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October 2017

A Baseline Ecology Survey Report

for

Mr R. Steul

from

56a, Bracklesham Road

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1 Executive Summary

- Mr Steul intends to apply for planning permission to build a new house on land between numbers 56 and 56b, Bracklesham Road.
- In September 2017, Verdant Ecology was commissioned to provide a baseline ecology survey and report to assist in providing information so as to allow the planning authority to make an informed decision in line with protective legislation, policy guidance and best practice.
- In the surrounding area are sites with international-level protection/value for wildlife.
- The site is hydrologically connected to these by a small channel.
- The site is likely to support legally-protected species such as nesting birds and reptiles.
- Species protected by policy such as and foraging bats, hedgehogs and toads are also likely to be present.
- The area of habitat directly affected and suitable for these is sub-optimal and less than 50sqm so is considered of negligible importance.
- Disturbance of nesting birds and harm to individual reptiles, toads, hedgehogs etc. can be avoided by careful site clearance.
- The value of the site for foraging bats can be maintained by constraints on light pollution.
- Post-development landscaping/planting can be provided for these species so their conservation status can be maintained or enhanced.
- Consequently, no further surveys are needed and protected ecological features should not be a reason for refusing planning permission if the following conditions are met.
 - 1) A comprehensive, fool-proof pollution prevention plan must be devised and employed so as to prevent indirect impacts off site. This must include tight constraints on external lighting.
 - 2) Site preparation/clearance must be conducted under guidance from a competent ecologist.
 - 3) Post-development, the site must incorporate planting/landscaping that recreates habitat suitable for local protected wildlife.

2 Introduction

Many ecological features are protected by legislation, policy and best practice. Where protected ecological features are likely to be present and likely to be affected, planning authorities are required (in advance of their decision) to request surveys, to consider the potential impacts of development and to make sure significant impacts are offset. They should also seek opportunities to improve the area for wildlife. See Appendices 7 and 8 for further information.

The word site henceforth refers to the area covered by the field survey and as defined by the red line shown in Appendix 1.

This report:

- Describes an initial ecological baseline survey to provide information on the natural features of the area, including the site.
- Describes and/or maps the habitats on and adjacent to the site.
- Considers the potential for habitats on/near to the site to support protected species and habitats.
- Considers this in relation to the proposed development.

- Makes recommendations for further survey work, if necessary.
- Provides some suggestions for reducing the impacts of the project on wildlife.

3 Survey

3.1 Field Survey

A baseline habitat survey of the site and its immediate surroundings was conducted (based on Phase 1 Habitat Survey principles, JNCC, 1993) on the 26th September 2017. Habitat types and ecological features on the site and its surroundings were identified and mapped and then compared to lists of protected habitats. Habitats and ecological features were then considered in terms of their suitability for protected species and those of conservation concern. Where the surveyor thought it appropriate, further inspections were made (in this case, for field signs of badgers).

Weather and season were considered ideal for such work.

3.2 Survey Limitations

A baseline survey is not a complete set of surveys for/of protected ecological features. It is conducted so as to determine habitat types and ecological features. It may provide prompts for further ecology survey work.

Only the site was walked over/inspected. Areas further away than this were only viewed from the surveyed area.

No habitat map has been provided. This is because the photographs and written descriptions are considered adequate.

3.3 Desk Study

HBIC (Hampshire Biodiversity Information Centre) records of sites designated for nature and species/habitats of conservation concern within 1km of the site were obtained. Verdant Ecology also viewed OS maps and online satellite/aerial photographs for ponds nearby so as to consider the potential for Great Crested Newts.

4 Results

4.1 Our Background Research

The site is land between 56 and 56b, Bracklesham Road, Hayling Island, Hampshire PO11 9SJ and is at OS grid reference SZ 7488 9860. A location plan is shown in Appendix 1. An aerial view of the site can be seen at <https://binged.it/2xP55UI>

The full results of the record search for protected and notable sites, habitats and species by HBIC have been provided as a separate .zip file. This has been reviewed by us and the contents used to guide our assessment of the ecological value of the site and its surroundings. The most pertinent information has been reproduced in the appendices.

See the appendices for maps showing the following protected areas in the vicinity.

The closest (approximately 60m to the E at its closest but also within 150m to the N and S) statutorily-protected designated site is the estuary, which is a RAMSAR site, SPA and SSSI, designated for extensive sand and mud-flats exposed at low tides and associated bird life. This includes Sandy Point which is also a LNR. About 1.8km to the SW is the Solent/Dorset Coast SAC and SPA. There are no further statutorily-designated sites within approximately 3km.

The closest SINC is about 80m to the E. There are several other SINC within the 2km search area designated for their coastal plants and/or wading birds and Brent geese.

There are various Priority habitats in the vicinity but these are within the designated sites already mentioned.

4.2 **Description of Site and Adjacent Habitats**

See Appendix 2 for photographs of the site. The site is a garden. It is about 100sqm in size and rectangular. The northern half was regularly-mown lawn with several small trees and a flower bed. The southern half contained four trees (the remnants of an overgrown Cupressus hedge), Brambles, Bracken and other weeds and a few recently-felled small Elder/Hawthorn shrubs. It has a concrete-lined channel dividing the site and connecting to the estuary. The site is surrounded on all sides by houses and associated 'suburban' gardens. Soil seemed sandy/acidic and free-draining.

4.3 **Habitats and Flora**

Some habitats, trees and plants are protected (see Appendices 7 and 8 for details). Approximately 40 varieties of plant are listed on Schedule 9 of the Wildlife and Countryside Act, making it an offence to cause them to be transplanted into the wild and requiring special licensing to take (parts of) it off-site.

The following ecological features/habitats have been discerned on the site.

4.3.1 **Fence**

The south, east and west is bounded by timber panel fencing. The southeast corner supports ivy.

4.3.2 **Grassland**

Regularly-mown semi-improved grassland covered the northern half of the site. At the edges and the interface with the Brambles of the southern half occur plants such as Yarrow, Bristly Ox-Tongue, Yellow Agrimony, Autumn Hawkbit, Prickly Sow-thistle, Pendulous Sedge, Meadowsweet, Charlock, Cleavers, Common Dock, Bindweed and Nettles.

4.3.3 **Sch. 9 Invasive Plants**

Montbretia (*Crocasmia x crocosmiiflora*) occurs along the eastern edge.

4.3.4 **Log Pile**

There is a pile of logs in the southwest corner that appear to have been there several years.

4.3.5 **Lower Plants**

Some ferns/fungi/mosses occur on site. These have not been surveyed and it is not intended to do so because protected species are usually associated with unusual habitats, whereas habitats on site are relatively commonplace and the area lost considered negligible.

4.3.6 **Ornamental Plants**

A small flower bed with ornamental perennials occurs on the eastern edge.

4.3.7 **Ruderal Weeds**

The southern half of the site was recently-cut plants such as Bramble, Nettles, Common Dock, Dog Rose and Bindweed.

4.3.8 **Trees**

About 1m from the southern edge are four semi-mature *Cupressus macrocarpa* trees (the remnants of an overgrown hedge). There are four evergreen magnolia trees about 3.5m tall on the eastern edge that appear to have been planted within the last few years as standards. There are three further semi-mature, small trees in the approximate centre of the site; two apple trees and a recently-coppiced hawthorn. These trees are either poor specimens or too small to be considered valuable so a BS 5837 tree survey and assessment is not considered necessary.

4.3.9 **Wall**

The northern perimeter is a 2m-high, rendered block wall. It is part ivy-clad.

4.3.10 **Waterbodies**

There is a concrete-lined, box channel about 1m square that conveys water across the site and must be tidal.

4.4 **Fauna**

Impacts on creatures with 'full' legal protection and on those protected by policy are a material consideration in planning decisions. The following list shows such creatures in alphabetical order and explains either why they are thought to be absent/unaffected or what potential there is for their presence. Where a species is not listed, this is because the habitats are considered wholly unsuitable and/or outside their range/distribution.

Other than an inspection for bat evidence/roost potential of the trees on site and the parts of the adjacent buildings visible from site and a check for badger field signs, no faunal surveys have been conducted.

4.4.1 **Badgers**

Habitats on and around the site seemed suitable for badgers. No signs of badgers were found (badger field signs are almost invariably obvious when they occur) and there are no local records. No further survey work is needed.

4.4.2 **Bats**

All trees on site were considered to have Low potential for bat roosts (on a scale of Low, Moderate, High as described in Table 4.1 of the BCT 2016 guidelines). There are no buildings on site. Trees and buildings adjacent to the site were also considered to be of Low suitability for roosts. For foraging bats, the site is considered to be of Low suitability but is almost certain to be used as part of the linked, adjoining gardens. Therefore, direct impacts are unlikely and indirect impacts (pollution) can be prevented. No further survey work is intended.

4.4.3 **Birds**

Breeding Schedule 1 birds

Barn Owls have been recorded locally but the site is considered unsuitable for foraging or nesting Barn Owls (or any other Sch. 1 breeding birds).

National BAP-listed birds

Habitats on or around the site appear suitable for a range of birds of conservation concern (e.g House Sparrow, Song Thrush). However, these habitats are relatively commonplace, the area lost will be negligible and post-development planting can reasonably offset impacts.

Breeding birds

The site supports a range of habitats likely to harbour other 'more common' species of birds, protected whilst nesting. However, impacts on potential nesting birds can be avoided by scheduling operations so as to avoid impacts.

No further survey work on birds is intended.

4.4.4 **Common Toad**

Habitats on and around the site are considered suitable. However, harm to individuals can reasonably be avoided by careful site clearance and although there will be net habitat loss to the footprint of the development this is considered negligible and post-development habitats will be suitable so their favourable conservation status is likely to be maintained. No surveys are proposed.

4.4.5 **Dormice**

Habitats on and around the site (gardens) are sub-optimal but potentially suitable. However they are not connected to woodland and there are no local records. No surveys are proposed.

4.4.6 **Great Crested Newts**

Terrestrial habitats on the site seem suitable for Great Crested Newts. Terrestrial habitats surrounding the site seemed suitable but sub-optimal and newts cannot tolerate saline conditions so the general area (and the channel across the site) is likely to be unsuitable. The only pond shown on OS maps within 500m of the site is the one in Sandy Point reserve but this is about 330m away. There are likely to be garden ponds in the area but this is considered infeasible to establish. Most significantly, there are no local records. No surveys are proposed.

4.4.7 **Hare**

Habitats on and around site are considered unsuitable for hare and there are no local records. No surveys are proposed.

4.4.8 **Harvest Mice**

Habitats on the site are considered sub-optimal but suitable. However, the area around the site is considered unsuitable and there are no local records. No surveys are proposed.

4.4.9 **Hedgehogs**

Habitats on and around the site are considered suitable. Hedgehogs are known to occur locally. Therefore, site clearance should be done as guided by a competent ecologist and post-development, the site should include habitats suitable for hedgehogs and accessible to them (i.e. careful fence choice/installation).

4.4.10 **Insects**

The site and surrounding area supports a range of habitats that are suitable for insects. These have not been surveyed for and it is not intended to do so because protected species are usually associated with unusual habitats, whereas habitats on site are relatively commonplace and the area lost considered negligible. No surveys are proposed.

4.4.11 **Marine Life (Fish, Eels, Crustaceans etc)**

The channel crossing the site is in itself, not considered to be valuable habitat (it is concrete-lined) but it may convey/harbour marine life and is directly connected hydrologically to the estuary only about 85m away. It is essential that a pollution prevention plan is devised and adhered to so as to prevent indirect impacts on the estuary.

4.4.12 **Natterjack Toad**

Habitats on site are unsuitable. Those in the wider area are suitable but there are no local records. No surveys are proposed.

4.4.13 **Otters**

Habitats on and adjacent to the site are considered unsuitable and there are no local records. No surveys are proposed.

4.4.14 **Reptiles**

The southern half of the site is sub-optimal but suitable for 'common' reptiles (slow-worm, grass snake, viviparous lizard and adder) and connected by adjoining gardens to the wider area. There are local records of slow-worm and adder. The area of habitat suitable for reptiles is less than 50sqm so is considered of negligible importance and loss will be off-set by post-development landscaping/planting suitable for reptiles so their conservation status can be maintained or enhanced. Harm to individual reptiles can be avoided by careful site clearance. Consequently, no surveys are intended.

4.4.15 **Water Voles**

Habitats on and adjacent to the site are considered unsuitable and there are no local records. No surveys are proposed.

4.4.16 **White-clawed Crayfish**

Habitats on and adjacent to the site are considered unsuitable and there are no local records. No surveys are proposed.

5 **Evaluation of Importance**

See Appendices 7 and 8 for an explanation of the legislation and policy related to ecological features. See Appendix 9 for an explanation of terms used by Verdant Ecology in evaluating ecological features.

5.1 **Designated Sites**

SPA/SAC are considered to be of International importance. SSSI are considered to be of National importance. Non-statutory sites (SNCI or SINC) are considered to be of County importance.

5.2 **Legally Protected Plants and Habitats**

No legally protected habitats or plants were found and they are therefore considered to be of Negligible importance.

5.3 **Legally Protected Fauna**

The site is considered to be of Local importance for legally-protected fauna on the assumption it is used by nesting birds, reptiles, hedgehogs and toads.

5.4 **Policy-protected Features**

All trees are material considerations in planning decisions. Trees on site are currently considered to be of Negligible importance.

Habitats, plants and fauna listed in National or Local BAP (Biodiversity Action Plans) are protected by policy and if present would be of at least County importance.

The site does not qualify as any of the National BAP habitats. However, such habitats (e.g. Mudflats) occur within 100m of the site and the site and adjacent areas seem likely to qualify under the Hampshire 'Urban' Local BAP.

Fauna protected by policy (and not also protected legally) occur on or near site (e.g. hedgehog). The site is considered to be of Local importance for policy-protected fauna.

6 **Impacts**

6.1 **Impacts Considered**

There is always potential for development work to contravene legislation and policy protecting native wildlife.

Impacts considered are;

6.1.1 **Habitat Loss**

Habitats may be protected in their own right or harbour protected species.

6.1.2 **Exclusion, Isolation, Fragmentation**

Creatures may be excluded from foraging or shelter by new roads, fencing, lighting, etc. Existing habitat may be broken up into smaller, less viable areas. This should be avoided.

6.1.3 **Pollution/Disturbance**

Such as air-borne dust, noise, vibration, heat or toxic substances and suspended solids in run-off or channel flow. These can be prevented by devising and complying with a pollution prevention plan. Special consideration should be given to controlling light pollution.

6.1.4 **Compaction**

Activities such as storing materials, site staff parking or tracking machinery can damage soil structure and/or tree roots beyond the footprint of the actual construction. This can be minimised by defining all peripheral activities (see below) and by adhering to a Tree Protection Plan in line with BS 5837.

6.1.5 **Peripheral Activities**

Consider; soil testing, fencing, drainage, service runs, temporary parking/offices/toilets, access routes, plant tracking, burning sites, storage/sorting areas etc. Any may damage ecological features.

6.2 **Impact Assessment**

Without mitigation the following impacts are considered likely.

6.2.1 **Indirect Impacts**

In line with policy, all development near a Special Protection Area is assumed to have indirect impacts upon it. The council should therefore request measures to offset indirect impacts from the development.

Indirect impacts (such as pollution from dust during development, or increased lighting post-development) on protected sites, habitats and species are likely and need to be mitigated.

Habitat fragmentation is unlikely to be significant because the new building will be positioned in the approximate middle of the site.

6.2.2 **Direct Impacts**

Site clearance/preparation has the potential to directly disturb nesting birds and/or harm reptiles and other species such as hedgehogs. This would be illegal and/or contrary to policy so mitigation will be needed.

Habitat lost (permanently or temporarily) to the proposals is considered of Negligible significance.

The new house will use timber cladding. With time this is likely to become accessible/suitable for bat roosts. If this happens and the cladding is lined with breathable membrane, harm to bats is possible so mitigation will be needed.

6.2.3 **Summary of Impacts**

Without mitigation, impacts are currently considered likely to be a Minor-Major Negative impact on features of Local-International value into the Long Term.

With the recommended mitigation, impacts are likely to be a Minor Positive impact on features of Local value into the Long Term. Short Term impacts on features of Local value are likely to be unavoidable.

7 **Recommendations**

7.1 **Further Surveys**

No further surveys are proposed. This is on the condition that you can and will provide the following mitigation measures;

7.2 **Mitigation**

7.2.1 **Special Protection Area**

Make a contribution to the council's fund for offsetting impacts on the SPA.

7.2.2 **Pollution Prevention**

Provide comprehensive, fool-proof pollution prevention plan (including very constrained external lighting) that demonstrates you will avoid significant indirect impacts on protected ecological features off site. It should comply with the COSHH regulations; the Environment Agency's Pollution Prevention Guidelines series and Stone, E.L. (2013) Bats and Lighting: Overview of Current Evidence and must have a system in place to prevent negative impacts on the channel across the site. See also www.ciria.org.uk for information on SuDS (Sustainable Drainage Systems).

7.2.3 **Site Clearance/Preparation**

Preparing the site without significant impacts on wildlife requires careful techniques, timing and sequence of events and you must seek guidance on this from a competent ecologist.

7.2.4 **Invasive Plants**

Eradicate *in situ* if possible. If not, arisings containing material of the listed plants (*Crocosmia x crocosmiiflora*) must be carefully dealt with on site and can only be taken off site by an 'authorised waste carrier' (consult Verdant Ecology or the Environment Agency for further details).

7.2.5 **Ultimate Fencing Design**

The choice of perimeter fencing should be a (modified) design that allows wildlife (hedgehogs, reptiles) to move around and through the site (i.e. not panel fencing or small mesh unless adapted for wildlife).

7.2.6 ***Lining for Timber Cladding***

Use 1F bitumen liner behind timber cladding (meaning adequate ventilation will be needed) or use breathable membrane but with something between it and the timber cladding that will prevent bats coming into contact with the breathable membrane, whilst allowing the membrane to breathe (e.g. fine metal mesh).

7.2.7 ***Wildlife Habitat Creation***

- 5 bird boxes erected on the property, preferably in advance of impacts. At least one of these should be a communal box intended for House Sparrows.
- Post-development planting/landscaping suitable for, and accessible to, species of conservation concern (reptiles, amphibians, hedgehogs and birds).

7.3 **Advisory Notes**

Consult a competent ecologist;

- Every few months
- If there are changes in plans
- If new ecological information arises.

Should unexpected protected species be discovered, cease work and contact a competent ecologist.

8

Appendices

8.1

Appendix 1. Site Location

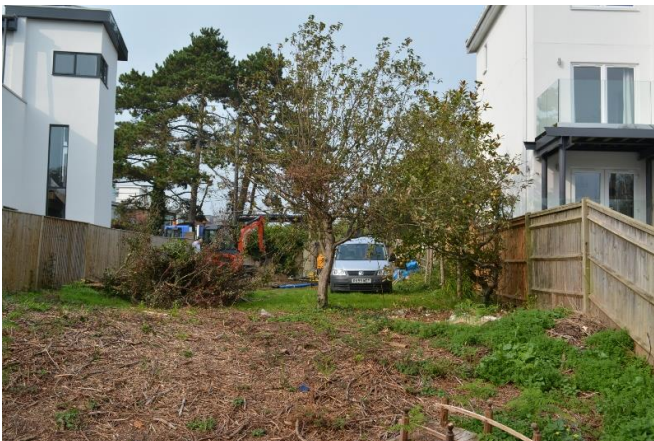


8.2 **Appendix 2. Photographs of the Site**

1. The site frontage (looking S).



2. Looking N from the channel.



3. The S half of the site (looking S).



4. The channel



5. The adjacent property (to the E).



6. The adjacent property (to the W).



7. The adjacent building (to the E).

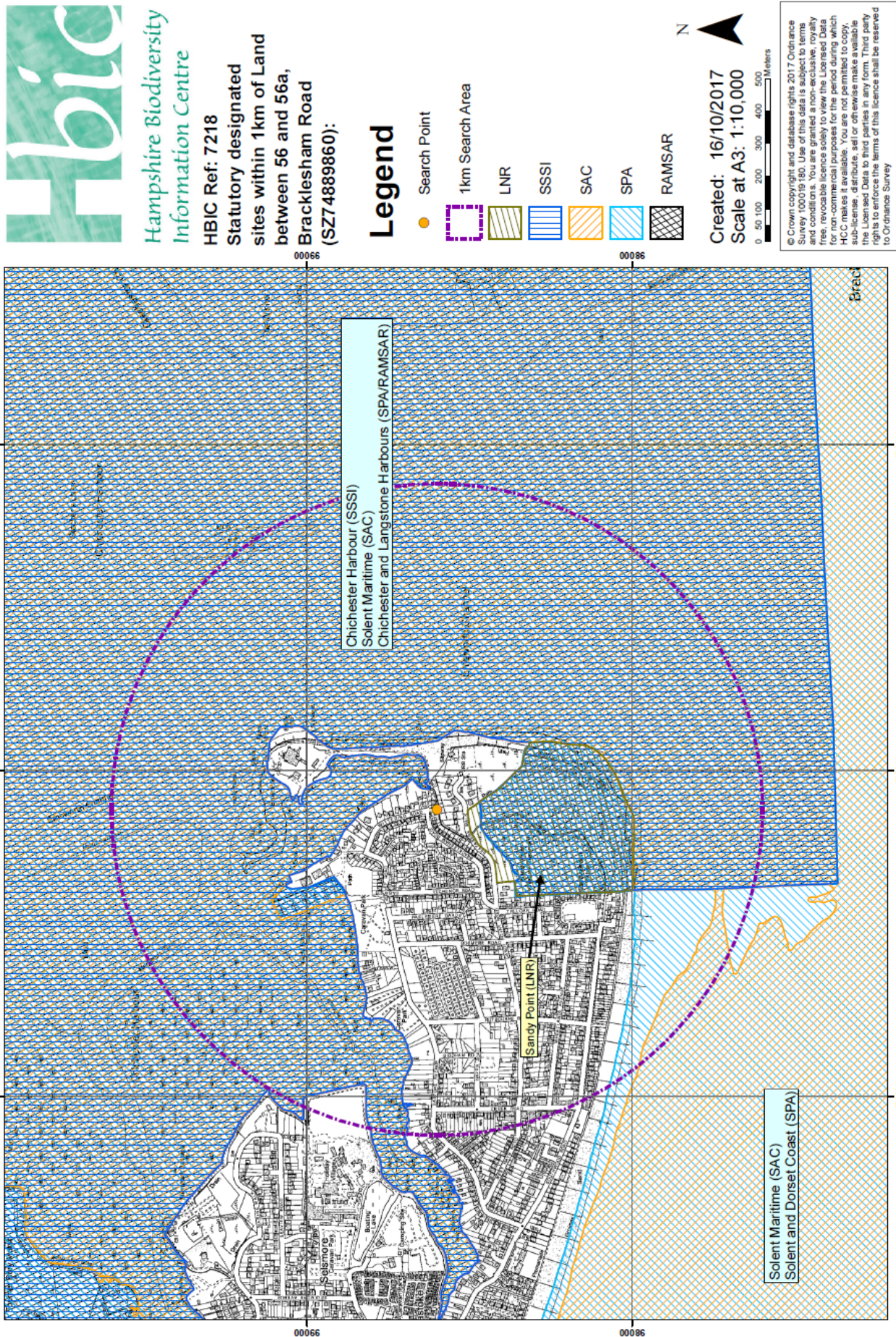


8. The adjacent building (to the E).



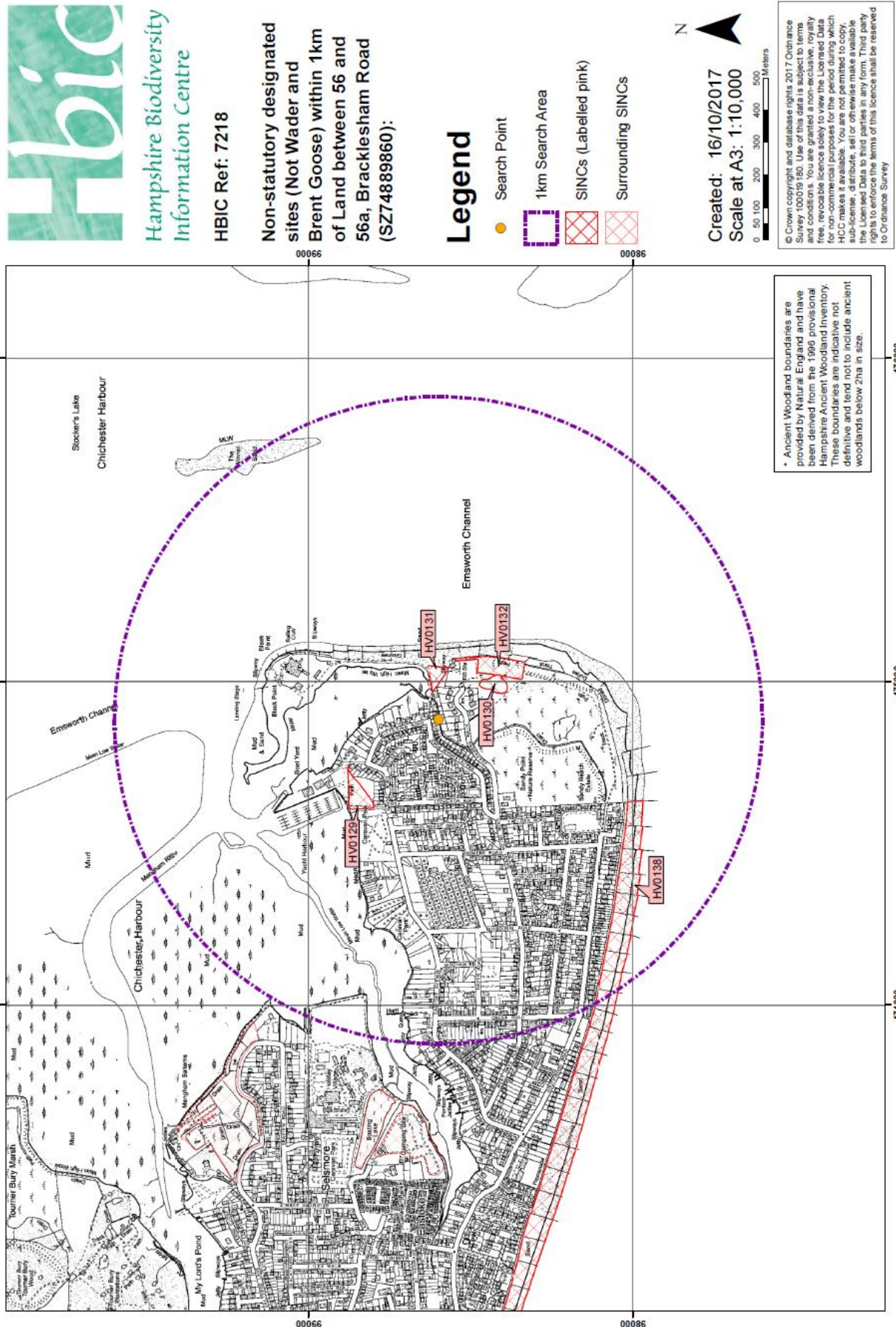
8.3

Appendix 2. Statutorily Protected Sites Nearby



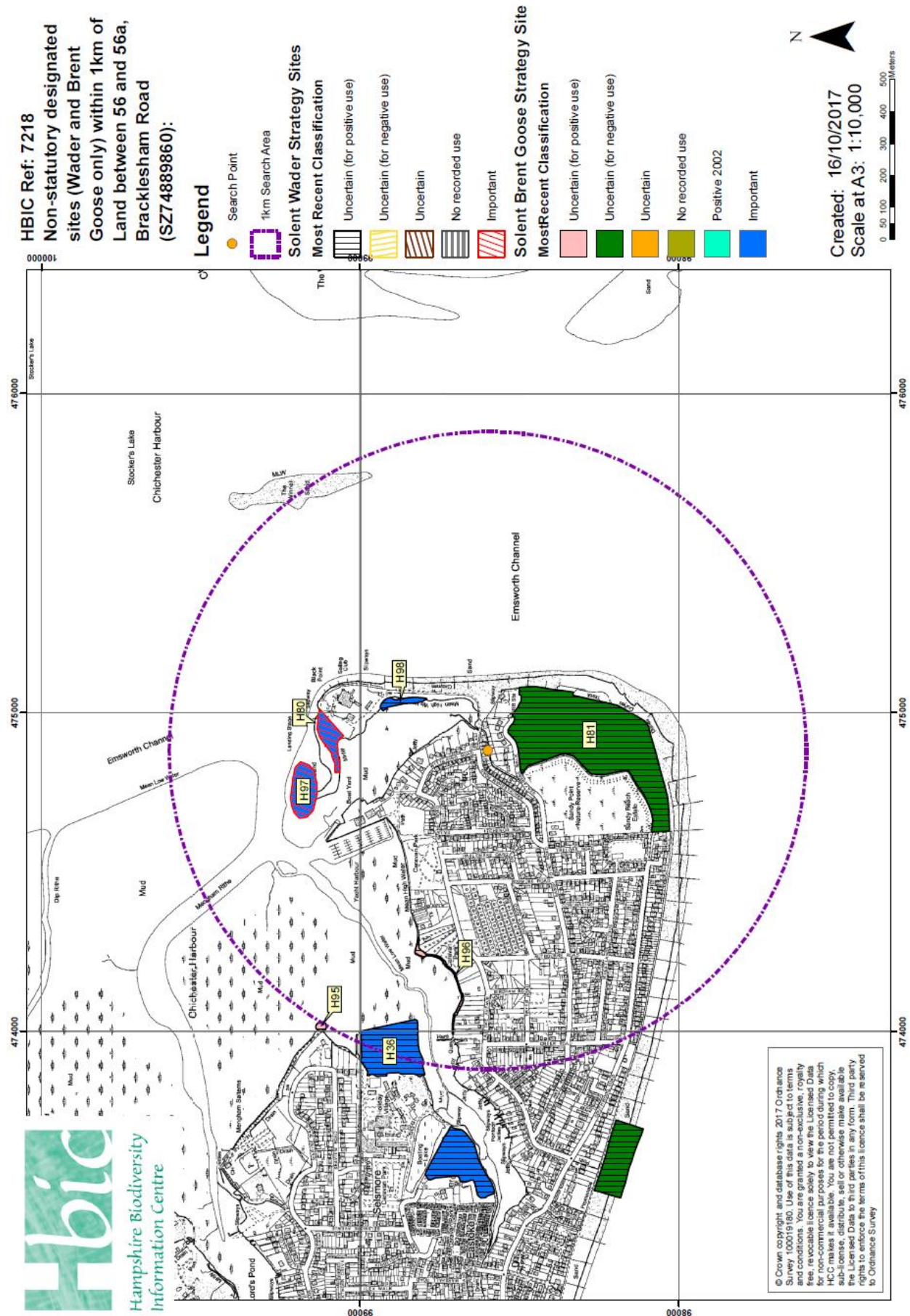
8.4

Appendix 3. Non-statutorily Protected Sites Nearby (not sites for Brent Geese/Waders)

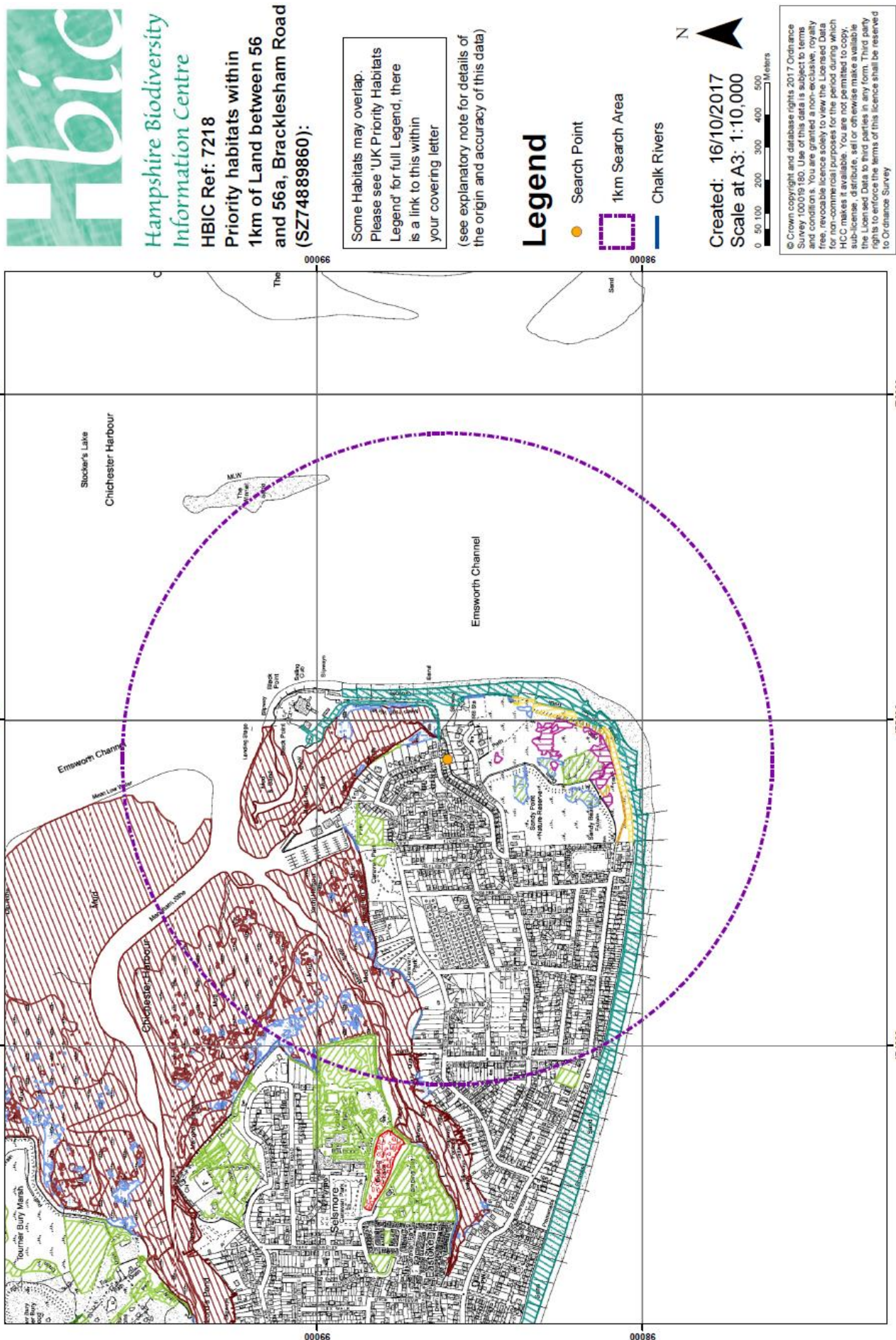


8.5

Appendix 4. Non-statutorily Protected Sites Nearby (for Brent Geese/Waders)



Appendix 5. Priority Habitats Nearby



Hampshire Biodiversity Information Centre

Legend for UK Broad and Priority Habitats

Broad Habitats

	Acid grassland
	Arable and horticulture
	Bog
	Boundary and linear features
	Bracken
	Broadleaved, mixed, and yew woodland
	Built-up areas and gardens
	Calcareous grassland
	Coniferous woodland
	Dwarf shrub heath
	Fen, marsh and swamp
	Improved grassland
	Inland rock
	Inshore sublittoral rock
	Inshore sublittoral sediment
	Littoral Rock
	Littoral Sediment
	Neutral grassland
	Rivers and streams
	Standing open water and canals
	Supralittoral Rock
	Supralittoral Sediment
	Unidentified habitat
	Unidentified water

Priority Habitats

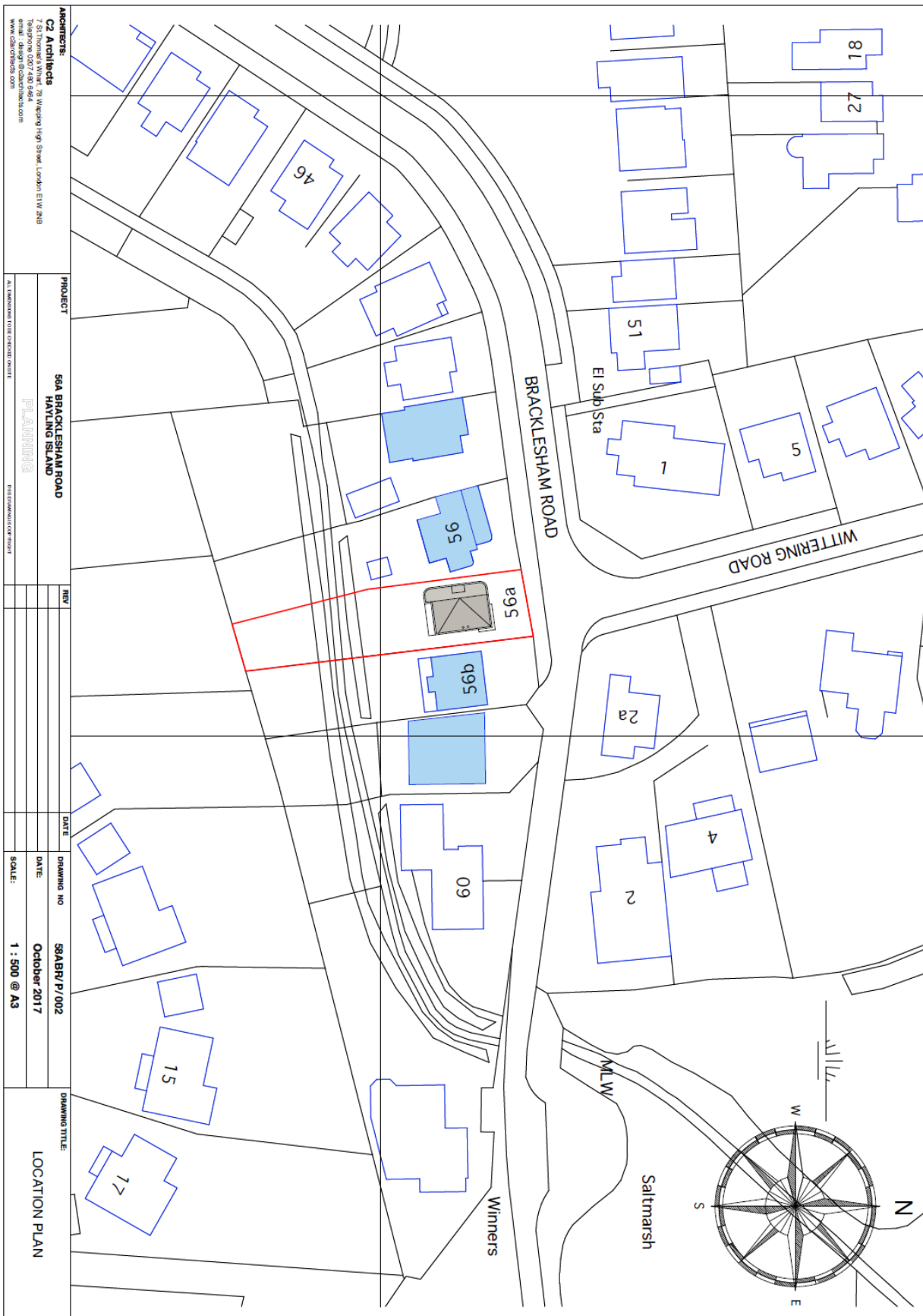
	Arable Field Margins
	Coastal Saltmarsh
	Coastal Sand Dunes
	Coastal Vegetated Shingle
	Coastal and Floodplain Grazing Marsh
	Eutrophic Standing Waters
	Hedgerows
	Intertidal Mudflats
	Lowland Beech and Yew Woodland
	Lowland Calcareous Grassland
	Lowland Dry Acid Grassland
	Lowland Fens
	Lowland Heathland
	Lowland Meadows
	Lowland Mixed Deciduous Woodland
	Maritime Cliff and Slopes
	Ponds
	Purple Moor Grass and Rush Pastures
	Reedbeds
	Rivers
	Saline Lagoons
	Seagrass Beds
	Traditional Orchards
	Wet Woodland
	Wood-Pasture and Parkland

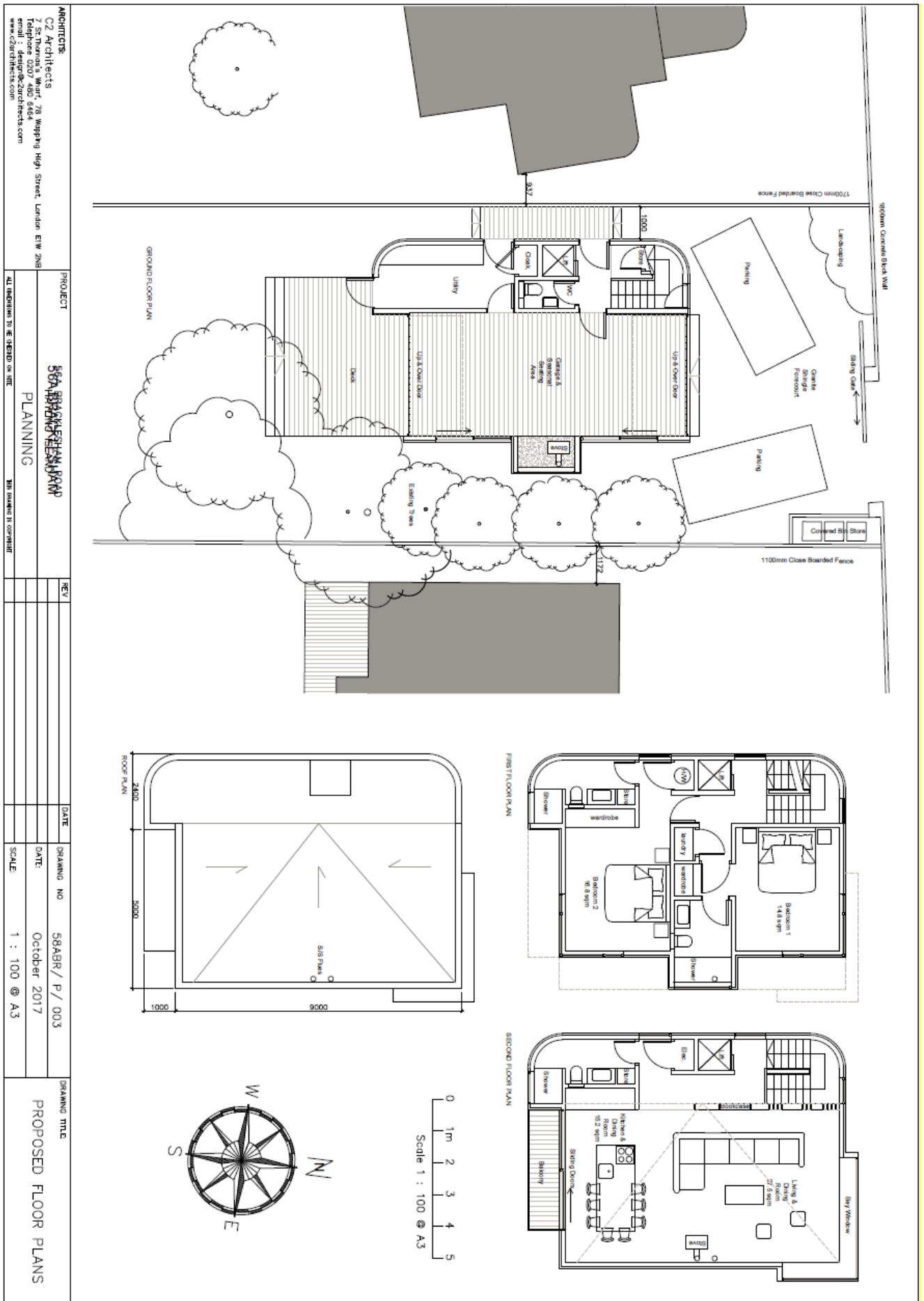
Sharing information about Hampshire's wildlife

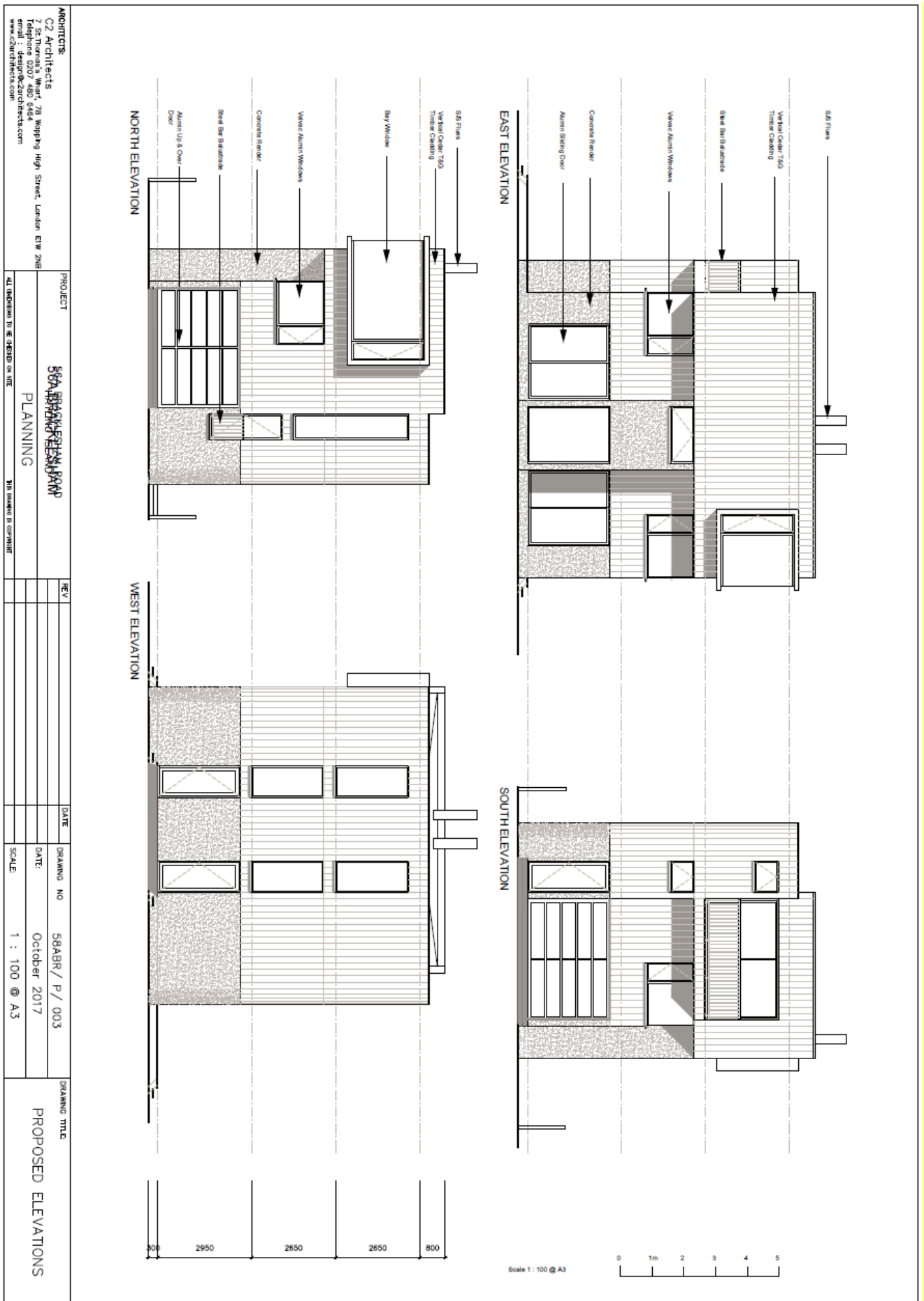
The Hampshire Biodiversity Information Centre Partnership includes local authorities, government agencies, wildlife charities and biological recording groups.



8.7 Appendix 6. Plans of the Proposals







8.8 **Appendix 7. Legislation, Policy and Licensing Relating to Protected Ecological Features**

All legally protected ecological features (the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010) are material considerations in planning decisions under the National Planning Policy Framework and as in ODPM and DEFRA 2005 and ODPM 2006. This means that before granting permission, planning authorities should consider the potential impacts of development on legally protected features and should be confident that any negative impacts can be mitigated for. Legally protected features are protected, whether planning permission is applied for, held, or not. Licensing from Natural England may be required to conduct work and mitigation. European Protected Species Mitigation Licences can usually only be applied for after planning permission has been received and all conditions relating to the protected feature have been released. They are only granted where there is 'overriding public need', 'no suitable alternative' and the conservation status of the species concerned remains favourable.

Additionally, some ecological features are 'Priority Species/Habitats' in the UK Biodiversity Action Plan. These equate to 'Habitats and Species of Principle Importance' and may be referred to as such. We use BAP because it has been around longer. Local Biodiversity Action Plans may also be in place for certain species/habitats not covered by the national BAP. The Countryside and Rights of Way Act 2000 and The Natural Environment and Rural Communities Act 2006 expect those in a position of influence to consider the impacts of their actions on biodiversity, especially Biodiversity Action Plan features and to seek opportunities to benefit them. Many BAP features (e.g. otters) carry alternate and higher-level legal protection.

Trees

Trees may be protected by being part of a habitat that is protected, by being in a Conservation Area or by having a Tree Preservation Order placed on them. Trees may be indirectly protected by harbouring protected species (e.g. bats) or by being part of a hedgerow protected by the Hedgerow Regulations. Impacts on veteran trees, ancient semi-natural woodland and habitats (trees?) that serve to connect are specifically mentioned in planning policy as to be avoided. Trees may also be protected by Forestry Commission restrictions on the quantity of timber arisings. Licensing may be needed to fell trees. If planning permission is granted it overrides other protection mechanisms. The standard for assessing and protecting trees on and near development sites is BS 5837.

Hedgerows

Some hedges may be classed as 'Important' under the Hedgerow Regulations 1997 and afforded legal protection accordingly. Receipt of planning permission overrides the restriction of these regulations. Hedges may be protected by harbouring other protected features (e.g. badgers or dormice).

Habitats

Many areas are already designated for wildlife conservation. Some areas not designated may be protected by various legislation and policy if they are of a particular habitat type. These are many and varied.

Schedule 9 Plants

Under the Wildlife and Countryside Act it is an offence to cause any plant on Sch.9 to be transplanted in the wild. This includes accidental propagation. Arisings containing any such plant matter are a controlled waste and if leaving the site must do so via an authorised waste carrier with a waste transfer note under The Environmental Protection (Duty of Care) Regulations 1991.

Amphibians

Great crested newts and their habitats are legally protected by The Conservation of Habitats and Species Regulations 2010 and The Wildlife and Countryside Act 1981. Combining the legislation means it is an offence to; intentionally or recklessly kill, injure, take or disturb a GCN (including eggs) or damage, destroy or obstruct access to any structure or place used for shelter, breeding or protection. If GCN or their habitat is affected, licensing will be needed, significant delays are possible and habitat enhancements will be needed. Natterjack toads are similarly protected but are rare and localised in distribution. Common toads are listed as a national BAP species meaning those in a position of influence are expected to seek opportunities to improve their conservation status. For toads, careful site clearance and habitat enhancements may be appropriate.

Badgers

Under the Protection of Badgers Act 1992, badger setts showing signs of current or recent use (generally considered to mean within the last year) are protected. Harming badgers is illegal. Their feeding areas and access to them may also be protected. A licence from Natural

England is needed if work might disturb an active sett or badgers using it. Licences are not usually available for such work during winter, spring and early summer if there is reason to believe the sett is occupied by a breeding female and/or juveniles.

Bats

The main items of legislation protecting bats in England are The Conservation of Habitats and Species Regulations 2010 and The Wildlife and Countryside Act 1981. Combining the legislation means it is an offence to; intentionally or recklessly kill, injure, take or disturb bats, or to damage, destroy or obstruct access to any structure or place used for shelter, breeding or protection. Bat roosts are protected even if unoccupied. Bats may also be indirectly protected by virtue of their association with protected trees or veteran trees and habitats that serve to connect (both specifically mentioned in the NPPF) and hedgerows (Hedgerow Regulations 1997). If impacts on bat roosts are likely, further survey and licensing will be needed, significant delays are possible and habitat enhancements will be needed.

Birds

Under the Wildlife and Countryside Act 1981, all birds are protected from disturbance at the nest, as are the nests. Some (Schedule 1) birds (e.g. barn owls) are protected whilst near the nest. The conservation of species that are rare and/or in decline (e.g. BAP-listed/RSPB's red-listed) should be considered by in the planning process. Work must not disturb nesting birds. Habitat enhancements are likely to be appropriate.

Dormice

The main items of legislation protecting bats in England are The Conservation of Habitats and Species Regulations 2010 and The Wildlife and Countryside Act 1981. Combining the legislation means it is an offence to intentionally or recklessly disturb or harm dormice, damage, destroy or obstruct access to places used for shelter or protection. If they are present and impacts are likely, further survey and licensing will be needed, significant delays are possible and habitat enhancements will be needed.

Hare, Harvest Mice and Hedgehogs

These are listed on the national BAP and/or as Species of Principle Importance meaning those in a position of influence are expected to seek opportunities to improve their conservation status. This usually means careful site preparation and post-development habitat enhancements.

Insects

Some species have full legal protection but these tend to be rare/specialised. Some species are BAP-listed meaning those in a position of influence are expected to seek opportunities to improve their conservation status. This usually means post-development habitat enhancements.

Other Invertebrates

White-Clawed Crayfish are fully protected. Some molluscs are fully protected.

Reptiles

Common reptiles are protected against killing and injury. They are also BAP-listed meaning those in a position of influence are expected to seek opportunities to improve their conservation status. Smooth snakes and sand lizards have further legal protection but have very specialised habitat requirements and a limited, well-documented range. If common reptiles are found, a population estimate is then obtained and this determines the level of effort exerted on a translocation operation. This usually involves ring-fencing the site, capturing individuals, gradual site clearance and may take several months. Note that the translocation operation (if required) would also need to be conducted in fine weather between May and September. It is usually necessary to enhance the receptor site and secure its long-term future before starting the translocation operation.

8.9 Appendix 8. What Policy/Legislation Means for You

The onus is on the developer to provide enough information about protected ecological features that are likely to be present and likely to be affected so as to enable the planning authority to make an informed decision as to whether the development will have negative impacts on the protected features. If protected features are found to be present and affected, the developer must demonstrate to the planning authority how, in principle, the work can be carried out without negative impacts overall. Those involved should seek opportunities to enhance the ecological feature.

Planning permission should only be given if the status of the affected protected feature can be maintained or enhanced and if measures are taken to avoid harming individuals. Recent changes in legislation and policy are increasing the emphasis on expecting improvements or enhancements.

Changes to the law in 2007 also removed certain defences – the most significant of which was that of an offence being excusable when ‘*an incidental result of an otherwise lawful operation*’ (such as planning permission). Further changes in early 2009 mean remaining defences (such as health and safety issues) no longer apply if there was a suitable alternative and the action negatively affects the favourable conservation status of the species concerned (individuals are still protected from harm by the Wildlife and Countryside Act).

If planning permission is granted, a European Protected Species mitigation licence from Natural England may be available - to protect you from what may otherwise be an offence (disturbance, destruction of roosts, etc.). Such a licence is only granted if;

- there is no reasonable alternative (e.g. site),
- it is in the overriding interest of the public,
- the population of concern will remain in favourable conservation status.

Local authorities must also consider these three conditions when making their decision.

The licence application (if needed) will have to justify the need for your proposed actions. It will also have to include a comprehensive plan that seeks to preserve habitats and any roosts, minimise disturbance, prevent killing or injury, ensure a continuation of suitable habitat and provide enhancements. It is usual for several years post-construction monitoring of mitigation to be a condition of licensing.

8.10 Appendix 9. Assessment and Evaluation Tables Used by Verdant Ecology

Relative Terms in Assessment and Evaluation of Ecological Features and Potential Impacts

Importance of Ecological Feature		Area of Impact
Negligible		Negligible
Local/Site		Local/Site
District/Borough		District/Borough
County		County
Regional		Regional
National		National
International		International
Duration		Extent of Change
		Major negative
Short term (1-5 years)		Minor negative
Medium term (5-20 years)		Negligible/Neutral
Long term (>20 years)		Minor positive
		Major positive

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8.12 **Appendix 11. Ecological Data Search – All Data/Results**

For the full results, see a separate .zip file from Hampshire Biodiversity Information Centre