

**MILL RYTHER HOLIDAY VILLAGE,
HAYLING ISLAND, HAMPSHIRE**

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: Away Resorts c/o A & M Architectural
Partnership LLP

Report No: RT-MME-123420-01

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

Report Version	Date	Completed by:	Checked by:	Approved by:
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The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Away Resorts c/o A & M Architectural Partnership LLP to undertake a preliminary ecological appraisal of the site of a proposed development at Mill Rythe Holiday Village, Hayling Island in Hampshire. This assessment is required to inform a planning application associated with the demolition of existing buildings on site and construction of circa. 291 mixed accommodation units (including 204 caravans and lodges and refurbishment of 87 chalets) with associated dining and leisure facilities. To fulfil this brief an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.

The desk study exercise identified two European statutory sites within 5 km of the survey area, two UK statutory sites within 2 km and 14 non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. In addition, the desk study provided records of bats, birds, reptiles, invertebrates and plants.

The walkover survey was undertaken on the 2nd September 2016 by Maral Miri (Principal Ecological Consultant) and Penelope Holgate (Ecological Consultant). The development site includes a holiday village with a number of self-catering accommodation units and associated leisure facilities. At the time of the survey, the site included circa. 50 buildings, tennis courts, bowling green, swimming pool, car parking and associated hard and soft landscaping. The east of the site is dominated by a mosaic of grassland used as a golf course. A large lake is present in the north east corner with a smaller man-made lake in the north west corner of the site.

The key ecological features within the survey area are notable habitats (mature and semi-mature trees, native hedgerows, standing water) and the potential presence of protected/notable and invasive species (bats, badger, hedgehog, birds, herpetofauna, birds and plants). In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made (see Section 7 for full details):

- R1 Chichester & Langstone Harbours (RAMSAR, SSSI, SPA) and Solent Maritime (SAC):** The recommendations made within Habitats Regulations Assessment, Report RT-MME-123420-03 must be adhered to.
- R2 Habitat Retention:** Where possible, the development proposals should be designed in such a way to allow for the retention of semi-mature and mature trees, standing water and boundary hedgerows.
- R3 Habitat Enhancement:** Biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site.
- R4 Trees/Hedgerows:** Any trees and hedgerows on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.
- R5 Ditches/Standing Water:** All works should be undertaken in accordance with best practice, e.g. the Environment Agency's Pollution Prevention Guidelines, to ensure that the waterbodies and watercourses within and adjacent to the survey area are not adversely impacted by the proposed works.
- R6 Roosting Bats:** The recommendations made within Preliminary Roost Assessment, Report RT-MME-123420-02 must be adhered to.
- R7 Foraging/Commuting Bats:** The lighting strategy for the proposed development should be designed to minimise light spill onto retained site boundary features that are likely to be used by foraging and commuting bats, in particular any hedgerows and scrub.
- R8 Herpetofauna:** The clearance of suitable reptile and amphibian habitat (scrub, semi-improved grassland) should be undertaken under the supervision of an experienced ecologist.
- R9 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season.
- R10 Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In August 2016, Away Resorts c/o A & M Architectural Partnership LLP commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Mill Rythe Holiday Village on Hayling Island in Hampshire. This assessment is required to inform a planning application associated with the demolition of existing buildings on site and construction of circa. 291 mixed accommodation units (including 204 caravans and lodges and refurbishment of 87 chalets) with associated dining and leisure facilities.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 2nd September 2016. In addition, Middlemarch Environmental Ltd has been commissioned to undertake the following assessments:

- Preliminary Bat Roost Assessment (RT-MME-123420-02);
- Habitat Regulations Assessment (RT-MME-123420-03).

1.2 SITE DESCRIPTION AND CONTEXT

The development site is an irregular parcel of land approximately 14 ha in size, located on Hayling Island, at National Grid Reference SU 73178 00804. The development site includes a holiday village with a number of self-catering accommodation units and associated leisure facilities. At the time of the survey, the site included circa. 50 buildings, tennis courts, bowling green, swimming pool, car parking and associated hard and soft landscaping. The east of the site is dominated by a mosaic of grassland used as a golf course. A large lake is present in the north east corner with a smaller man-made lake in the north west corner of the site.

The site is adjacent to a number of statutory designated sites including Chichester and Langstone Harbours (RAMSAR, Site of Special Scientific Interest, Special Protection Area) and Solent Maritime (Special Area of Conservation). These sites form large estuarine systems comprising habitats such as mud and sand flats and salt meadows.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
Site Survey 1:1250 (Sheet One), Drawing no. 3189-200	A & M Architectural Partnership LLP
Site Survey 1:500 (Sheet Two), Drawing no. 3189-201	A & M Architectural Partnership LLP
Site Survey 1:500 (Sheet Three), Drawing no. 3189-202 Rev A	A & M Architectural Partnership LLP
Site Survey 1:500 (Sheet Four), Drawing no. 3189-203 Rev A	A & M Architectural Partnership LLP
Site Survey 1:500 (Sheet Five), Drawing no. 3189-204	A & M Architectural Partnership LLP
Proposed Site Plan, Drawing no. 3877-200 Rev A	A & M Architectural Partnership LLP

Table 1.1: Documentation Provided by Client

Drawing 3877-200 Rev A – Proposed Site Plan is provided within Chapter 8.

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAGIC* website for statutory conservation sites; and,
- Hampshire Biodiversity Information Centre.

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2010 (as amended)

The Habitats Regulations 2010 consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 and all its various amendments. The Habitats Regulations 2010 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2010 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2010 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Habitats Regulations 2010 were amended in August 2012 to ensure clearer transposition of the provisions of Articles 2, 3, 4(4) (second sentence) and Article 10 of the Wild Birds Directive, by giving additional and specific duties to relevant bodies. A number of amendments were also made to transpose more clearly certain elements of the Habitats Directive.

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

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2010 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In early 2012, the National Planning Policy Framework (NPPF) replaced much previous planning policy guidance, including Planning Policy Statement 9: Biological and Geological Conservation. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 11, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and, where possible, provide net gains in biodiversity. Opportunities to incorporate biodiversity gains into a development should be encouraged.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG).

This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England. The guidance includes a section entitled 'Natural Environment: Biodiversity, ecosystems and green infrastructure' which sets out information with respect to the following:

- the statutory basis for minimising impacts on biodiversity and providing net gains where possible;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- the considerations for local (non-statutory) designated sites;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how development can enhance biodiversity;
- how policy is applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured; and,
- the consideration of ancient woodlands and veteran trees in planning decisions.

3.3 LOCAL PLANNING POLICY

<https://www.havant.gov.uk/planning-and-environment/planning-policy>

The Core Strategy

The Havant Borough Core Strategy is the principal document in the council's Local Plan. It sets out the spatial planning strategy for the area up to 2026 and was adopted by Havant Borough Council on the 1st March 2011. The Core Policy of relevance to ecology is:

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

Planning permission will be granted for development that:

1. Ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community.
2. Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.
3. Has particular regard to the following hierarchy of nature conservation designations within the borough:
 - (i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International].
 - (ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National].
 - (iii) Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].
4. Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.
5. Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation.
6. Incorporates partnership working with conservation organisations to improve public understanding of biodiversity and to manage public access to designated sites, particularly on the coast, to reduce harm to nature conservation interests.
7. Incorporates partnership working with landowners and developers to ensure land management practices restore, enhance and where appropriate create new valued landscapes, habitats and their soil structure, particularly the ancient woodland remnants of the Forest of Bere and coastal salt marsh.
8. Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration.

9. Maintains undeveloped gaps between the settlements of Emsworth/Havant; Havant/Waterlooville; Havant/Portsmouth; Emsworth/Westbourne and Leigh Park/Rowlands Castle as shown on the Proposals Map.
10. Protects the best and most versatile agricultural land that has the greatest potential for local food security.
11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

The Havant Borough Local Plan (Allocations)

The Havant Borough Local Plan (Allocations), follows on from the Havant Borough Core Strategy and identifies sites for specific uses including, housing, employment, retail, recreation and green infrastructure up to 2026. The plan was adopted by the Council on the 23rd July 2014, and contains the following policies relevant to ecology:

Policy DM23 Sites for Brent Geese and Waders

Planning permission will be granted for developments that avoid important sites for Brent Geese and/or waders outside of the statutory designated areas.

Where this cannot be avoided, development proposals on or adjacent to an important Brent Goose and/or wader site outside of the statutory designated areas will need to demonstrate levels of impact, alone and in combination with other proposals subject to the tests of the Habitats Regulations. Where a negative impact upon a site cannot be avoided or satisfactorily mitigated, and the tests of the Habitats Regulations are met as necessary, replacement feeding/roosting habitat, on a no net loss basis, will be sought.

Where a negative impact upon an important site cannot be avoided or mitigated and replacement feeding/roosting habitat is not or cannot be provided on a no net loss basis, the proposal will be refused.

Planning permission will be granted for development on or adjacent to uncertain sites for Brent Geese and/or waders outside of the statutory designated areas, where appropriate surveys are undertaken and it is determined that the site has no importance.

Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in combination effect of net additional dwellings. This mitigation can be provided through:

- a) A financial contribution.
- b) A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations.
- c) A combination of measures in (a) and (b) above.

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.

The provisions of this policy do not exclude the possibility that some residential schemes, due to their size/and or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site specific avoidance or mitigation measures.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out in September 2016 by Hampshire Biodiversity Information Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 4.1.

Site Name	Designation	Proximity to Survey Area	Description
European Statutory Sites			
Chichester and Langstone Harbours	RAMSAR, SPA and SSSI	Adjacent to the northern, eastern and south eastern boundaries	Chichester Harbour is a large estuarine basin in which at low water extensive mud and sandflats are exposed, drained by channels which unite to make a common exit to the sea. The site is of particular significance for wintering wildfowl and waders and also breeding birds both within the Harbour and in the surrounding permanent pasture fields and woodland. There is a wide range of habitats which have important plant communities. Langstone Harbour is a tidal basin which at high water resembles an almost land-locked lake. At low water extensive mud flats are exposed, drained by three main channels which unite to make a common and narrow exit to the sea. The harbour includes one of the largest areas of mixed saltmarsh on the south coast and extensive cord-grass <i>Spartina anglica</i> marsh in an advance state of degeneration. The harbour is among the twenty most important intertidal areas in Britain as a summer and autumn assembly ground for waders.
Solent Maritime	SAC	Adjacent to the northern boundary	The Solent encompasses a major estuarine system on the south coast of England with four coastal plain estuaries and four bar-built estuaries. The Solent and its inlets are unique in Britain and Europe for their hydrographic regime of four tides each day, and for the complexity of the marine and estuarine habitats present within the area. Solent Maritime is the only site for smooth cord-grass <i>Spartina alterniflora</i> in the UK and is one of only two sites where significant amounts of small cord-grass <i>S. maritima</i> are found. The Solent contains the second-largest aggregation of Atlantic salt meadows in south and south west England. Solent Maritime is a composite site composed of a large number of separate areas of saltmarsh. In contrast to the Severn estuary, the salt meadows at this site are notable as being representative of the ungrazed type and support a different range of communities dominated by sea-purslane <i>Atriplex portulacoides</i> , common sea-lavender <i>Limonium vulgare</i> and thrift <i>Armeria maritima</i> .
UK Statutory Sites			
Gutner Point	LNR	230 m north	This site comprises grassland, saltmarsh and intertidal mudland extending into Chichester Harbour.

Table 4.1: Summary of Nature Conservation Sites (Cont)

Site Name	Designation	Proximity to Survey Area	Description
Hayling Billy	LNR	1,570 m north west	This site obtained Local Nature Reserve status in 2010, this old route of the Hayling Billy train provides beautiful views of one of the most unspoilt sections of Langstone Harbour and is a great place to spot rare plants.
Non-statutory Sites			
Mill Rythe Holiday Village	SINC and SW&BGS	Comprises the eastern section of the survey area	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> and spiny reedbed <i>Ononis spinosa</i> which are species that meet Section 6 of the SINC selection criteria.
Tournerbury Farm A	SINC and SW&BGS	Adjacent to the southern boundary	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
Pound Marsh B	SINC and SW&BGS	140 m west	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
Mill Rythe Lane Saltmarsh	SINC and SW&BGS	230 m west	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
Tournerbury Farm B	SINC and SW&BGS	310 m south	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
Hayling Secondary School Playing Field	SINC and SW&BGS	400 m south west	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
South of Daw Lane D	SINC and SW&BGS	670 m north west	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
Verner Common West	SINC and SW&BGS	670 m north west	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
Gutner Farm	SINC and SW&BGS	730 m north	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
Gutner Lane Meadow	SINC and SW&BGS	730 m north	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> , slender hair's ear <i>Bupleurum tenuissimum</i> , divided sedge <i>Carex divisa</i> , golden-samphire <i>Inula crithmoides</i> and parsley water-dropwort <i>Oenanthe lachenalii</i> which are species that meet Section 6 of the SINC selection criteria.
South of Daw Lane H	SINC and SW&BGS	880 m west	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
Fields & Saltmarsh South of Copse Lane	SINC and SW&BGS	890 m north	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
South of Daw Lane A	SINC and SW&BGS	950 m north west	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
South of Daw Lane C	SINC and SW&BGS	970 m north west	This site supports dark-bellied brent goose <i>Branta bernicla bernicla</i> which is a species that meets Section 6 of the SINC selection criteria.
Key: LNR: Local Nature Reserve RAMSAR: Site listed on The Convention on Wetlands of International Importance (Ramsar Convention) SAC: Special Area of Conservation SINC: Site of Importance for Nature Conservation SPA: Special Protection Area SSSI: Site of Special Scientific Interest SW&BGS: Solent Wader and Brent Goose Strategy Site			

Table 4.1 (Cont'd): Summary of Nature Conservation Sites

In addition to the designated sites in Table 4.2, there are a further 21 Solent Wader and Brent Goose Strategy sites within a 1 km radius of the survey area.

The survey area also falls within the SSSI Impact Risk Zone for Chichester Harbour SSSI and Langstone Harbour SSSI.

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals - bats					
Pipistrelle species <i>Pipistrellus</i> sp.	8	2011	180 m west	#	ECH 4, WCA 5, WCA 6
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	4	2014	530 m south	✓	ECH 4, WCA 5, WCA 6
Common pipistrelle <i>Pipistrellus pipistrellus</i>	2	2014	700 m south west	-	ECH 4, WCA 5, WCA 6
Long-eared bat species <i>Plecotus</i> sp.	1	2010	750 m south west	#	ECH 4, WCA 5, WCA 6
Serotine <i>Eptesicus serotinus</i>	2	2010	750 m south west	-	ECH 4, WCA 5, WCA 6
Brown long-eared bat <i>Plecotus auritus</i>	1	2010	820 m south west	✓	ECH 4, WCA 5, WCA 6
Noctule <i>Nyctalus noctula</i>	1	2007	Potentially within 1 km *	✓	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera</i> sp.	1	2000	Potentially within 1 km *	#	#
Birds					
Hen harrier <i>Circus cyaneus</i>	5	2010	Potentially on site +	✓	WCA1i
Mediterranean gull <i>Larus melanocephalus</i>	29	2015	Potentially on site +	-	WCA1i
Greenshank <i>Tringa nebularia</i>	18	2015	310 m north	-	WCA1i
Whimbrel <i>Numenius phaeopus</i>	23	2015	310 m north	-	WCA1i
Black-tailed godwit <i>Limosa limosa</i>	16	2015	350 m south east	✓	WCA1i
Kingfisher <i>Alcedo atthis</i>	17	2014	350 m south east	-	WCA1i
Slavonian grebe <i>Podiceps auritus</i>	14	2014	350 m south east	-	WCA1i
Long-tailed duck <i>Clangula hyemalis</i>	12	2014	610 m north	-	WCA1i
Scaup <i>Aythya marila</i>	4	2012	720 m east	✓	WCA1i
Little tern <i>Sternula albifrons</i>	9	2013	740 m south east	-	WCA1i
Barn owl <i>Tyto alba</i>	9	2010	810 m north	-	WCA1i
Osprey <i>Pandion haliaetus</i>	24	2015	810 m north	-	WCA1i
Ruff <i>Calidris pugnax</i>	3	2010	930 m north	-	WCA1i
Avocet <i>Recurvirostra avosetta</i>	3	2012	Potentially within 1 km *	-	WCA1i

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (cont)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Bewick's swan <i>Cygnus columbianus</i> subsp. <i>bewickii</i>	1	2014	Potentially within 1 km *	✓	WCA1i
Black redstart <i>Phoenicurus ochruros</i>	10	2014	Potentially within 1 km *	-	WCA1i
Black-necked grebe <i>Podiceps nigricollis</i>	7	2015	Potentially within 1 km *	-	WCA1i
Black-throated diver <i>Gavia arctica</i>	6	2015	Potentially within 1 km *	✓	WCA1i
Common scoter <i>Melanitta nigra</i>	7	2014	Potentially within 1 km *	✓	WCA1i
Dartford warbler <i>Sylvia undata</i>	2	2010	Potentially within 1 km *	-	WCA1i
Fieldfare <i>Turdus pilaris</i>	3	2013	Potentially within 1 km *	-	WCA1i
Firecrest <i>Regulus ignicapilla</i>	4	2015	Potentially within 1 km *	-	WCA1i
Garganey <i>Anas querquedula</i>	2	2009	Potentially within 1 km *	-	WCA1i
Golden oriole <i>Oriolus oriolus</i>	1	2013	Potentially within 1 km *	-	WCA1i
Great northern diver <i>Gavia immer</i>	12	2014	Potentially within 1 km *	-	WCA1i
Green sandpiper <i>Tringa ochropus</i>	4	2010	Potentially within 1 km *	-	WCA1i
Lapland bunting <i>Calcarius lapponicus</i>	1	2010	Potentially within 1 km *	-	WCA1i
Leach's petrel <i>Oceanodroma leucorhoa</i>	1	2009	Potentially within 1 km *	-	WCA1i
Marsh harrier <i>Circus aeruginosus</i>	7	2014	Potentially within 1 km *	-	WCA1i
Merlin <i>Falco columbarius</i>	1	2012	Potentially within 1 km *	-	WCA1i
Purple sandpiper <i>Calidris maritima</i>	1	2013	Potentially within 1 km *	-	WCA1i
Red kite <i>Milvus milvus</i>	3	2012	Potentially within 1 km *	-	WCA1i
Red-throated diver <i>Gavia stellata</i>	9	2015	Potentially within 1 km *	-	WCA1i
Redwing <i>Turdus iliacus</i>	5	2013	Potentially within 1 km *	-	WCA1i
Shore lark <i>Eremophila alpestris</i>			Potentially within 1 km *	-	WCA1i
Snow bunting <i>Plectrophenax nivalis</i>	1	2012	Potentially within 1 km *	-	WCA1i
Velvet scoter <i>Melanitta fusca</i>	4	2013	Potentially within 1 km *	-	WCA1i
Whooper swan <i>Cygnus cygnus</i>	1	2001	Potentially within 1 km *	-	WCA1i
Woodlark <i>Lullula arborea</i>	3	2010	Potentially within 1 km *	✓	WCA1i
Hobby <i>Falco subbuteo</i>	6	2012	Potentially within 1 km **	-	WCA1i
Honey buzzard <i>Pernis apivorus</i>	5	2013	Potentially within 1 km **	-	WCA1i
Little ringed plover <i>Charadrius dubius</i>	3	2010	Potentially within 1 km **	-	WCA1i
Peregrine <i>Falco peregrinus</i>	13	2015	Potentially within 1 km **	-	WCA1i
Roseate tern <i>Sterna dougallii</i>	2	2015	Potentially within 1 km **	✓	WCA1i

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (cont)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Stone-curlew <i>Burhinus oedicephalus</i>	1	2006	Potentially within 1 km **	✓	WCA1i
Reptiles					
Common lizard <i>Zootoca vivipara</i>	2	2011	870 m north west	✓	WCA 5 S9(1) WCA 5 S9(5)
Plants					
Spiny Restharrow <i>Ononis spinosa</i>	2	2010	Potentially on site +	-	IUCN_EN_2014:NT
Key: #: Dependent on species. +: Grid reference provided was six figures and as such, the record may be located within 100 m of the study site. *: Grid reference provided was four figures only. **: Grid reference provided was two figures only. IUCN_EN_2014:NT: IUCN (2001) Near Threatened species. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. Species of Principal Importance: Species of Principal Importance for Nature Conservation in England. Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).					

Table 4.2 (Cont'd): Summary of Protected/Notable Species Records Within 1 km of Survey Area

In addition to Table 4.2 the desk study revealed records of the following notable species within a 1 km radius of the survey area:

Birds

The desk study provided numerous additional records of protected and notable bird species within a 1 km radius of the survey area comprising:

- Lesser redpoll *Acanthis cabaret*, skylark *Alauda arvensis*, white-fronted goose *Anser albifrons*, tree pipit *Anthus trivialis*, cuckoo *Cuculus canorus*, lesser spotted woodpecker *Dendrocopos minor*, yellowhammer *Emberiza citrinella*, herring gull *Larus argentatus*, linnet *Linaria cannabina*, twite *Linaria flavirostris*, grasshopper warbler *Locustella naevia*, yellow wagtail *Motacilla flava*, spotted flycatcher *Muscicapa striata*, curlew *Numenius arquata*, house sparrow *Passer domesticus*, arctic skua *Stercorarius parasiticus*, turtle dove *Streptopelia turtur*, starling *Sturnus vulgaris*, song thrush *Turdus philomelos*, ring ouzel *Turdus torquatus* and lapwing *Vanellus vanellus* (Species of Principal Importance and RSPB Red List bird species);
- Pochard *Aythya ferina*, ringed plover *Charadrius hiaticula*, pied flycatcher *Ficedula hypoleuca*, grey wagtail *Motacilla cinerea*, shag *Phalacrocorax aristotelis*, red-necked grebe *Podiceps grisegena*, kittiwake *Rissa tridactyla*, whinchat *Saxicola rubetra*, woodcock *Scolopax rusticola* and mistle thrush *Turdus viscivorus* (RSPB Red List bird species);
- Brent goose *Branta bernicla* and reed bunting *Emberiza schoeniclus* (Species of Principal Importance and RSPB Amber List bird species); and,

- 22 RSPB Amber List bird species including turnstone *Arenaria interpres*, short-eared owl *Asio flammeus*, barnacle goose *Branta leucopsis*, snipe *Gallinago gallinago*, bar-tailed godwit *Limosa lapponica* and sandwich tern *Sterna sandvicensis*.

Invertebrates

The desk study provided numerous records of protected and notable invertebrate species within a 1 km radius including:

- Wall *Lasiommata megera* butterfly (Species of Principal Importance);
- Cinnabar *Tyria jacobaeae* moth (Species of Principal Importance); and,
- Saltmarsh case-bearer *Coleophora atriplicis*, silver-streaked case-bearer *Coleophora limoniella*, glasswort case-bearer *Coleophora salicorniae* and sea-purselane case-bearer *Coleophora salinella* (County Rare moth species).

Plants

In addition to the plant species in Table 4.2, the desk study provided numerous records of protected and notable plant species within a 1 km radius including:

- Slender Hare's-ear *Bupleurum tenuissimum* and divided sedge *Carex divisa* (Species of Principal Importance); and,
- Green-winged orchid *Anacamptis morio*, golden samphire *Inula crithmoides*, one-flowered glasswort *Salicornia pusilla*, eelgrass *Zostera (Zostera) marina* and dwarf eelgrass *Zostera (Zosterella) noltei* (Hampshire Biodiversity Action Plan Priority species).

4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Virginia creeper <i>Parthenocissus quinquefolia</i>	1	2010	520 m south	WCA9
Japanese knotweed <i>Fallopia japonica</i>	1	2010	Potentially within 1 km *	WCA9
Key: *: Grid reference provided was four figures only. WCA9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.				

Table 4.3: Summary of Invasive Species Records Within 1 km of Survey Area

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C123420-01-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 2nd September 2016 by Maral Miri (Senior Ecological Consultant) and Penelope Holgate (Ecological Consultant). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	15
Cloud (%)	100
Wind (Beaufort)	F1
Precipitation	Showers

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

No constraints were experienced during the field survey.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity grassland;
- Building;
- Hardstanding;
- Poor semi-improved grassland;
- Scattered trees;
- Scrub;
- Species-poor intact hedgerow; and,
- Standing water.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Amenity grassland

Areas of short mown amenity grassland were present throughout the site between the buildings and hardstanding. The majority of the east of the site was dominated by amenity grassland used as a small golf course. The grass here was less regularly managed and was interspersed with patches of tall ruderal and scrub.

Species recorded included perennial rye grass *Lolium perenne*, meadow grass *Poa* sp., clover *Trifolium* sp., mouse ear *Cerastium fontanum*, buttercup *Ranunculus* sp., thistle *Cirsium* sp. and ribwort *Plantago lanceolata*.

Buildings

Around 50 buildings were present within the site forming the holiday village. The buildings comprised a mixture of single and two storey accommodation units with a number of larger buildings used for dining and leisure facilities. For full details of the buildings on site please refer to Preliminary Bat Roost Assessment, Report RT-MME-123420-02.

Hardstanding

A mixture of hardstanding surfaces were present across the site forming access drives/pathways, tennis courts, car parking areas, a bowling green and playground. This habitat was generally devoid of any notable vegetation.

Poor semi-improved grassland

Areas of poor semi-improved grassland were located around the small lake in the north west of the site.

A further area of grassland was located along the north eastern boundary of the site, separating the survey area from the adjacent protected sites. The grassland was dominated by wild teasel *Dipsacus fullonum*. Common ragwort *Senecio jacobaea*, yellow oatgrass *Trisetum flavescens* and perennial rye grass were also present.

Scattered trees

Scattered trees were present throughout the site between areas of car park, buildings and amenity grassland. Species included aspen *Populus tremula*, Leyland cypress *X Cupressocyparis leylandii*, white poplar *Populus alba*, oak *Quercus* sp., pine *Pinus* sp., ash *Fraxinus excelsior*, cherry *Prunus* sp., apple *Malus* sp., palm. These trees ranged in age from semi-mature to mature.

Semi-mature and mature scattered trees were also present within the scrub and grassland in the east of the site. Species recorded included weeping willow *Salix x sepulcralis*, goat willow *Salix caprea* and oak.

The trees on site were generally in good condition however two mature oaks contained crevices and woodpecker holes (Target Note 3).

Scrub

Large areas of bramble scrub were present along the boundaries of the eastern section of the site bordering the boundary path and amenity grassland and extending along the northern boundary. The scrub was dense in places with scattered trees on the eastern boundary. Small patches of scrub were also interspersed with the amenity grassland in the east of the site.

Patches of scrub were present in the west of the site adjacent to areas of hardstanding carparks and amenity grassland. Scrub was also present on the island of the smaller lake in the north west corner. Species include elder *Sambucus nigra*, bramble, hawthorn *Crataegus monogyna*, rose *Rosa* sp., field maple *Acer campestre* and box *Buxus sempervirens*.

Species poor-intact hedgerow

A species poor intact hedgerow was present along the southern boundary dominated by hawthorn and bramble. A number of smaller sections of species-poor hedge were present internally within the site, species included laurel *Prunus* sp. and hawthorn.

Standing water

A large lake was present in the north east corner of the site with an outlet running into a ditch along the northern boundary. The ditch becomes choked with soft rush and bramble and eventually turns dry. A dried up outlet/inlet was also present to the east of the lake which had become colonised by dense soft rush. A large stand of bulrush *Typha* sp. was present in the north of the lake.

A smaller manmade lake was present in the north west corner of the site with concrete sides. Within the middle of the lake was a small island colonised with rank grass and scrub.

Tall ruderal

Patches of ruderal vegetation were present within the mosaic of grassland and scrub within the east of the site.

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds

The following bird species were recorded on site during the field survey: crow *Corvus corone*, starling *Sturnus vulgaris*, pigeon *Columba palumbus*, magpie *Pica pica*, swallow *Hirundo rustica*, wagtail *Motacilla* sp. and collared dove *Streptopelia decaocto*. Mallard *Anas platyrhynchos* were also recorded on the lakes.

5.5 INVASIVE PLANT SPECIES

No invasive plant species were recorded on site during the field survey.

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

The proposals for the site the demolition of existing buildings on site and construction of circa. 291 mixed accommodation units (including 204 caravans and lodges and refurbishment of 87 chalets) with associated dining and leisure facilities.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified two European statutory sites within 5 km of the survey area, one UK statutory sites within 2 km and 14 non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

European Statutory Sites

Chichester & Langstone Harbours (RAMSAR, SSSI, SPA) are located adjacent to the northern, eastern and south-eastern boundaries of the site. These designated sites cover a similar geographical area and are designated for their populations of breeding and wintering birds. Solent Maritime (SAC) is located adjacent to the north-eastern boundary of the site. This SAC covers a slightly different geographical area to Chichester & Langstone Harbours and is designated for its important habitats including estuarine systems, spartina swards and Atlantic salt meadows. Given the close proximity of these sites to the proposed development a Habitat Regulations Assessment Stage 1 Screening report has been completed in order to assess potential impacts on these Natura 2000 sites. The reader is referred to Report RT-MME-123420-03 and its recommendations.

UK Statutory Sites

Gutner Point LNR and Hayling Billy LNR are located 230 m north and 1,570 m north west of the site respectively. Both sites fall within the Natura 200 sites described above and as such all recommendations made with Report RT-MME-123420-03 must be adhered to.

Non-Statutory Sites

Mill Rythe Holiday Village (SINC, SW & BGS) forms the eastern section of the survey area. This site supports dark-bellied brent goose *Branta bernicla bernicla* and spiny retharrow *Ononis spinosa* which are species that meet Section 6 of the SINC selection criteria. It is understood that this portion of the site will not be directly impacted by the development and there is no increased recreational pressure due to a reduced number of accommodation units.

Tournerbury Farm A (SINC, SW & BGS) is located adjacent to the southern boundary connected to two further sites to the south. Pound Marsh B and Mill Rythe Lane Saltmarsh are also located within 250 m of the development. These sites are all designated for supporting dark-bellied brent goose. As discussed above the site will not be subject to increased recreational pressure.

No significant harm or disturbance is anticipated on the remaining non-statutory sites given the large intervening distance separating the sites from the survey area.

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

Species-poor hedgerows

The hedgerow located along the southern boundary is a Habitat of Principal Importance for Nature Conservation in England because it measures over 20 m in length and consists predominantly of at least one woody UK native species. This hedgerow is important as a wildlife corridor and is a notable consideration in relation to the proposed development. It is understood that this hedgerow will be retained. In the absence of appropriate protection, this habitat could be indirectly impacted during construction (e.g. as a result of root compaction), as such a recommendation is made within Section 7.2.

The remaining lengths of hedgerow are less than 20 m in length and are therefore not a notable consideration in relation to the proposed development.

Scattered trees

The semi-mature and mature scattered trees on site are of intrinsic value as they cannot be replaced in the short- medium term. The proposed site plan indicates that a number of trees will be removed to facilitate the development. Any retained scattered trees may be impacted during the construction phase in the absence of appropriate protection (e.g. as a result of root compaction). Mature and semi-mature trees are therefore a notable consideration and recommendations regarding their retention and protection are made in Section 7.2.

Standing water

'Ponds' are a Habitat of Principal Importance for Nature Conservation in England if they meet one or more of the relevant criteria (e.g. contain species of high conservation importance, such as great crested newt). An initial site visit does not allow ponds to be assessed for these criteria and as such, there is potential for the ponds on site to qualify as Habitats of Principal Importance for Nature Conservation in England.

It is understood that the ponds on site will be retained as part of the development. Providing that appropriate pollution prevention control is implemented no adverse impacts open the ponds are anticipated. A recommendation has been made within Section 7.2.

Amenity grassland, dense scrub, building, hardstanding, poor semi-improved grassland

The remaining habitats on site are well represented locally, have low-species diversity or can easily be replaced within the new development. These habitats may however support protected/notable species as discussed in Section 6.4.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Species-poor hedgerows	✓	✓	Habitat loss, indirect impacts. E.g. root compaction
Scattered trees	-	-	Habitat loss, indirect impacts. E.g. root compaction
Standing water	✓*	✓	Indirect impacts. E.g. pollution

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals

Bats

The desk study identified 20 records of at least five species of bat within a 1 km radius of the survey area. The closest record was located 180 m west. The buildings on site were subject to a Preliminary Roost Assessment. A number of the buildings were considered to be of low value to roosting bats due to the presence of features such as holes in the soffit and gaps under the ridge tiles. A number of these features could not be inspected due to their height and location and therefore further survey works is required to establish presence/absence of roosting bats. The reader is referred to Report RT-MME-123420-02 and its

recommendation. Two mature oak trees on site (Target Note 3) contained suitable roosting features for bats including woodpecker holes.

The hedgerow, scattered trees, dense scrub and standing water provide suitable foraging and commuting habitat for bats linking the site to alternative roosting, foraging and commuting habitat in the surrounding area. Although a number of scattered trees may be lost as a result of the development the proposed plan indicates that the boundary vegetation (dense scrub and hedgerow) and standing water will be retained as part of the new development and therefore the long term impact on foraging and commuting habitat is considered to be negligible. Nevertheless, any new lighting has the potential to disrupt existing foraging/commuting routes. A recommendation has been made within Section 7.3.

Badger

The desk study provided no records of badger within a 1 km radius of the survey area. The habitats on site provide potential sett building, foraging and commuting habitat for badger, however no evidence of this species was recorded during the site survey, such as setts, latrines or prints. To prevent any harm to this species during the construction phase of the development a recommendation has been in Section 7.3.

Hedgehog

The desk study provided no records of hedgehog within a 1 km radius of the survey area. The grassland and scrub habitats provide suitable foraging and refuge opportunities for hedgehog; therefore, this species could potentially be impacted during the construction phase. A precautionary recommendation regarding foraging terrestrial mammals is made in Section 7.3.

Aquatic mammals: water vole and otter

The desk study provided no records of water vole or otter within a 1 km radius of the survey area. The waterbodies on site were considered sub-optimal to support these species. The lake to the west had concrete sides with no opportunities for burrow creation, whilst the eastern lake lacked areas of marginal vegetation for foraging/refuge. The ditches were either dry, densely vegetated, or contained very little water. Aquatic mammals are therefore not deemed to be a notable in relation to the proposed development.

Amphibians

The desk study provided no records of amphibian species within a 1 km radius of the survey area. The waterbodies on site were considered sub-optimal to support breeding amphibians. The eastern lake had concrete sides and was surrounded by managed amenity grassland, whilst the north-eastern lake was large in size with minimal aquatic vegetation. The lakes also support high densities of wildfowl which significantly reduces the suitability of the waterbodies to support breeding amphibians.

The main area of suitable terrestrial habitat for amphibians is the mosaic of grassland in the east of the site, which will remain unaffected by the works, and as such the risk posed to amphibian species is considered low. Nevertheless, small areas of scrub and grassland will be removed in the west of the site and therefore a precautionary recommendation is made within Section 7.3.

Reptiles

The desk study provided a single record of common lizard located 870 m north-west of the survey area. The mosaic of grassland in the east of the site provides suitable foraging and basking habitat for reptiles. Dense scrub, log piles and compost heaps also provide potential refugia, hibernacula and egg laying habitat for grass snake. Nevertheless, it is understood that the eastern portion of the site will be retained and the development will be largely confined to the existing built footprint of the holiday village. As such the risk posed to reptile species is considered low, however a precautionary recommendation is made within Section 7.3.

Birds

The desk study provided a large number of protected/notable bird records within a 1 km radius of the site. The majority of these are associated with the adjacent RAMSAR site. Dark-bellied brent goose are known to be present within the nature conservation site which occupies the eastern portion of the survey area. Records of hen harrier and Mediterranean gull also correlate to the site.

The mix of habitats within the survey area, including standing water, grassland, scrub, hedgerows and trees provide suitable nesting and foraging habitat for protected and notable species, as well as more common bird species. The development of the site has the potential to result in loss/disturbance to suitable habitat for birds and in order to fully determine the use of the site by birds Wintering Bird Surveys will be required

(please refer to Section 7.3). In addition, the construction phase of the proposed development could cause direct disturbance or harm to breeding birds if timed to occur within the nesting season. A recommendation regarding the appropriate timing of site clearance activities is made in Section 7.3.

Invertebrates

Aquatic invertebrates

The desk study provided no records of notable aquatic invertebrates, such as white-clawed crayfish within a 1 km radius of the site.

The lake to the west had concrete sides with no opportunities for burrow creation, whilst the eastern lake lacked areas of suitable substrate for foraging/refuge. The ditches were either dry, densely vegetated, or contained very little water. Aquatic invertebrates are therefore not deemed to be a notable in relation to the proposed development.

Terrestrial invertebrates

The desk study provided records of a number of terrestrial invertebrates within a 1 km radius of the survey area including wall butterfly and cinnabar moth which are listed as Species of Principal Importance. Cinnabar moth has the potential to occupy the site due to the presence of its key larval food plant (ragwort). Wall butterfly is also strongly associated with coastal habitats.

The area of the site of greatest value to terrestrial invertebrate species is the grassland mosaic in the eastern extent of the site. Given that this area will be retained as part of the development and the presence of high quality alternative habitat in the vicinity no long term impact on terrestrial invertebrate species is anticipated as a result of the development. General recommendations to enhance the site for invertebrates are made within Section 7.2.

Plants

The desk study provided several records of notable plant species including spiny restharrow, which has been recorded within the nature conservation site which occupies the eastern half of the survey area. This plant was not recorded during the initial field survey however this is a broad habitat assessment and not a detailed botanical survey. Although this nature conservation site will not be directly impacted there is potential for increased disturbance due to recreational pressure. Notable plants are therefore a notable consideration and a recommendation is made in Section 7.1.

Other Species

The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings: dormouse *Muscardinus avellanarius*, harvest mouse *Micromys minutus*, red squirrel *Sciurus vulgaris*, pine marten *Martes martes* and pole cat *Mustela putorius*.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	#	Loss of suitable habitat, direct harm or injury, fragmentation, lighting.
Badger	-	Loss of suitable habitat, direct harm or injury
Hedgehog	✓	Loss of suitable habitat, direct harm or injury
Herpetofauna	#	Loss of suitable habitat, direct harm or injury
Birds	#	Loss of suitable habitat, direct harm or injury
Plants	#	Loss of suitable habitat, direct harm or injury
#Species dependent		

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

The desk study provided records of Virginia creeper and Japanese knotweed within a 1 km radius of the survey area. No invasive plant species were recorded on site during the field survey which was undertaken at a suitable time of year for botanical assessments.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

The following recommendations are made regarding nature conservation sites (in accordance with Local Planning Policies: Core Strategy 'Policy CS11 Protecting and Enhancing Special Environment and Heritage of Havant Borough' and The Local Plan (Allocations) 'Policy DM23 Sites for Brent Geese and Waders' and 'Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development'.

- R1 Chichester & Langstone Harbours (RAMSAR, SSSI, SPA) and Solent Maritime (SAC):** The recommendations made within Habitats Regulations Assessment, Report RT-MME-123420-03 must be adhered to.

7.2 HABITATS

The following recommendations are made regarding the habitats present on site:

- R2 Habitat Retention:** Where possible, the development proposals should be designed in such a way to allow for the retention of semi-mature and mature trees, standing water and boundary hedgerows. If this is not possible, appropriate mitigation measures, such as replacement planting, should be incorporated into the soft landscaping scheme.
- R3 Habitat Enhancement:** In accordance with the provision of Chapter 11 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy (Core Strategy: Policy CS11 Protecting and Enhancing Special Environment and Heritage of Havant Borough) biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site. This will involve, for example:
- Planting of habitats which will be of value to wildlife, such as:
 - native seed/fruit bearing species
 - nectar-rich species to attract bees and butterflies
 - wildflower grassland margins to attract butterfly species
 - species which attract night flying insects which will be of value to foraging bats, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.
 - Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow, dense scrub or native thicket for species such as song thrush, and bat boxes for species such as pipistrelle.
 - Inclusion of hedgehog passes under fences.

- R4 Trees/Hedgerows:** Any trees and hedgerows on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.
- R5 Ditches/Standing Water:** All works should be undertaken in accordance with best practice, e.g. the Environment Agency's Pollution Prevention Guidelines, to ensure that the waterbodies and watercourses within and adjacent to the survey area are not adversely impacted by the proposed works.

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy (Core Strategy: Policy CS11 Protecting and Enhancing Special Environment and Heritage of Havant Borough), the following recommendations are made:

- R6 Roosting Bats:** The recommendations made within Preliminary Roost Assessment, Report RT-MME-123420-02 must be adhered to.
- R7 Foraging/Commuting Bats:** The lighting strategy for the proposed development should be designed to minimise light spill onto retained site boundary features that are likely to be used by foraging and commuting bats, in particular any hedgerows and scrub. Best practice recommendations with regard to lighting and biodiversity are described in 'Landscape and urban design for bats and biodiversity' (Gunnell et al, 2012).
- R8 Herpetofauna:** The clearance of suitable reptile and amphibian habitat (scrub, semi-improved grassland) should be undertaken under the supervision of an experienced ecologist. This will involve the clearance of vegetation in a directional manner to allow any herpetofauna to disperse and careful removal of any hibernacula. This should be completed when reptiles and amphibians are active. This is weather dependent but generally extends between March and October inclusive.
- R9 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- R10 Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

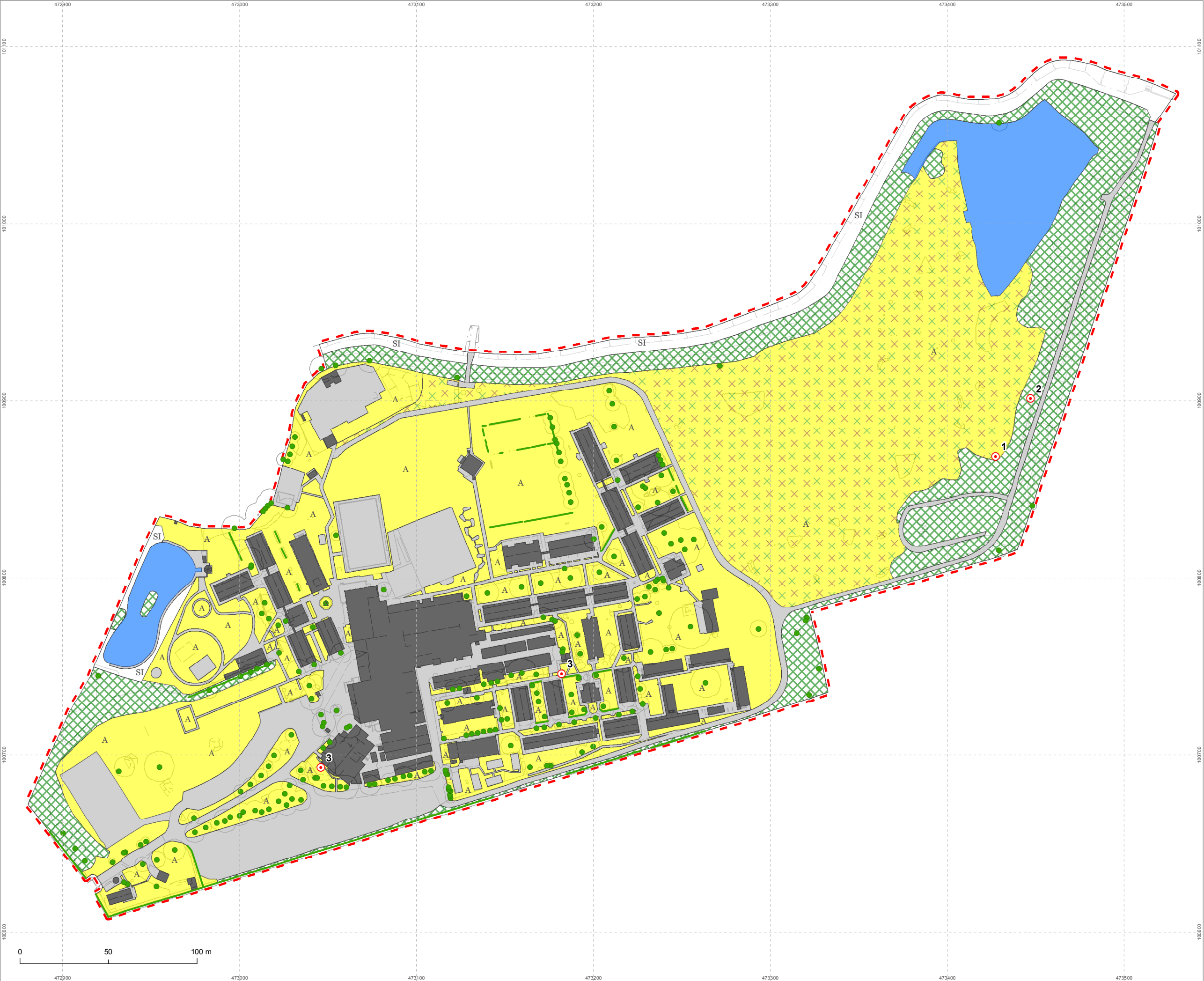
7.4 INVASIVE PLANT SPECIES

There are no recommendations made regarding invasive plant species.

8. DRAWINGS

Drawing C123420-01-01 – Phase 1 Habitat Map

Drawing 3877-200 Rev A – Proposed Site Plan



C123420-01-01

Legend

Site boundary

Scattered tree

Species-poor intact hedgerow

A

Amenity grassland

X

Amenity grassland with patches of tall ruderal and scrub

Building

Dense scrub

Hardstanding

SI

Poor semi-improved grassland

Standing water

Target note

1

1. Log pile

2

2. Compost pile

3

3. Oak tree with bat potential

Project

Mill Rythe Holiday Village, Hayling Island

Drawing

Phase 1 Habitat Map

Client

Away Resorts c/o A & M Architectural Partnership LLP

Drawing Number

C123420-01-01

Revision

00

Scale @ A3

1:2000

Date

September 2016

Approved By

PH

Drawn By

CD

MIDDLEMARCH ENVIRONMENTAL

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T:01676 525880 F:01676 521400
E:admin@middlesmarch-environmental.com

This drawing is based on site survey
"3189-200-201-202-203-204 Site Survey.dwg", supplied by the client.



LEGEND:

SYM.	DESCRIPTION
	BOUNDARY OF DEVELOPMENT SITE
	EXISTING BUILDINGS TO BE RETAINED
	PROPOSED CARAVAN BASES
	EXISTING TREES TO BE RETAINED
	EXISTING HEDGES / SCRUB TO BE RETAINED
	PROPOSED WOODLAND PLANTING.
	PROPOSED SPECIMEN TREES
	PROPOSED WILDFLOWER MEADOW AREAS
	PROPOSED MOWN GRASS AREAS
	EXISTING AMENITY GRASS AREAS
	EXISTING WATER BODIES
	PROPOSED ACCESS ROADS / PARKING BAYS
	PROPOSED PATHS & PEDESTRIAN AREAS
	PROPOSED DECK AREAS AROUND CENTRAL COMPLEX

NOTES:

- PROVIDE MINIMUM DEPTH OF TOPSOIL TO PLANTED AREAS AS FOLLOWS: GRASS AREAS : 200MM, SHRUB PLANTING: 450MM, AND TREE PITS: 750MM.
- TREE PITS SHALL BE BACKFILLED WITH A PRE-MIXED SOIL/ COMPOST MIXTURE INCORPORATING A SLOW RELEASE FERTILIZER.
- SPECIMEN TREES TO BE DOUBLE STAKED WITH SINGLE CROSSBAR.
- TO EACH TREE, TRANSPLANT AND CONTAINER GROWN PLANTING STATION THE CONTRACTOR SHALL SUPPLY AND INCORPORATE A SLOW RELEASE FERTILIZER.
- CONTAINER GROWN STOCK SHALL BE PLANTED IN A PIT EXCAVATED TO SUFFICIENT DEPTH AND WIDTH TO ACCOMMODATE THE PLANT WITHOUT DISTURBING THE ROOTS.
- TRANSPLANT PITS SHALL BE EXCAVATED TO A DEPTH OF 300MM DIAMETER AND 300MM DEPTH BELOW EXISTING GROUND LEVEL. ALL PITS SHALL BE EXCAVATED TO SUFFICIENT DEPTH AND WIDTH TO ACCOMMODATE THE PLANT WITHOUT DISTURBING ITS ROOTS. DURING BACKFILLING THE FINAL SOIL LEVEL AROUND THE TRANSPLANT SHOULD BE RAISED TO 40MM ABOVE THE SURROUNDING SOIL LEVEL.
- ORNAMENTAL PLANTING AREAS SHALL BE CULTIVATED TO A MEDIUM TILTH AND 300MM DEEP. A SLOW RELEASE FERTILIZER SHALL BE INCORPORATED IN A SECOND PASS FOLLOWING INITIAL CULTIVATION. THE CONTRACTOR SHALL PLACE A 50MM LAYER OF ORGANIC MULCH TO COVER THE COMPLETE AREA OF ORNAMENTAL PLANTING AREAS. BEFORE APPLICATION OF THE MULCH THE AREA SHALL BE WEED FREE. THE CONTRACTOR SHALL PLACE A 75MM DEPTH LAYER OF ORGANIC MULCH TO A CIRCLE 500MM RADIUS AROUND THE BASE OF ALL STANDARD TREES WITHIN GRASS AREAS. BEFORE APPLICATION OF THE MULCH THE AREAS SHALL BE WEED FREE.
- PLANTING BEDS SHOULD BE KEPT COMPLETELY WEED FREE AND DEPTH OF MULCH MAINTAINED AT 50MM DEPTH.
- RABBIT GUARDS MAY BE REQUIRED, EITHER INDIVIDUAL GUARDS OR FENCING.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH THE LOCATION OF SERVICES PRIOR TO PLANTING. TREES WITHIN PLANTING MIXES SHOULD BE PLACED AWAY FROM ANY OVERHEAD POWER LINES.

9. PHOTOGRAPHS



Plate 9.1: Amenity grassland and scattered trees (west of the site)



Plate 9.2: Buildings surrounded by amenity grassland



Plate 9.3: Amenity grassland in east with pockets of tall ruderal vegetation



Plate 9.4: Dense scrub around north-eastern lake



Plate 9.5: Rough grassland and path (northern boundary)



Plate 9.6: Compost heap



Plate 9.7: Large lake in north-east



Plate 9.8: Dried up outlet with soft rush



Plate 9.9: Lake in west with concrete sides



Plate 9.10: Oak tree with bat potential

REFERENCES AND BIBLIOGRAPHY

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

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Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint)*. Joint Nature Conservation Committee, Peterborough.

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

European Statutory Sites within 5 km of the survey area

Ramsar Sites (England)

Name CHICHESTER AND LANGSTONE HARBOURS

Reference UK11013

Hectares 5810.96

Special Areas of Conservation (England)

Name SOLENT MARITIME

Reference UK0030059

Hectares 11243.81

Hyperlink <http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?eucode=UK0030059>

Special Protection Areas (England)

Name CHICHESTER AND LANGSTONE HARBOURS

Reference UK9011011

Hectares 5810.96

UK Statutory Sites within 2 km of the survey area

Local Nature Reserves (England)

Reference 1481385

Name HAYLING BILLY

Hectares 42.02

Hyperlink http://www.lnr.naturalengland.org.uk/special/lnr/lnr_details.asp?themeid=1481385

Reference 1009642

Name GUTNER POINT

Hectares 68.99

Hyperlink http://www.lnr.naturalengland.org.uk/special/lnr/lnr_details.asp?themeid=1009642

Sites of Special Scientific Interest (England)

Name Langstone Harbour

Reference 1000643

Natural England Contact Jenks - Alexandra

Natural England Phone Number 0845 600 3078

Hectares 2085.68

Citation 1001182

Hyperlink <http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1001182>

Name Chichester Harbour

Reference 1000116

Natural England Contact FIELD - JAYNE

Natural England Phone Number 0845 600 3078

Hectares 3732.54

Citation 1003245

Hyperlink <http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1003245>

SSSI Impact Risk Zones – to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications ALL PLANNING APPLICATIONS - EXCEPT HOUSEHOLDER APPLICATIONS.

Infrastructure

Wind & Solar Energy

Minerals, Oil & Gas

Rural Non Residential

Residential

Rural Residential

Air Pollution

Combustion

Waste

Composting

Discharges

Water Supply

GUIDANCE – How to use the Impact Risk Zones

[/Metadata for magic/SSSI IRZ User Guidance v2.5 MAGIC 10Mar2016.pdf](#)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications ALL PLANNING APPLICATIONS.

Infrastructure

Wind & Solar Energy

Minerals, Oil & Gas

Rural Non Residential

Residential

Rural Residential

Air Pollution

Combustion

Waste

Composting

Discharges

Water Supply

GUIDANCE – How to use the Impact Risk Zones

[/Metadata for magic/SSSI IRZ User Guidance v2.5 MAGIC 10Mar2016.pdf](#)

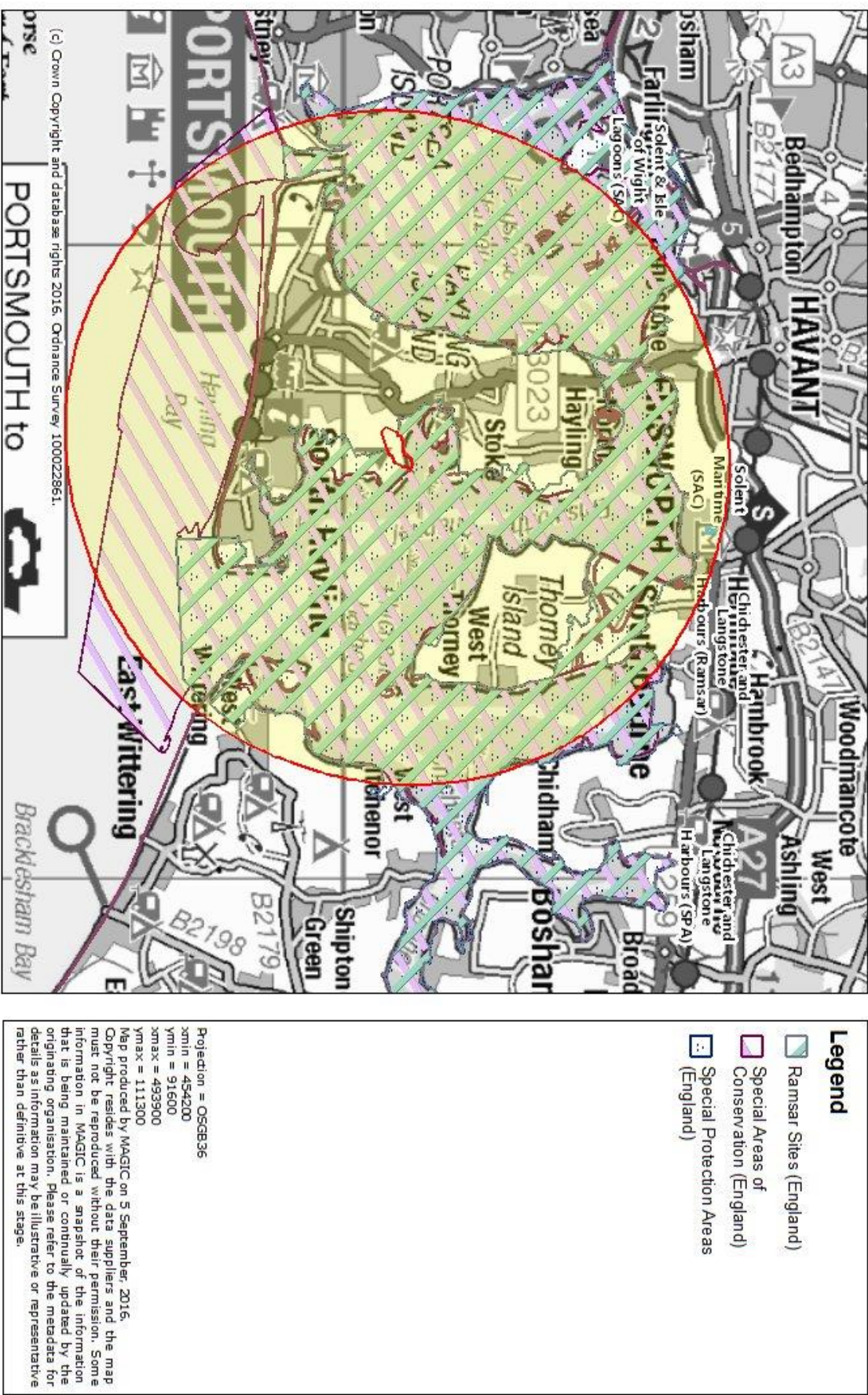
Ancient Woodland (England)

No Features found

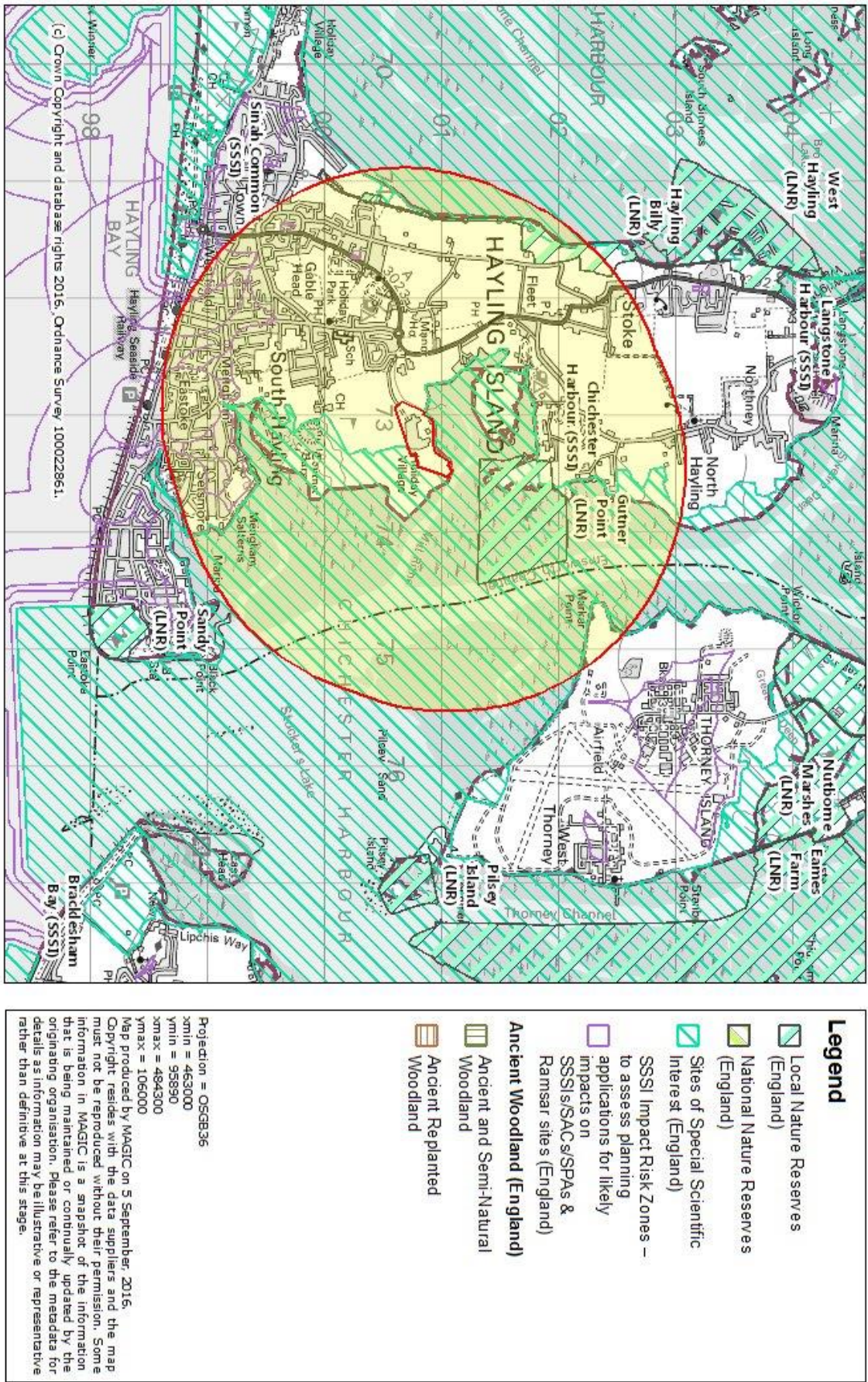
National Nature Reserves (England)

No Features found

Magic European sites within 5 km of the survey area



MAGiC UK statutory sites within 2 km of the survey area



APPENDIX 2

Overview of Relevant Species Specific Legislation

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- *'Any structure or place that displays signs indicating current use by a badger'.*

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2010 (as amended), states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2010 (as amended) for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.

- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England:

Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

Birds

The Conservation of Habitats and Species Regulations 2010 (as amended) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Common amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) – benefit from the greatest protection; however these two species are unlikely to occur on site. Common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected under the Wildlife and Countryside Act 1981 as amended from intentional killing or injuring.

In England and Wales, this Act has been amended by the Countryside and Rights of Way Act 2000 (CRoW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions and increases penalties. The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Government Departments to have regard for the conservation of biodiversity and maintains lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. All native reptile species are included on these lists.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.