Canmoor Developments Ltd.

Dunham Bush Site, Downley Road, Havant

ECOLOGICAL APPRAISAL

January 2025

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CONTENTS

1.0 NON-TECHNICAL SUMMARY 3

2.0 INTRODUCTION 4

3.0 LEGISLATION AND POLICY 5

4.0 METHODOLOGY 6

5.0 RESULTS 10

6.0 DISCUSSION AND RECOMMENDATIONS 21

TABLES

Table 1: Criteria used for assessing likely presence/absence of protected/notable species

Table 2: Bat Roost Potential Categories for Trees and Buildings

Table 3. International Designations within 10km

Table 4: Non-Statutory Designated Sites within 1km

Table 5: Protected and Notable Species Records

Table 6: Building Descriptions

FIGURES

Figure 1: Consultation Plan

Figure 2: UKHabs Plan with Building References

APPENDICES

Appendix A: Legislation and Policy

Appendix B: Botanical Species List

Appendix C: Site Photographs

Appendix D: Biodiversity Net Gain Report

1.0 NON-TECHNICAL SUMMARY

Report Scope and Methodology
• FPCR were commissioned by Canmoor Developments Ltd to undertake an Ecological Appraisal of Dunham Bush Site, Downley Road, Havant, to identify ecological constraints and opportunities regarding proposals for the development of warehouses and office units. • A UKHab survey and desktop study were completed by FPCR to inform this assessment. The survey included a walkover and Potential Roost Assessment of buildings at the Site on 15th December 2023 mapping all habitats present, along with their potential to offer suitable habitat for protected and notable species.
Key Findings
• There are several national and internationally designated sites within 10km of the Site. The only internationally designated site(s) which the application Site falls within the recognised zone of influence (ZoI) for is Chichester and Langstone Harbours SPA. • The Site was predominately hardstanding with buildings, with small areas of modified grassland, scattered trees and bramble scrub. These were of no more than local importance as they represented common/widespread habitats supporting limited botanical diversity. • The Site provided some degree of suitable habitat for protected/notable species including breeding birds and reptiles. • The biodiversity net gain assessment has established the baseline habitat units to total 0.95, increasing to 1.43 net change post development, resulting in a percentage net gain of 50.06% in habitats and an increase of 0.45 units in linear features. • The site is for business purposes only, will result in no additional overnight accommodation and is not a high water use type proposal, and therefore assessment of nutrient neutrality in relation to the Solent Protected Sites is not required.
Constraints and Opportunities
• The development proposals will result in the loss of small areas of modified grassland, introduced shrub and bramble scrub.

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Key

- Red Line Boundary
- Buildings

Baseline Habitats

- Bramble scrub
- Developed land; sealed surface
- Introduced shrub
- Modified grassland

Baseline Trees

- Existing Medium Urban Tree
- Existing Small Urban Tree

client
Canmoor

project
Downley Road, Havant

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UKHABS PLAN

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masterplanning ■ environmental assessment ■ landscape design ■ urban design ■ ecology ■ architecture ■ arboriculture

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APPENDIX A: RELEVANT LEGISLATION, POLICY AND GUIDANCE

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

1.1 The Regulations ensure that the habitat and species protection and standards derived from EU law as per "The Habitat Regulations" Amendment will continue to apply after Brexit.

European Protected Sites

1.2 The Habitats Regulations ratifies into UK law the "Habitats Directive" (92/43/EEC) and the "Birds Directive" (79/409/EEC). It places a duty on the Secretary of State to propose a list of sites which are important for species listed in Annex I and II of the Habitats Directive respectively to the European Commission.

1.3 The Regulations require the compilation and maintenance of a register of European sites to include SACs as well as Special Protection Areas (SPAs) designated for birds, which are collectively called National Site Networks. Internationally important wetlands under the Ramsar Convention known as "Ramsar Sites" are also considered. All European sites are also designated under UK law as Sites of Special Scientific Interest (SSSIs; please see below).

Habitats Regulation Assessment

1.4 There is a requirement under EU law that Member States' take measures to reach and maintain European Protected Sites' at Favourable Conservation Status (FCS). An Appropriate Assessment is required for plans or projects that may potentially damage a European Protected Site. This is based on an assessment against a given European Protected Site's Conservation Objectives. The process is commonly known as a Habitats Regulations Assessment (HRA).

1.5 The HRA must be conducted by, or on behalf of, the Competent Authority. The HRA process assesses plans or projects alone or in combination. It involves a four-stage approach as follows:

- Stage One: Screening - also known as the Test of Likely Significant Effect (TOLSE). If the Competent Authority cannot screen out a *likely significant effect,* an Appropriate Assessment is required.
- Stage Two: Appropriate Assessment - the Competent Authority will only agree to plans or projects that will not affect the *integrity* of a European site also known as the "Integrity Test".
- Stage Three: Alternative Solutions - assesses any alternative solutions of a potentially damaging plan or project that failed the Integrity Test, and if it is determined there are no alternative solutions, the project cannot be agreed to and it will either need to be changed or refused.
- Stage Four: The final stage may allow a plan or project to proceed if after failing stage three if it is for Imperative Reasons of Overriding Public Interest, and only if suitable compensatory measures are secured.

1.6 Any plan or project that may have a potentially damaging effect on a transient species or the habitat on which it relies (for example bats or birds), that is both a Qualifying Features of a European Protected Site and considered *functionally linked* with a European Protected Site, are required under law to be considered as part of any HRA process.

European Protected Species

1.7 The Habitats Regulations includes a list of animals and plant species taken from the Annex IV of the Habitats Directive that have a natural range in Great Britain. These are collectively known as European Protected Species (EPS) and are listed in Table 1. The regulations make it an offence to deliberately capture, kill, disturb, take or destroy eggs of, or damage or destroy a breeding or resting place of animals listed in Schedule 2 of the Regulations, and to pick, collect, cut, uproot or destroy wild plants listed in Schedule 5 of the Regulations. They also protect these species alive or dead and parts thereof from various forms of possession and trade.

Table 1: The Habitats Regulations Schedule 2 and Schedule 5 species

	Common Name	Scientific Name
Schedule 2 – European Protected Animal Species	Horseshoe bats – all species	*Rhinolophidae*
	Bats – all species	*Vespertilionidae*
	Large blue butterfly	*Maculinea arion*
	Wild cat	*Felis silvestris*
	Dolphins, porpoises & whales - all species	*Cetacea*
	Hazel dormouse	*Muscardinus avellanarius*
	Pool frog	*Rana lessonae*
	Sand lizard	*Lacerta agilis*
	Fisher's estuarine moth	*Gortyna borelii lunata*
	Great crested newt	*Triturus cristatus*
	Otter	*Lutra lutra*
	Lesser Whirlpool Ram's-horn snail	*Anisus vorticulus*
	Smooth snake	*Coronella austriaca*
	Sturgeon	*Acipenser sturio*
	Natterjack toad	*Bufo calamita*
	Marine turtles	*Caretta caretta* *Chelonia mydas* *Lepidochelys kempii* *Eretmochelys imbricata* *Dermochelys coriacea*
Schedule 5 – European Protected Plant Species	Shore dock	*Rumex rupestris*
	Killarney fern	*Trichomanes speciosum*
	Early gentian	*Gentianella anglica*
	Lady's-slipper	*Cypripedium calceolus*
	Creeping marshwort	*Apium repens*
	Slender naiad	*Najas flexilis*
	Fen orchid	*Liparis loeselii*
	Floating-leaved water plantain	*Luronium natans*
	Yellow marsh saxifrage	*Saxifraga hirculus*

1.8 These actions may be made lawful in certain circumstances through the granting of licences by the appropriate authority (Natural England). Licences must only be granted after the appropriate authority is satisfied that no satisfactory alternatives are available. In most circumstances, licences are only applied for and granted following full planning permission.

1.9 In determining whether or not to grant a licence Natural England must apply the requirements of The Conservation of Habitats and Species Regulations 2012 (amendment) and, in particular, the three derogation tests:

- Test 1: A licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".
- Test 2: The appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".
- Test 3: The appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Wildlife and Countryside Act 1981 (as amended)

1.10 The Wildlife and Countryside Act 1981 (WCA) (as amended) is the principal legislation providing protection for wildlife in the UK. It prescribes legislation for wild birds, other animals, wild plants and non-native species. In addition, it provides for the designation of Sites of Special Scientific Interest (SSSI) in England.

Wild birds

1.11 The WCA as amended by Schedule 12 of the Countryside and Rights of Way Act 2000 makes it an offence (with exception to species listed in Schedule 2) to intentionally or recklessly:

- kill, injure, or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006); or
- take or destroy an egg of any wild bird.

1.12 For birds listed on Schedule 1 of the WCA, protection extends to offences relating to the intentional or reckless disturbance of these birds while at their nests or their dependent young.

Other animals

1.13 The WCA (as amended) makes it an offence to (subject to exceptions) intentionally or recklessly kill, injure or take wild animals listed on Schedule 5 of the Act. For some species, the protection extends to interference with places used for shelter or protection, or disturbing animals occupying or obstructing access to such places. These species are regarded as "fully protected" and as well as the EPS species listed above include the mammal species water vole *Arvicola terrestris*, pine marten *Martes martes* and red squirrel *Sciurus vulgaris* as well as selected others from a range of species groups including, fish, butterflies, hemipteran bugs, beetles, crickets, dragonflies, moths, spiders, crustaceans, sea-mats, molluscs, Annelid worms and sea anemones (and allies).

1.14 There are seven species on Schedule 5 of the Act that not fully protected but are still protected against killing and injuring these include the common reptile species slow worm *Anguis fragilis*, viviparous lizard *Lacerta vivipara*, grass snake *Natrix natrix* and adder *Vipera berus*.

1.15 The Act prohibits certain methods of killing, injuring, or taking wild animals, and numerous species are protected against sale only as well as other variations for example Atlantic stream (white-clawed) crayfish *Austropotamobius pallipes* are protected against taking and sale.

Vascular plants, bryophytes, lichens and fungi

1.16 With regards to native flora the Act makes it an offence to (subject to exceptions) intentionally or recklessly pick, uproot or destroy any wild plant listed in Schedule 8. Similarly, the Act prevents the sale, offer or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

Non-native species

1.17 The Act contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9 in England and Wales.

Sites of Special Scientific Interest

1.18 The Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs). These sites can be identified for their flora, fauna, geological or physiological interest. In England, the power to confirm an SSSI lies with Natural England.

1.19 Laws protecting areas designated as SSSIs are described in Sections 28 to 33 of Part 2 of the Wildlife and Countryside Act 1981 (as amended). SSSIs are the principle statutory designation of sites in the UK and offences are enforced through Natural England. Offences include the following:

SSSI owners and occupiers

- carrying out, causing or allowing operations likely to damage an SSSI without Natural England consent.
- failing to keep to a management notice.
- failing to let us know about a change in ownership or occupation of land in an SSSI.

Public bodies

- carrying out or authorising operations likely to damage an SSSI without meeting the requirements to notify Natural England.
- failing to minimise any damage to an SSSI and if there is any damage, failing to restore it to its former state so far as is reasonably practical and possible.

Any person

- intentionally or recklessly damaging, destroying or disturbing any of the habitats or features of an SSSI.
- intentionally or recklessly damaging, destroying, obscuring or taking down a site notice put up on land within an SSSI.
- preventing a Natural England officer lawfully accessing an SSSI.

Environment Act 2021

1.20 The act became law on 10th November 2021 and covers a range of environmental protections and enhancements. It is enforced by an independent Office for Environmental Protection (OEP). In relation to nature and biodiversity, the act will deliver:

- Strengthened biodiversity duty
- A requirement for developments to deliver at least 10% biodiversity net gain

- Local Nature Recovery Strategies
- Protected Site Strategies and Species Conservation Strategies
- Conservation Covenants
- Strengthened woodland protection enforcement measures

Protection of Badgers Act 1992

1.21 Badgers and their setts are protected under the Protection of Badgers Act 1992. This act is based on the need to protect badgers from persecution by baiting and deliberate harm or injury.

The act makes it an offence to:

- intentionally capture, kill or injure a badger;
- damage, destroy or block access to their setts;
- disturb badgers in setts;
- treat a badger cruelly;
- deliberately send or intentionally allow a dog into a sett; and
- bait or dig for badgers.

A sett is defined as:

"Any structure or place that displays signs indicating current use by a badger".

Natural Environmental and Rural Communities (NERC) Act 2006

1.22 Section 40 of the NERC Act 2006 imposes a duty on every public authority to conserve biodiversity in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

1.23 Section 41 (S41) of the NERC Act 2006 requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The list (including 56 habitats and 943 species) has been drawn up in consultation with Natural England and draws upon the UK BAP List of Priority Species and Habitats. The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006.

National Planning Policy Framework (NPPF) December 2023

1.24 The National Planning Policy Framework (NPPF) sets out the Government's planning policy for England. As such, the NPPF must be a material consideration for local authorities when considering planning decisions. The following relate to ecology/biodiversity:

Policy 15 – Conserving and enhancing the natural environment

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

184. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be

consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

185. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

186. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

187. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;
b) listed or proposed Ramsar sites; and
c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Area of Conservation, and listed or proposed Ramsar sites.

188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Local Nature Reserves

1.25 Local Nature Reserve (LNR) is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006 by principal local authorities.

1.26 Local authorities have the powers to acquire, declare and manage LNRs. Parish and town councils can declare LNRs providing power is given by the district or county council. LNRs may or may not have other statutory designations such as SSSI status. LNRs must be controlled by the local authority through ownership, lease or agreement with the owner. The main aim must be to care for the natural features which make the site special. LNRs are of local, but not necessarily national, importance.

1.27 LNRs are usually owned by local authorities, with management often passed onto other organisations such as County Wildlife Trusts etc. They often have good public access and facilities. There is no legal necessity to manage an LNR to any set standard but management agreements and plans often exist. Protection of LNRs is usually provided through local planning policy and through local bylaws.

Non-Statutory Protected Local Sites

1.28 Non-statutory Designated Sites are sites designated by local authorities which fall outside the statutory criteria for designation. They are policy protected and included in the National Planning Policy Framework (NPPF) as “Local Sites”. Local Planning Authorities should set criteria-based policies against which proposals for developments on or affecting protected wildlife sites should be judged. Non-statutory sites are given various names including County Wildlife Sites (CWS), Sites of Importance for Nature Conservation (SINC) and Local Wildlife Sites (LWS). to this end Ancient Woodland Inventory (AWI) sites are also considered non-statutory sites.

Hedgerows

1.29 Hedgerows are designated as Habitats of Principal Importance under the NERC Act 2006. The National Planning Policy Framework (NPPF) emphasises the preservation, restoration and re-creation of priority habitats and ecological networks. Hedgerows are important components of ecological networks linking other important habitats and designated sites.

1.30 Hedgerows also receive statutory protection under the Hedgerow Regulations 1997 made under Section 97 of the Environment Act 1995, which came into force in 1997. The regulations introduced new arrangements for local planning authorities in England and Wales to protect important hedgerows in the countryside, by controlling their removal through a system of notification. Important hedgerows are defined by complex assessment criteria, which draw on biodiversity features, historical context and the landscape value of the hedgerow.

Local Biodiversity Action Plan (LBAP)

1.31 Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level), and are usually drawn up by a consortium of local Government organisations and conservation charities.

Birds of Conservation Concern (BoCC)

1.32 The Birds of Conservation Concern (BoCC) is jointly prepared by the British Trust for Ornithology (BTO), Joint Nature Conservation Committee (JNCC) and The Royal Society for the Protection of Birds (RSPB).

1.33 The report classifies birds according to the extent that they are known to be declining. The classifications are split into groups, Red, Amber and Green, with species classified as Red being those with the greatest declines. The criteria for classifications are presented in *Table 2*.

Table 2: BoCC species classification criteria

Red List Criteria	**Global Conservation Status** - Species listed by BirdLife International as being Globally Threatened using IUCN criteria
	Historical Decline - A severe decline in the UK between 1800 and 1995, without substantial recent recovery.
	Breeding Population Decline - Severe decline in the UK breeding population size, of more than 50%, over 25 years or the entire period used for assessments since the first BoCC review, starting in 1969 ("longer-term").
	Non-breeding Population Decline - Severe decline in the UK non-breeding population size, of more than 50%, over 25 years or the longer-term.
	Breeding Range Decline - Severe decline in the UK range, of more than 50%, as measured by number of 10 km squares occupied by breeding birds, over 25 years or the longer-term.
Amber List Criteria	**European Conservation status** - Categorised as a Species of European Conservation Concern
	Historical Decline – Recovery - Red listed for Historical Decline in a previous review but with substantial recent recovery (more than doubled in the last 25 years).
	Breeding Population Decline - As for red list criteria and, but with moderate decline (by more than 25% but less than 50%).
	Non-breeding Population Decline - As for red list criteria and, but with moderate decline (by more than 25% but less than 50%).
	Breeding Range Decline - As for red list criteria and, but with moderate decline (by more than 25% but less than 50%).
	Rarity - UK breeding population of less than 300 pairs, or non-breeding population of less than 900 individuals.
	Localisation - At least 50% of the UK breeding or non-breeding population found in 10 or fewer sites.
	International Importance - At least 20% of the European breeding or non-breeding population found in the UK.
Green List Criteria	All regularly occurring species that do not qualify under any of the red or amber criteria are green listed.
	Includes those species listed as recovering from Historical Decline in the last review that have continued to recover and do not qualify under any of the other criteria.

APPENDIX B: BOTANICAL SPECIES LIST DAFOR SCALE: DOMINANT, ABUNDANT, FREQUENT, OCCASIONAL, RARE

Scientific Name	Species	Ephemeral/Ruderal	MG	Trees
Buddleja davidii	Buddleia	D		
Urtica dioica	Common Nettle	F		
Rubus fruticosus agg.	Bramble	O		
Epilobium ciliatum	Willowherb sp.	R		
Lolium perenne	Perenial rye grass		D	
Plantago lanceolata	Ribwort Plantain		LF	
Geranium robertianum	Herb Roberts		F	
Taraxacum agg	Dandelion		LF	
Helminthotheca echiioides	Bristly Ox tongue		O	
Geranium molle	Doves foot cranesbill		O	
Prunella vulgaris	Self heal		LO	
Achillea millefolium	Yarrow		LA	
Potentilla reptans	Creeping Cinquefoil		LF	
Cirsium arvense	Creeping thistle	O	O	
Carex pendula	Pendulas sedge	R		
Bellis perennis	Daisy		O	
Leucanthemum vulgare	Ox-eye daisy	O	LO	
Rosa canina	Dog rose	LO		
Festuca rubra	Red fescue		LF	
Vicia sativa	Common Vetch		R	
Dactylis glomerata	Cocksfoot		F	
Hedera helix	Ivy	LO	LO	
Aegopodium podagraria	Ground Elder		LO	
Senecio jacobaea	Common Ragwort		O	
Fragaria vesca	Wild strawberry		LF	
Trifolium repens	White clover		F	
Cirsium vulgare	Spear Thistle	R		
Senecio vulgaris	Groundsel	LO	LO	
Lamium purpureum	Red Deadnettle		R	
Agrostis stolonifera	Creeping Bent Grass		F	
Ranunculus repens	Creeping Buttercup		LF	
Rumex acetosa	Common Sorrel		O	
Prunus avium	Cherry sp.			✓

APPENDIX C: SITE PHOTOGRAPHS

Photograph 1: Site frontage, Downley Road

Photograph 2: Site frontage, Downley Road

Photograph 3: View of railway line and scrub to rear of buildings

Photograph 4: Hard standing to rear of buildings