



TRAVIS PERKINS (PROPERTIES)
LIMITED / KEYLINE

DRAFT

LAND AT HERMITAGE PARK,
HARTS FARM WAY,
HAVANT

Ecological Assessment

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1. INTRODUCTION

1.1. Background & Proposals

- 1.1.1. Ecology Solutions was commissioned in November 2016 by Quod on behalf of Travis Perkins (Properties) Limited / Keyline to undertake an ecological assessment of the site at Harts Farm Way, Havant (see Plan ECO1).
- 1.1.2. The proposals for the site are for a single warehouse and portacabin for storage and distribution purposes with associated open storage, access, car parking and landscaping.

1.2. Site Characteristics

- 1.2.1. The site is 2.14 acres and situated in an industrial area of Havant, to the south of the A27 and north of Harts Farm Way. Other development plots lie to the immediate south and east, whilst industrial buildings and hardstanding lie to the south and west of the site.
- 1.2.2. The site has been subject to initial development, through the demolition of the Council Depot premises in 2005. No obvious management has been completed since then, save for the construction of the access road, renovation of the associated drainage infrastructure, and the initial levelling works. Habitats and features associated with the site include hardstanding, recolonising ground, treeline and wooded belt with tall ruderal vegetation and scrub. A drainage ditch is present to the south of the site, this is seen to have been subject re-alignment and re-profiling works during the levelling of the site.

1.3. Ecological Assessment

- 1.3.1. This document assesses the ecological interest of the site. The importance of the habitats within the site are evaluated with due consideration given to the guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM)¹.
- 1.3.2. Where necessary, mitigation measures are recommended so as to safeguard any significant existing ecological interest within the site and, where appropriate, potential enhancement measures are put forward and reference made to both national and local biodiversity priorities.

¹CIEEM (2016). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal*. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

2. SURVEY METHODOLOGY

- 2.1. The methodology utilised for the survey work can be split into three areas, namely desk study, habitat survey and faunal survey. These are discussed in more detail below.

2.2. Desk Study

- 2.2.1. In order to compile background information on the site and the surrounding area, Ecology Solutions contacted the Hampshire Biodiversity Information Centre (HBIC).
- 2.2.2. Further information on designated sites from a wider search area was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC)² database. This information is reproduced at Appendix 1 and where appropriate on Plan ECO1.

2.3. Habitat Survey

- 2.3.1. A habitat survey was carried out by Ecology Solutions in November 2016 in order to ascertain the general ecological value of the site and to identify the main habitats and associated plant species.
- 2.3.2. The site was surveyed based around extended Phase 1 survey methodology³, as recommended by Natural England, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail.
- 2.3.3. Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified.
- 2.3.4. All the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent at different seasons. Nonetheless, given the habitats present it is considered an accurate and robust assessment has been made of the botanical interest.

2.4. Faunal Survey

- 2.4.1. Obvious faunal activity, such as birds or mammals observed visually or by call during the course of the surveys, was recorded. Specific attention was paid to any potential use of the site by protected species, Biodiversity Action Plan (BAP) species, or other notable species.
- 2.4.2. In addition to general observations of faunal activity, specific surveys were undertaken for the potential presence of Badgers *Meles meles*, and bats within and adjacent to the site.

²<http://www.magic.gov.uk>

³Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit*. England Field Unit, Nature Conservancy Council, reprinted JNCC, Peterborough.

- 2.4.3. Experienced ecologists following established best practice and guidance issued by Natural England undertook the fauna surveys. Details of the methodologies employed are given below.

Badgers

- 2.4.4. A specific survey for Badgers *Meles meles* was undertaken in November 2016. The surveys comprised two main elements: firstly, searching thoroughly for evidence of Badger setts. For any setts encountered each sett entrance would be noted and plotted, even if the entrance appeared disused. The following information would be recorded:

- i) The number and location of well used or very active entrances; these are clear of any debris or vegetation and are obviously in regular use and may, or may not, have been excavated recently.
- ii) The number and location of inactive entrances; these are not in regular use and have debris such as leaves and twigs in the entrance or have plants growing in or around the edge of the entrance.
- iii) The number of disused entrances; these have not been in use for some time, are partly or completely blocked and cannot be used without considerable clearance. If the entrance has been disused for some time all that may be visible is a depression in the ground where the hole used to be together with the remains of the spoil heap.

- 2.4.5. Secondly, evidence of Badger activity such as well-worn paths, run-throughs, snagged hair, footprints, latrines and foraging signs was recorded so as to build up a picture of the use of the site by Badgers.

Bats

- 2.4.6. All trees within and immediately adjacent to the site were assessed for their potential to support roosting bats. Features typically favoured by bats or evidence of past use by bats were searched for including:

- Obvious holes, e.g. rot holes and old Woodpecker holes;
- Dark staining on the tree, below the hole;
- Tiny scratch marks around a hole from bats' claws;
- Cavities, splits and or loose bark from broken or fallen branches, lightning strikes etc.; and
- Very dense covering of mature Ivy over trunk.

- 2.4.7. The site was also appraised for its suitability to support both foraging and commuting bats.

3. ECOLOGICAL FEATURES

3.1. Habitat surveys were undertaken within the site by Ecology Solutions in November 2016.

3.2. The following main habitats / vegetation types were identified within or immediately adjacent to the site:

- Wooded Belt;
- Treeline;
- Hardstanding / Compacted Hardcore;
- Recolonising Ground;
- Ditch;
- Tall Ruderal; and
- Scattered Scrub.

3.3. The location of these habitats are shown on Plan ECO2.

3.4. Wooded Belt

3.4.1. There is a mixed deciduous wooded belt along the northern boundary (see Photograph 1) which extends out of the site screening it from the A27 road. All of the trees within the site are associated with the western and northern boundaries.

3.4.2. Species in this area include Sycamore *Acer pseudoplatanus*, Sessile Oak *Quercus petraea*, Pedunculate Oak *Quercus robur*, Alder *Alnus glutinosa*, Ash *Fraxinus excelsior*, Dogwood *Cornus sanguinea*, Lime *Tilia platyphyllos x cordata*, Cherry *Prunus avium* and Ivy *Hedera helix* with less frequent Turkey Oak *Quercus cerris*, Holly *Ilex aquifolium*, Traveller's Joy *Clematis vitalba*, Male Fern *Dryopteris filix-mas* and Hart's-tongue Fern *Asplenium scolopendrium*.

3.5. Treeline

3.5.1. There is a line of mature Leyland Cypress *Cupressus x leylandii* along the western boundary (see Photograph 2) with a number of Elder *Sambucus nigra* saplings at the base together with dead wood piles.

3.6. Hardstanding / Compacted Hardcore

3.6.1. The majority of the site consists of hardstanding, and clay-based compacted hardcore, some parts of which have been recolonised by early colonising and opportunistic plant species (see Photograph 3).

3.7. Recolonising Ground

3.7.1. The site is not actively managed, allowing a number of early colonising and opportunistic species to establish on hardstanding and compacted hardcore (see Photographs 3, 4 and 5). This growth is particularly dense amongst the dead wood, detritus and leaf litter left over from the previous vegetation clearance (see Photograph 4 and Plan ECO2).

- 3.7.2. Species present include: Ash, Bramble *Rubus fruticosus*, Buddleia *Buddleja davidii*, Canadian Fleabane *Conyza canadensis*, Common Nettle *Urtica dioica*, Oxeye Daisy *Leucanthemum vulgare*, Nipplewort *Lapsana communis*, Bristly Ox-tongue *Helminthotheca echinoides*, Common Mallow *Malva sylvestris*, Teasel *Dipsacus sylvestris*, Willowherb *Chamerion* sp., Shining Crane's-bill *Geranium lucidum*, White Dead-Nettle *Lamium album*, Groundsel *Senecio vulgaris*, Ivy, Annual Mercury *Mercurialis annua*, Garlic Mustard *Alliaria petiolata*, Cleavers *Galium aparine*, Ribwort Plantain *Plantago lanceolata*, Greater Plantain *Plantago major* and Yorkshire Fog *Holcus lanatus*, as well as a number of amenity plants.

3.8. Ditch

- 3.8.1. The drainage ditch to the south of the site was diverted to this location to facilitate the construction of the access road, it has therefore been cleared relatively recently. The base of the ditch is densely vegetated with very little water present at the time of survey (see Photograph 6). It is dominated by Water-cress *Rorippa nasturtium-aquaticum*, Water Mint *Mentha aquatica* and Creeping-Jenny *Lysimachia nummularia* together with Water Figwort *Scrophularia auriculata*, Pendulous Sedge *Carex pendula*, Water Forget-me-not *Myosotis scorpioides* and Selfheal *Prunella vulgaris*.

3.9. Tall Ruderal

- 3.9.1. The banks of the drainage ditch are densely vegetated with species including: Bramble, Weld *Reseda luteola*, Elder sapling, White Poplar sapling *Populus alba*, Buddleia, Teasel, Canadian Fleabane, Hoary Ragwort *Senecio erucifolius*, Willowherb sp., Creeping Thistle *Cirsium arvense*, Spear Thistle *Cirsium vulgare*, Oxeye Daisy, Rough Hawkbit *Leontodon hispidus*, Bristly Ox-tongue, Nipplewort, Cleavers, Common Nettle, Lesser Burdock *Arctium minus*, Common Mallow *Malva sylvestris*, Scentless Mayweed *Tripleurospermum inodorum*, Broad-leaved Dock *Rumex obtusifolius*, Greater Plantain, White Clover *Trifolium repens*, Daisy *Bellis perennis*, Ribwort Plantain, Selfheal, Perennial Sow-thistle *Sonchus arvensis*, Dandelion *Taraxacum* spp., Black Medic *Medicago lupulina*, Bittersweet *Solanum dulcamara*, Mugwort *Artemisia vulgaris*, Black Mustard *Brassica nigra*, Spotted Medick *Medicago arabica*, Common Mallow, *Polytrichum* sp., Bedstraw *Galium* sp., Clematis *Clematis* sp., Annual Meadow Grass *Poa annua* and Perennial Rye Grass *Lolium perenne*.

3.10. Scattered Scrub

- 3.10.1. There are patches of scrub associated with the boundary features. Species present include Ash, Buddleia, Bramble, Common Nettle, Canadian Fleabane and Teasel.

3.11. Background Records

- 3.11.1. HBIC returned no notable plant records from within the site, and no notable plants were recorded during the survey work.
- 3.11.2. The closest records of notable plant species returned are Stream Water-crowfoot *Ranunculus penicillatus* located approximately 0.1km to the

southeast of the site in 1997 and Heath Speedwell *Veronica officinalis*, located approximately 0.2km to the west in 1998.

- 3.11.3. The most notable records in the data search area are of Slender Hare's-ear *Bupleurum tenuissimum* the closest being recorded approximately 1.2km to the southeast in 1997 and the most recent approximately 1.3km to the southeast in 2008; Divided Sedge *Carex divisa* the closest record being located approximately 0.1km to the northwest in 1997 and the most recent recorded approximately 1.1km to the southeast in 2012 and Cornflower *Centaurea cyanus*, with the closest and most recent being recorded approximately 0.5km to the south in 2008. All three of these species are listed in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and are Hampshire Biodiversity Action Plan (HBAP) priority species, and Slender Hare's-Ear and Stream Water-Crowfoot are both listed as Vulnerable on the IUCN Red List for Great Britain and Nationally Scarce, and in addition, Slender Hare's-Foot is listed as County Scarce in Hampshire.
- 3.11.4. The habitats present on site are unsuitable for Stream Water-crowfoot, Heath Speedwell and Slender Hare's-ear. The habitats present on site are moderately suitable for Cornflower and Divided Sedge, however their presence was not recorded on site during the survey work, and they are unlikely to be present.

4. WILDLIFE USE OF THE SITE

- 4.1. General observations were made during the surveys of any faunal use of the site, with specific attention paid to the potential presence of protected species.

4.2. Badgers

- 4.2.1. No signs of use by Badger were recorded during survey work undertaken. Badgers are highly unlikely to be present in this location given the lack of suitable habitats present.
- 4.2.2. No records of Badger in the data search area were returned by HBIC.

4.3. Bats

- 4.3.1. No evidence for the presence of bats was recorded during the survey work undertaken. The habitats within the site provide no opportunities for roosting bats.
- 4.3.2. There is a limited interest for foraging bats along the western and northern boundaries of the site and their associated trees and scrub, as well as the proximity of the off-site ditch to the south, although it is unlikely to provide any significant resources and the removal of these areas, if required, should not significantly impact any local bat populations or their favourable conservation status, or their favourable conservation status.
- 4.3.3. The closest records for bats, returned by the desk study, are of Serotine *Eptesicus serotinus* (2008), Myotis *Myotis* sp. (2010) and Noctule *Nyctalus noctula* (2010) recorded within the grid square to the immediate north of the site which at its closest point is approximately 10m from the site. The closest Soprano Pipistrelle *Pipistrellus pygmaeus* record is from 2008 approximately 30m from the site.
- 4.3.4. Other bat species recorded within the data search area are Whiskered Bat *Myotis mystacinus* located approximately 1.8km to the southwest in 1985 and Brown Long-eared *Plecotus auritus*, approximately 0.5km away to the northeast of the site in 1999.

4.4. Water Voles

- 4.4.1. No evidence of use of the site or adjacent habitats by Water Vole *Arvicola amphibius* were recorded during the survey work undertaken. The site itself is absent of suitable habitat for this species, whilst the wet drainage ditch in the near vicinity offers negligible opportunities.
- 4.4.2. There are twenty-seven records of Water Voles in the data search area, the nearest being located approximately 0.8km to the east of the site in 2009 and the seven most recent being recorded in 2014, the nearest of these being located approximately 0.8km to the east of the site.

4.5. Other Mammals

- 4.5.1. The desk survey returned two records of Hedgehog *Erinaceus europaeus*, but they do not relate to the site or its immediate vicinity (the nearest is located approximately 1.4km away to the northwest of the site in 2005).

The habitats present offer limited foraging area save for the thicker areas of tall ruderal vegetation and scrub. Occasional use by Hedgehogs cannot be fully dismissed, although no field signs of Hedgehog presence were recorded on site.

- 4.5.2. Hedgehog is a species listed in section 49 of the Natural Environment and Rural Communities (NERC) Act 2006, and is a UK Biodiversity Action Plan (BAP) Priority species.

4.6. Birds

- 4.6.1. Wood Pigeon *Columba palumbus* and Wren *Troglodytes troglodytes* were recorded on site during the survey.
- 4.6.2. Several notable bird species records were returned by HBIC during the data search. The closest species recorded was Kingfisher *Alcedo atthis*, located approximately 0.2km to the east in 2009 (its most recent record being situated approximately 0.6km to the south in 2013) and Greenshank *Tringa nebularia*, also recorded approximately 0.2km to the east in 2008 (its most recent record being located approximately 0.4km to the southwest in 2013).
- 4.6.3. The most notable species found during the data search (listed on Schedule 1 of the Wildlife & Countryside Act 1981, as amended) were Scaup *Aythya marila*, Common Scoter *Melanitta nigra*, Black-necked Grebe *Podiceps nigricollis* and Barn Owl *Tyto alba* the nearest and most recent record for all these species being located approximately 0.4km to the southwest in 2013; Garganey *Anas querquedula* the nearest and most recent record of which is located approximately 0.5km southwest of the site in 2000; Cetti's Warbler *Cettia cetti*, the nearest and most recent record of which is located approximately 0.3km to the south in 2013; Long-tailed Duck *Clangula hyemalis*, the nearest and most recent record of which is located approximately 0.5km to the southwest in 2001; Merlin *Falco columbarius* the nearest and most recent record of which is located approximately 0.7km to the south in 2013; Brambling *Fringilla montifringilla*, the nearest and most recent record of which is located approximately 0.4km to the northwest in 2003; Red-throated Diver *Gavia stellata* the nearest and most recent record of which is located approximately 0.5km to the southwest in 2013; Little Gull *Hydrocoloeus minutus* the nearest record of which is located approximately 0.5km to the southwest in 2001 and the most recent being in 2008, approximately 0.7km to the south; Slavonian Grebe *Podiceps auritus*, the nearest and most recent record of which is located approximately 0.3km to the south in 2012; Green Sandpiper *Tringa ochropus* the nearest record being located approximately 0.3km to the east in 2000 and the most recent record being in 2013, located approximately 1.4km to the southeast.
- 4.6.4. Many other notable bird species were recorded within the data search area, some for which the location was kept confidential. These are Dartford Warbler *Sylvia undata* recorded in 2002; Little Ringed Plover *Charadrius dubius* in 2008; Woodlark *Lullula arborea* and Hen Harrier *Circus cyaneus* in 2010; Honey Buzzard *Pernis apivorus* in 2012 and Peregrine *Falco peregrinus*, Hobby *Falco Subbuteo*, Red Kite *Milvus milvus*, Mediterranean Gull *Larus melanocephalus*, Black Redstart *Phoenicurus ochruros* and Firecrest *Regulus ignicapillus* in 2013.

- 4.6.5. Most of these species are associated with either the Hermitage Stream or the harbour and coastal habitats. Although common species may make limited use of the site for foraging and breeding, it is highly unlikely any of the notable species mentioned above would use the site for any significant period of time or be reliant on the habitats present to maintain the species at a favourable conservation status.

4.7. Reptiles

- 4.7.1. No reptiles were recorded on site during the survey work.
- 4.7.2. The land that was previously cleared of vegetation and is now recolonising has some limited suitability to support common reptiles with log piles offering refuge opportunities.
- 4.7.3. Information received from HBIC returned twenty-two records of Slow Worm *Anguis fragilis* within the data search area. All but one of these records appear to be associated with the A27 road to the north of the site, with the records following the curve of the road to the west. The closest of these records is on the boundary of the site recorded in 2008. However, the location given alongside the record grid references is Hamble-le-rice which is not in this area, which casts doubt on the reliability of these records.

4.8. Amphibians

- 4.8.1. The site itself does not present any interest for amphibians, however the adjacent ditch may present some very limited interest. A former pond to the east of the site has been removed as part of the demolition and regrading works.
- 4.8.2. No amphibians were recorded during the survey work on site, and no amphibian records were returned by HBIC as part of the desk study.
- 4.8.3. Given the paucity of the site for amphibians, no further regard is considered necessary as part of this assessment.

4.9. Invertebrates

- 4.9.1. Given the range of habitats present it is likely an assemblage of common invertebrate species would be present within the site.
- 4.9.2. Information received from HBIC did not return any notable species from within the site.
- 4.9.3. The nearest and most recent notable records in the data search area were for Stag Beetle *Lucanus cervus*, which is protected by the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended), listed in the NERC Act 2006 and is a UK and Hampshire BAP species. The nearest and most recent record was in 2006, located approximately 1.1km to the east of the site.
- 4.9.4. Other species returned from the desk study worth noting are Small Heath *Coenonympha pamphilus*, recorded approximately 1km to the south of the

site in 2003, Lackey *Malacosoma Neustria* recorded approximately 0.7km to the southeast in 2008 and Cinnabar *Tyria jacobaeae* recorded approximately 1km to the south in 2004. These species are all listed in Section 41 of the NERC Act and in addition, Small Heath is categorised as Near-threatened on the IUCN Species Red List for Great-Britain.

- 4.9.5. The availability of dead wood across the site provides suitable habitat for saproxylic species including Stag Beetles. However, given the relatively recent creation of this habitat type, the poor dispersal of Stag Beetle and the nature of the adjacent habitat it is not considered likely that this species would be present.

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5. ECOLOGICAL EVALUATION

5.1. The Principles of Ecological Evaluation

- 5.1.1. The guidelines for ecological evaluation produced by CIEEM propose an approach that involves professional judgement, but makes use of available guidance and information, such as the distribution and status of the species or features within the locality of the project.
- 5.1.2. The methods and standards for site evaluation within the British Isles have remained those defined by Ratcliffe⁴. These are broadly used across the United Kingdom to rank sites so priorities for nature conservation can be attained. For example, current Sites of Special Scientific Interest (SSSI) designation maintains a system of data analysis that is roughly tested against Ratcliffe's criteria.
- 5.1.3. In general terms, these criteria are size, diversity, naturalness, rarity and fragility, while additional secondary criteria of typicalness, potential value, intrinsic appeal, recorded history and the position within the ecological / geographical units are also incorporated into the ranking procedure.
- 5.1.4. Any assessment should not judge sites in isolation from others, since several habitats may combine to make it worthy of importance to nature conservation.
- 5.1.5. Further, relying on the national criteria would undoubtedly distort the local variation in assessment and therefore additional factors need to be taken into account, e.g. a woodland type with a comparatively poor species diversity, common in the south of England, may be of importance at its northern limits, say in the border country.
- 5.1.6. In addition, habitats of local importance are often highlighted within a local Biodiversity Action Plan (BAP). The Hampshire BAP has been considered as part of this assessment and are referenced where relevant.
- 5.1.7. Levels of importance can be determined within a defined geographical context from the immediate site or locality through to the International level.
- 5.1.8. The legislative and planning policy context are also important considerations and have been given due regard throughout this assessment.

5.2. Habitat Evaluation

Designated Sites

- 5.2.1. **Statutory Sites.** There are no statutory designations of nature conservation value within or immediately adjacent to the site. The nearest such sites are Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of

⁴Ratcliffe, D A (1977). *A Nature Conservation Review: the Selection of Study areas of Biological National Importance to Nature Conservation in Britain*. Two Volumes. Cambridge University Press, Cambridge.

Conservation (SAC) and Langston Harbour SSSI, all located approximately 0.5km to the south of the site (see Plan ECO1).

- 5.2.2. Special Protection Areas (SPAs) are designated under the EC Birds Directive as areas of international importance for bird populations. The Birds Directive is transposed into UK legislation by the Conservation of Habitats and Species Regulations 2010 (as amended), commonly known as the Habitats Regulations⁵. The closely related Special Areas of Conservation (SACs) are designated under the Habitats Directive, and receive an equivalent level of legislative protection in the UK to SPAs.
- 5.2.3. Ramsar Sites are designated under the Ramsar Convention (formally The Convention on Wetlands of International Importance, especially as Waterfowl Habitat), which came into force in 1975. Ramsar Sites are internationally protected nature conservation sites, and the UK Government has directed that, in policy terms, they should receive an equivalent level of policy protection to SPAs and SACs. In practice the majority of UK Ramsar Sites are also designated as SPAs.
- 5.2.4. In accordance with the Conservation of Species and Habitats Regulations 2010 (as amended) ("the Habitats Regulations") any plan or project must be assessed against potential effects that could arise upon the integrity of a European designated site. Note that the 2010 regulations replaced the former regulations in place since 1994, and in the context of European sites (SPAs and SACs) they are little changed.
- 5.2.5. The test associated with development in proximity to the International European sites is set out in Part 1 of the ODPM / DEFRA Circular (ODPM 06/2005, DEFRA 01/2005) relating to Planning Policy Statement 9: Biodiversity and Geological Conservation (ODPM, August 2005). This includes a flow diagram (p.7) that sets out the series of steps competent authorities are required to make when considering proposals affecting Internationally Designated Wildlife Sites. The initial test at the screening stage is whether the proposal individually or in combination with other proposals is likely to be significant in terms of the ecological objectives for which the site was designated. If it is deemed that an effect is likely then there would be a requirement to undertake an assessment of the implications for the designated site's conservation objectives, which is known as an 'Appropriate Assessment'.
- 5.2.6. The key test of the Appropriate Assessment is set out in Article 6 para. 3 of the Habitats Directive: this states that "the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned...". These provisions are transposed into law in England and Wales by the Habitats Regulations 2010, and it is specifically regulations 61 and 62 in which we are interested in the present case. The key difference between the requirements of the Habitats Regulations and those of the EIA Regulations is that there is no facility for planning balance or discretion on the part of the competent authority: permission can only be granted only after it has been established beyond reasonable doubt that the integrity of the designated site would not be adversely affected by the proposal. As clarified in Waddenzee – Landelijke Vereniging tot Behoud van de

⁵ The 2010 Regulations replaced the earlier version of the Habitats Regulations, which came into force in 1994.

Waddenzee, Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris Van Landbouw, Natuurbeheer en Visserij (Case C-127/02) [2004] Env LR 14 – a significant effect is considered to be likely if it cannot be excluded on the basis of objective information that the plan or project will have a significant effect on the designated site in question.

- 5.2.7. Furthermore the Habitat Regulations require an in combination impact of developments to be taken into account, thus despite the fact that small development are perhaps less likely to have an impact, together over time they could produce cumulative unacceptable effects.
- 5.2.8. The site is within the Impact Risk Zone (IRZ) for Langston Harbour SSSI (see Appendix 1). These zones are used to make a rapid initial assessment of the potential risk to SSSIs posed by development proposals. This will also indicate whether pre-application advice from Natural England should be sought.
- 5.2.9. Proposals that fall within site specific Impact Risk Zone criteria require the Local Planning Authority (LPA) to consult Natural England on likely risks. In this instance the site is within an Impact Risk Zone that requires all planning applications except householder applications to undergo this process.
- 5.2.10. Given the existing intervening development and owing to the small scale and type of the proposed development it is not considered that the interests and conservation objectives of any of the statutory sites in the local area shall be adversely affected directly or indirectly as a result of the proposed development of the site. It is considered that as part of the site's allocation, the competent authorities would have given due consideration to potential effects and their obligations under the Habitats Regulations when reviewing and allocating the site. However, given the geological topography of the site, the presence recently renovated ditch which may lead into Hermitage Stream (approximately 0.2km to the west) which in turn links directly to these statutory sites it is highly recommended that best practice construction and design methodologies are adhered to, to ensure any potential adverse effects, especially surface water run-off are reduced as much as possible before and after construction. The construction of the proposals are likely to be tied to an agreed environmental construction method statement that shall detail the necessary mitigation and safeguards to prevent any direct or indirect effects on the nature conservation objectives of the local statutory designations.
- 5.2.11. **Non-statutory Sites.** There are no non-statutory designated sites within the site itself, or immediately adjacent to it.
- 5.2.12. The nearest Sites of Importance for Nature Conservation (SINCs) are Manor Farm A and Broadmarsh Playing Fields which are both located approximately 0.4km from the site to the southwest and northwest respectively (see Plan ECO1).
- 5.2.13. These two sites are important for supporting Dark-Bellied Brent Geese *Branta bernicla bernicla*.
- 5.2.14. These SINCs are both separated from the site by existing development and Hermitage Stream. They are therefore buffered from the site by this

watercourse and by the existing land in between. The geological topography of the area further removes the likelihood of any adverse effects arising. It is nonetheless recommended that best standard engineering practice be employed during the construction phase to limit potential pollution (dust, noise, surface runoff etc.) during winter period when the aforementioned Breen Geese are in residence (this species only over-winters in the UK).

- 5.2.15. A number of additional statutory and non-statutory sites are located in the wider area as identified on Plan ECO1, but no significant adverse effects are anticipated.

Habitats

- 5.2.16. The habitats within the site consist of common and widespread species, and are in themselves of no intrinsic ecological interest. Their removal to facilitate the proposed development is of no significance.
- 5.2.17. It is recommended that the landscape strategy for the proposed development incorporate a diverse selection of native species of local provenance, or species of wildlife value. Where feasible, habitats could be provided to complement the surrounding designated sites and enhance the biodiversity value of the development site.

Invasive Species

- 5.2.18. Butterfly Bush was identified on site. This is classed as a non-native invasive species by the Non-native Species Secretariat⁶.
- 5.2.19. It is noted that the control of this species is not a legal requirement, but nonetheless where works are proposed within or close to the boundary vegetation all reasonable measures should be taken to prevent the spread of this plant species.
- 5.2.20. Species classed as non-native invasive by the Non-native Species Secretariat should not be included in any landscape scheme for the proposed development.

5.3. Faunal Evaluation

Badgers

- 5.3.1. **Legislation.** The Protection of Badgers Act 1992 consolidates the previous Badgers Acts of 1973 and 1991. The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain, with particularly high populations in the southwest.
- 5.3.2. As well as protecting the animal itself, the 1992 Act also makes the intentional or reckless destruction, damage or obstruction of a Badger sett an offence. A sett is defined as "any structure or place which displays signs indicating current use by a Badger", as defined by current Natural England guidance.

⁶ <http://www.nonnativespecies.org>

- 5.3.3. In addition, the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence by constituting 'cruel ill treatment' of a Badger.
- 5.3.4. Any work that disturbs Badgers is illegal without a licence granted by Natural England. Unlike the general conservation legislation, the Badgers Act 1992 makes specific provision for the granting of licences for development purposes, including for the destruction of setts.
- 5.3.5. It should be noted that a licence couldn't be issued until the site is in receipt of a full and valid planning permission and that generally licences are not granted between December and June inclusive to avoid disruption to the Badger breeding cycle.
- 5.3.6. Local Authorities are therefore obliged to consult Natural England over any application, which is likely to adversely affect Badgers.
- 5.3.7. **Site Usage.** No signs of use by Badgers were recorded. The habitats are considered unsuitable to support this species.
- 5.3.8. **Mitigation and Enhancement.** No further regard to Badgers is considered necessary as part of this assessment.

Bats

- 5.3.9. **Legislation.** All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of the Conservation of Habitats and Species Regulations 2010 ("the Habitats Regulations"). These include provisions making it an offence:
- Deliberately to kill, injure or take (capture) bats;
 - Deliberately to disturb bats in such a way as to significantly affect:-
 - (i) be likely to impair their ability to survive, to breed or rear or nurture their young; or to hibernate or migrate; or
 - (ii) to affect significantly the local distribution or abundance of the species to which they belong;
 - To damage or destroy any breeding or resting place used by bats;
 - Intentionally or recklessly to obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).
- 5.3.10. The words deliberately and intentionally include actions where a court can infer that the defendant knew that the action taken would almost inevitably result in an offence, even if that was not the primary purpose of the act.
- 5.3.11. The offence of damaging (making it worse for the bat) or destroying a breeding site or resting place is an absolute offence. Such actions do not have to be deliberate for an offence to be committed.
- 5.3.12. In accordance with the Habitats Regulations, the licensing authority (Natural England) must apply the three derogation tests as part of the process of considering a licence application. These tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. the favourable conservation status of the species concerned must be maintained.

5.3.13. Licences can usually only be granted if the development is in receipt of full planning permission.

5.3.14. **Site Usage.** The site supports no roosting opportunities for local bat species. The site is likely to provide some foraging opportunities, specifically the trees to the west and north, although richer foraging resources are present in the local area (such as the surrounding fields and SINC's).

5.3.15. The proposed development of the site and loss of foraging opportunities is unlikely to have any significant effect on the favourable conservation status of any local bat population.

5.3.16. **Mitigation and Enhancements.** The retention, if possible, of the existing trees is recommended. New landscape planting based around native species may encourage some use of the site by bats through providing additional foraging resources.

5.3.17. Efforts should be taken as part of the lighting design to favour downwards focused lights, and to minimise light spillage on to the surrounding trees.

Birds

5.3.18. **Legislation.** Section 1 of the Wildlife and Countryside Act 1981 (as amended) is concerned with the protection of wild birds, whilst Schedule 1 lists species that are protected by special penalties. All species of birds receive general protection whilst nesting.

5.3.19. **Site Usage.** A small assemblage of common bird species were recorded during the course of the site survey. The trees and scrub provide suitable nesting and foraging resources, whilst the hardstanding and recolonising ground throughout the site is of much less interest.

5.3.20. **Mitigation and Enhancements.** The removal of suitable nesting habitat should only be completed outside the nesting bird season (March to July inclusive), or during this period after a survey by an experienced ecologist has confirmed the absence of any active nests.

5.3.21. The retention of existing trees, or new planting undertaken as part of the proposed development, which should include native species, would offer replacement foraging and nesting habitats for bird species.

Reptiles

5.3.22. **Legislation.** All six British reptile species receive a degree of legislative protection that varies depending on their conservation importance.

5.3.23. Rare, endangered or declining species receive 'full protection' under the Wildlife and Countryside Act 1981 as well as protection under the

Conservation of Habitats and Species Regulations 2010 (as amended). Species that are fully protected include Smooth Snake *Coronella austriaca* and Sand Lizard *Lacerta agilis*. These receive the following protection from:

- Killing, injuring, taking;
- Possession or control (of live or dead animals, their parts or derivatives);
- Damage to, destruction of, obstruction of access to any structure or place used for shelter or protection;
- Disturbance of any animal occupying such a structure or place; and
- Selling, offering for sale, possession or transport for purposes of sale (live or dead animal, part or derivative).

5.3.24. Owing to their abundance in Britain, Common Lizard, Slow Worm, Grass Snake and Adder *Vipera berus* are only 'partially protected' under the Wildlife and Countryside Act 1981 (as amended) and as such only receive protection from:

- Deliberate killing and injuring;
- Being sold or other forms of trading.

5.3.25. Therefore, if reptiles are present within a site, a scheme of translocation can be implemented to avoid the offence of killing / injury.

5.3.26. **Site Usage.** No reptiles were observed on-site during the Phase 1 survey however it should be noted that this survey was undertaken outside of the active reptile season and therefore cannot determine absence.

5.3.27. The records of Slow-worms obtained as part of the desk study show that this species was present in the immediate vicinity in 2008. It is likely that these records were obtained as part of previous road development works to the north of the site.

5.3.28. The clearance of large areas of vegetation followed by the lack of management subsequently has allowed parts of the site to become suitable to support common reptiles and it is therefore conceivable that reptiles have moved into the margins of the site from the north during this period. The cleared areas contain significant quantities of logs and detritus which may provide sources of refuge for reptiles.

5.3.29. **Mitigation and Enhancements.** It is therefore recommended that presence / absence surveys be undertaken between the months of April and September / October inclusive. Artificial refugia would be deployed in areas of suitable habitat and be subject to periodic checks on seven occasions.

5.3.30. If a population of one or more reptiles species were confirmed, a translocation exercise to an off-site receptor area would likely be required prior to the commencement of development.

Invertebrates

- 5.3.31. As the site has not been actively managed for a number of years, areas are being recolonised and it is expected that an assemblage of common invertebrate species shall be present.
- 5.3.32. Dead wood has been left onsite following vegetation clearance with these habitats now offering opportunities for saproxylic species such as Stag Beetle. It is therefore recommended that dead wood is retained in suitable locations (marginal areas adjacent to or within wooded belt / ditch) to provide continued opportunities for saproxylic species onsite.
- 5.3.33. It is recommended that where possible the use of native species is made over non-native species within any new planting, as native species are known to support a greater assemblage of invertebrates.

DRAFT

6. PLANNING POLICY CONTEXT

- 6.1. The planning policy framework that relates to nature conservation at Harts farm Way, Havant is issued nationally through the National Planning Policy Framework and locally through Havant Borough Core Strategy 2011, the Havant Borough Local Plan (Allocations) 2014, within the Havant Local Development Framework. A Green Infrastructure Strategy for the Partnership for Urban South Hampshire was also produced, as well as a Solent Waders and Brent Goose Strategy, both in 2010.

6.2. National Policy

National Planning Policy Framework

- 6.2.1. The National Planning Policy Framework (NPPF), published in March 2012, sets out the Government's requirements for the planning system. It replaces and revokes previous national planning policy, including PPS9: Biodiversity and Geological Conservation.
- 6.2.2. The key element of the NPPF is that there should be 'a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking' (paragraph 14). It is important to note that this presumption 'does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined' (paragraph 119).
- 6.2.3. A number of policies in the NPPF are comparable to those in PPS9, including reference to minimisation of impacts to biodiversity and provision of net gains to biodiversity where possible (paragraph 109) and ensuring that Local Authorities place appropriate weight to statutory and non-statutory nature conservation designations, protected species and biodiversity.
- 6.2.4. The NPPF also considers the strategic approach which Local Authorities should adopt with regard to the protection, enhancement and management of green infrastructure, priority habitats and ecological networks, and the recovery of priority species.
- 6.2.5. Paragraph 118 of the NPPF comprises a number of principles which Local Authorities should apply, including encouraging opportunities to incorporate biodiversity in and around developments, provision for refusal of planning applications if significant harm cannot be avoided, mitigated or compensated for, applying the protection given to European sites to potential SPAs, possible SACs, listed or proposed Ramsar sites and sites identified (or required) as compensatory measures for adverse effects on European sites, and the provision for the refusal for developments resulting in the loss or deterioration of 'irreplaceable' habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 6.2.6. National policy therefore implicitly recognises the importance of biodiversity such that with sensitive planning and design, development and conservation of the natural heritage can co-exist and benefits can, in certain circumstances, be obtained.

6.3. Local Policy

- 6.3.1. The local policy in Havant is currently made up of the Havant Local Development Framework, of which the Core Strategy is the main part. It provides guidance and policies on development in the borough of Havant until 2036.

Havant Borough Core Strategy March 2011

- 6.3.2. **CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough** states that planning permission will be granted to developments that protect and enhance designated sites as well as landscape, habitats and features of biological interest, and that protect the wildlife habitats and corridors to prevent habitat fragmentation.
- 6.3.3. **CS13 Green Infrastructure** encourages green infrastructure by permitting development proposals that incorporate improvements to or do not undermine the functional integrity of existing green infrastructure, or creates new green infrastructure (including green roofs and walls). It does not permit developments that adversely affects green infrastructure, unless certain conditions are met.
- 6.3.4. **CS16 High Quality Design** encourages development that identifies and responds positively to existing natural features within or close to the proposed development site, integrates existing local landscape features, promotes wildlife and biodiversity and mitigates impacts through sustainable design and construction methods.
- 6.3.5. **DM8 Conservation, Protection and Enhancement of Existing Natural Features** only permits developments that protect and enhance local habitats, and address the protection of natural features of nature conservation or amenity importance on site from damage, destruction or deterioration in quality. They should sympathetically integrate these existing features into the design, ensuring their survival, and provide new landscape that integrates with the local environment and existing natural features by, amongst others, using local plant species.
- 6.3.6. **DM10 Pollution** states that developments that may cause pollution will only be permitted if, amongst others, the water environment would not be detrimentally affected and external lighting is of the minimum level of illumination and duration required for security and operational purposes.

Havant Borough Local Plan (Allocations) July 2014

- 6.3.7. This allocations plan follows on from the Core Strategy and identifies sites for specific use to meet the development needs of Havant.
- 6.3.8. **Policy AL1 Presumption in Favour of Sustainable Development** states that the Council will always take a positive approach towards sustainable development and work proactively to secure development that improves environmental conditions in the area.
- 6.3.9. **Policy AL7 Hermitage Stream** states that planning permission will be given to developments that positively contribute to the improvement of

Hermitage Stream and that those applications which are within proximity of Hermitage Stream, and that prevent improvements being delivered to it, may be refused.

- 6.3.10. **Policy BD9 Harts Farm Way North** directly concerns the proposed development site. It requires that any development on this site should mitigate for any impacts on Brent Geese and waders, and that Harts Farm Way Stream should be kept open and free from obstruction. It also states that developments may be required by Natural England to perform studies to assess the potential impact on nearby SPAs and SACs.

- 6.3.11. **Policy DM23 Sites for Brent Geese and Waders** encourages development outside of important sites for Brent Geese and/or waders. Planning permission can be granted for developments on or adjacent to uncertain sites of importance for Brent Geese or waders (outside of designated sites) when appropriate surveys have been performed to determine the site is of no importance.

Green Infrastructure Strategy for the Partnership for Urban South Hampshire June 2010

- 6.3.12. This strategy aims to identify existing green infrastructure, consider enhancements and recommend delivery methods for the Strategy.

- 6.3.13. **Objective 4** concerns the conservation and enhancement of existing biodiversity and the improvement of connectivity at all scales. Contributions should be made to the mitigation of impacts of growth on European sites, using buffer zones, for example.

Solent Waders and Brent Goose Strategy November 2010

- 6.3.14. This document is a report on Brent Goose and wader populations along the Solent coast and their conservation. Although not given the same status as DPDs, this document would be given material consideration in determining planning applications. This document has been given due regard whilst formulating the recommendations in this report.

6.4. Discussion

- 6.4.1. The development proposals for the site would be judged against the policies summarised above. It is considered that the development site is of intrinsically low ecological interest, albeit the interest is developing across the site in the absence of any land management. Mitigation and enhancement measures have been recommended to offset any potential adverse impacts. Taking these recommendations on board it is considered that the relevant policy requirements will be met.

7. SUMMARY AND CONCLUSIONS

- 7.1. Ecology Solutions was commissioned in November 2016 by Quod on behalf of Travis Perkins (Properties) Limited / Keyline to undertake an ecological assessment of the Land at Hermitage Park, Harts Farm Way, Havant.
- 7.2. The proposals for the site are for a single warehouse and portacabin for storage and distribution purposes with associated open storage, access, car parking and landscaping.
- 7.3. The site is 2.14 acres and situated in an industrial area of Havant, to the south of the A27 and north of Harts Farm Way. Other development plots lie to the immediate south and east, whilst industrial buildings and hardstanding lie to the south and west of the site.
- 7.4. The site was subject to an extended Phase 1 habitat survey in November 2016. A desk-based study was also undertaken.
- 7.5. **Statutory Sites.** The nearest such sites are Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SPA) and Langston Harbour Site of Special Scientific Interest (SSSI), all located approximately 0.5km to the south of the site.
- 7.6. Given the existing intervening development and owing to the small scale and type of the proposed development it is not considered that the interests and conservation objectives of any of the statutory sites in the local area shall be adversely affected directly or indirectly as a result of the proposed development of the site. It is considered that as part of the site's allocation, the competent authorities would have given due consideration to potential effects and their obligations under the Habitats Regulations when reviewing and allocating the site. However, given the geological topography of the site, the presence of a recently renovated ditch which may lead into Hermitage Stream (approximately 0.2km to the west) which in turn links directly to these statutory sites it is highly recommended that best practice construction and design methodologies are adhered to, to ensure any potential adverse effects, especially surface water run-off are reduced as much as possible before and after construction..
- 7.7. **Non-statutory Sites.** There are no non-statutory designated sites within or adjacent to the site. The nearest Sites of Importance for Nature Conservation (SINCs) are Manor Farm A and Broadmarsh Playing Fields which are both located approximately 0.4km from the site to the southwest and northwest respectively. These two sites are important for supporting Dark-Bellied Brent Geese *Branta bernicla bernicla*.
- 7.8. Appropriate safeguards should be secured particularly during the construction phase to ensure local areas of nature conservation value are unaffected.
- 7.9. **Habitats.** The habitats within the site consist of common and widespread species, and of no intrinsic ecological interest. Their removal to facilitate the proposed development is of no significance.
- 7.10. **Invasive.** Butterfly Bush has been identified on site and is classed a non-native invasive species by Non-Native Species Secretariat. The control of this species is not a legal requirement, but nonetheless where works are proposed within or close to the boundary vegetation all reasonable measures should be taken to

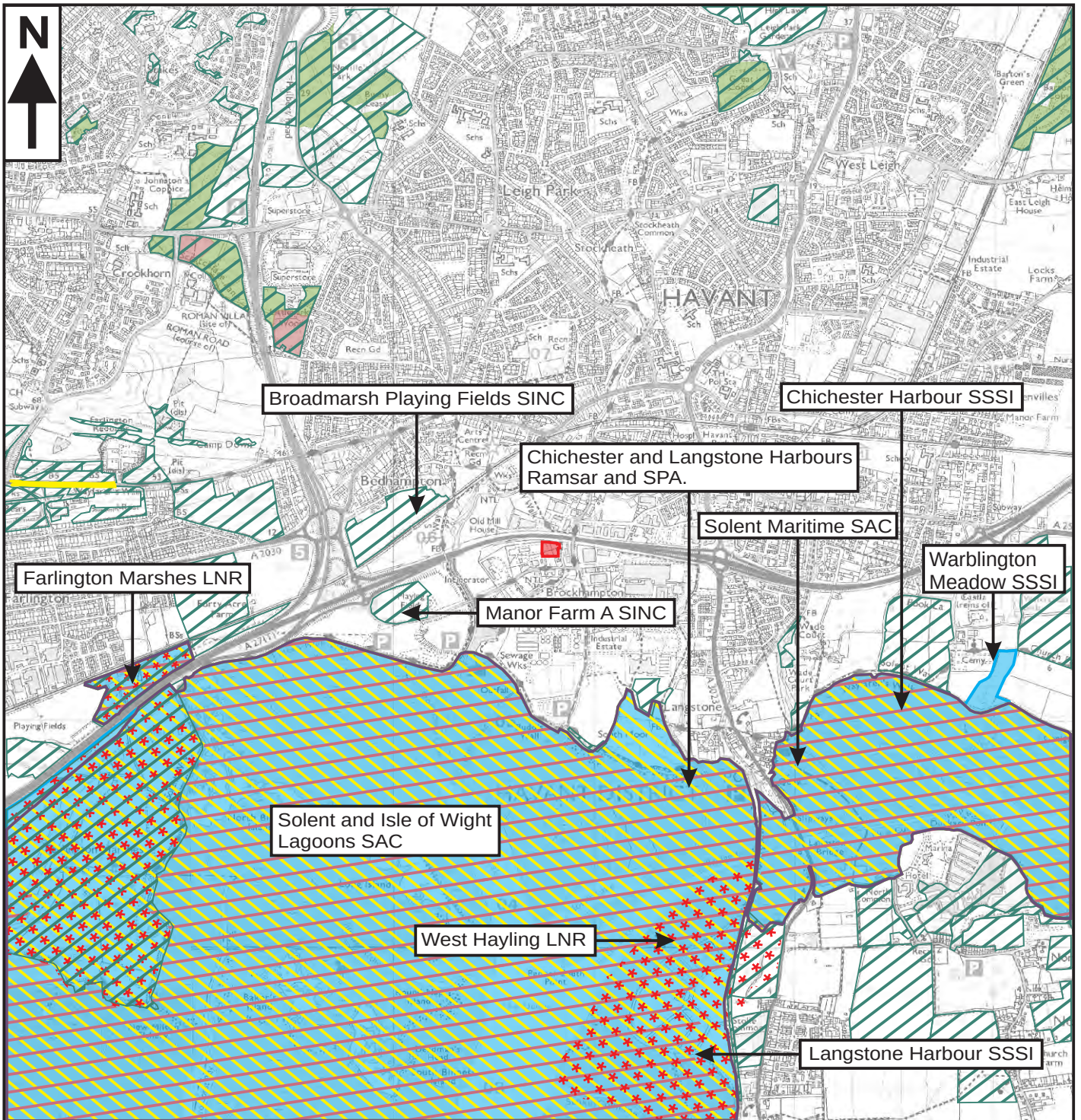
prevent the spread of this plant species. Where vegetation is to be removed the material should be disposed of at an approved facility and species noted by the Non-Native Species Secretariat should not be included in any landscape scheme for the proposed development.

- 7.11. **Protected Species.** The site supports no roosting opportunities for local bat species. The site is likely to provide some foraging opportunities although richer foraging resources are present in the local area, and the proposed development of the site and loss of foraging opportunities is unlikely to have any significant effect on the favourable conservation status of any local bat population. Efforts should be taken as part of the lighting design to minimise light spillage on to the tree belt to the north of the site.
- 7.12. No evidence of the presence of other protected or notable species was recorded on-site during survey work undertaken or from the background data search information received. Although limited suitability was noted as developing for common reptiles, known to be present in the wider area. Target surveys for this group are recommended during the reptile active season to ensure site clearance works comply with current legislation.
- 7.13. It is recommended that the landscape strategy for the proposed development incorporate native species of local provenance, which would increase the invertebrate assemblage on-site and provide foraging and nesting habitats for various other species.
- 7.14. In conclusion, it is considered that there is no overriding ecological constraint to the development of the site, pending the completion of the reptile surveys and the implementation of mitigation measures, and the proposals would accord with planning policy with regard to nature conservation at all administrative levels.

PLANS

PLAN ECO1

Site Location and Ecological Designations



KEY:

-  SITE LOCATION
-  RAMSAR SITE
-  SPECIAL AREA OF CONSERVATION (SAC)
-  SPECIAL PROTECTION AREA (SPA)
-  SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
-  LOCAL NATURE RESERVE (LNR)
-  SITE OF IMPORTANCE FOR NATURE CONSERVATION (SINIC)
-  ROAD VERGE OF ECOLOGICAL IMPORTANCE (RVEI)
-  ANCIENT & SEMI-NATURAL WOODLAND
-  ANCIENT REPLANTED WOODLAND



7249: PLOT 2, HERMITAGE PARK,
HARTS FARM WAY, HAVANT

PLAN ECO1:
SITE LOCATION AND
DESIGNATED SITES

PLAN ECO2

Ecological Features



KEY:

-  SITE BOUNDARY
-  MIXED DECIDUOUS
WOODED BELT
-  EVERGREEN TREELINE
-  HARDSTANDING /
COMPACTED HARDCORE
-  AREA SUBJECT TO
VEGETATION CLEARANCE
-  RECOLONISING GROUND
-  DITCH
-  TALL RUDERAL
-  EMBANKMENT
-  SCATTERED SCRUB



7249: LAND AT HERMITAGE PARK,
HARTS FARM WAY, HAVANT

PLAN ECO2:
ECOLOGICAL FEATURES

PHOTOGRAPHS

PHOTOGRAPH 1: Wooded Belt in the North of the Site



PHOTOGRAPH 2: Leylandii Treeline along the Western Boundary



PHOTOGRAPH 3: Hardstanding / Compacted Hardcore



PHOTOGRAPH 4: Re-colonising Vegetation in Area subject to Previous Clearance



PHOTOGRAPH 5: Re-colonising Ground



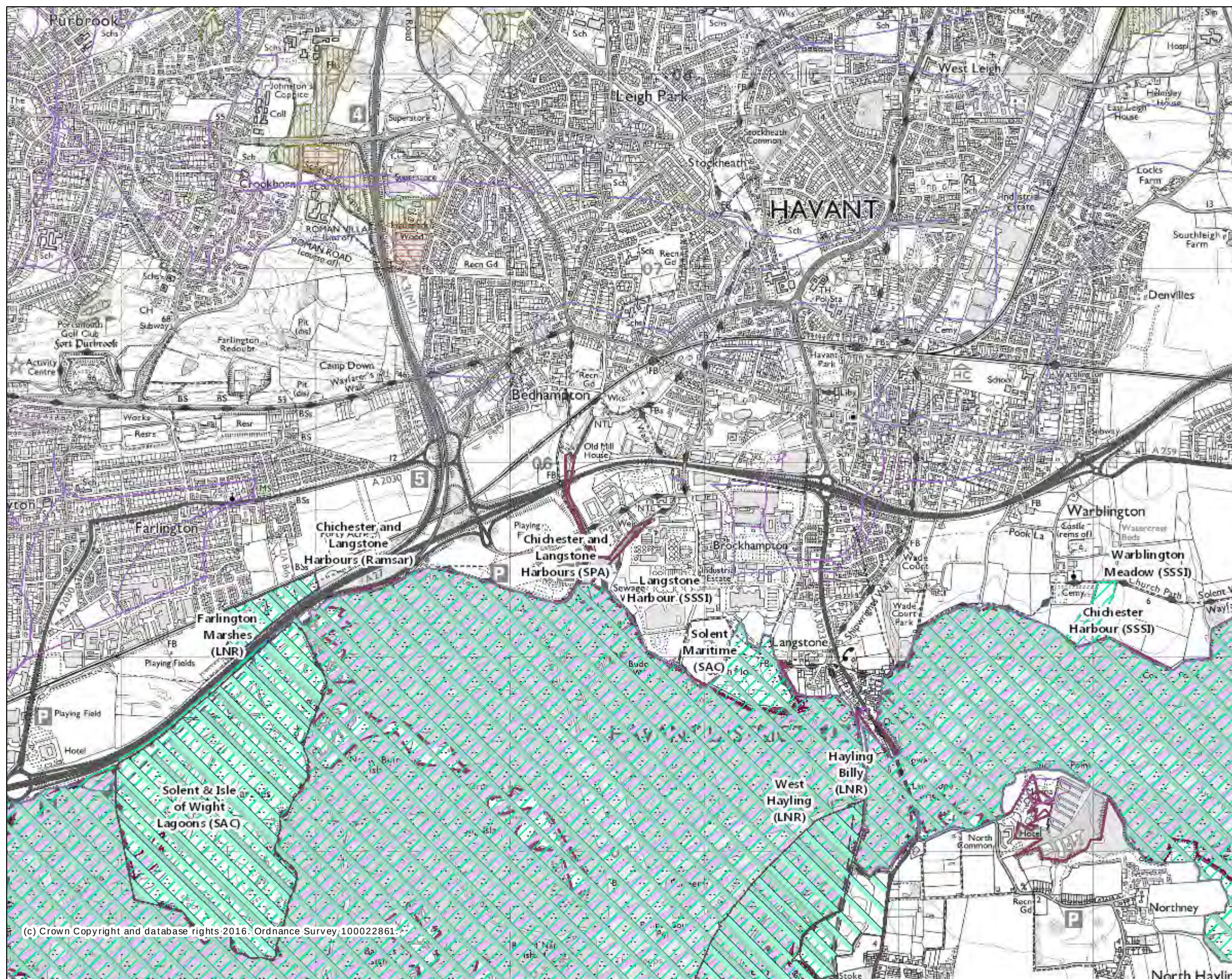
PHOTOGRAPH 6: Ditch and Tall Ruderal Vegetation



APPENDICES

APPENDIX 1

Information downloaded from Multi-Agency
Geographic Information for the Countryside (MAGIC)



Legend

-  Local Nature Reserves (England)
-  National Nature Reserves (England)
-  Ramsar Sites (England)
-  Sites of Special Scientific Interest (England)
-  SSSI Impact Risk Zones – to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
-  Special Areas of Conservation (England)
-  Special Protection Areas (England)
- Ancient Woodland (England)**
 -  Ancient and Semi-Natural Woodland
 -  Ancient Replanted Woodland

Projection = OSGB36

xmin = 465500

ymin = 103300

xmax = 475700

ymax = 108400

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e c o l o g y s o l u t i o n s f o r p l a n n e r s a n d d e v e l o p e r s