

Preliminary Ecological Appraisal

Land at Woodcroft Gardens
Waterlooville
Hampshire
PO8 9PZ

8th June 2018



PJC ref: 3793AO/18

This report has been prepared by

PJC Consultancy Ltd

on behalf of

PMC Construction

Version	Author	Checked by	Approved by	Date	Type
1	Thomas Knight	Tara Hall	Thomas Knight	08/06/2018	Final

EXECUTIVE SUMMARY

PJC Consultancy Ltd was commissioned by PMC Construction to provide a Preliminary Ecological Appraisal for a parcel of land at Woodcroft Gardens, Waterlooville, Hampshire. The purpose was to classify the habitats present, highlight the potential of the site to support protected species, and recommend suitable ecological enhancements and/or mitigation methods where appropriate. When implemented successfully, these recommendations will ensure that the development proceeds in line with all relevant laws pertaining protected species and their habitats, as well as contributing to an increase in site biodiversity. This report has been produced in accordance with NPPF – more specifically *Chapter 11 'Conserving and Enhancing the Natural Environment'* as well as the Havant Borough Core Strategy Local Development Framework.

Based on current proposals, the results of the Preliminary Ecological Appraisal can be summarised in the following table:

Protected Species/Habitats	Suitable Habitat Present	Recommended Further Surveys	Ecological Avoidance/Mitigation
Deciduous woodland Habitat of Principal Importance (HPI)	The woodland within the Site likely qualifies as lowland mixed deciduous woodland, which is, listed as an HPI under the NERC Act 2006.	None.	As much of the woodland should be retained where possible as part of the proposed development. Should this not be possible, the permanent loss of deciduous woodland should be compensated through new woodland planting.
Bats (Foraging and Commuting)	The Site was identified as having suitability to support commuting and foraging bats.	None.	A sensitive lighting strategy for bats should be implemented during the construction and operational phase of the proposed development.
Reptiles	The log piles within the woodland within the Site were identified as having potential to support hibernating reptiles.	None.	Works affecting the log piles scattered throughout the woodland should be carried out outside the reptile hibernation season (i.e. between April – November inclusive) when reptiles are considered active (generally greater than 9C air temperature).

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1 INTRODUCTION

1.1 INSTRUCTION

1.1.1 PJC Consultancy Ltd was commissioned by PMC Construction to provide a Preliminary Ecological Appraisal (PEA) which includes an extended phase 1 habitat survey and a preliminary bat roost assessment (PBRA) of a parcel of land at Woodcroft Gardens, Waterlooville, Hampshire (hereafter referred to as the 'Site').

1.2 DOCUMENTS AND INFORMATION PROVIDED

1.2.1 PJC Consultancy Ltd was provided with a Site location plan demarcating a red-line boundary.

1.3 SURVEY OBJECTIVES

1.3.1 The aim of this PEA is to identify potential ecological constraints and opportunities associated with the Site by undertaking both an extended Phase 1 Habitat survey, ecological desk study and PBRA. The objectives were to:

- Identify the habitat types present on the Site;
- Identify the potential of the Site to support protected and notable habitats and/or species;
- Identify the potential of any trees and buildings within the Site to support roosting bats;
- Highlight known or potential legal or planning policy constraints in relation to ecology and recommend avoidance, mitigation and enhancement measures to satisfy safely legal and planning policy requirements where appropriate; and
- Identify, where necessary, the requirement for further survey.

1.4 SCOPE OF THIS REPORT

1.4.1 This PEA is only concerned with the habitats and features within the property boundaries of the Site, or in areas that have the potential to be affected by the proposed new development.

1.5 PROPOSAL

1.5.1 A proposal has been outlined for the development of four to five residential buildings within the Site.

1.6 SITE DESCRIPTION

1.6.1 The Site address is land at rear of Woodcroft Gardens, Waterlooville, Hampshire, PO8 9PZ (OS Central Grid Reference: SU 6873 1224). The Site is located to the rear of Woodcroft Gardens on the northern outskirts of the town of Waterlooville. The Site is located within a highly sub-urbanised area, surrounded on all sides by residential development. The wider surroundings largely comprise urban development to the east and a network of greenspace including farmland, scattered parcels of woodland and fields to the west.

1.6.2 The location of the Site within its environs can be seen in Figure 1 below.



Figure 1: Site Location Plan

1.7 LEGISLATION AND PLANNING POLICY

1.7.1 This PEA has been compiled with reference to relevant wildlife and countryside legislation, planning policy and the UK Biodiversity Framework. Their context and applicability is explained as appropriate in the relevant sections of the report and additional details are presented in Appendix I.

1.7.2 The key articles of relevance are:

- The Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations);
- The Wildlife and Countryside Act 1981, as amended (WCA);
- The Countryside and Rights of Way (CROW) Act 2000;
- The Natural Environment and Rural Communities (NERC) Act 2006;
- National Planning Policy Framework (NPPF) 2012 (Department for Communities and Local Government, 2012);
- The Protection of Badgers Act 1992;
- The UK Post-2010 Biodiversity Framework (2011-2020).
- Hampshire Biodiversity Action Plan (BAP), and
- Havant Core Strategy Local Development Framework (Havant Borough Council, 2011).

2 METHODOLOGY

2.1 DESK STUDY

2.1.1 A desk study was undertaken in May 2018 with the objective of collating and reviewing existing ecological information, and obtaining data and information held by relevant third parties. Biological records were requested from Hampshire Biodiversity Information Centre, which included records of non-statutory sites designated for nature conservation value and records of legally protected and notable species within the Zone of Influence.

2.1.2 In addition, datasets from Natural England (MAGIC, 2018) were reviewed to identify the presence of UK statutory designated sites and notable habitats within the Zone of Influence including woodlands listed on the Ancient Woodland Inventory, Habitats of Principal Importance (HPI) listed on the Priority Habitat Inventory (PHI) and statutory designated for their nature conservation value at the European and/or international scale namely: Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Internationally Designated Wetland (Ramsar) Sites. These sites collectively are hereafter referred to as 'European Sites'. Where measurements are included with the record, these provide the distance of the designated site from the closest point of the Site.

2.1.3 The Zone of Influence is the area over which ecological features, such as designated sites of nature conservation importance and protected and notable habitats and species, may be affected by the biophysical changes caused by the proposed development and associated activities. Due to the size of the Site and nature of the proposed development it is considered that a zone of 1km from the centre of the Site is appropriate for the gathering of information for the desk study.

2.2 EXTENDED PHASE 1 HABITAT SURVEY

2.2.1 An Extended Phase 1 Habitat survey was undertaken on the 30th May 2018 by Thomas Knight BSc(Hons) MSc GradCIEEM following the standard 'Phase 1 Habitat survey' auditing method developed by the Joint Nature Conservancy Council (JNCC, 2010) and extended to include consideration of protected species in accordance with good practice guidance for preliminary ecological appraisal (CIEEM, 2017). The Site was surveyed on foot and the existing habitats and land uses were recorded on an appropriately scaled map (Appendix II). In addition, the dominant plant species in each habitat were recorded, as were any evidence of protected and notable species. The potential for the Site to support protected and notable species was also assessed. Those ecological features not classified as a habitat are denoted using a target note.

2.3 PRELIMINARY BAT ROOST ASSESSMENT

2.3.1 All buildings and trees within the Site were also subject to a preliminary bat roost assessment (PBRA). The external and internal inspection of the buildings and ground inspection of trees was to assess potential roosting features (PRFs) such as presented in Tables 1 and 2. The PBRA was undertaken in accordance with best practice survey standards (BCT, 2016).

Table 1: Features of trees commonly used by bats

Features of trees used as bat roosts	Signs indicating possible use by bats
Natural holes. Woodpecker holes. Cracks/splits in major limbs. Loose bark.	Tiny scratches around entry point. Staining around entry point. Bat droppings in, around or below entrance. Audible squeaking at dusk or in warm weather.

Hollows/cavities. Dense epicormic growth (bats may roost within it). Bird and bat boxes.	Flies around entry point. Distinctive smell of bats. Smoothing of surfaces around cavity
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Table 2: Features of buildings commonly used by bats

Features of building or built structure	Signs indicating possible use by bats
Type of building. Age of building. Aspect of PRF. Wall construction – cavity walls or rubble-filled walls. Form of the roof – presence of gable ends, hipped roofs, nature and condition of the roof covering. Presence of hanging tiles, weather boarding or other forms of cladding. Nature of the eaves – sealed by a soffit or boxed eave and tightness of fit to exterior walls. Presence and condition of lead flashing. Gaps under eaves, around windows, under tiles, lead flashing. Presence and type of roof lining. Presence on roof insulation.	Tiny scratches around entry point. Staining around entry point. Bat droppings in, around or below entry point. Feeding remains below entry point. Cobweb free potential entry points. Audible squeaking at dusk or in warm weather. Flies around entry point. Distinctive smell of bats. Smoothing of surfaces around entry point.

2.3.2 The buildings and trees were assessed in accordance with the criteria listed above and assigned to one of five categories as listed in Table 3 below.

Table 3: Categorisation system for visual inspection of structures and trees.

Category	Description
Confirmed roost	Bats discovered roosting within structure or tree, or recorded emerging from/entering structure or tree at dusk and/or dawn. Structure or tree found to contain conclusive evidence of occupation by bats, such as bat droppings. A confirmed record (as supplied by an established source such as the local bat group) would also apply to this category.
High potential	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Moderate potential	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status.
Low potential	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats. A tree of sufficient size and age to contain potential roost features but with none seen from the ground or features seen with only very limited roosting potential.
Negligible potential	A structure or tree with no features capable of supporting roosting

	bats.
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2.4 SURVEY LIMITATIONS

- 2.4.1 It should be noted that whilst every effort has been made to provide a comprehensive description of the Site, no single investigation could ensure the complete characterisation and prediction of the natural environment.
- 2.4.2 The protected species assessment provides a preliminary view of the likelihood of protected species occurring on Site, based on the suitability of the habitat and any direct evidence on 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 this assessment it is considered reasonably likely that protected species may be present.
- 2.4.3 The habitats present and their management are likely to change over time, thus the findings of the Extended Phase 1 Habitat survey are only considered valid for a period of up to two years.
- 2.4.4 Full access to the interior of building B1 was not feasible during the survey due to health and safety considerations and thus a thorough assessment of building B1 roof void could not be undertaken. However, an interior inspection was undertaken through the windows. In addition, a precautionary approach to the assessment has been adopted to account for the restricted assessment. This is therefore not considered to be a significant limitation to the survey.
- 2.4.5 This document has been prepared for the stated proposal (1.5.1) and should not be relied upon or used for any other project without an additional check being carried out by the author as to its suitability in relation to any updated proposals. PJC Consultancy accepts no responsibility or liability for the consequence of this document being used for a purpose other than the purposes for which it was commissioned. PJC Consultancy accepts no responsibility or liability for this document to any party other than the person by whom it was commissioned.

3 RESULTS

3.1 DESK STUDY

Statutory Designated Sites

- 3.1.1 A single statutory designated site of nature conservation importance is present within the zone of influence. Yoell's Copse Local Nature Reserve (LNR) is located approximately 530m north of the Site. Yoell's Copse LNR is approximately 5.5ha in size and is primarily designated for the ancient woodland habitat it supports.

Non-Statutory Designated Sites

- 3.1.2 Six non-statutory designated sites of nature conservation importance are present within the zone of influence. These are summarised in Table 4 below.

Table 4: Non-statutory designated sites within the zone of influence

Site Name	Designation	Distance and aspect from Site	Description/reasons for designation
James' Copse Paddock	Site of importance for Nature Conservation (SINC)	580m north-west	A site approximately 1.42ha in size designated for the agriculturally unimproved grassland it supports.
Wecock Common	SINC	690m south-west	A site approximately 5.54ha in size designated for the pasture woodland and wooded common habitat it supports.
James' Copse & Outlier	SINC	120m west	A site approximately 5.69ha in size designated for the ancient woodland it supports. The site is also designated because it supports one or more notable species including great wood rush <i>Luzula sylvatica</i> .
Yoell's Copse	SINC	500m north	A site approximately 5.40ha in size designated for the ancient woodland it supports.
Longwood	SINC	550m south	A site approximately 1.15ha in size designated for the ancient woodland it supports.
Wecock Wood	SINC	360m south-east	A site approximately 1.69ha in size designated for the ancient woodland it supports.

Protected and Notable Habitats

- 3.1.3 Four parcels of ancient woodland listed on the Ancient Woodland Inventory (AWI) were identified within the zone of influence, the nearest being James's Copse, an area of ancient replanted woodland, situated approximately 120m west of the Site.
- 3.1.4 Overall, 31 parcels of Habitat of Principal Importance (HPI) were identified within the zone of influence, including:
- A single parcel of traditional orchard; and

- Thirty parcels of deciduous woodland.

3.1.5 The closest parcel of HPI was an area of deciduous woodland located approximately 120m west of the Site.

Protected and Notable Species

3.1.6 Records of protected and notable species identified within the zone of influence are summarised in Table 5 below. For the purposes of the desk study, only records dated within the last 10 years have been considered.

Table 5: Summary of protected and notable species within 1km of the Site

Taxon Name	Common name	Legal Status	No. of Records	Distance and Aspect of Nearest Record	Date of Most Recent Record
Bats					
<i>Chiroptera</i> sp.	Unidentified bat species	Habitat Regs (2017), W&CA Sch5, NERC S41	2	40m north	2013
<i>Myotis</i> sp.	Unidentified myotis species	Habitat Regs (2017), W&CA Sch5, NERC S41	1	615m north	2013
<i>Pipistrellus</i> sp.	Unidentified pipistrelle species	Habitat Regs (2017), W&CA Sch5, NERC S41	6	230m south-west	2012
<i>Pipistrellus pipistrellus</i>	Common pipistrelle	Habitat Regs (2017), W&CA Sch5	3	150m south-west	2016
<i>Pipistrellus pygmaeus</i>	Soprano pipistrelle	Habitat Regs (2017), W&CA Sch5, NERC S41	1	270m north-east	2012
<i>Plecotus auritus</i>	Brown long-eared	Habitat Regs (2017), W&CA Sch5, NERC S41	1	450m north	2010
Other mammal species					
<i>Erinaceus europaeus</i>	West European hedgehog	NERC S41	1	315m north-east	2015
Reptiles					
<i>Anguis fragilis</i>	Slow worm	W&CA Sch5, NERC S41	6	240m south-west	2015
Birds (including only protected bird species listed on Schedule 1 (Part 1) of the Wildlife and Countryside Act 1981 (as amended)).					
<i>Falco peregrinus</i>	Peregrine	W&CA Sch1	6	Within 1km grid-square	2015
<i>Falco subbuteo</i>	Hobby	W&CA Sch5, HBAP	4	Within 1km grid-square	2015
<i>Fringilla montifringilla</i>	Brambling	W&CA Sch1	6	Within 1km grid-square	2009
<i>Larus melanocephalus</i>	Mediterranean gull	W&CA Sch5, HBAP	13	Within 1km grid-square	2016

<i>Loxia curvirostra</i>	Common crossbill	W&CA Sch1	3	Within 1km grid-square	2015
<i>Milvus milvus</i>	Red kite	W&CA Sch5, HBAP	5	Within 1km grid-square	2015
<i>Regulus ignicapilla</i>	Firecrest	W&CA Sch5, HBAP	2	Within 1km grid-square	2010

3.2 EXTENDED PHASE 1 HABITAT SURVEY

- 3.2.1 Overall the Site comprises four semi-natural habitat types, two artificial habitat types and three outbuildings. Habitat descriptions are provided below, with the distribution of these shown in Appendix II, together with Site photographs, which are presented in Appendix III.

Semi-natural mixed woodland (A1.3.1)

- 3.2.2 The western half of the Site comprised semi-natural mixed woodland. The woodland understory was sparse with evidence of coppiced stools indicating that the woodland was subject to a traditional woodland management regime. The woodland comprised predominantly mature oak *Quercus* sp., and occasional mature wild cherry *Prunus avium*. Mature holly *Ilex aquifolium* and yew *Taxus baccata* also formed parts of the woodland canopy and understory. The field layer was also sparse indicating recent cutting, although occasional ferns and bramble *Rubus fruticosus agg* were observed.

Dense/continuous scrub (A2.1)

- 3.2.3 A small parcel of dense continuous scrub comprising predominantly bramble scrub was recorded within the southern corner of the Site.

Parkland and scattered broadleaved trees (A3.1)

- 3.2.4 Outside this woodland parcel, a single mature oak tree was recorded towards the northern Site boundary.

Ephemeral/short perennial (J1.3)

- 3.2.5 A narrow linear belt of ephemeral/short perennial was recorded along the eastern boundary of the woodland parcel. Overall the sward was sparse and short indicative of a regular mowing regime, trampling and heavy shading from the overhead tree canopy. Plant species recorded include perennial rye grass *Lolium perenne*, common sorrel *Rumex acetosa*, groundsel *Senecio vulgaris* and ragwort *Senecio jacobaea*, hedge bindweed *Calystegia sepium* and wild strawberry *Fragaria vesca*.

Buildings and Hard-standing (J3.6)

- 3.2.6 Three outbuildings were recorded within the Site. A full description of these can be found in Table 6 below.

Bare ground (J4)

- 3.2.7 A small area of bare ground comprising bare earth and a crushed hard-core substrate was recorded towards the southern Site boundary.

3.3 PRELIMINARY BAT ROOST ASSESSMENT

- 3.3.1 A description of the buildings and trees and any potential roosting features (PRF) are detailed in Tables 6 and 7 below:

Table 6: PBRA results of buildings within the Site

B1
Description
A large single storey outbuilding which appeared to be old and in very poor condition. The building supported corrugated metal walls and pitched metal roof. No potential roost features on the building exterior potential suitable for crevice dwelling species were identified. In addition, there is no separate roof void. Multiple entry points into the building interior were possible through damaged windows, doors, walls and ceiling. However, it is considered likely that due to metal walls and roof and the overall poor condition of the building, the internal temperature is considered likely to fluctuate significantly. On this basis, the building interior was considered unsuitable to support free-flying bat species.
Evidence of Bats
None.
Potential Roost Features
None.
Potential to Support Roosting Bats
Negligible.

B2
Description
A small storey outbuilding/shed which appeared to be old but in overall good condition. The building supported weather-boarded walls and pitched corrugated metal roof. No potential roost features on the building exterior with potential suitable for crevice dwelling species were identified. In addition, there is no separate roof void. No entry points into the building interior were visible. The interior was also heavily layered with dense cobwebs indicating that free-flying bat species are not utilising the building interior.
Evidence of Bats
None.
Potential Roost Features
None.
Potential to Support Roosting Bats
Negligible.

B3
Description
A large single storey outbuilding, which appeared to be old and in very poor condition as it has partly collapsed. The building supported weather-boarded walls and pitched corrugated metal roof. No potential roost features on the building exterior potential suitable for crevice dwelling species were identified. In addition, there is no separate roof void. Multiple entry points into the building interior were possible through missing and damaged wall panels and doors and windows. However, it is considered likely that due to metal walls and roof and the overall poor/collapsed condition of the building, the internal temperature is considered likely to fluctuate significantly. On this basis, the building interior was considered unsuitable to support free-flying bat species.
Evidence of Bats
None.
Potential Roost Features
None.
Potential to Support Roosting Bats
Negligible.

Table 7: PBRA results of trees within or immediately adjacent the Site

All trees within the Site
Description
Multiple mature oak trees were recorded within the Site in addition to a small number of mature cherry, holly and yew trees. All appeared to be in good condition with no visible defects in their structure and form.
Evidence of Bats
None.

Potential Roost Features

None.

Potential to Support Roosting Bats

Negligible.

4 DISCUSSION AND RECOMMENDATIONS

4.1 STATUTORY DESIGNATED SITES

- 4.1.1 A single statutory designated site of nature conservation importance is present within the zone of influence. This is Yoell's Copse LNR, which is located approximately 530m north of the Site. However, given the distance between the Site and Yoell's Copse LNR, and the size of the Site and nature of the proposed development, adverse effects upon Yoell's Copse LNR and its qualifying criteria for designation are not considered likely. Statutory designated sites are therefore not considered an ecological constraint and are not considered further in this report.

4.2 NON-STATUTORY DESIGNATED SITES

- 4.2.1 Overall, six non-statutory designated sites of nature conservation importance are present within the zone of influence, the nearest being James' Copse and Outlier SINC located approximately 120m west of the Site. However, given the distance between the Site and the identified non-statutory designated sites, and the size of the Site and nature of the proposed development, adverse effects upon the non-statutory designated sites and their qualifying criteria for designation are not considered likely. Non-statutory designated sites are therefore not considered an ecological constraint and are not considered further in this report.

4.3 PROTECTED AND NOTABLE HABITATS

- 4.3.1 Overall, four parcels of ancient woodland and 31 parcels of HPI are present within the zone of influence, the nearest being a parcel of ancient replanted woodland (James' Copse and Outlier SINC) approximately 120m west of the Site.
- 4.3.2 Given the distance between the Site and the nearest parcel of ancient woodland and HPI, and given the size of the Site and nature of the proposed development, adverse effects upon these protected and notable habitats identified as part of the desk study are not considered likely.
- 4.3.3 However, the Site does comprise an area of deciduous woodland, which likely qualifies as 'lowland mixed deciduous woodland' HPI under the NERC Act 2006, given the age and structure of the woodland and plant species composition.
- 4.3.4 Given the above, in the first instance it is recommended that as much of the deciduous woodland is retained as part of the proposed development as possible. In the event that clearance of the deciduous woodland cannot be avoided, any permanent loss of deciduous woodland should be compensated through new woodland planting or enhancement of retained areas of deciduous woodland. As a guide, woodland would likely need to be created on a minimum 1:1 ratio to the total area of deciduous woodland lost.

4.4 PROTECTED AND NOTABLE SPECIES

- 4.4.1 The Site provides some opportunity for protected and notable species. The suitability of habitat on Site to support species is considered below.

Bats

- 4.4.2 All bats are European Protected Species (EPS) and both individual animals and their roosts are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). Certain bat species are also listed as Species of Principal Importance (SPI) under the NERC Act 2006 and Hampshire priority species.
- 4.4.3 As part of the PBRA, all buildings and trees within the Site were identified as having negligible suitability to support roosting bats and therefore roosting bats are highly likely absent from the buildings and no further surveys are considered necessary. Roosting bats are therefore not considered an ecological constraint and are not considered further in this report.
- 4.4.4 Multiple bat records were identified within the zone of influence, the nearest being a common pipistrelle approximately 150m south-west of the Site, likely recorded within the grounds of Woodcroft Primary School, which indicates that bats are present within the local surroundings. The Site itself was considered to provide suitable commuting and foraging habitat for bats primarily along the woodland edge. However these features are not considered to function as an important corridor for bats given the large woodland parcel approximately 100m west of the Site and other suitable habitats and features within the immediate surroundings including within the grounds of Woodcroft Primary School that also provides plentiful foraging and commuting opportunities for bats. On this basis, the proposed development is considered unlikely to result in the loss or degradation of bat foraging and commuting habitat or sever important commuting routes and obstruct access between potential bat roosts and important foraging habitats, providing the mitigation measures in relation to lighting described below are implemented during the construction and operational phase of the proposed development.
- 4.4.5 It is recommended that any new artificial lighting associated with the proposed development aims to:
- Use minimum light levels necessary. For example, there should be times throughout the evening (when bats are most active) when all outdoor security lights are unlit to avoid affecting bat activity. Lighting can also be installed using a timer or movement sensor to avoid long periods of an area being lit at night;
 - Use hoods, louvres or other similar design features to avoid light spill and direct light away from the potential roost to the east, and
 - Use narrow spectrum light sources where possible (BCT, 2014) to lower the range of species affected by lighting, specifically avoiding use of mercury or halide lamps, using instead low or high-pressure sodium lamps.

Hazel Dormice

- 4.4.6 Hazel dormice *Muscardinus avellanarius* are EPS and are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). Dormice are also listed as SPI under the NERC Act 2006 and are a Hampshire priority species.
- 4.4.7 The Site was considered to provide very limited suitable semi-natural habitat for dormice given the isolation of the Site within a highly sub-urbanised environment, limited woodland structure due to a very sparse understory and field layer and absence of preferred floral species (such as hazel *Corylus avellana* and honeysuckle *Lonicera periclymenum*).

- 4.4.8 On this basis, and given the absence of dormouse records within the zone of influence, the Site was identified as having negligible potential to support dormice. The proposed development is therefore considered highly unlikely to result in the death or injury, or disturbance to dormice or result in the damage or destruction of a dormouse-resting place. Dormice are therefore not considered an ecological constraint and are not considered further in this report.

Great Crested Newts and other Amphibians

- 4.4.9 Great crested newts (GCN) *Triturus cristatus* are EPS and are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). GCN and common toad *Bufo bufo* are also listed as SPI under the NERC Act 2006 and are a Hampshire priority species.
- 4.4.10 No waterbodies were identified within the Site or within a 250m radius of the Site. Given the absence of suitable waterbodies for breeding GCN and absence of GCN records within the zone of influence, GCN are considered likely absent from the Site during both their aquatic and terrestrial lifecycle phases. The proposed development is therefore considered highly unlikely to result in the death or injury, or disturbance to GCN or result in the damage or destruction of a GCN breeding site or resting place given the absence of both suitable aquatic and terrestrial habitat within the Site and GCN records identified as part of the desk study. GCN are not considered an ecological constraint and are not considered further in this report.

Reptiles

- 4.4.11 Native, widespread reptile species (common or viviparous lizard *Zootoca vivipara*, adder *Vipera berus*, grass snake *Natrix helvetica* and slow worm *Anguis fragilis*) are protected under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended), making it an offence to kill or injure individual animals. All widespread reptile species are also listed as SPI under the NERC Act 2006.
- 4.4.12 Habitats recorded within the Site were considered to provide very limited foraging, commuting, shelter and basking opportunities for reptiles. Shelter, commuting and foraging opportunities were limited because of the disturbed and sparse vegetative cover exhibited within the ephemeral/short perennial margins. Basking opportunities were also limited within the woodland and ephemeral/short perennial margins because of the over-shading resulting from the woodland canopy cover. The large log piles scattered within the woodland do however offer winter hibernation opportunities for reptiles in the unlikely event that they are present within the Site.
- 4.4.13 Works associated with any proposed development of the Site, for example habitat clearance, could therefore result in the death or injury of any reptiles present within the Site.
- 4.4.14 In order to comply with legislation protecting reptiles it is therefore recommended that any works affecting the log piles scattered throughout the woodland be carried out outside the reptile hibernation season (i.e. between April – November inclusive) when reptiles are considered active (generally greater than 9°C air temperature).

Birds

- 4.4.15 All birds, their nests and eggs are protected from killing and injury of individuals, damage and destruction of nests and destruction of eggs under the Wildlife and Countryside Act 1981 (as amended). Species listed in Schedule 1 (Part 1) of the Act are also protected from disturbance whilst nesting or whilst with dependent young, by special penalties. Many bird species are also listed as SPI under the NERC Act 2006 and are Hampshire priority species.

- 4.4.16 Overall seven bird species listed on Schedule 1 (Part 1) of the Wildlife and Countryside Act 1981 (as amended) were identified within the zone of influence. Many other notable bird species listed as SPIs and/or Hampshire priority species were also identified within the zone of influence, including nightingale *Luscinia megarhynchos*, spotted flycatcher *Muscicapa striata* and song thrush *Turdus philomelos*.
- 4.4.17 The Site supported woodland, trees and scrub, which were considered to provide good nesting and foraging opportunities to a wide range of common bird species. Although unlikely given the isolation of the Site, a number of protected and notable bird species could also potentially use the Site for nesting.
- 4.4.18 Works associated with any proposed development of the Site, for example habitat clearance, could therefore result in direct adverse impacts on nesting birds. On this basis nesting birds are therefore considered a potential ecological constraint. In order to comply with legislation protecting nesting birds the mitigation measures detailed below should be adhered to.
- 4.4.19 It is recommended that habitat clearance works be undertaken outside the main nesting bird season. The nesting bird season for most British bird species is between March and August.
- 4.4.20 Should this not be possible, all suitable nesting habitat must be inspected by an ecologist to determine the presence/absence of any nesting birds prior to clearance. In the event of an active nest being identified, a temporary exclusion zone would need to be placed around the nest and development paused until the dependent young have fledged which may be several weeks. The ecologist will determine safe working distances and the distances will be dependent upon the bird species present.

Badgers

- 4.4.21 Badgers and their setts are protected under The Badger Act (1992).
- 4.4.22 No evidence of badger field signs (for example hairs, latrines, dung pits, snuffle holes, mammal paths or scratching posts) or setts were recorded within the Site and within 30m of the Site boundaries during the survey.
- 4.4.23 Habitats throughout the Site were considered to provide very limited sett building and foraging and commuting opportunities for badgers given the isolation of the site within a highly sub-urbanised environment and hard underlying substrate within most of the Site.
- 4.4.24 On this basis the proposed development is considered highly unlikely to result in the damage or destruction of a sett, or obstructing access to a sett, and disturbance to a badger whilst it is occupying a sett. Badgers are therefore not considered an ecological constraint and are not considered further in this report.

Other Mammal Species

- 4.4.25 Water voles *Arvicola amphibious* and their places of shelter are protected under the Wildlife and Countryside Act, 1981 (as amended) which makes it an offence to kill, injure or take any water vole, damage, destroy or obstruct access to any place of shelter or protection that the animals are using, or disturb voles while they are using such a place.

- 4.4.26 Otters *Lutra lutra* are protected under the Conservation of Habitats and Species Regulations (2017) as amended and under the Wildlife and Countryside Act, 1981 (as amended) which makes it an offence to kill, injure or capture an otter, intentionally or recklessly disturb otters; or to damage, destroy or intentionally or recklessly obstruct access to a holt or other resting places. Water voles and otters are also listed as SPI under the NERC Act 2006 and are a Hampshire priority species.
- 4.4.27 No aquatic and very limited suitable terrestrial habitat was recorded within the Site and immediate surroundings. On this basis and given the absence of otter and water vole records within the zone of influence the Site was identified as having negligible potential to support otter and water vole and are therefore not considered an ecological constraint and are not considered further in this report.
- 4.4.28 The European hedgehog is classified as an SPI under the NERC Act 2006. Therefore the presence of this species on site would be a material consideration in the planning process.
- 4.4.29 A single European hedgehog record was identified within the zone of influence indicating that they are likely present within the wider landscape. The Site supported suitable semi-natural habitat for hedgehogs. On this basis the Site was identified as having high potential to support European hedgehogs. However the proposed development is considered unlikely to result in impacts on European hedgehogs given the size and nature of the Site and presence of other suitable habitat within the wider surroundings and providing mitigation measures detailed below are adhered to.
- 4.4.30 Hedgehogs should be specifically watched for during the removal of features considered to provide potential sheltering habitat (i.e. the dense scrub and log piles). If any hedgehogs are found they should be carefully moved to retained areas of vegetation outside of the Site.

Invertebrates

- 4.4.31 A number of invertebrate species such as stag beetles *Lucanus cervus* are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and under Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended). Many invertebrate species including the stag beetle are also listed as SPI under the NERC Act 2006 and are Hampshire priority species.
- 4.4.32 No European or nationally protected invertebrate species listed under Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended) were identified within the zone of influence. However a large number of notable invertebrate species listed as SPI under the NERC Act 2006 were identified within the zone of influence, all recorded within the same location approximately 250m north of the Site.
- 4.4.33 The Site was considered to provide some opportunities for notable invertebrate species given the presence of invertebrate microhabitats such as woodland edge within the Site.
- 4.4.34 However, works associated with any proposed development of the Site, for example habitat clearance, is considered unlikely to result in adverse impacts on the local conservation status of any notable invertebrate species present, given the isolation of the Site within a highly sub-urbanised environment and presence of much larger parcels of likely suitable habitat within the wider surroundings. On this basis protected and notable invertebrates are therefore not considered an ecological constraint and are not considered further in this report.

Plants

- 4.4.35 Wild plants are protected under the Wildlife and Countryside Act 1981 (as amended) which prohibits the unauthorised intentional uprooting of any wild plant species and forbids any picking, uprooting or destruction of plants listed on Schedule 8 of which there are over 150 species. In addition, nine plant species are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). Many plant species are also listed as SPI under the NERC Act 2006 and are Hampshire priority species.
- 4.4.36 No protected plant species listed in Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) and no notable plant species listed as SPI under the NERC Act 2006 and/or Hampshire priority species were identified within the zone of influence as part of the desk study.
- 4.4.37 The habitats on Site were common and widespread and therefore provided limited potential to support protected and notable and rare plant species.
- 4.4.38 Section 14(1) of the Wildlife and Countryside Act 1981 (as amended) makes it illegal to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 of the Act including Japanese knotweed *Fallopia japonica*.
- 4.4.39 No Schedule 9 non-native invasive plant species were recorded within the Site.
- 4.4.40 On this basis, protected and notable plants including non-native invasive plant species are not considered an ecological constraint and are not considered further in this report.

4.5 ECOLOGICAL ENHANCEMENTS

- 4.5.1 Under Section 40 of the NERC Act 2006 there is a duty to have regard to biodiversity conservation. In addition, the National Planning Policy Framework and the Havant Borough Core Strategy Local Development Framework encourages ecological enhancement to be integrated into development projects in order to achieve an overall net-gain in biodiversity.
- 4.5.2 It should be noted that common pipistrelle and serotine are Hampshire priority species. A dedicated Species Action Plan for both species within Hampshire has been compiled detailing relevant objectives and targets and associated timescales in order to provide effective conservation action for bats and their habitats (Hampshire Biodiversity Partnership, 2000). As an example, objectives include to '*maintain existing populations and range of pipistrelle bats in Hampshire*' and to '*achieve a significant restoration of Hampshire pipistrelle bat population*'. Consideration should therefore also be given to the installation and maintenance of artificial bat bricks or bat tubes (i.e. Schwegler 1FR and 2FR bat tubes and Schwegler 1GS bat brick or similar) into any new buildings and installation of bat boxes (i.e. Schwegler 2FN or similar) on to suitable retained trees to increase the roosting opportunities for bats within the Site. Any artificial roosting features should be placed between 3 and 6m above ground in a variety of locations at slightly different heights and preferably positioned facing a southerly or south-easterly direction.
- 4.5.3 The installation of artificial bird nest boxes onto any retained trees and new buildings on Site is also recommended. Given their designation as SPI, particular consideration should be given to installing house sparrow (i.e. Schwegler 1SP or similar) and starling (i.e. Schwegler 3S or similar) nest boxes onto any retained trees and any new buildings within the Site.
- 4.5.4 It is recommended that areas be set aside for ecological landscaping to increase the biodiversity value of the Site. All enhancement measures detailed below would benefit a wide variety of protected and notable species including Hampshire priority species.

- 4.5.5 It should be noted that hedgerows are a Hampshire priority habitat. A dedicated Habitat Action Plan (HAP) for hedgerows within Hampshire has been compiled detailing relevant objectives and targets in order to provide effective conservation action for hedgerows (Hampshire Biodiversity Partnership, 2000). For example, one target is to '*increase the extent of hedgerows*'. On this basis, consideration should be given to the planting of a native species rich hedgerow along all the Site boundaries. Approximately five native woody species should be planted per metre of hedgerow, in double staggered rows. The hedgerow should be managed on an annual rotation, whereby half of each hedgerow is cut in any one year. This will encourage a diverse structure to produce both a wide and dense hedgerow.
- 4.5.6 Incorporation of dead wood habitat piles within retained or newly created semi-natural habitats is also recommended; these are used by both invertebrates such as the stag beetle which is an SPI and Hampshire species and by reptiles as refugia. Consideration should be given to utilizing the logs/brash already present within the Site.

5

REFERENCES

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

Chartered Institute for Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. CIEEM.

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

Department for Communities and Local Government (2012) National Planning Policy Framework (NPPF) [on-line] Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf [Accessed 07.06.2018]

Hampshire Biodiversity Partnership. Biodiversity Action Plan for Hampshire [online] Available from: <http://www.hampshirebiodiversity.org.uk/pdf/vol1/Biodiversitypages01-09.pdf> [Accessed 07.06.2018]

Havant Borough Council (2011). Havant Borough Core Strategy Local Development Framework. [on-line] Available from: <https://www.havant.gov.uk/sites/default/files/documents/ADOPTED%20CORE%20STRATEGY%20.pdf> [Accessed 07.06.2018]

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.

Multi-Agency Geographic Information for the Countryside (MAGIC) (2015). MAGIC . Natural England, Leeds. [on-line]. Available from: <http://magic.defra.gov.uk/home.html> [Accessed 07.06.2018].

CONTACT DETAILS

Sussex Office

Chapter House
Priesthawes Farm
Hailsham Road
Polegate
East Sussex
BN26 6QU

Tel: 01323 832120

Kent Office

Unit 1, Hanover Mill
Mersham
Nr Ashford
Kent
TN25 6NU

Tel: 01233 225365

E-mail: team@pjconsultancy.com



Author: Thomas Knight

Date: 08/06/2018

APPENDICES

APPENDIX I: LEGISLATION AND PLANNING POLICY

Legislation

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

The Conservation of Habitats and Species Regulations 2017 (which consolidate and update the Conservation of Habitats and Species Regulations 2017) is the UK transposition of the European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, or the 'Habitats Directive'. The directive provides protection of key habitats and species of European importance. Those key habitats and species are listed in Annexes II and IV of the directive.

Those species protected under the regulations and most likely encountered during development include:

- All bat species
- Hazel dormouse
- Great crested newt
- Common otter

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the primary legislation for the protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/EEC) are implemented in Great Britain. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants respectively. The Countryside and Rights of Way (CROW) Act 2000 makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site

Those species protected under the act and most likely encountered during development include:

- All bat species
- All nesting birds
- Hazel dormouse
- Great crested newt
- Common otter
- Water vole
- All native reptile species
- White-clawed crayfish

The Protection of Badgers Act 1992

The Protection of Badgers Act 1992 consolidates and strengthens previous legislation (including the Badgers (Further Protection) Act 1991). Under the act, it is an offence to:

- Wilfully kill, injure or take a badger (or attempt to do so).
- Cruelly ill-treat a badger.
- Dig for a badger.
- Intentionally or recklessly damage or destroy a badger sett, or obstruct access to it.
- Cause a dog to enter a badger sett.
- Disturb a badger when it is occupying a sett.

The Natural Environment and Rural Communities Act (NERC) 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 provides a list of habitats and species, which are of 'principal importance for the conservation of biodiversity.' This list aids 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.

Hedgerows Regulations 1997

These regulations were produced to protect important countryside hedges from removal. The regulations only cover hedgerows that are at least 20m long or, if shorter, connected to other hedgerows at both ends or part of a longer hedgerow. They must be in or adjacent to common land, village greens, site of special scientific interest, local nature reserves, or land used for agriculture, forestry or breeding or keeping of horses, ponies or donkeys.

Wild Mammals (Protection) Act 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

This legislation is of relevance when undertaking works with potential to affect wild mammals e.g. works near burrows, warrens or dens, regardless of other legislative protection.

Species and Habitat Specific Legislation

Plants

Wild plants are protected under Section 13 of the Wildlife and Countryside Act 1981 (as amended). It prohibits the unauthorised intentional uprooting of any wild plant species and forbids any picking, uprooting or destruction of plants listed on Schedule 8 of which there are over 150.

The Conservation of Habitats and Species Regulations 2017 (as amended) have nine plants listed within Annex IV these are; creeping marshwort *Apium repens*, early gentian *Gentianella anglica*, fen orchid *Liparis loeselii*, floating-leaved water plantain *Luronium natans*, killamey fern *Trichomanes speciosum*, lady's slipper *Cypripedium calceolus*, shore dock *Rumex rupestris*, slender naiad *Najas flexilis*, and yellow marsh saxifrage *Saxifraga hirculus*. It is an offence to deliberately pick, collect cut, uproot or destroy any protected plant, or keep, transport, sell, or exchange, any live or dead such plant species, this applies to all stages of its life cycle.

Invasive Species

Schedule 9, Section 14 of the Wildlife and Countryside Act (1981, as amended) prohibits the introduction into the wild of any species that is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state, or any species of the 69 plants listed on Schedule 9.

The frequently encountered invasive species within proposed development sites include floating pennywort *Hydrocotyle ranunculoides*, giant hogweed *Heracleum mantegazzianum*, Himalayan balsam *Impatiens glandulifera*, Japanese knotweed *Fallopia japonica*, New Zealand pygmyweed *Crassula helmsii*, rhododendron *Rhododendron ponticum* and certain hybrids of the above, some species may be native yet are listed for conservation purposes.

Plant or soil material contaminated by Japanese knotweed that is to be discarded is considered to be a 'controlled waste' under the Environmental Protection Act 1990 (EPA 1990). It is an offence to deposit, treat, keep, or dispose of controlled waste without a licence. Furthermore knotweed that has been cut down and removed must be received by an authorised person to be

disposed of correctly. A licence can be obtained from the Environment Agency (EA). The release or planting of a listed species in the wild can be permitted under a licence granted by the relevant statutory body.

Invertebrates

A number of invertebrates such as silver studded blue butterfly *Plebejus argus*, stag beetles *Lucanus cervus* and white letter hairstreak *Stymondia w-album* are fully protected under Schedule 5 of the Wildlife and Countryside Act (1981, as amended). This legislation makes it illegal to intentionally kill, injure, or take a protected invertebrate, or to damage, destroy, or obstruct access to any structure or place used for shelter or protection by such a species; and disturb any protected species occupying such a structure or place.

Three invertebrates are listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017, fisher's estuarine moth *Gortyna borellii lunata*, the large blue butterfly *Maculinea arion* and lesser whirlpool ram's-horn snail *Anisus vorticulus*. It is an offence deliberately to kill, capture, or disturb a listed species, or to damage or destroy the breeding site or resting place of such an animal.

Amphibians

There are four widespread amphibian species, common frog *Rana temporaria*, common toad *Bufo bufo*, palmate newt *Lissotriton helveticus* and smooth newt *Lissotriton vulgaris*. All of the four widespread species receive partial protection under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) making it an offence to offer them for sale or trade.

Great crested newts *Triturus cristatus* and natterjack toads *Epidalea calamita* are fully protected under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) of the Wildlife and Countryside Act (1981, as amended) and the Conservation of Habitats and Species Regulations 2017. Reintroduced populations of 'native' pool frogs *Pelophylax lessonae* also receive the same protection. It is illegal to possess a protected species (alive or dead), deliberately capture, injure or kill, to intentionally or recklessly disturb, or to deliberately take or destroy the eggs of these protected species. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to breeding or resting place used by these protected species'. All life stages of each species' are afforded the same level of protection.

In order to undertake any activity, which would, otherwise result in any of the above offences being committed, it may be necessary to obtain a European Protected Species (EPS) licence from the relevant statutory body (Natural England (NE), Countryside Council for Wales (CCW) or Scottish natural Heritage (SNH)). It is possible to undertake surveys which would otherwise involve unlawful acts, such as disturbance, by obtaining a survey license which provides authorisation for scientific and educational purposes

Reptiles

The four common reptile species, adder *Vipera berus*, grass snake *Natrix helvetica*, common lizard *Zootoca vivipara* and slow worm *Anguis fragilis* are protected under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) against deliberate and/or intentional killing, injuring and trade.

If common reptile species are found to be present or considered potentially present within a proposed development site. To ensure that no subsequent offence will be committed a precautionary method of working (written by a suitably qualified ecologist) and submitted to the relevant authority may be required to enable works to proceed with limited risks of offences being caused.

Birds

All birds, their nests and eggs are protected by the Wildlife and Countryside Act (1981, as amended). It is an offence to intentionally kill, injure, or take any wild bird, or take or destroy an egg of any wild bird. It is also an offence to damage or destroy the nest of any wild bird (whilst being built, or in use). Therefore, clearance of vegetation within the site boundary, or immediately adjacent to the site during the nesting season could result in an offence occurring under the Act. The bird breeding season can be taken to run between the 1 February and 31 August and is subject to geographical and seasonal factors. There are 79 species of birds listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is an offence to 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.

Barn owls *Tyto alba* are listed as 'Amber' status under the Birds of Conservation Concern (BoCC) and are categorised as a species of European Conservation Concern. The Barn Owl is given the highest level of legal protection possible under Schedule 1 of the Wildlife and Countryside Act 1981. It is therefore illegal to kill, injure or take a barn owl, or to take or destroy its eggs. It is also illegal to intentionally or recklessly take, damage, or destroy the nest of any wild bird while it is in use or being built, release or allow the escape of a barn owl into the wild or possess any bird (dead or alive) or part of bird without a licence which is obtainable through the country agencies (EN, SNH, and CCW).

Badgers

Badgers *Meles meles* are protected under the Protection of Badgers Act (1992) and the Wildlife and Countryside Act (1981, as amended). As such it is an offence to wilfully take, kill, injure or ill-treat a badger, or possess a dead badger or any part of a badger. Under the Act their setts are also protected against obstruction, destruction, or damage in any part.

Sett interference includes damaging or destroying a sett, obstructing access to a sett, and disturbing a badger whilst it is occupying a sett. The Act defines a badger sett as 'any structure or place, which displays signs indicating the current use by a badger' and Natural England takes this definition to include seasonally used setts.

Work that may disturb badgers or their setts is illegal without a development licence from the relevant statutory body (NE, CCW, SNH). As a precautionary principle, a buffer distance between a badger sett and the works will be determined, based upon guidance from an appropriately experienced ecologist. This buffer distance should be based upon the size and activity levels at the sett, the topography between the sett and the works and the nature of the works.

Bats

All native UK bat species are fully protected by UK law under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) and Schedule 6 of the Wildlife and Countryside Act (1981, as amended), and under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. It is illegal to deliberately capture, injure or kill a bat or to intentionally or recklessly disturb bats. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a breeding or resting place used by a bat.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH). Works or mitigation activities involving interference with bats or bat shelters must be carried out by a licensed bat worker.

Dormice

Dormice *Muscardinus avellanarius* are protected under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) of the Wildlife and Countryside Act (1981, as amended) and are listed in

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.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH).

Otters

The otter *Lutra lutra* is fully protected under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) of the Wildlife and Countryside Act (1981, as amended) and are listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. It is therefore illegal to deliberately capture, injure or kill an otter, possess an otter (dead or alive), or any other part of an otter, or intentionally or recklessly disturb otters. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a holt or other resting place used by an otter.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH).

Water voles

Water voles *Arvicola amphibious* are protected under Schedule 5 of the Wildlife and Countryside Act (1981, as amended). It is an offence to possess, control or sell water voles or to intentionally kill, injure or take water voles. It is also an offence to intentionally or recklessly damage, destroy or obstruct access to a place that water voles use for shelter or protection or disturb water voles whilst using such a place.

A licence is required for catching/handling water voles, or for field surveys that are intrusive or disturbing where the surveyor suspects' water voles are present. A licence can be obtained by applying to the relevant statutory body (NE, SNH, and CCW,). Please note that the legislation does not permit licences to be issued in relation to development of land.

Biodiversity Policies

National Planning Policy Framework (NPPF) 2012

Published in 2012 the NPPF sets out the Government's planning policies for England and how these are expected to be applied by local authorities. It replaces all the Planning Policy Statements and Guidance (PPSs and PPGs). The NPPF emphasises the need for sustainable development, whilst specifying the need for protection of designated sites and priority habitats and priority species (as listed in section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Paragraph 109 of The National Planning Policy Framework (NPPF) states:

"The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- 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, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

Furthermore, paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm 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;
- Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have 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;
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- The following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The UK Biodiversity Framework (2011-2020).

The UK Biodiversity Framework is an important framework that is owned, governed and implemented by the four UK countries, assisted by Defra and JNCC in their UK co-ordination capacities. Although differing in details and approach, the four UK countries have published strategies which promote the same principles and address the same global targets: joining-up our approach to biodiversity across sectors; and identifying, valuing and protecting our 'Natural Capital' to protect national well-being now and in the future. This new framework has been developed to enhance the recovery of priority habitats and species in England (published under section 41 of the NERC Act 2006), thereby contributing to the delivery of the England Biodiversity Strategy. The framework has been developed and endorsed by the England Biodiversity Group and wider partnership. It is the starting point for a more integrated approach to biodiversity conservation in England, building on the strengths of the former UK Biodiversity Action Plan (BAP) process and improving those areas where insufficient progress was being made.

Havant Borough Core Strategy

The Havant Borough Core Strategy sets out the relevant policies for the control of development in regards to the natural environment and biodiversity.

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

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.

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.

APPENDIX II: PHASE 1 HABITAT MAP



Key:

Semi-Natural Broadleaved Woodland

Scattered Trees

Dense Scrub

Ephemeral/Short Perennial

Bare Ground

Building

Hardstanding

Site Boundary

Drawing should be viewed in colour

All locations are indicative and have been plotted to best of surveyors ability using plans provided and aerial imaging

Drawing No.: PJC/3793AO/18	Rev: 01	Sheet number: 1 of 1
Client : PMC Construction		
Project : Woodcroft Gardens, Waterfoovile, Hampshire, PO8 9PZ.		
Drawing title: Phase 1 Habitat Map		
Date drawn: 08/06/2018		
Scale: NTS at A3		
Drawn by: TK	Checked by: TH	

APPENDIX III: SITE PHOTOS



Photo showing the exterior of building B1



Photo showing the exterior of building B2



Photo showing the exterior of building B3



Photo showing the ephemeral/short perennial, scrub and woodland habitat towards the southern corner of the Site