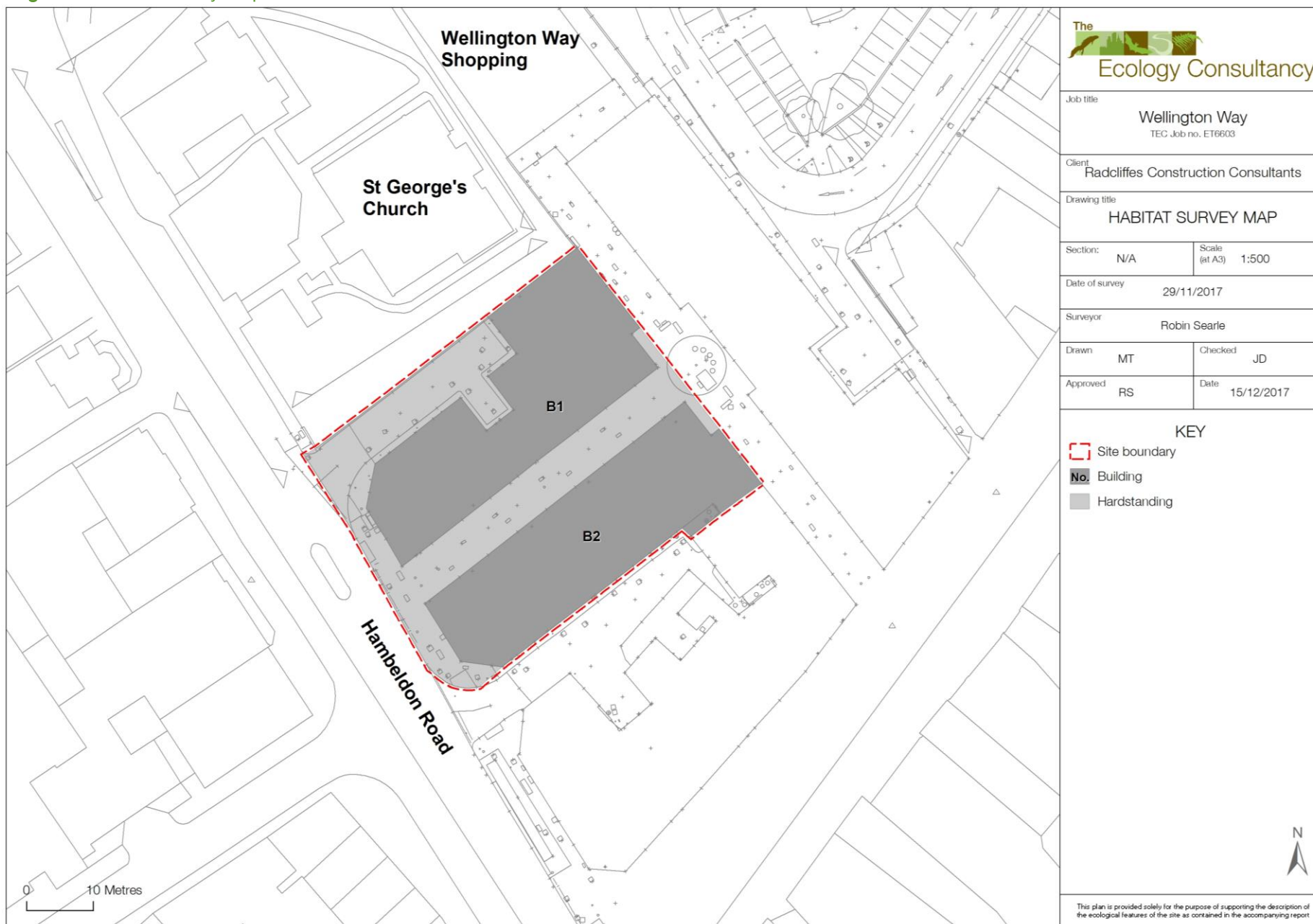
Collins (ed.) (2016) *Bat Surveys - Good Practice Guidelines* 3rd Edition. Bat Conservation Trust, London.

Mitchell-Jones, A.J. & McLeish, A.P. (2004) *The Bat Workers' Manual* 3rd Edition. Joint Nature Conservation Committee, Peterborough

The Ecology Consultancy (2017) *Wellington Way, Waterloooville - Preliminary Ecological Appraisal*. Report Reference 6603. The Ecology Consultancy, Lewes, UK.

Appendix 2: Habitat Map

Figure 1: Habitat Survey Map



Appendix 3: Photographs

Photograph 1

Buildings 1 (left) and 2 (right) with the walkway providing public access to the shops seen in the centre. View looking north-east, photograph taken from Hambledon Road.



Photograph 2

Building 2 showing where the asphalt roof overlaps the building façade.



Photograph 3

A view of the central walkway showing the retail shops on the lower floor of the buildings. Street lighting is present along the pathway, shown in the centre of the picture. View looking north-east.



Appendix 4: Plant Species List

Plant Species List for Wellington Way, Waterloooville compiled from Phase 1 habitat survey carried out on the 29 November 2017.

Scientific nomenclature and common names for vascular plants follow Stace (2010) and Blockeel & Long (1998) for bryophyte species. Please note that this plant species list was generated as part of a Phase 1 habitat survey, does not constitute a full botanical survey and should be read in conjunction with the associated results section of this PEA.

Abundance was estimated using the DAFOR scale as follows:

D = dominant, A = abundant, F = frequent, O = occasional, R = rare, L = locally
c=clumped, e=edge only, g=garden origin, p=planted, y = young, s=seedling or sucker,
t=tree, h=hedgerow, w=water

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	QUALIFIER
<i>Bryophyta sp.</i>	Moss	O	
<i>Capsella bursa-pastoris</i>	Shepherd's-purse	O	
<i>Chenopodium album</i>	Fat-hen	R	
<i>Conyza sp.</i>	Fleabanes	R	
<i>Epilobium sp.</i>	Willowherbs	R	
<i>Ficus carica</i>	Fig	R	g
<i>Galium aparine</i>	Cleavers	R	
<i>Geum urbanum</i>	Wood avens	R	
<i>Picris echioides</i>	Bristly oxtongue	R	
<i>Poa annua</i>	Annual meadow-grass	O	
<i>Senecio vulgaris</i>	Groundsel	R	
<i>Sonchus sp.</i>	Sow-thistles	R	
<i>Taraxacum sp.</i>	Dandelion	O	

Appendix 5: Legislation and Planning Policy

Important notice: This section contains details of legislation and planning policy applicable in Britain only (i.e. not including the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

A NATIONAL LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive¹⁰ is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991;
- Countryside and Rights of Way (CRoW) Act 2000;
- Natural Environment & Rural Communities (NERC) Act 2006;
- Protection of Badgers Act 1992;
- Wild Mammals (Protection) Act 1996.

Species and species groups that are protected or otherwise regulated under the aforementioned domestic and European legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds,

¹⁰ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

dormouse, invasive plant species, otter, plants, red squirrel, water vole and white clawed crayfish.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2010 (as amended) (which includes smooth snake, sand lizard, great crested newt and natterjack toad), all bat species, otter, dormouse and some plant species) are given below. **These should be read in conjunction with the relevant species sections that follow.**

- In the Directive, the term ‘deliberate’ is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.
- The Conservation of Habitats and Species Regulations 2010 (as amended) does not define the act of ‘migration’ and therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.
- In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three ‘tests’: i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

Bats

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats)
- Deliberate disturbance of bat species as:
 - a) to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young;
 - (ii) to hibernate or migrate³
 - b) to affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also currently protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

How is the legislation pertaining to bats liable to affect development works?

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded de facto protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost¹¹.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy an egg of any wild bird:

¹¹ Garland & Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. 150. The Mammal Society, Southampton.

- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, black redstart, hobby, bittern and kingfisher receive additional special protection under Schedule 1 of the Act and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC). This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young;
- Intentional or reckless disturbance of dependent young of such a bird.

How is the legislation pertaining to birds liable to affect development works?

To avoid contravention of the Wildlife and Countryside Act 1981 (as amended), works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird breeding season which typically runs from March to August¹². Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Those species of bird listed on Schedule 1 are additionally protected against disturbance during the breeding season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

B NATIONAL AND EUROPEAN LEGISLATION AFFORDED TO HABITATS

Statutory Designations: National

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory **Sites of Special Scientific Interest** (SSSIs) under the National Sites and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as **National Nature Reserves** which are declared by the countryside agencies under the same legislation), the system also provides

¹² It should be noted that this is the main breeding period. Breeding activity may occur outwith this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

statutory protection for terrestrial and coastal sites which are important within a European context (Natura 2000 network) and globally (such as Wetlands of International Importance). See subsequent sections for details of these designations. Improved provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales).

The Wildlife & Countryside Act 1981 (as amended) also provides for the making of **Limestone Pavement Orders**, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of **Marine Nature Reserves**, for which byelaws must be made to protect them.

Statutory Designations: International

Special Protection Areas (SPAs), together with **Special Areas of Conservation** (SACs) form the **Natura 2000** network. The Government is obliged to identify and classify SPAs under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds). SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation of Habitats & Species Regulations 2010 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SPAs in UK offshore waters (from 12-200 nm).

The Government is obliged to identify and designate SACs under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nm are protected under The Conservation of Habitats & Species Regulations 2010 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SACs in UK offshore waters (from 12-200 nm).

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and wise use, in particular recognizing wetlands as ecosystems that are globally important for biodiversity conservation. Wetlands can include areas of marsh, fen, peatland or water and may be natural or artificial, permanent or temporary. Wetlands may also incorporate

riparian and coastal zones adjacent to the wetlands. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSIs) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. This effectively extends the level of protection to that afforded to sites which have been designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs).

Statutory Designations: Local

Under the National Sites and Access to the Countryside Act 1949 **Local Nature Reserves** (LNRs) may be declared by local authorities after consultation with the relevant countryside agency. LNRs are declared for sites holding special wildlife or geological interest at a local level and are managed for nature conservation, and provide opportunities for research and education and enjoyment of nature.

Non-Statutory Designations

Areas considered to be of local conservation interest may be designated by local authorities as a **Wildlife Site**, under a variety of names such as **County Wildlife Sites** (CWS), **Listed Wildlife Sites** (LWS), **Local Nature Conservation Sites** (LNCS), **Sites of Biological Importance** (SBIs), **Sites of Importance for Nature Conservation** (SINCs), or **Sites of Nature Conservation Importance** (SNCIs). The criteria for designation may vary between counties.

Together with the statutory designations, these are defined in local and structure plans under the Town and Country Planning system and are a material consideration when planning applications are being determined. The level of protection afforded to these sites through local planning policies and development frameworks may vary between counties.

Regionally Important Geological and Geomorphological Sites (RIGS) are the most important places for geology and geomorphology outside land holding statutory designations such as SSSIs. Locally-developed criteria are used to select these sites, according to their value for education, scientific study, historical significance or aesthetic qualities. As with local Wildlife Sites, RIGS are a material consideration when planning applications are being determined.

C NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) replaced Planning Policy Statement (PPS9) in April 2012 as the key national planning policy concerning nature conservation. The NPPF emphasises the need for suitable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species – that is those listed as UK Biodiversity Action Plan priority species – is also listed as a requirement of planning policy. In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and The Biodiversity Duty

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' They are referred to in this report as Species of Principal Importance and Habitats of Principal Importance. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

D LOCAL PLANNING POLICY

The Havant Borough Core Strategy (2011) contains the following planning policies relevant to nature conservation at the site.

“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 (as identified on the Proposals Map): (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 nonstatutory 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.

Policy CS13 Green Infrastructure

Development will be permitted that:

1. Maintains and manages the network of green infrastructure identified at the sub regional and local levels.

2. Incorporates, where appropriate, improvements to existing green infrastructure through the restoration, enhancement or creation of additional resources.

3. Does not undermine the functional integrity of the green infrastructure.

4. Creates, where appropriate, new green infrastructure (including access management measures) either through on-site provision or financial contributions. Development proposals that adversely affect green infrastructure will not be permitted unless superior alternative provision can be provided or where it is part of a service provider's plans to provide improved local services in equally accessible locations. Green infrastructure sites will be allocated in the Development Delivery (Allocations) Plan.

Policy CS16 High Quality Design

Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

1. Responds to, draws inspiration from and respects local context and: a) *Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;* b) *Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;* c) *Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;* d) *Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people*

to use public transport where possible; and e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking”.

F REGIONAL AND LOCAL BAPS

Many local authorities in the UK have also produced a local Biodiversity Action Plan (LBAP) at the County or District level. The Hampshire Biodiversity Action Plan is based on the UK list of Species and Habitats of Principal Importance and contains 493 species and 14 habitats. Those which are relevant to the site include:

- Urban habitat;
- Common pipistrelle; and
- Serotine.



Ecology Consultancy

The Ecology Consultancy is part of the Temple Group.

Making places better for people and wildlife

London - Tempus Wharf, 33a Bermondsey Wall West, London, SE16 4TQ
T. 020 7378 1914 W. www.ecologyconsultancy.co.uk E. enquiries@ecologyconsultancy.co.uk

- **Sussex** - The Old Dairy, Barcombe Mills Road, Lewes, East Sussex BN8 5FF T. 01273 813739
- **East Anglia** - Thorpe House, 79 Thorpe Road, Norwich NR1 1UA T. 01603 628408
- **Midlands** - 9 The Mews, Trent Park, Eastern Avenue, Lichfield WS13 6RN T. 01543 728971
- **North** - Trinity Walk, Unit G37b, Market Walk, Wakefield, West Yorkshire WF1 1QR T. 01924 683558
- **Scotland** - 3 Coates Place, Edinburgh Scotland EH3 7AA T. 0131 225 8610