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Extended Phase 1 Habitat Survey Howard's Yard, Hayling Island

Material Recovery and Recycling Facility Proposal

January 2014



Extended Phase 1 Habitat Survey

Howard's Yard, Hayling Island

Material Recovery and Recycling Facility Proposal

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Abbreviations

CIEEM	Chartered Institute of Ecology and Environmental Management
dB	Decibels
HBIC	Hampshire Biodiversity Information Service
IEA	Institute for Environmental Assessment
LNR	Local Nature Reserve
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Importance

Executive Summary

E1 Introduction

- E1.1 A baseline ecological appraisal was undertaken for the site of a proposed material recovery and recycling facility at Howard's Yard on Hayling Island.
- E1.2 The study was undertaken in order to identify any features present on site which are ecologically interesting or significant and which may act as constraints or opportunities to the project; as well as to identify any further surveys which may be necessary and to broadly outline mitigation measures for potential impacts.

E2 Findings

- E2.1 The desk-top study revealed a variety of protected or notable species in the locality, as well as a number of sites designated for nature conservation within 1.5km of the application site including the Pound Marsh B SINC adjacent to the site. This site has been designated because it frequently supports significant numbers of Brent geese, a qualifying feature of the nearby Chichester and Langstone Harbours Special Protection Area and Ramsar site.
- E2.2 The application site is dominated by hard-standing, containing a warehouse and storage sheds; there is a small area of ruderal dominated grassland to the north west of the site. The application boundary also contains a short hedgerow and an oak tree, both of which are scheduled for removal under the current proposals for the development, which will involve use of the site as a vehicle storage depot, and material recovery and recycling facility.

E3 Evaluation

- E3.1 The ecological value of the application site is considered to be of importance within the zone of influence of proposed development only. It is not considered likely that Brent geese using the nearby Pound Marsh B and Mill Rythe Lane Saltmarsh will be adversely affected by increased disturbance from the development during its operational phase. However, there is a risk that noise emitted during construction works (e.g. concrete breaking) could lead to disturbance impacts on this species during the overwintering period. No other designated sites will be adversely affected.
- E3.2 The ruderal dominated grassland and hedgerow to be removed provide potential habitat for a number of protected species. These include:
- ▶ The grassland at the northern end of the application site provides habitat of poor suitability for reptiles. However, the potential of this habitat to support reptiles is enhanced by rubble and corrugated metal within this area (which provide potential

shelter and hibernation opportunities for these species) and connecting areas of suitable habitat off-site; and

- The hedgerow within the application site provides foraging and nesting habitat for a wide range of birds.

E4 Recommendations

- E4.1 Due to the removal of potential terrestrial habitat suitable for reptiles, it is recommended that precautionary clearance measures are carried out under ecological supervision, during the active season for these species, prior to development of the site. Indicative methods are proposed.
- E4.2 There is a mature oak tree with the potential for use by roosting bats within an area of hard-standing at the northern site boundary. This tree will be retained during and post-development, and hence will not be affected by proposals for the site. No further surveys are considered necessary.
- E4.3 It is recommended that vegetation clearance is not carried out during the bird nesting season (March to September). If clearance becomes necessary between these times, a survey should be carried out for active nests prior to the commencement of works.
- E4.4 A noise survey carried out on the site suggests that operational noise levels will not exceed those currently caused by traffic passing the site. Therefore, no disturbance impacts to overwintering Brent geese using the surrounding fields are predicted. However, to avoid potential disturbance during the construction phase, it is recommended that site preparation and ground works are carried out outside the overwintering season. The overwintering season includes the months of October to March.
- E4.5 The development proposals for the application site itself do not provide scope for ecological enhancements within the boundary, however, additional enhancement recommendations are given to contribute to biodiversity gain within the area surrounding the site.

E5 Conclusions

- E5.1 It is concluded that the proposed scheme is unlikely to lead to significant ecological impacts or permanent loss of biodiversity value if the current landscaping proposals and recommended mitigation and precautionary measures are implemented.

1 Introduction

1.1 Background

- 1.1.1 This report presents a baseline ecological appraisal of a proposed development at Howard's Yard, Mill Rythe Lane, Hayling Island in Hampshire (Grid Reference 472550, 101077).
- 1.1.2 The study was undertaken in order to identify any features present on site which are ecologically interesting or significant and which may act as constraints or opportunities to the proposed building works, and to consider the need for further surveys and available mitigation measures for potential impacts. To meet this need, an Extended Phase 1 Habitat Survey of the site and surrounding area was undertaken, involving a desk study of available ecological records data and a walkover site survey on 14 January 2014 by an experienced ecologist.

1.2 Objectives

- 1.2.1 The approach to establishing the ecological baseline found within this report has been achieved through:
- ▶ A desk study involving a review of records of habitats and species from the local area (1.5km radius from the centre of the site);
 - ▶ An Extended Phase 1 Habitat survey (IEA, 1995) identifying the species and main habitats on the site and the presence of, or potential for, protected and/or notable species; and
 - ▶ A preliminary assessment of the nature conservation value of the site and surrounding habitats.
- 1.2.2 The baseline information was then used to fulfil the following objectives:
- ▶ Identification of any features present on site which are ecologically interesting or significant and which may act as constraints or opportunities to the proposed developments; and
 - ▶ Identification of any further surveys which may be necessary and to broadly outline mitigation measures for potential impacts.

1.3 Site Description

- 1.3.1 The application site is Howard's Yard, Mill Rythe Lane, Hayling Island in Hampshire. The site is hard-standing, containing a warehouse and storage sheds and has been used for a number of years as a car dismantling and scrap metal site (operations had been discontinued at the time of survey). The site sits within a commercial and industrial area which is also occupied by a number of marine businesses. The land to the west and south west is short grazed grassland, with agricultural fields further to the south. The land to the east and south east is hard-standing and

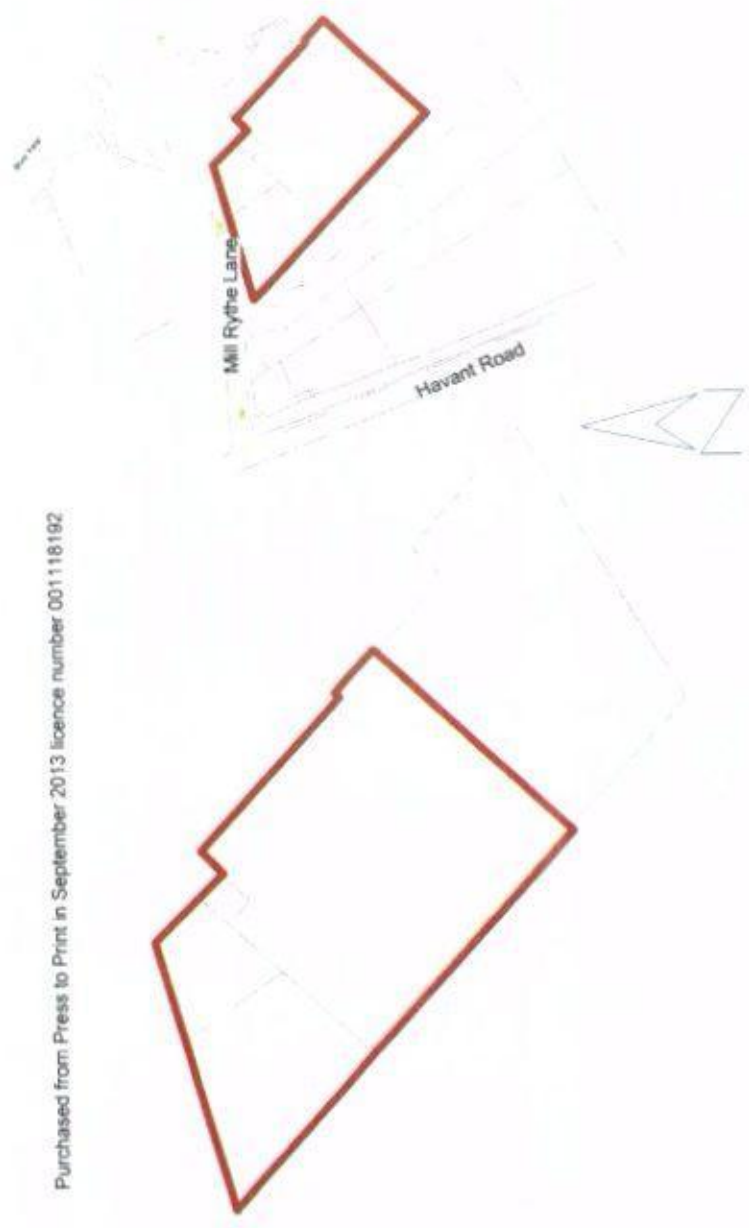
industrial units. To the north of the site is an area of woodland. Beyond the industrial estate to the east is the Emsworth channel, which forms part of the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site.

- 1.3.2 The application site is shown outlined in red in Figure 1.1.

1.4 Proposed Activities

- 1.4.1 The proposed new development for the site is a vehicle storage depot, and material recovery and recycling facility. This will involve the operation of vehicles and recycling and storage of materials and spoil, the majority of which will arise from road repair contracts. The proposals would also involve installing two number twenty-ton hot boxes that would store tarmac for use on a daily basis, and the storage of plant, signs and barriers.
- 1.4.2 Under the current proposals the hard-standing, main warehouse and metal fencing which surrounds the site will remain in place. To facilitate the development a hedgerow to the north end of the application boundary is scheduled for removal. The area of ruderal dominated grassland also to the north is proposed for development as an extension to the existing car park.
- 1.4.3 The general arrangement of the site post-development is illustrated on Figure 1.2.

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Brenchley Civil
 Engineering
 Howards yard

Location Plans

Project name	Project Number
23.6.13	23.6.13
Author	Author
Checker	Checker

A101 V4

Location Map Scale 1:1000 at A1

Site Map Scale 1:500 at A1

Figure 1.1: Application site boundary

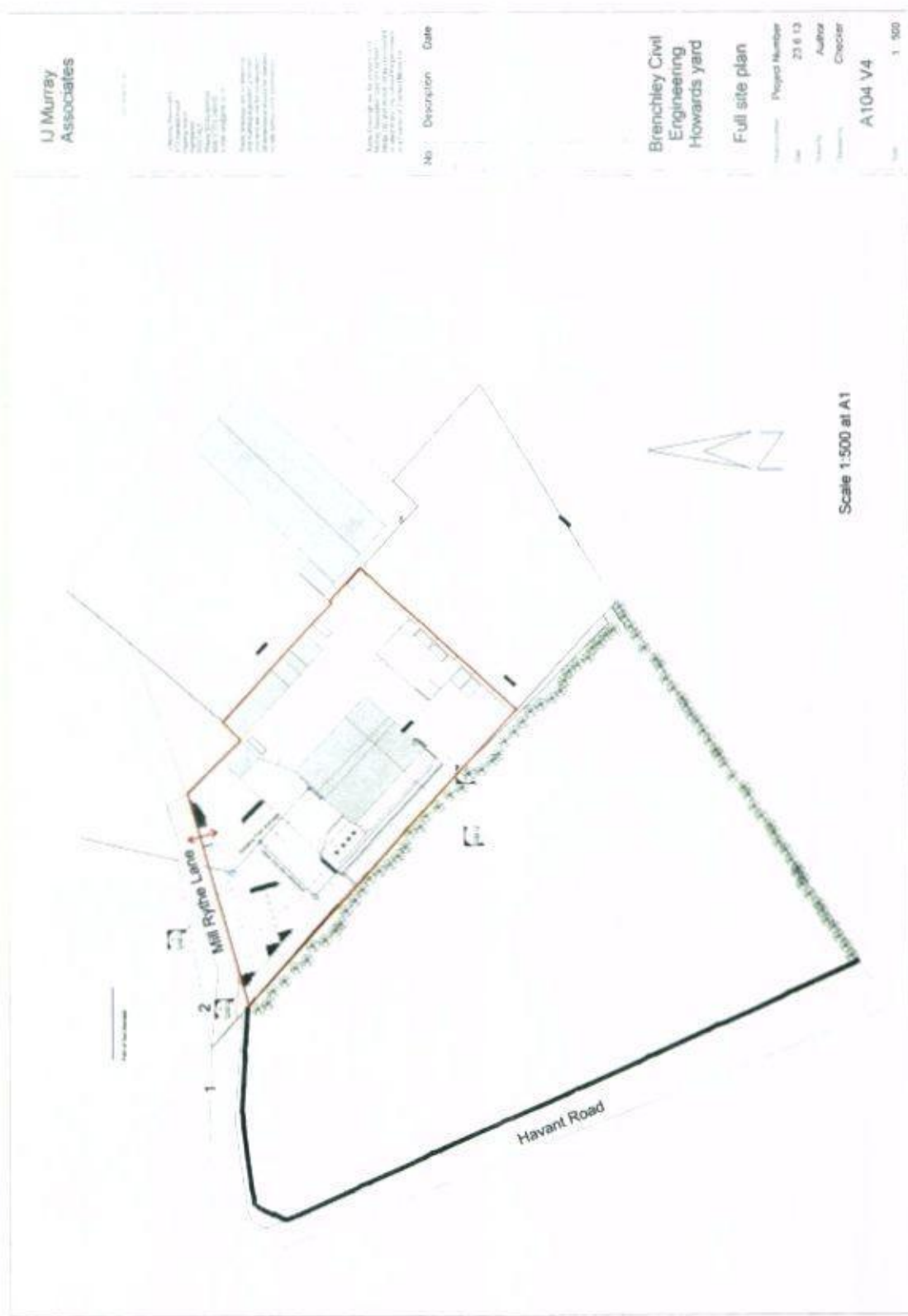


Figure 1.2: General arrangement of the site post-development

2 Survey Methodology

2.1 Desk Study

2.1.1 A desk-based study was undertaken to examine published information and biological records from within the search area (site centroid plus 1.5km). The desk study established the presence of any designated sites of nature conservation interest, or records of protected/notable species within the site and its surrounding area. This information was collected from the following sources:

- ▶ The 'MAGIC' (Multi-agency Geographic Information for the Countryside) website: www.magic.gov.uk; and
- ▶ Hampshire Biodiversity information Centre (HBIC).

2.2 Extended Phase 1 Habitat Survey

2.2.1 An Extended Phase 1 Habitat Survey of the site was undertaken on 14 January 2014 by an experienced ecologist. Weather conditions were mild and still, with no cloud cover or precipitation.

2.2.2 Within the survey area every parcel of land was classified, recorded and mapped in accordance with a list of ninety specified habitat types (Joint Nature Conservation Council, 1993), using standard colour codes. This allows rapid visual assessment of the extent and distribution of different habitat types. Target notes were used to provide supplementary information on features which are particularly interesting or significant to specific construction proposals, or too small to map, or to provide additional details, for example relating to species composition and structure.

2.2.3 This basic methodology was extended to also provide more detail in relation to habitats with potential to support rare or protected fauna, as described by Institute of Environmental Assessment (IEA, 1995). The assessment of habitat suitability for protected, rare, UK or Local BAP species will be based on current best practice guidance such as that presented in the Herpetofauna workers' manual (Gent and Gibson 1998) and Bat Surveys, Good Practice Guidance (Bat Conservation Trust 2012).

Scope of the survey

2.2.4 The buffer zone for the desk study was set at 1,500m – a distance within which any features likely to be affected by the proposed development would be identified.

2.2.5 The Extended Phase 1 Habitat Survey focused on the application site as shown at Figure 1.1; adjacent habitats were also surveyed in order to place the application site in its ecological context. This area is referred to within this document as the 'wider survey area'.

Evaluation criteria

- 2.2.6 Habitats and species were evaluated where possible in relation to a geographical frame of reference, i.e. international value being most important, then national, regional, county, district, local and lastly, within the immediate zone of influence of the proposals only (based on guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM), 2006).
- 2.2.7 Value judgements are based on various characteristics that can be used to identify ecological resources or features likely to be of importance to biodiversity. These include site designations (such as Sites of Special Scientific Interest (SSSI)), or for undesignated features, the size, conservation status (locally, nationally or internationally important), and the quality of the ecological resource. In terms of the latter, 'quality' can refer to habitats (for instance if they are particularly diverse, or a good example of a specific habitat type), other features (such as wildlife corridors or mosaics of habitats) or species populations or assemblages.

2.3 Limitations

- 2.3.1 Populations of animals and plants are often transient in nature and a single survey visit can only provide a general indication of species present on site. Time of year when the survey was carried out and other variations will influence the results of the survey (e.g. it is possible that some flowering plant species which flower at other times of the year were not observed).
- 2.3.2 The survey was carried out at an acceptable time of year for a survey of its kind when most plant species will be visible and identifiable. No biological survey can guarantee that all cues and signs of protected or notable species will be recorded, but the authors are confident that the key indicators of these species being present on site were noted. The possibility nonetheless exists for other species to be present on the site which were not recorded or otherwise indicated by the survey.
- 2.3.3 See Appendix III for general Legal and Technical Limitations which apply to this document.

2.4 Personnel

- 2.4.1 The site survey was carried out by Sam Pottier BSc (Hons) MSc ACIEEM, who has three years' professional consultancy experience of carrying out Extended Phase 1 Habitat and protected species surveys.

3 Results

3.1 Desk Study

Landscape setting

- 3.1.1 The survey area is in the South Coast Plain and Hampshire Lowlands¹. The landscape character of the Natural Area is split between the generally open, often featureless landscape of the coastal plain and the more varied inland landscape. The coastal plain includes several large coastal inlets or harbours of distinctive individual character, as well as the large urban conurbations around Southampton and Portsmouth. The centre of the Natural Area is dominated by the extensive tidal basins of Portsmouth, Langstone and Chichester Harbours. The character of these harbours is very varied; Portsmouth Harbour has a heavily developed shoreline with the dock-yards and associated industrial development dominating the landscape. At the other extreme the undeveloped shoreline of Chichester Harbour provides a tranquil respite from the nearby developed areas, with picturesque harbour side settlements typically clustered around small boatyards while numerous moorings and marinas dot the harbour (Jonathan Cox Associates, 1997).

Statutory and Non-statutory Site Designations

- 3.1.2 The desk-top study revealed a number of sites designated for nature conservation within 1.5km of the application site. These include Chichester and Langstone Harbours Special Protection Area and Ramsar site and the Solent Maritime Special Area of Conservation (SAC). The two harbours are also separately designated as nationally important Sites of Special Scientific Interest (SSSI). There are two Local Nature Reserves (LNR) within the search area as well; see Table 3.1 and Figure 3.1.
- 3.1.3 There are 28 Sites of Importance for Nature Conservation (SINC) within 1.5km of the site. The majority of these are designated due to the presence of habitats which are used by dark-bellied Brent geese, which are a qualifying bird species for the Chichester and Langstone Harbours SPA and Ramsar. A map of SINC's within 1.5km of the site is shown in Figure 3.2.

Table 3.1: Nearby site designations

Site name	Location	Description
Chichester and Langstone Harbour SPA and Ramsar	70m north east	This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive: Little tern <i>Sterna albifrons</i> , sandwich tern <i>Sterna sandvicensis</i> , little egret <i>Egretta garzetta</i> , bar-tailed godwit <i>Limosa lapponica</i> , ringed plover <i>Charadrius hiaticula</i> , black-tailed godwit <i>Limosa limosa</i>

¹ <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/englands/naturalareas.aspx>

Site name	Location	Description
		<i>islandica</i>, dark-bellied Brent goose <i>Branta bernicla bernicla</i>, dunlin <i>Calidris alpina alpina</i>, grey plover <i>Pluvialis squatarola</i>, redshank <i>Tringa totanus</i>, ringed plover <i>Charadrius hiaticula</i>. The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl.
Solent Maritime SAC	70m north east	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. Sediment habitats within the estuaries include extensive estuarine flats, often with intertidal areas supporting eelgrass <i>Zostera</i> spp. and green algae, sand and shingle spits, and natural shoreline transitions. The mudflats range from low and variable salinity in the upper reaches of the estuaries to very sheltered almost fully marine muds in Chichester and Langstone Harbours. 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. It is also one of the few remaining sites for Townsend's cord-grass <i>S. x townsendii</i> and holds extensive areas of common cord-grass <i>Spartina anglica</i>. The Solent also contains the second-largest aggregation of Atlantic salt meadows in south and south-west England.
Chichester Harbour SSSI	73m north east	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 woodlands. There is a wide range of habitats which have important plant communities.
Langstone Harbour SSSI	1.2km west	Langstone Harbour is a tidal basin which at high water resembles an almost landlocked 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 advanced state of degeneration. The Site of Special Scientific Interest including Farlington Marshes, a peninsula of grassland and marsh on reclaimed tidal silt protected by a sea wall; and a similar but much smaller area at Southmoor in the north-east of the harbour.
Hayling Billy LNR	1.1km north west	Afforded 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.
Gutner Point LNR	830m north east	Grassland, saltmarsh and inter-tidal mudland extending into Chichester Harbour.

Site name	Location	Description
Gutner Farm SINC HV0108	1km north east	A site which regularly supports numbers of dark bellied Brent geese <i>Branta bernicla bernicla</i> .
Gutner Lane Meadow SINC HV0113	1.2km north east	Semi-natural coastal and estuarine habitats, including saltmarsh, intertidal mudflats, sand dunes, shingle, brackish ponds, grazing marsh and maritime grasslands. The site also regularly supports numbers of dark bellied Brent geese.
Hayling Billy D SINC HV0064	900m west	A site which regularly supports numbers of dark bellied Brent geese.
Hayling Secondary School Playing Field SINC HV0091	700m south	A site which regularly supports numbers of dark bellied Brent geese.
South of Daw Lane D SINC HV0085	200m north west	A site which regularly supports numbers of dark bellied Brent geese.
Hayling Billy C SINC HV0065	960m north west	A site which regularly supports numbers of dark bellied Brent geese.
Long Marsh HV0066	1.2km north west	Semi-natural coastal and estuarine habitats, including saltmarsh, intertidal mudflats, sand dunes, shingle, brackish ponds, grazing marsh and maritime grasslands. Supports divided sedge <i>Carex divisa</i> , common glasswort <i>Salicornia europaea</i> agg, sea wormwood <i>Sepipidium maritimum</i> and sea mayweed <i>Triploseprum maritimum</i> .
Pill Box Field SINC HV0067	1.2km north west	Semi-improved grasslands which retain a significant element of unimproved grassland.
North Copse, Havant SINC HV0098	1km north east	Ancient, semi-natural woodlands.
Plot 6114 South of Knott's Marsh SINC HV0068	1.3km north west	Grassland which has become impoverished through inappropriate management but which retains sufficient elements of relic unimproved grassland to enable recovery
Pound Marsh B SINC HV0093	60m south east	A site which regularly supports numbers of dark bellied Brent geese.
Tournerbury Farm B SINC HV0104	890m south east	A site which regularly supports numbers of dark bellied Brent geese.

Site name	Location	Description
Hayling Billy Line SINC HV0072	1.3km north west	A site which supports divided sedge <i>Carex divisa</i> .
Mill Rythe Lane Saltmarsh SINC HV0095	100m south east	Semi-natural coastal and estuarine habitat, which may include saltmarsh, intertidal mudflats, sand dunes, shingle, brackish ponds, grazing marsh and maritime grasslands. The site also regularly supports numbers of dark bellied Brent geese.
Hayling Billy E SINC HV0063	900m west	A site which regularly supports numbers of dark bellied Brent geese.
Tournerbury Farm A SINC HV0099	500m south east	A site which regularly supports numbers of dark bellied Brent geese.
Hayling Billy G SINC HV0061	1.1km south west	A site which regularly supports numbers of dark bellied Brent geese.
South of Daw Lane A SINC HV0079	520m north west	A site which regularly supports numbers of dark bellied Brent geese.
Mill Rythe Holiday Village SINC HV0107	600m east	Semi-natural coastal and estuarine habitat, which may include saltmarsh, intertidal mudflats, sand dunes, shingle, brackish ponds, grazing marsh and maritime grasslands. The site supports dark bellied Brent geese, spiny retharrow <i>Ononis spinosa</i> and sea mayweed.
West of North Hayling V SINC HV0088	760m north	A site which regularly supports numbers of dark bellied Brent geese.
South of Daw Lane H SINC HV0073	675m south west	A site which regularly supports numbers of dark bellied Brent geese.
South of Daw Lane C SINC HV0078	512m north west	A site which regularly supports numbers of dark bellied Brent geese.
Landfill Meadow SINC HV0060	1.3km south west	Semi-natural coastal and estuarine habitat which may include saltmarsh, intertidal mudflats, sand dunes, shingle, brackish ponds, grazing marsh and maritime grassland. The site supports pale flax <i>Linum bienne</i> .
Saltmarsh Lane E SINC HV0057	1.5km south west	A site which regularly supports numbers of dark bellied Brent geese.

Site name	Location	Description
Verner Common West SINC HV0087	220m north west	A site which regularly supports numbers of dark bellied Brent geese <i>Branta bernicla bernicla</i> .
Fields & Saltmarsh South of Copse Lane SINC HV0096	630m north east	Semi-natural coastal and estuarine habitat, which may include saltmarsh, intertidal mudflats, sand dunes, shingle, brackish ponds, grazing marsh and maritime grasslands and regularly supports numbers of dark bellied Brent geese <i>Branta bernicla bernicla</i> .
Hayling Billy F SINC HV0062	920m west	A site which regularly supports numbers of dark bellied Brent geese <i>Branta bernicla bernicla</i> .
West of North Hayling P SINC HV0102	1.5km north east	A site which regularly supports numbers of dark bellied Brent geese <i>Branta bernicla bernicla</i> .

Existing records of rare, protected or notable species

- 3.1.4 Biological records were obtained from the desk study search area which are summarised in Table 3.2.

Table 3.2: Relevant recent records of rare/protected species recorded within 1.5km of the centroid position

Group	Species	Protection
Birds	Stone curlew <i>Burhinus oedicephalus</i> , woodlark <i>Lullula arborea</i> .	Birds Dir.Ax.1, UKBAP, HBAP, WACA Sch 1
	Black-throated diver <i>Gavia arctica</i> , red-backed shrike <i>Lanius collurio</i>	Birds Dir.Ax.1, UK BAP, WACA Sch 1
	Dartford warbler <i>Sylvia undata</i> , honey buzzard <i>Pernis apivorus</i> , hen harrier <i>Circus cyaneus</i> , little tern <i>Sterna albifrons</i> , Mediterranean gull <i>Larus melanocephalus</i> , merlin <i>Falco columbarius</i> , Slavonian grebe <i>Podiceps auritus</i> .	Birds Dir.Ax.1, HBAP, WACA Sch 1
	Common kingfisher <i>Alcedo atthis</i> , marsh harrier <i>Circus aeruginosus</i> , great northern diver <i>Gavia immer</i> , osprey <i>Pandion haliaetus</i> , peregrine <i>Falco peregrinus</i> , pied avocet <i>Recurvirostra avosetta</i> , ruff <i>Philomachus pugnax</i> .	Birds Dir.Ax.1, WACA Sch 1
	Bar-tailed godwit <i>Limosa lapponica</i> , little egret <i>Egretta garzetta</i> .	Birds Dir.Ax.1, HBAP
	Arctic tern <i>Sterna paradisaea</i> , barnacle goose <i>Branta leucopsis</i> , common tern <i>Sterna hirundo</i> , ruddy shelduck <i>Tadorna ferruginea</i> , Sandwich tern <i>Sterna sandvicensis</i>	Birds Dir.Ax.1

	Cuckoo <i>Cuculus canorus</i> , starling <i>Sternus vulgaris</i> , wryneck <i>Jynx torquilla</i> , curlew <i>Numenius arquata</i> , house sparrow <i>Passer domesticus</i> , lesser redpoll <i>Carduelis cabaret</i> , yellowhammer <i>Emberiza citronella</i> .	UKBAP
	Common grasshopper warbler <i>Locustella naevia</i> , corn bunting <i>Emberiza calandra</i> , tree sparrow <i>Passer montanus</i> , lapwing <i>Vanellus vanellus</i> , skylark <i>Alauda arvensis</i> , song thrush <i>Turdus philomelus</i> , spotted flycatcher <i>Muscicapa striata</i> .	UKBAP, HBAP
	Greater scaup <i>Aythya marila</i> , Common scoter <i>Melanitta nigra</i> .	WACA Sch 1, UKBAP, HBAP
	Hobby <i>Falco subbuteo</i> , golden plover <i>Pluvialis apricaria</i> , firecrest <i>Regulus ignicapilla</i> , Black-tailed godwit <i>Limosa lapponica</i> .	WACA Sch 1, HBAP
	Barn owl <i>Tyto alba</i> , brambling <i>Fringilla montifringilla</i> , greenshank <i>Tringa nebularia</i> , garganey <i>Anas querquedula</i> , green sandpiper <i>Tringa ochropus</i> , long-tailed duck <i>Clangula hyemalis</i> , Fieldfare <i>Turdus pilaris</i> , redwing <i>Turdus iliacus</i> , whimbrel <i>Numenius phaeops</i> .	WACA Sch 1
	Dunlin <i>Calidris alpina</i> , red breasted merganser <i>Mergus serrator</i> , sanderling <i>Calidris alba</i> .	HBAP
Mammals	Pipistrelle (not identified to species) <i>Pipistrellus</i> sp.	Habs.Dir.Ax.2, WACA Sch.5 full
	Serotine <i>Eptesicus serotinus</i> .	Habs.Dir.Ax.2, WACA Sch.5 full, HBAP
	Soprano pipistrelle <i>Pipistrellus pygmaeus</i> .	Habs.Dir.Ax.2, WACA Sch.5 full, UK BAP, HBAP
	Brown long-eared bat <i>Plecotus auritus</i> .	Habs.Dir.Ax.2, WACA Sch.5 full, UKBAP
Invertebrates	Stag beetle <i>Lucanus cervus</i> .	Habs.Dir.Ax.2, UK BAP, HBAP, NS
	August thorn <i>Ennomos quercinaria</i> , beaded chestnut <i>Agrochola lychnidis</i> , blood vein <i>Timandra comae</i> , brindled beauty <i>Lycia hirtaria</i> , cinnabar <i>Tyria jacobaeae</i> , crescent <i>Celaena leucostigma</i> , dark spinach <i>Pelurga comitata</i> , dot moth <i>Melanchra persicariae</i> , dusky brocade <i>Apamea remissa</i> , feathered gothic <i>Tholera decimalis</i> , galium carpet <i>Epirrhoe galiata</i> , garden tiger <i>Arctia caja</i> , gorse knot-horn <i>Pempelia genistella</i> , green-brindled crescent <i>Allophyes oxyacanthae</i> , hedge rustic <i>Tholera cespitis</i> , knot grass <i>Acronicta rumicis</i> , lackey <i>Malacosoma neustria</i> , large wainscoat <i>Rhizedra lutos</i> , minor shoulder knot <i>Brachylomia viminalis</i> , mottled rustic <i>Caradrina Morpheus</i> ,	UK BAP

	mullein wave <i>Scopula marginepunctata</i>, oak hook tip <i>Watsonalla binaria</i>, oak lutestring <i>Cymatophorima diluta</i>, powdered quaker <i>Orthosia gracilis</i>, rosy rustic <i>Hydraecia micacea</i>, rustic <i>Hoplodrina blanda</i>, sallow <i>Xanthia icteritia</i>, shaded broad-bar <i>Scotopteryx chenopodiata</i>, small emerald <i>Hemistola chrysoprasaria</i>, small heath <i>Coenonympha pamphilus</i>, small square spot <i>Diarsia rubi</i>, streak <i>Chesias legatella</i>, tree-lichen beauty <i>Cryphia algae</i>, wall <i>Lasiommata megera</i>, white admiral <i>Limenitis camilla</i>, white ermine <i>Spilosoma lubricipeda</i>. Buttoned snout <i>Hypena rostralis</i>, grass eggjar <i>Lasiocampa trifolii</i>. HBAP Dark crimson underwing <i>Catocala sponsa</i>. UKBAP, HBAP	
Plants	Townsend's cord grass <i>Spartina maritima</i> x <i>alterniflora</i> = <i>S. x townsendii</i>. UK BAP, NS Curved hard grass <i>Parapholis incurva</i>, dwarf eelgrass <i>Zostera noltei</i>, eelgrass <i>Zostera marina</i>, glasswort <i>Salicornia pusilla</i> x <i>ramosissima</i>, golden samphire <i>Inula crithmoides</i>, green-winged orchid <i>Orchis morio</i>, one-flowered glasswort <i>Salicornia pusilla</i>, stiff saltmarsh grass <i>Puccinellia rupestris</i>. HBAP, NS Divided sedge <i>Carex divisa</i>, Slender hare's ear <i>Bupleurum tenuissimum</i>. UK BAP, HBAP, NS	
Reptiles	Adder <i>Vipera berus</i>, common lizard <i>Zootoca vivipera</i>. WACA Sch.5 partial, UK BAP	
Birds Dir.Ax.1	Birds Directive 2009/147/EC Annex 1	
Habs.Dir.Ax.2	Habitats Directive 92/43/EEC Annex 2	
NR	Nationally Rare	
NS	Nationally Scarce	
UK BAP	UK Biodiversity Action Plan 2007	
HBAP	Hampshire Biodiversity Action Plan 1998	
WACA Sch.X	Wildlife and Countryside Act 1981, Schedules 1, 5 (fully or partially protected) 6 or 8	



Legend

- ☒ Local Nature Reserves (England)
- ☒ Ramsar Sites (England)
- ☒ Sites of Special Scientific Interest (England)
- ☐ Special Areas of Conservation (England)
- ☐ Special Protection Areas (England)

Figure 3.1: Statutory Nature Conservation Designations

Projection = OSGB36
 xmin = 465100
 ymin = 98730
 xmax = 477600
 ymax = 103700

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Howard's Yard SINC

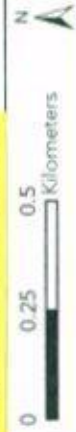
Search area



SINC

Application boundary

Contains data from Hampshire
Biodiversity Information Centre 2014



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Unit 5 Westergate
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Brighton
BN2 4QN

Scale 1:15,150	Date Jan 2014
Created by SP	Reviewed by NP
Drawing number UE-0137-Howards Yard _SINC's_211014	

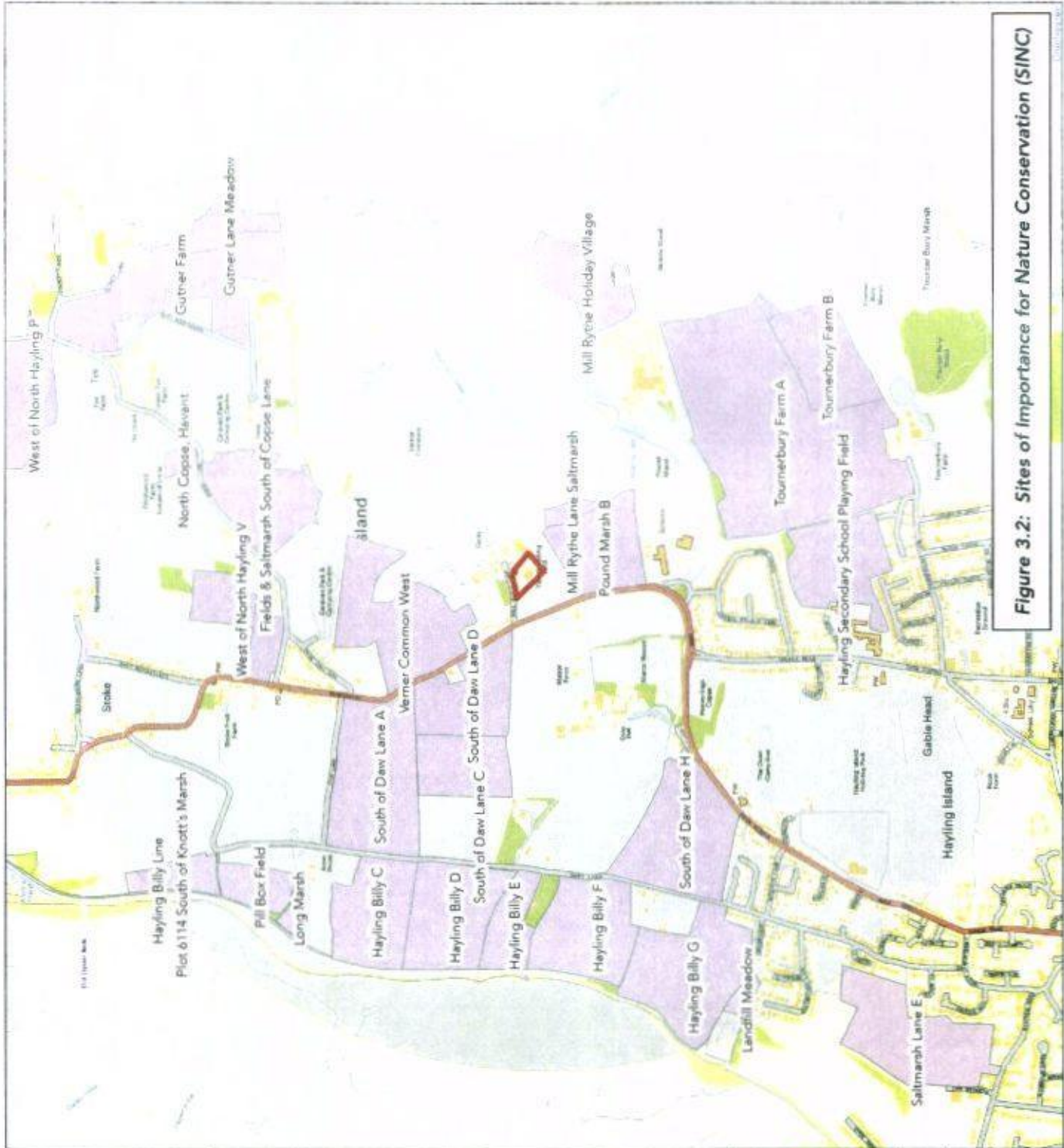


Figure 3.2: Sites of Importance for Nature Conservation (SINC)

Howard's Yard Priority Habitats

-  Application boundary
-  Coastal Saltmarsh
-  Coastal Vegetated Shingle
-  Coastal and Floodplain Grazing Marsh
-  Intertidal Mudflats
-  Lowland Mixed Deciduous Woodland
-  Reedbeds
-  Seagrass Beds

Contains data from Hampshire
Biodiversity Information Centre 2014



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Scale 1:5,150	Date Jan 2014
Created by SP	Reviewed by NP
Drawing number UE.0137_Howards Yard _Priority Habs_211014	
Brighton BN2 4QN	

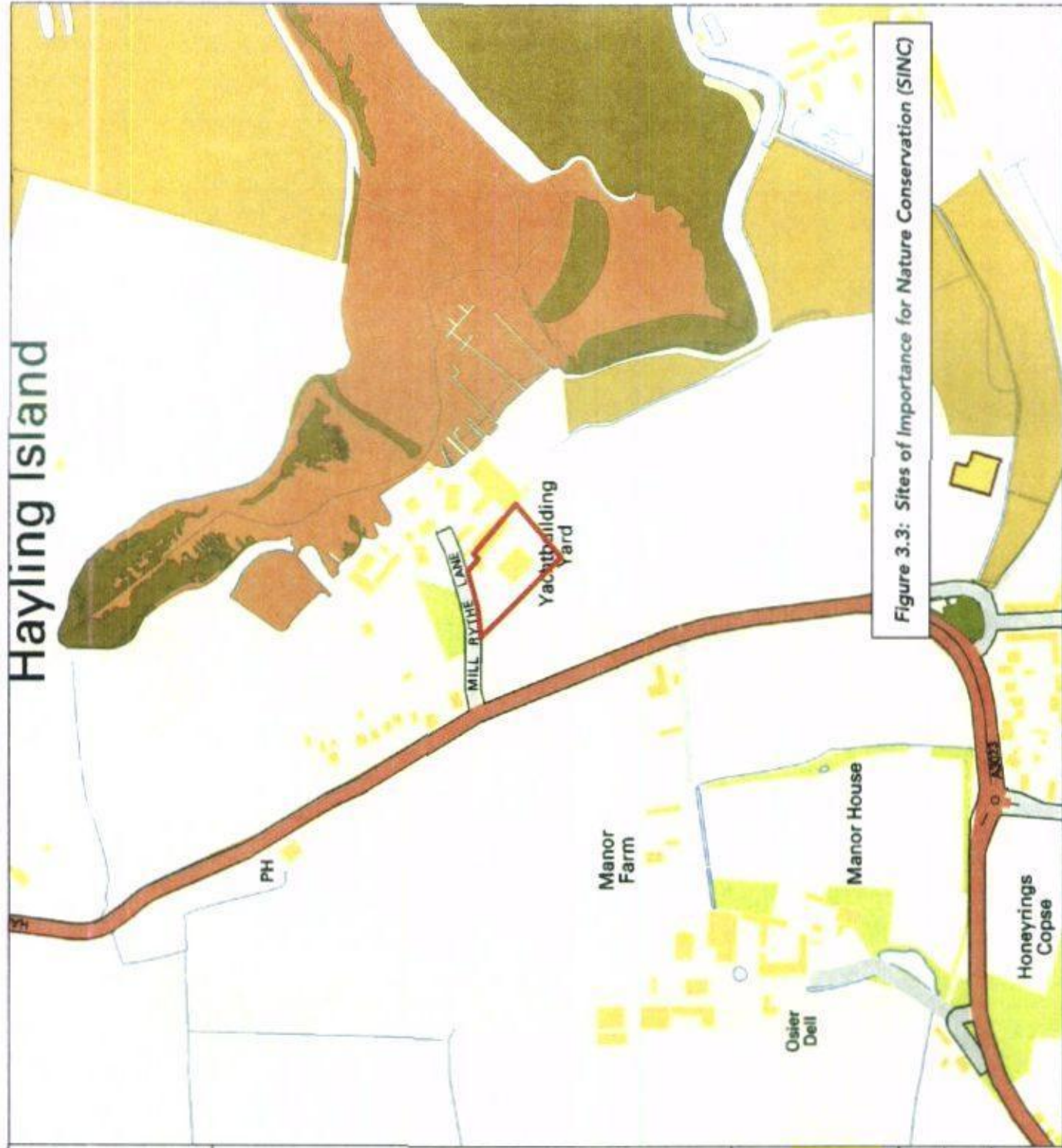


Figure 3.3: Sites of Importance for Nature Conservation (SINC)

3.2 Extended Phase 1 Habitat Survey

3.2.1 The following Phase 1 habitats were identified within the wider survey area at the locations shown on the Phase 1 habitat map given at Appendix I. Descriptions of these habitats are separated into those which fall within the application site boundary and those within the wider survey area, which allows habitats affected by the proposed development to be identified and placed within a wider ecological context.

- ▶ Hard-standing;
- ▶ Broad-leaved, semi-natural woodland;
- ▶ Buildings;
- ▶ Hedgerows;
- ▶ Scattered trees;
- ▶ Semi-improved grassland;
- ▶ Coastal grassland;
- ▶ Inter-tidal mudflats; and
- ▶ Saltmarsh.

The application site

Buildings and hard-standing

- 3.2.2 The land within the application site boundary is almost entirely hard standing containing a large warehouse and several open, corrugated metal storage buildings. The majority of the site is surrounded by a high metal fence, although the south western boundary is formed of a breezeblock wall, separating it from land owned by the Hayling Yacht Company.
- 3.2.3 The main warehouse on the site is a metal building with a concrete base. The roof of the building is well sealed and not considered suitable for roosting bats. The building has well sealed uPVC window and door frames (which do not have gaps suitable for roosting bats), alongside several large entrances with corrugated metal shutters. The entrances have gaps potentially allowing access into the warehouse interior. At the base of one of these entrances on the north east facing side of the warehouse are two piles of little owl *Athene noctua* pellets and splashing (Target Note 1). The brick base of the warehouse is in good repair and does not provide cracks suitable for roosting bats.
- 3.2.4 The interior of the warehouse was open to the roof with no roof void. The roof itself was metal over metal beams which were not considered suitable for roosting bats and the walls are also constructed from sheet metal. To the northern end of the building is a newly converted area, this has wooden beams and breeze block walls all of which are new, very well sealed and not considered suitable for roosting bats.

- 3.2.5 The store sheds around the perimeter of the site are also constructed of metal cladding built around a metal frame. Although occasional gaps are present between the metal cladding and frame, these are exposed to the elements and likely to have widely fluctuating daytime temperatures due to heating by the sun, making them unsuitable as bat roosts.

Grassland

- 3.2.6 There is a ruderal dominated area of rough grassland to the west of the existing car park (Target Note 2). Grasses present include perennial rye-grass *Lolium perenne* and couch *Arrhenatherum elatius*. However, the area is dominated by ruderal species such as prickly ox-tongue *Picris echioides*, ragwort *Senecio jacobaea*, dandelion *Taraxacum* agg, ribwort plantain *Plantago lanceolata* and creeping thistle *Cirsium arvense*. The area also contains several piles of tipped rubble and corrugated metal. The sward height in this area is variable and, although of low suitability, provides potential habitat for widespread reptiles such as common lizard or slow worm. Rubble piles and sheet metal also provide potential hibernation, basking and shelter opportunities for reptiles. It is therefore considered that there is a low risk of reptiles being present on the site.
- 3.2.7 The area of ruderal dominated grassland gives way to semi-improved grass verges running along Mill Rythe Lane. Species present include; couch *Arrhenatherum elatius*, ragwort, prickly ox-tongue, creeping buttercup, cleavers *Galium aparine*, dandelion, common mallow *Malva sylvestris* and butterbur *Petasites hybridus*.

Hedgerows and scattered trees

- 3.2.8 There is a hedgerow of semi mature trees (Target Note 3), to the west of the existing car park which separates it from the grassland described above. Species present include oak *Quercus* spp, field maple *Acer campestre* and cypress *Cupressus* spp. The trees are semi-mature and do not contain features suitable for use by roosting bats such as rot holes or cracks in trunk or limbs. However, the trees do provide suitable bird nesting habitat and a disused nest was recorded at the southern end of the tree line.
- 3.2.9 At the northern end of the car park is an oak tree (Target Note 4). There are numerous features present which provide potential habitat for roosting bats including; cracks within major limbs, lifted bark and a large split in the trunk. A little owl was observed to leave the tree during the survey, although no cavities suitable for nesting were observed from the ground. Proposals for the site will see this tree being left in situ within a landscaped area post-development.



Plate 1: The majority of the application site is hard-standing.



Plate 2: A large warehouse at the centre of the site.

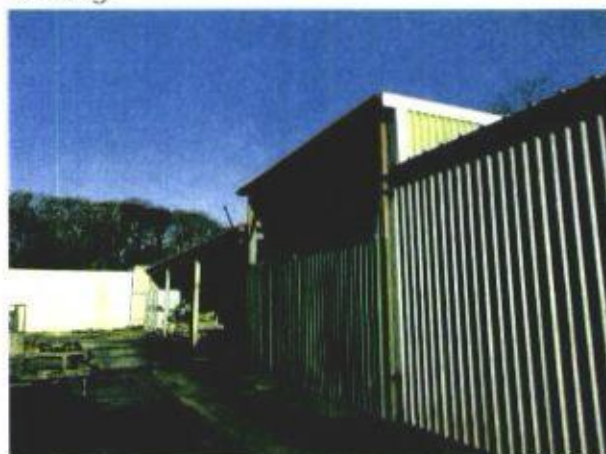


Plate 3: Metal clad, open fronted storage sheds.



Plate 4: Warehouse interior.



Plate 5: Little owl pellets and splashing (TN1).



Plate 6: Ruderal dominated grassland and rubble piles to the west of the existing car park (TN2).



Plate 7: Immature tree line to the west of the car park (TN3).



Plate 8: Mature ivy clad oak tree to the northern corner of the existing car park (TN4).

The wider survey area

Broadleaved semi-natural woodland

- 3.2.10 To the north of the application site boundary on the other side of Mill Rythe Lane is a small woodland (Target Note 5). The ground flora is dominated by ivy *Hedera helix* with abundant bramble *Rubus fruticosus* agg. scrub also present. The majority of the trees were in good condition, however, an oak tree adjacent to Mill Rythe Lane had a number of features suitable for use by roosting bats including dead, split limbs and rot holes. A number of bird species were observed in the woodland, including nesting rooks *Corvus frugilugus* and foraging blue tit *Parus caeruleus*, robin *Erithacus rubecula* and great tit *Parus major*. The woodland also provides potential hibernation and shelter opportunities for reptiles and amphibians.

Grassland

- 3.2.11 To the east of the application site is an improved grassland field currently being used as pasture for sheep and donkeys. The grass is very short grazed and not considered to have the structure or height to provide suitable habitat for reptiles. Forb species present included occasional buttercup, creeping thistle, clover *Trifolium* spp and ribwort plantain. Although the very short nature of the sward hampered identification, grasses recorded included perennial rye grass *Lolium perenne* and bents *Agrostis* spp. The grassland provides suitable foraging habitat for dark-bellied Brent geese *Branta bernicla*, which are a qualifying feature of the Chichester and Langstone Harbours SPA/Ramsar. Although no geese were observed using the pasture, large flocks of dark-bellied Brent geese were observed foraging in grassland to the west of Havant Road.

Scattered trees

- 3.2.12 A line of four mature oaks is located to the north east of the application boundary. These are mature specimens, surrounded by industrial units. The trees are considered to have moderate to high bat roosting potential due to significant cracks, rot holes, dead wood and ivy cladding. However, the trees could only be assessed from a distance due to access restrictions.

- 3.2.13 There is also a mature oak within the pasture to the west of the application site (Target Note 6). This tree is in good condition with some cracks and dead, minor limbs providing moderate opportunities for roosting bats.

Hedgerows

- 3.2.14 There is a hedgerow to the south western boundary of the application site which screens the application site from the surrounding fields. Woody species include semi-mature or immature field maple, hazel *Corylus avellana*, and blackthorn *Prunus spinosa*. Blue tits and great tits were observed foraging in the hedgerow and a disused nest, possibly that of a blackbird or thrush was observed. The hedgerow also provides potentially suitable terrestrial habitat for hibernating or sheltering amphibians.
- 3.2.15 There is also a mature hedgerow/tree line which screens the wider survey area from Havant Road. This contains mature field maple, hazel and blackthorn with occasional mature, standard oak trees present along its length. A number of the mature oak trees have moderate to high bat roosting potential due to the presence of dead wood, rot holes, significant cracks or crevices and ivy cladding.

Other habitats

- 3.2.16 To the south of the application site is a large arable field (Target Note 7) currently under cultivation for *Brassica*. The field is designated as a SINC (Pound Marsh B) as it frequently supports large numbers of dark-bellied Brent geese. To the west of Pound Marsh B SINC is an area of coastal and floodplain grazing marsh also designated as a SINC. This is known as Mill Rythe Lane Saltmarsh (Target Note 8) and is designated due to the presence of, "semi-natural coastal and estuarine habitat, which may include saltmarsh, intertidal mudflats, sand dunes, shingle, brackish ponds, grazing marsh and maritime grasslands" (HBIC 2014). The site also regularly supports numbers of dark bellied Brent geese.
- 3.2.17 Beyond the yards of the Hayling Yachtbuilding Company lies Chichester Harbour. This area contains intertidal mudflats and areas of saltmarsh which are both BAP Priority Habitats. This area supports internationally important assemblages of waterfowl and waders, including little egret *Egretta garzetta* and red-breasted merganser *Mergus serrator* which were both observed in the harbour during the survey. Priority habitats close to the site are presented in Figure 3.3.



Plate 9: Broad-leaved woodland to north (TN5).



Plate 10: Short, improved pasture grassland.



Plate 11: Mature oaks outside the north eastern application site boundary.

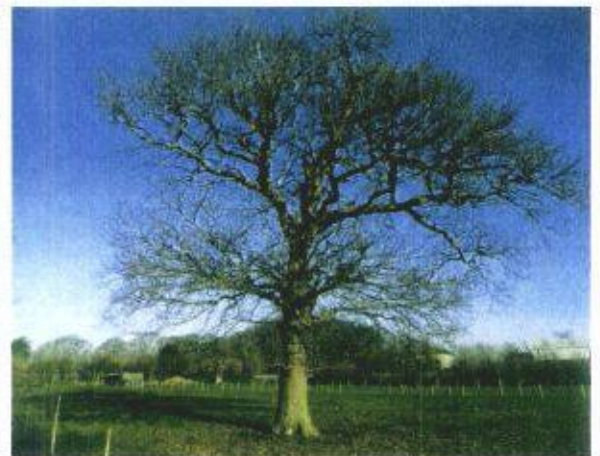


Plate 12: Large, mature oak within pasture grassland to the south west of application boundary (TN6).



Plate 13: Screening hedgerow to the south western application boundary.



Plate 14: Screening hedgerow along Havant Road.



Plate 15: Arable *Brassica* field south of application site boundary (TN7).



Plate 16: Chichester Harbour.

4 Evaluation

4.1 Introduction

- 4.1.1 This section evaluates the application site in terms of the habitats and species present or potentially present on site or its immediate vicinity, in the context of relevant legislation and planning policy. See Appendix II for a review of the legislation and planning context.

4.2 Designated Sites

- 4.2.1 The proposals for the development are considered unlikely to have an adverse effect on the habitats within any of the statutory and non-statutory sites described in Section 3.1 of this report. However, both the Chichester and Langstone Harbours SPA and a number of the SINC's (most notably the Pound Marsh B and Mill Rythe Lane Saltmarsh which are adjacent to the site), are designated for the bird assemblages which they support. Potential impacts on individual species or groups of species which may arise as a result of the proposals are discussed in Section 4.5 of this report.

4.3 Overall Ecological Importance of the Application Site

- 4.3.1 The application site itself is predominantly hard-standing, containing sheet metal storage sheds and a large warehouse. There is a small area of ruderal dominated, rough grassland to the northwest corner of the application boundary. An immature hedgerow and a mature oak in poor condition, both of which are scheduled to be removed under the current development proposals, are located at the northern end of the application boundary. The ecological value of the application site is considered to be of importance within the zone of influence of proposed development only.

4.4 Habitats

- 4.4.1 The majority of the application site is hard-standing of negligible ecological importance. No rare or protected plant species were recorded in the ruderal dominated grassland at the northern end of the site and it is not considered likely that these are present.
- 4.4.2 The hedgerow and mature oak also located at the northern end of the site, which are to be lost, are considered to be of importance within the zone of proposed development only, being composed of relatively common and widespread tree species.
- 4.4.3 As shown in Figure 3.3, sensitive habitats of conservation importance are present within the wider survey area, particularly the saltmarsh and coastal floodplain and grazing marsh located east of the site beyond the yacht building yard. However this habitat is considered unlikely to

be affected by the proposals for the site, being separated from it by areas of hard-standing and industrial units and warehouses.

4.5 Species

4.5.1 Although the affected habitats are not considered to be of significant value they have the potential to support a number of rare or protected species. Protected and Biodiversity Action Plan species or groups present or potentially present within the area affected by the proposals for the application site include:

- ▶ Reptiles;
- ▶ Bats;
- ▶ Nesting and foraging birds; and
- ▶ Overwintering birds.

Reptiles

4.5.2 The ruderal dominated grassland to the northern end of the application site boundary has low potential to support reptiles, as the majority of the area lacks the vegetation structure considered most suitable to support reptiles (tussocky grassland). However, the presence of adjacent habitat, in the form of hedgerows and woodland which may provide suitable shelter opportunities for widespread reptiles, particularly slow worms *Anguis fragilis* increases the likelihood that it is used by reptiles. Furthermore, the presence of rubble and piles of corrugated metal provide shelter and basking opportunities which could be exploited by reptiles.

4.5.3 The data search yielded a record for a common lizard 0.8km north of the site in 2002. There is also a record of an adder from 1.2km south west from 2006.

4.5.4 Further surveys for reptiles are not considered necessary due to the small extent and low suitability of grassland habitat that will be affected by the proposed development. There is a low risk of reptiles being present on site. However, as a precautionary measure, it is recommended that clearance of the ruderal dominated grassland should be carried out under ecological supervision (as described in Section 5 of this report), to prevent incidental harm to any reptiles which might be present despite the generally low suitability of this area for these species.

Bats

4.5.5 The application site, being almost entirely comprised of hard-standing is of very poor suitability for foraging bats, however, the woodland to the north and grazing marshes further east beyond the site boundary are likely to support good numbers of invertebrate prey species.

4.5.6 A thorough inspection of all the buildings within the application site boundary was carried out. An external assessment showed no features suitable for use by roosting bats such as hanging tiles or cracks and crevices associated with fascias or weatherboards. Although there were small

gaps between the corrugated roof and metal frames of some of the storage sheds on the site, these are considered to be unsuitable for roosting bats due to wide temperature fluctuations as the metal warms and cools.

- 4.5.7 The internal inspection of the buildings found no signs associated with bat occupancy such as feeding remains, droppings or staining. There were potential access points into the main warehouse associated with gaps above large metal shutters. However, the interior of this building had no roof void or interior cladding that could be used by roosting bats and does not provide a foraging resource. Although the floor of the warehouse had been recently swept, an inspection of window sills, (which had not) provided no evidence of roosting bats such as staining, droppings or feeding remains.
- 4.5.8 However, the mature oak to the northern corner of the current car park area has numerous features which could provide suitable roosts for bats. These include a large longitudinal crack in the main trunk, rot holes and crevices associated with missing branches and significant ivy cladding which may obscure further roosting opportunities. This tree is to be retained in situ during and post-development; no impacts to any roosting bats which may be using the tree are predicted.
- 4.5.9 As the buildings within the application boundary are considered to be of negligible suitability for roosting bats it is not considered that further survey of the buildings prior to the commencement of works is necessary.

Nesting and foraging birds

- 4.5.10 The hedgerow and oak tree within the application site boundary provide suitable habitat for nesting birds, including BAP species such as song thrush *Turdus philomelos* and house sparrow *Passer domesticus* which have been recorded in the area. A disused nest was recorded within the hedge at Target Note 3 and a little owl was observed perching on the oak at Target Note 4. Little owls are predominantly a tree nesting species and, although no suitable nesting cavities were seen, these may not be visible from the ground and it is suggested that a precautionary approach is taken.
- 4.5.11 Although there is evidence that a ledge above one of the warehouse entrances is being frequently used by a little owl (piles of pellets and splashing) it is not considered that this is a nest. Little owls generally nest in holes in trees and the small ledge above the entrance does not provide a suitable nest site.
- 4.5.12 Due to the presence of suitable nesting habitat it is recommended that any vegetation or tree removal is undertaken outside the bird nesting season. The main bird nesting season runs from the beginning of March until the end of September. If vegetation clearance is necessary between these dates then a survey for active bird nests should be carried out by an ecologist immediately prior to clearance.

Overwintering birds

- 4.5.13 Areas around the site, particularly the Pound Marsh B (Target Note 7) and Mill Rythe Lane Saltmarsh (Target Note 8) SINC are known to be used by dark-bellied Brent geese. This

species is a qualifying feature of the Chichester and Langstone Harbours SPA and as such their feeding areas, which are often beyond the SPA boundary, are also protected. Although the proposals for development of the site would not lead to any direct impact on geese or their foraging habitat there is concern that a change in use of the site and works during construction may lead to disturbance impacts.

- 4.5.14 A noise level survey carried out in January 2014 (Airtight and Noisecheck, 2014) to assess noise impacts caused by rubble crushing and vehicle movements concluded that the normal operational noise levels will be below the current background noise levels caused by traffic on Havant Road to the west of the site. The assessment focused on assessing noise effects to the closest residential property, which is approximately 170m from the location of the crusher and 80m from the site entrance. The closest Brent goose site is located approximately 60m from the site boundary.
- 4.5.15 The crusher will be completely encased by an enclosure comprising railway sleepers and a metal frame, which will offer sound attenuation, as will the existing 3.9m high fence which will be retained as part of the new development. As a result it is not considered that further survey work or precautionary measures are necessary to protect foraging, overwintering birds during the operation phase.
- 4.5.16 The report also raises the point that *"the site used to be used as a car scrappage site and this type of work would have produced higher noise levels than the background noise levels measured during this procedure. This type of noise would have been very loud and intermittent."*
- 4.5.17 There is less certainty over the potential disturbance effects caused during the construction phase of the development. The majority of the site including substantial areas of hard-standing and the main warehouse will be retained within the new scheme. However, it is anticipated that a degree of concrete breaking and ground works will be required during development of the new car parking area. It is therefore recommended that construction works are undertaken outside of the overwintering period to ensure there can be no disturbance impacts to this species during the construction phase. Brent geese generally arrive in the UK in October and depart the following March², hence works should be undertaken between April and September.

Other protected species

- 4.5.18 The site does not provide suitable habitat for badgers, otters, water voles, dormice or any other rare or protected mammal species. No records for any mammals other than bats were returned by the data search and no further surveys are necessary.
- 4.5.19 The majority of the site, being hard-standing, is unsuitable for great crested newts during their terrestrial phase. Although the ruderal dominated grassland has some suitability for hibernating amphibians due to the presence of rubble piles it is considered likely that the brackish nature of ephemeral waterbodies in such close proximity to the estuary will be unsuitable for breeding. There are ponds further inland but these are separated from the site by the busy Havant Road and it is highly unlikely that newts would disperse from these ponds and onto the site. There are

² <http://www.rspb.org.uk/wildlife/birdguide/name/b/Brentgoose/index.aspx>

no records of great crested newts *Triturus cristatus* from within 1.5km of the application site and no further survey is considered necessary.

- 4.5.20 The site is considered unlikely to provide habitat for rare or protected invertebrate species due to a lack of floral diversity. Although there are numerous records for stag beetles within the area, this species is associated with rotting dead wood which is not present within the application site boundary, therefore no further surveys are considered necessary.

5 Recommendations

5.1 Further Ecological Surveys and Precautionary Measures

- 5.1.1 The following species / groups will require the implementation of precautionary measures prior to or during the development of the site:

- ▶ Reptiles; and
- ▶ Nesting and overwintering birds.

Reptiles

- 5.1.2 Due to the low risk of reptiles being present within the area of ruderal dominated grassland to the north of the site a precautionary approach is recommended to avoid killing or injuring reptiles during construction. Precautionary clearance of the ruderal dominated grassland should be carried out during the active reptile season and under ecological supervision. Clearance should be carried out following a method statement and should include the following:

- ▶ Hand searching and removal of rubble piles and corrugated metal sheets.
- ▶ Sequential strimming of vegetation to a height of 5cm above ground level (care should be taken not to allow the blade/trimmer wire to make contact with the ground).
- ▶ Strimming should be carried out in a westerly direction, to encourage any reptiles that may be present to move into appropriate surrounding habitat.
- ▶ Once strimming is completed the vegetation should be managed in such a way so as to ensure it remains unsuitable for re-colonisation by reptiles.
- ▶ These works should be carried out by, or under the supervision of, an ecologist.

Nesting and Overwintering Birds

- 5.1.3 Suitable breeding bird habitat occurs around the site in hedges and trees. It is recommended that negative impacts on breeding birds are avoided by undertaking tree removal works outside of the bird breeding season. Works in these areas should therefore be carried out between September and early February. Removal of other habitat should also be undertaken sensitively (to avoid potential impacts to other species) outside of the bird breeding season.
- 5.1.4 To avoid disturbance impacts to overwintering Brent geese, it is recommended that construction (other than tree clearance) is undertaken between April and September, outside the season when this species may be present in the surrounding fields.
- 5.1.5 Any construction works undertaken within the bird breeding season where suitable bird breeding habitat exists will require a site check for breeding birds by a suitably qualified ecologist. This should take place no more than two days prior to commencing construction. This is to ensure that no disturbance to active bird nests occurs. If a nest is found, the nest must

be cordoned off and works adjacent to the nest must be delayed until such time that the chicks have fledged from the nest. This should be supervised by a suitably qualified ecologist.

5.2 Generic Mitigation

5.2.1 Generic mitigation is proposed to address potential impacts to ecological receptors of which are not covered by the above recommendations. Mitigation measures can be based on:

- ▶ **Avoidance** through re-location, re-design or changes in the construction programme (e.g. carrying out works outside of bird breeding season);
- ▶ **Reduction** by lessening the severity of an impact which cannot be avoided (e.g. erecting an exclusion fence for reptiles around the works area); and
- ▶ **Compensation** through habitat creation or enhancement.

5.2.2 The following generic mitigation should be carried out as part of the proposed scheme alongside any mitigation measures which may be required as a result of the surveys described above:

1. It is important, where construction works are located within hard standing areas, that impacts to any adjacent features (e.g. grassy verges, woodland ground layer and hedges which may be of ecological value) due to activities such as storage of materials or vehicle movements are also avoided.
2. Standard site procedures, as recommended by the Environment Agency (such as *Pollution Prevention Guidelines 5 – Works and Maintenance in or Near Water*), will be required to ensure that no contaminants or effluent are released into nearby aquatic environments.
3. Removal of hedgerow and trees/shrubs should be kept to a minimum, possibly by fine-tuning the scheme design. The connectivity of hedgerows and between areas of woodland and scrub should be maintained wherever possible to prevent fragmentation (this will benefit nesting birds and bats for example).
4. Avoiding the use of external lighting, or keeping its use to the minimum required for its intended purpose. Where external lighting is to be provided, it should be low-level, directional lighting with minimal spill and glare, and consideration should be given to reduced hours of operation and/or a movement responsive system of control (this will benefit bats for example). Particular consideration should be given to the woodland to the north of the application boundary and the mature oaks to the east. Due to the foraging and roosting potential inherent in these features direct lighting should be avoided if possible.
5. British Standard and/or National Joint Utilities Group Guidelines (NJUG)³ should be followed at all times during construction when working in close proximity to trees or shrubs which are to be retained. According to NJUG Guidelines the root protection zone or precautionary area (P.A.) is 4x the circumference of the trunk (circumference is

³ The British Standard, BS 5837:2005: *Trees in relation to Construction Recommendations*; and National Joint Utilities Group: *Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees* (April 1995)

measured around the trunk at a height of 1.5m above ground level). The distance is measured from the centre of the trunk to the nearest part of any excavation or other work. A separate tree survey has been carried out for the proposed development and works should be undertaken in accordance with the recommendations therein.

- ✺ All excavations left overnight should be provided with a ramp to enable easy escape of badgers, hedgehogs and other fauna.

5.3 Enhancements

5.3.1 The site is currently of very low ecological value, and the current proposals for the development leave little scope for ecological enhancements within the application site boundary. However, the following enhancements to the pasture grassland to the west of the site, which is under the same ownership as the site, could be considered:

- ✺ The margins of the pasture could be left unmanaged. This would provide suitable habitat for reptiles and an increased level of ecological connectivity in the area. Consideration could also be given to the construction of a hibernaculum at the field boundary which would provide hibernation and shelter opportunities for reptiles and amphibians.
- ✺ A little owl box could be placed in the large oak tree within the pasture field. This would provide additional nesting habitat for owls which are known to be present in the wider area and are thought to be declining in the UK⁴.
- ✺ Alternatively, the erection of bat boxes on this tree could be considered instead. Boxes suitable for species recorded locally (e.g. Pipistrelle) such as 2F Schwegler boxes would be suitable for this site; consideration could also be given to larger boxes suitable for hibernating bats. Bat boxes should ideally be located south facing (between south east and south west), close to vegetation and above 5m. It should be noted that, if an owl box is erected, bat boxes should not be as they are potential prey items.

⁴ <http://www.bto.org/birdtrends2009/wcrlitow.shtml>

6 Conclusions

6.1 Introduction

- 6.1.1 A baseline ecological appraisal was undertaken for the site of a proposed material recovery and recycling facility at Howard's Yard on Hayling Island.
- 6.1.2 The study was undertaken in order to identify any features present on site which are ecologically interesting or significant and which may act as constraints or opportunities to the project; as well as to identify any further surveys which may be necessary and to broadly outline mitigation measures for potential impacts.

6.2 Findings

- 6.2.1 The desk-top study revealed a variety of protected or notable species in the locality, as well as a number of sites designated for nature conservation within 1.5km of the application site including the Pound Marsh B SINC adjacent to the site. This site has been designated because it frequently supports significant numbers of Brent geese, a qualifying feature of the Chichester and Langstone Harbours SPA/Ramsar.
- 6.2.2 The application site is dominated by hard-standing containing a warehouse and storage sheds; there is a small area of ruderal dominated grassland to the north west of the site. The application boundary also contains a short hedgerow and an oak tree, both of which are scheduled for removal under the current proposals for the development which will involve use of the site as a vehicle storage depot, and material recovery and recycling facility.

6.3 Evaluation

- 6.3.1 The ecological value of the application site is considered to be of importance within the zone of influence of proposed development only. It is not considered likely that Brent geese using the nearby Pound Marsh B and Mill Rythe Lane Saltmarsh will be adversely affected by increased disturbance from the development during its operational phase. However, there is a risk that noise emitted during construction works (e.g. concrete breaking) could lead to disturbance impacts on this species during the overwintering period. No other designated sites will be adversely affected.
- 6.3.2 The ruderal dominated grassland and hedgerow to be removed provide potential habitat for a number of protected species. These include:
 - The grassland at the northern end of the application site provides habitat of poor suitability for reptiles. However, the potential of this habitat to support reptiles is enhanced by rubble and corrugated metal within this area (which provide potential

shelter and hibernation opportunities for these species) and connecting areas of suitable habitat off-site; and

- ✦ The hedgerow within the application site provides foraging and nesting habitat for a wide range of birds.

6.4 Recommendations

- 6.4.1 Due to the removal of potential terrestrial habitat suitable for reptiles, it is recommended that precautionary clearance measures are carried out under ecological supervision, during the active season for these species, prior to development of the site. Indicative methods are proposed.
- 6.4.2 There is a mature oak tree with the potential for use by roosting bats within an area of hard-standing at the northern site boundary. This tree will be retained during and post-development, and hence will not be affected by proposals for the site. No further surveys are considered necessary.
- 6.4.3 It is recommended that vegetation clearance is not carried out during the bird nesting season (March to September). If clearance becomes necessary between these times a survey should be carried out for active nests prior to the commencement of works.
- 6.4.4 A noise survey carried out on the site suggests that operational noise levels will not exceed those currently caused by traffic passing the site. Therefore, no disturbance impacts to overwintering Brent geese using the surrounding fields are predicted. However, to avoid potential disturbance during the construction phase, it is recommended that site preparation and ground works are carried out outside the overwintering season. The overwintering season includes the months of October to March.
- 6.4.5 The development proposals for the application site itself do not provide scope for ecological enhancements within the boundary. However, additional enhancement recommendations are given to help improve the biodiversity of the area surrounding the site.

6.5 Conclusions

- 6.5.1 It is concluded that the proposed scheme is unlikely to lead to significant ecological impacts or permanent loss of biodiversity value if the current landscaping proposals and recommended mitigation and precautionary measures are implemented.

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Appendix I: Phase 1 Survey Maps

Please see inserts.

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Howard's Yard Phase 1 Survey Application Site

- Application boundary

Target Notes

Hedgerow

Hedgerow with trees

Broad leaved woodland

Improved grassland

Semi improved grassland

Ruderal

Coastal grassland

Arable

Building

Hard-standing

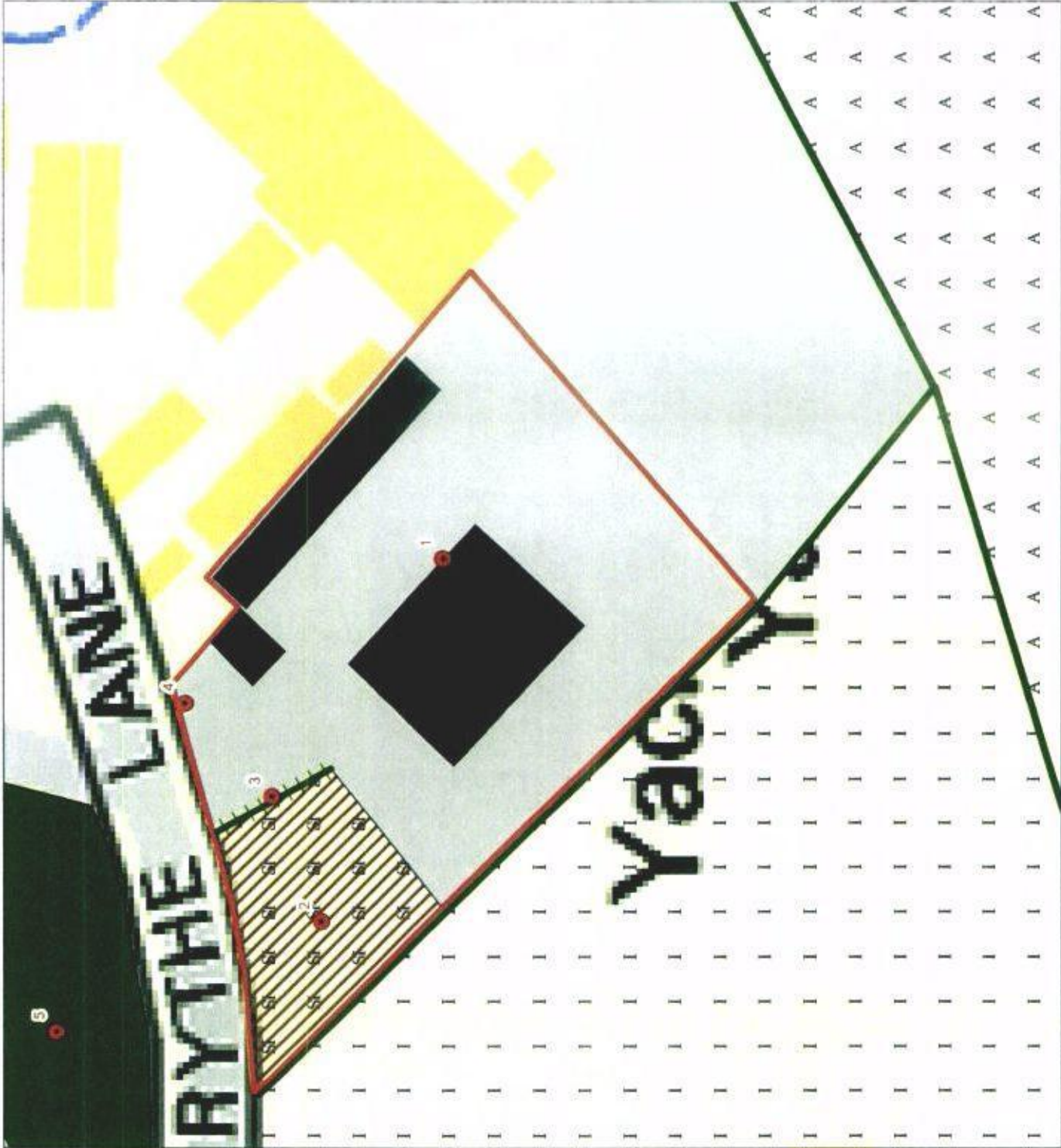
Contains data from Hampshire
Biodiversity Information Centre 2014



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Scale 1:836	Date Jan 2014
Created by SP	Reviewed by NP
Drawing number UE-0132_Howards Yard Application Site_211014	
Brighton BN2 4QN	



Howard's Yard Phase 1 Survey Wider Survey

- Application boundary

Target Notes

Hedgerow

Hedgerow with trees

Broad leaved woodland

Improved grassland

Semi improved grassland

Ruderals

Coastal grassland

Arable

Building

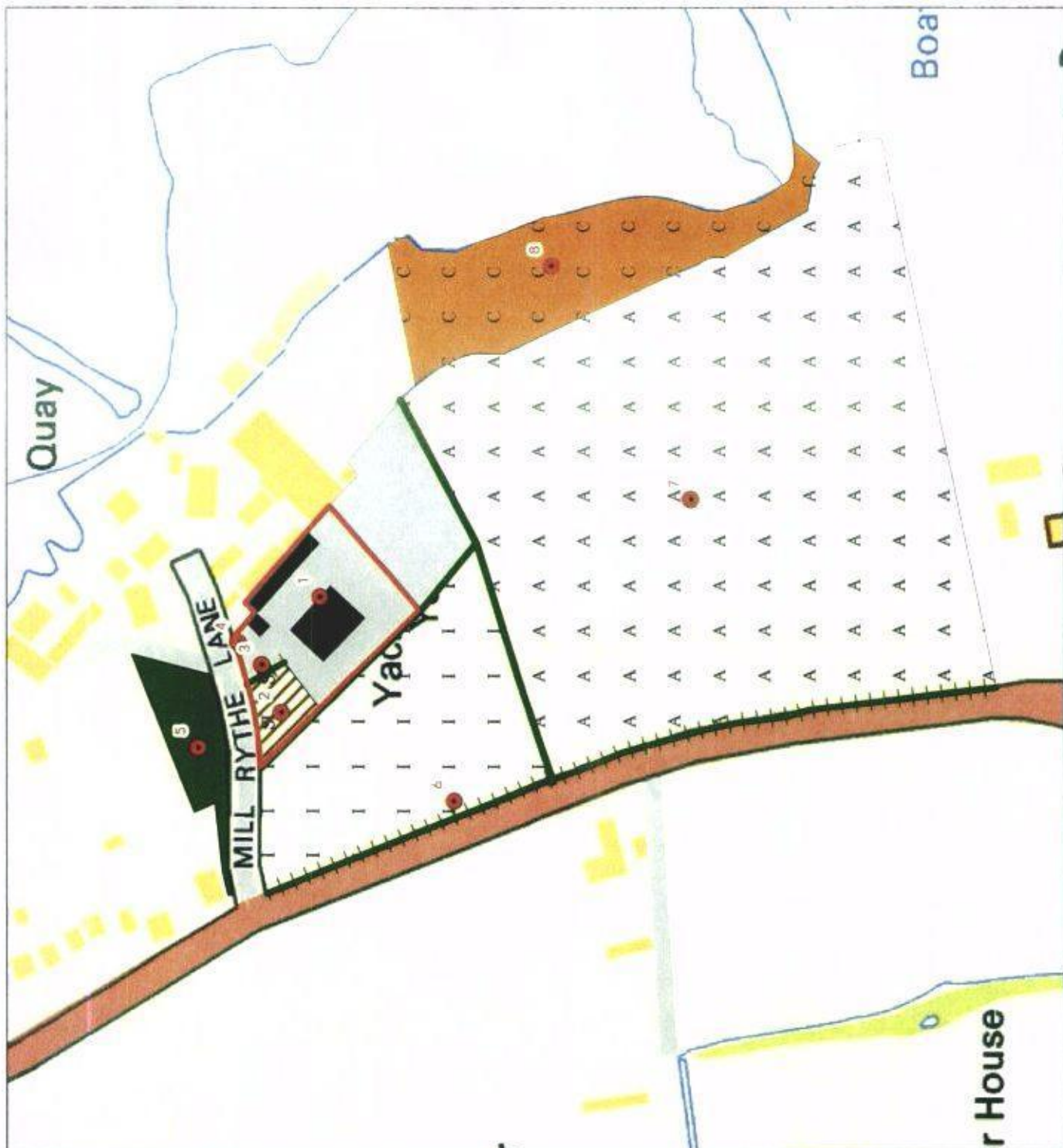
Hard-standing

Contains data from Hampshire
Biodiversity Information Centre 2014



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	Created by SP	Reviewed by NP
Drawing number UE-0137_Howards_Yard _Wider_Survey_211014		



Appendix II: Legislation and Planning Context

Legislation

General

The main legislative instruments for ecological protection in England and Wales are the Wildlife and Countryside Act 1981 (WaCA, as amended), Countryside and Rights of Way Act 2000 (CRoW; as amended), Natural Environment and Rural Communities Act 2006 (NERC) and the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations).

WaCA 1981 consolidated and amended pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitats Regulations, offering protection to a wider range of species than the latter. The Act also provided for the designation and protection of nationally important conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSI). Schedules of the act list protected species of flora and fauna, as well as invasive species, and detail the possible offences that apply to these species.

The CROW Act 2000 amended and strengthened existing wildlife legislation detailed in the WCA. It placed a duty on government departments and the National Assembly for Wales to have regard for biodiversity, provided increased powers for the protection and maintenance of SSSI, and created a right of access to parts of the countryside. The Act contained 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 NERC Act 2006 consolidated and replaced aspects of earlier legislation. Section 40 of the 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 supersede Section 74 of the CRoW Act 2000. These species and habitats are a material consideration in the planning process.

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

Badgers

Badgers are listed under Schedule 6 of the Wildlife and Countryside Act which grants them partial protection. This protection is extended by the Protection of Badgers Act 1992 (Badger Act) which makes it an offence to take, injure or kill a badger, interfere with a sett, sell or possess a live badger, or mark or ring a badger without a licence. Under the Act disturbance is illegal without a licence. Natural England has published guidelines to be adopted when determining whether an activity is 'disturbing' i.e. a licence is required when, for example, using heavy machinery (generally tracked vehicles) within 30m of any entrance to an active sett. Licences are not normally issued during the badger breeding season (December – June inclusive).

Bats (*Chiroptera*)

Bats and their roosts are fully protected by protected by the Wildlife and Countryside Act 1981 (and subsequent amendments) and the Conservation of Habitats and Species Regulations 2010, and seven species of bats are UK Biodiversity Action Plan priority species. The legislation makes it an offence to:

- ▶ Intentionally kill, injure or take a bat.
- ▶ Possess or control a live or dead bat, any part of a bat, or anything derived from a bat.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- ▶ Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection.
- ▶ Make a false statement in order to obtain a licence for bat work.

Birds

Birds are protected by the Wildlife and Countryside Act, 1981 (as amended). This legislation makes it an offence to intentionally kill, injure or take away any wild bird. It is also an offence to take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. In addition, certain species are listed on Schedule 1 of the WCA (such as kingfisher *Alcedo atthis*). This makes it an additional offence to intentionally or recklessly disturb the adults while they are in and around their nest or intentionally or recklessly disturb their dependent young. Such species are considered to be in greater need of legal protection or of high nature conservation priority.

A list of birds of conservation concern is set out within "Red" and "Amber" lists (RSPB, 2009). Birds on the Red list are those of high conservation concern and include common and widespread species which have experienced steep declines in numbers, such as the house sparrow *Passer domesticus* and starling *Sturnus vulgaris*. Birds on the Amber list are of medium conservation concern and include species still considered to be common and widespread such as dunnoek *Prunella modularis*.

Dormouse (*Muscardinus avellanarius*)

Dormouse is fully protected by the Wildlife and Countryside Act 1981 (and subsequent amendments) and the Conservation of Habitats and Species Regulations 2010. The legislation makes it an offence to:

- ▶ Intentionally kill, injure or take a dormouse.
- ▶ Possess or control a live or dead dormouse, any part of, or anything derived from a dormouse.

- ▶ Intentionally or recklessly damage, destroy or obstruct access to any place that a dormouse uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a dormouse while it is occupying a structure or place that it uses for shelter or protection.

Great crested newt (*Triturus cristatus*; GCN) (and natterjack toad *Bufo calamita*)

GCN is fully protected by the Wildlife and Countryside Act 1981 (and subsequent amendments) and the Conservation of Habitats and Species Regulations 2010. The legislation makes it an offence to:

- ▶ Intentionally kill, injure or take a GCN.
- ▶ Possess or control a live or dead GCN, any part of, or anything derived from a GCN.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any place that a GCN uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a GCN while it is occupying a structure or place that it uses for shelter or protection.

Otter *Lutra lutra*

Otter is fully protected by the Wildlife and Countryside Act 1981 (and subsequent amendments) and the Conservation of Habitats and Species Regulations 2010. The legislation makes it an offence to:

- ▶ Intentionally kill, injure or take an otter.
- ▶ Possess or control a live or dead otter, any part of, or anything derived from an otter.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any place that an otter uses for shelter or protection.
- ▶ Intentionally or recklessly disturb an otter while it is occupying a structure or place that it uses for shelter or protection.

Reptiles

The four common species (slow-worm *Anguis fragilis*, common lizard *Zootoca vivipara*, adder *Vipera berus* and grass snake *Natrix natrix*) are partially protected under the Wildlife and Countryside Act 1981 (as amended). They are protected against intentional killing and injuring and trade (i.e. sale, barter and exchange, transporting for sale and advertising to sell or buy). The handling and translocation of these reptiles does not require a licence.

Smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* are fully protected by the Wildlife and Countryside Act 1981 (and subsequent amendments) and the Conservation of Habitats and Species Regulations 2010. The legislation makes it an offence to:

- ▶ Intentionally kill, injure or take a smooth snake or sand lizard.
- ▶ Possess or control a live or dead smooth snake or sand lizard, any part of, or anything derived from a smooth snake or sand lizard.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any place that a smooth snake or sand lizard uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a smooth snake or sand lizard while it is occupying a structure or place that it uses for shelter or protection.

Water vole *Arvicola terrestris*

Water vole is fully protected by the Wildlife and Countryside Act 1981 (and subsequent amendments). The legislation makes it an offence to:

- ▶ Intentionally kill, injure or take an otter.

- ▶ Possess or control a live or dead otter, any part of, or anything derived from an otter.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any place that an otter uses for shelter or protection.
- ▶ Intentionally or recklessly disturb an otter while it is occupying a structure or place that it uses for shelter or protection.

Weeds Act 1959 / Ragwort Control Act 2003

This legislation provides for orders to be made for control where notifiable weed species such as ragwort are said to be a problem. The act does not make it illegal to have ragwort (or other weed species) on your land, make it illegal to allow ragwort to spread, or force landowners automatically to control it. However, if DEFRA is satisfied that there are injurious weeds to which this Act applies growing upon any land it may serve upon the occupier of the land a notice in writing requiring them, within the time specified in the notice, to take such action as may be necessary to prevent the weeds from spreading.

Planning context

National Planning Policy Framework (Section 11: Conserving and enhancing the natural environment)

The National Planning Policy Framework (NPPF), published in March 2012, outlines the Government's commitment to the conservation of wildlife and natural features. It is concerned with:

- ▶ *Protecting and enhancing valued landscapes, geological conservation interests and soils;*
- ▶ *Recognising the wider benefits of ecosystem services;*
- ▶ *Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current & future pressures;*
- ▶ *Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- ▶ *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

The NPPF requires that local planning authorities set criteria based policies against which proposals for development on or affecting protected wildlife or geodiversity sites or landscape areas can be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

To minimise impacts on biodiversity and geodiversity, the NPPF states that planning policies should:

- ▶ *plan for biodiversity at a landscape-scale across local authority boundaries;*
- ▶ *identify and map components of the local 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 local partnerships for habitat restoration or creation;*
- ▶ *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;*
- ▶ *aim to prevent harm to geological conservation interests; and*

- where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; 26 and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The policies within the NPPF (and additional guidance contained within Circular 06/2005) are a material planning consideration.

UK Biodiversity Action Plan Designations and Birds of Conservation Concern and Red Data Book Listings

Note that BAP designations and status as RSPB Birds of Conservation Concern or Red Data Book species does not offer any further legal protection, but planning authorities are required to prevent these species from being adversely affected by development in accordance with National Planning Policy and the CROW and NERC Acts.

The United Kingdom Biodiversity Action Plan (UKBAP), first published in 1994 and updated in 2007, is a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UKBAP contains a list of priority habitats and species of conservation concern in the UK, and outlines biodiversity initiatives designed to enhance their conservation status. Lists and Broad and Local habitats are also included. The priority habitats and species correlate with those listed on Section 41 and 42 of the NERC Act.

The UKBAP requires that conservation of biodiversity is addressed at a County level through the production of Local BAPs. These are complementary to the UKBAP, however are targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs. UKBAP and Local BAP targets with regard to species and habitats are a material consideration in the planning process.

Appendix III: Legal and Technical Limitations

- This report has been prepared by Urban Edge Environmental Consulting Ltd (UEEC Ltd) with all reasonable skill, care and diligence within the terms of the contract made with the Client to undertake this work, and taking into account the information made available by the Client. No other warranty, expressed or implied, is made as to the professional advice included in this report or any other services provided by us.
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- The advice provided in this report does not constitute legal advice. As such, the services of lawyers may also be considered to be warranted.
- Unless otherwise stated in this report, the assessments made assume that the sites and facilities that have been considered in this report will continue to be used for their current planned purpose without significant change.
- All work carried out in preparing this report has utilised and is based upon UEEC Ltd's current professional knowledge and understanding of current relevant UK standards and codes, technology and legislation. Changes in this legislation and guidance may occur at any time in the future and may cause any conclusions to become inappropriate or incorrect. UEEC Ltd does not accept responsibility for advising the Client or other interested parties of the facts or implications of any such changes;
- This report has been prepared using factual information contained in maps and documents prepared by others. No responsibility can be accepted by UEEC Ltd for the accuracy of such information;
- Populations of animals and plants are often transient in nature and a single survey visit can only provide a general indication of species present on site. Time of year when the survey was carried out and other variations will also influence the results of the survey (e.g. it is possible that some flowering plant species which flower at other times of the year were not observed). While no biological survey can guarantee that all cues and signs of protected or notable species will be recorded, the authors are confident that key indicators of these species being present on site were noted. The possibility nonetheless exists for other species to be present on the site which were not recorded or otherwise indicated by the survey.
- Any works undertaken as a consequence of the recommendations provided within this report should be subjected to the necessary health & safety checks and full risk assessments.

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