



Godbey House, Hayling Island

Bat Emergence/Re-entry Survey Report

Draft Report
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Godbey House, Hayling Island

Bat Emergence/Re-entry Survey Report

1 INTRODUCTION

Background

- 1.1 Hampshire County Council (HCC) was commissioned in January 2015 to undertake an Extended Phase 1 Ecological Survey, including an internal and external bat inspection survey, in respect of proposals to the redevelopment of Godbey House, Hayling Island. Information gathered during this survey informed further survey requirements for bats that could be affected by proposals to redevelop the site.
- 1.2 Further bat dusk emergence and/or dawn re-entry surveys were recommended following the initial survey, during which Godbey house and a mature Cypress tree were considered to have features with the potential to support roosting bats. It is understood the mature tree is to be retained as part of the proposals and therefore it was not considered necessary to carry out further targeted dusk emergence and/or dawn re-entry surveys as the mitigation set out in this report is deemed sufficient to avoid significant effects on potential roosting bats in this tree. From plans submitted to us in May 2017 (drawing number 16054 – P02, dated 12 April 2017), we understand that Godbey house is to be demolished and replaced by a new building.
- 1.3 EPR were subsequently commissioned by Perbury Group in May 2017 to undertake further bat surveys in relation to the proposals to redevelop the site that contains Godbey House. This report provides the results of the bat surveys, an assessment of the likely impacts from the scheme on bats based on the survey results and recommendations (including for mitigation and biodiversity enhancements).

Site Location and Description

- 1.4 Godbey House is located to the south-west of Hayling Island, off Seafront Road at Ordnance Survey grid reference SZ 70538 99215. The site in which the redevelopment is proposed encompasses the entirety of Godbey House and associated surrounding gardens, and is hereafter referred to as the 'site'.
- 1.5 The site measures approximately 0.4 ha and comprises Godbey House, hardstanding and amenity grassland with scattered mature trees and ornamental planting. The immediate surrounding landscape is sub-urban in nature, dominated by residential properties and gardens. There is a golf course and seafront situated to the south of the site. To the south of the site is Seafront Road, a well-lit road.

Applicable Nature Conservation Related Legislation and Planning Policy

- 1.6 The key legislative provisions and planning policies of relevance to this report with respect to the development proposals and their potential effects on ecological features of value covered by this report (which in this case is limited to bats and bat populations) are set out in **Appendix 1**.

- 1.7 All species of native bat are protected under the Conservation of Habitats and Species Regulations 2010 (as amended), and the Wildlife and Countryside Act 1981 (as amended). This legislation is detailed more fully in **Appendix 1**; however, in summary it is an offence to:
- Intentionally or deliberately kill, injure or capture bats;
 - Intentionally, deliberately or recklessly disturb bats in such a way as to be likely to significantly affect the ability of any significant group of bats to survive, breed, or rear or nurture their young or the local distribution of or abundance of a species of bat;
 - Intentionally, or recklessly damage, destroy or obstruct any place used for shelter or protection (i.e. bat roosts) or intentionally or recklessly disturb a bat whilst it is occupying such a place;
 - Damage or destroy a breeding site or resting place of a bat; and
 - Possess, sell or transport a bat, or anything derived from it.
- 1.8 In order for works that may result in such an offence to legally take place, a European Protected Species Licence (EPSL) is normally required; these are issued by Natural England.
- 1.9 In order for such a licence to be issued, Natural England need to be satisfied that the proposed works meet the following tests:
- That the activity is '*in the interests of public health and safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment*';
 - That there is '*no satisfactory alternative*' to the activity; and,
 - That the activity is '*not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their range*'.
- 1.10 Additionally, consideration has been given to planning policy and nature conservation priorities, including local, national and international, detailed below:
- Section 11 of the National Planning Policy Framework (NPPF);
 - Biodiversity Action Plan for Hampshire (BAP);
 - Nature conservation policy under the local planning system, namely that detailed within the adopted Havant Borough Core Strategy, principally:
 - i. Policy **CS11**: Protecting and Enhancing the Special Environment and Heritage of Havant Borough; and,

- ii. **Policy DM8:** Conservation, Protection and Enhancement of Existing Natural Features; and,
- British Standard BS42020:2013 Biodiversity – Code of practice for planning and development (August 2013).

2 METHODOLOGY

Introduction

- 2.1 The further bat surveys are based on information gathered following a desk study, an Ecological Appraisal and bat building and tree inspection fieldwork undertaken at the site to assess features of Godbey House and trees to support roosting bats, and the potential suitability of habitats within the Zone of Influence (Zol) for supporting foraging or commuting bats (all work undertaken by Hampshire County Council).

Assessment Methodology

- 2.2 The approach to Ecological Appraisal taken in this report conforms with guidance from the Chartered Institute of Ecology and Environmental Management, Guidelines for Ecological Impact Assessment (EclA) in the United Kingdom (CIEEM, 2016).
- 2.3 The survey methodology and general approach adopted in this report is in line with guidance in the Bat Conservation Trust's 'Good Practice Guidelines' (2nd edition, 2012 and 3rd edition, 2016).

Defining the Zone of Influence

- 2.4 In order to define the spatial scope of the further bat surveys it was necessary to predict the likely Zol of any development of the site. The Zol of a proposed development is defined in CIEEM's ecological impact assessment (EclA) guidelines as '*The 'zone of influence' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities*'.
- 2.5 The Zol has been based on the proposed scheme as shown in **Appendix 2**, to identify the areas and ecological resources that are likely to be affected by the scheme, with consideration of the type of activities that are likely to occur.
- 2.6 To predict the potential Zol, the spatial and temporal extent of biophysical changes likely to be generated by the proposed scheme with the potential to lead to effects upon bats were predicted and are shown in **Table 2.1**.
- 2.7 It is considered in this case that the Zol of the development proposals includes the site itself and immediately adjacent land. Notwithstanding this, the Zol may extend further afield in the event that bats roosting elsewhere are found to be utilising habitats within the site for foraging or commuting, and this will be established by survey.

Table 2.1: Activities Associated with the Proposed Scheme Likely to Generate Ecological Effects

Activity	Potential Effect
<i>Construction Phase</i>	
Access and travel on/off site	1) Noise/lighting disturbance.
Assembly and storage of machines and materials	1) Noise/lighting disturbance.
Demolition	1) Loss of roost sites for bats; 2) Noise/lighting disturbance; 3) Individual mortality/injury to bats.
Ground excavation and structural works	1) Loss of habitats; 2) Noise/lighting disturbance.
Lighting of work area	1) Disturbance to vulnerable species.
<i>Operational Phase</i>	
Residential lighting	1) Lighting disturbance to vulnerable species.

Desktop Research

- 2.8 A desk study was carried out to gather and refer to existing species records both within the site and in the surrounding area. Information concerning the location of designated conservation sites in relation to the site was also gathered. This involved interrogation of internet resources, including the National Biodiversity Network (NBN) website and Multi-Agency Geographic Information for the Countryside (MAGIC).
- 2.9 In addition to the above, during the initial ecological appraisal HCC commissioned Hampshire Biodiversity Information Centre (HBIC) to provide records of European protected species within a 2km radius. Information on non-statutory nature conservation designations within a 2km radius was also requested. These records are discussed, where relevant, within the below text.

Fieldwork

- 2.10 A summary of fieldwork undertaken in respect of bats is given in **Table 2.1** below.

Table 2.1: Summary of bat related fieldwork

Date	Survey Type	Number of Surveyors
29/06/2017	Dusk emergence survey	5
26/07/2017	Dawn re-entry survey	5

Survey Methodology

- 2.11 Survey work for bats was conducted by EPR in June and July 2017 to assess the potential use and value of the site for bats. This included work to identify potential building and trees that could support bat roosts within the site, and an assessment of habitats for their likely suitability for use by bats for foraging and commuting activity.

Bat Inspection

- 2.12 A daytime inspection of the Godbey House and trees were carried out by HCC in January 2015. This included an internal survey of Godbey House. No evidence of roosting bats was found within the voids and no potential egress/entry points were identified.

Dusk Emergence and Dawn Re-entry Surveys

- 2.13 A dusk emergence survey was undertaken on 29th June 2017 and a dawn re-entry survey was undertaken on 26 July 2017. The methods employed take due consideration of the Bat Survey Good Practice Guidelines produced by the Bat Conservation Trust (2nd edition, 2012 and 3rd edition, 2016).
- 2.14 Surveyors were distributed to provide appropriate coverage of the target building where access allowed. The location of fixed-point positions is represented in **Map 1a and 1b**. Each position was occupied by an experienced bat surveyor. Using standard recording techniques, notes were made of each bat pass, using a combination of heterodyne, time expansion (Pettersson D240X) and frequency division (Bat Box Duet) bat detectors. Species were identified in the field where possible from call and flight characteristics, and behaviour (e.g. foraging, commuting, social calling etc) was also recorded. Recordings were made where appropriate, to enable subsequent computer analysis of calls for less distinct species. Each bat pass was noted and characterised by means of standard recording techniques.

Timing and Weather Conditions

- 2.15 Dusk and dawn bat surveys were undertaken in June and July 2017, within the optimal seasonal window. All surveys were carried out in appropriate weather conditions (see **Table 2.2**).
- 2.16 The dusk survey commenced approximately 15 minutes before sunset and ceased approximately 1.5 hours after sunset. The dawn survey started approximately 2 hours before sunrise and continued thereto.

Table 2.2: Survey metadata

Date	Survey Type	Start Time	End Time	Start Temp (°C)	End Temp (°C)	Cloud (%)	Rain	Wind (Beaufort)
29/06/17	Dusk emergence	20:56	23:06	16.2	15.8	100	5 mins slight drizzle at the start	1-2
26/07/17	Dawn re-entry	03:36	05:36	16.1	17	0	Nil	1-3

3 SURVEY RESULTS AND EVALUATION

Desktop Study Results

- 3.1 The records provided by HBIC show that six species of bat have been recorded within 2km of the site:
- Bechstein's bat *Myotis bechsteinii*
 - Common Pipistrelle *Pipistrellus pipistrellus*
 - Daubenton's *Myotis daubentonii*
 - Natterer's bat *Myotis nattereri*
 - Pipistrelle bat *Pipistrellus sp.*
 - Soprano Pipistrelle *Pipistrellus pygmaeus*
- 3.2 The nearest records to the site are of Soprano Pipistrelle recorded approximately 530m west of the site.
- 3.3 Bechstein's bat – a species that is rare in England - was recorded approximately 770m to the north of the site. It is considered that this species is unlikely to utilise the habitats present within the Zol, as generally the species is understood to be found almost exclusively in and around old growth broadleaved woodland. Given the character and relatively small extent of habitats within the likely Zol, and the fact that no evidence of Bechstein's bat activity was identified in the course of subsequent fieldwork, this species is highly unlikely to make any use of habitats within the Zol.

Field Survey Results

Brief Habitat Appraisal for Bats

- 3.4 The site itself and the immediate surrounds were assessed for their potential value to foraging and commuting bats.
- 3.5 The majority of the site comprises species-poor amenity grassland which is maintained (mown) regularly, and therefore of limited ecological value to bats as foraging habitat. There are a number of mature scattered trees within the site and also ornamental planting present along the boundaries. The trees are potentially of value to, and utilised by, bats in the surrounding area as foraging and commuting habitat.

Building and Tree Inspection for Bats

- 3.6 The external and internal inspection found no direct evidence of bats such as staining or droppings on any of the buildings. However, a number of features which may support roosting bats were observed on Godbey House, particularly gaps underneath clay tiles/hanging tiles, between fascia boards, gaps in ventilation features and under lead flashing. These features are described in more detail in the Ecological Appraisal (HCC, 2015). Godbey House is considered to have moderate potential to support low numbers of common roosting bats species. It is understood that Godbey House is to be demolished and replaced.

- 3.7 A mature Cypress tree to the south-east of Godbey House contains a deep crevice approximately 5 metres above the ground that has low potential to support roosting bats, although it is understood that the tree is to be retained as part of the proposals.

Dusk Emergence and Dawn Re-entry Surveys

- 3.8 A summary of the results of dusk emergence and dawn re-entry surveys is given below and represented graphically in **Maps 1a and 1b**.

29th June 2017 Dusk Emergence Survey (Sunset 21:21)

- No bats emerged from any of the building surveyed;
- Twelve Common Pipistrelle passes were recorded: one bat was seen foraging to the north-west of Godbey House at 21:37; three passes were seen to the north of Godbey House at 21:37, 21:46 and 21:51; one pass was seen to the south of Godbey House at 21:53; and two passes, likely one bat, were seen to the west of Godbey House at 21:38 and 21:41; four passes were heard but not seen at 21:51, 22:44, 22:49 and 22:56 (foraging); one Soprano Pipistrelle was foraging intermittently from 21:33 until 21:55 seen to the east of Godbey House underneath the tree canopy; and,
- Two Soprano Pipistrelle passes were recorded, likely by up to two bats: one pass was seen to the south of Godbey House at 21:50 and to the west of Godbey House at 21:57; four passes were heard but not seen at 21:46, 21:58, 21:54 and 21:56.

Summary: Low-level Common and Soprano Pipistrelle activity.

26th July 2017 Dawn Re-entry Survey (Sunrise 05:21)

- No bats re-entered into any of the building surveyed;
- Two Common Pipistrelle passes were recorded, likely by up to 2 bats: both were seen passing the north-east of Godbey House at 04:56 and 04:57;
- Fourteen Soprano Pipistrelle passes were recorded; one was seen foraging to the south-west of Godbey House at 03:34; eight were seen commuting to the south of Godbey House at 03:58, 04:05, 04:32, 04:33, 04:36, 04:38, 04:39 and 04:40; two passes were seen to the east of Godbey House at 04:44 and 05:02; and two passes were seen to the west of Godbey House at 04:40 and 04:53; one Soprano Pipistrelle was foraging intermittently from 03:38 until 04:58 seen to the east of Godbey House underneath the tree canopy; nine Soprano Pipistrelle passes were heard but not seen at 03:25, 03:26, 03:40, 03:52, 03:52, 04:00, 04:12, 04:16 and 04:43; and,
- One pass by an unidentified species of the Myotis group was heard but not seen to the north-east of Godbey House at 04:19.

Summary: Low-level Common and Soprano Pipistrelle activity.

Survey Constraints

- 3.9 Bats are nomadic and often move between roosts, therefore, any bat dusk emergence/dawn re-entry survey will only provide a snapshot of how bats are using a site at that given time.
- 3.10 Mature trees to the west of the Godbey House partially blocked the full view of the western aspect of the building's roof during both bat surveys. However, all surveyors had radio contact and were able to deduce where any bats seen or heard had come from in this area, as such this is not considered to be a significant constraint.

Interpretation and Evaluation of Results

Presence of Roosting Bats

- 3.1 No bats were recorded roosting within the site. Considering the bat activity recorded at the site, it is concluded that roosting bats are likely to be absent from Godbey House.

Assessment of Bat Activity

- 3.11 Activity by three bat species was recorded within the site:
- Common Pipistrelle;
 - Soprano Pipistrelle; and,
 - Unidentified Myotis species.
- 3.12 In the course of the emergence and re-entry bat surveys, bat activity was largely restricted to low level activity by a small number of common and widespread species; mainly Common Pipistrelle and Soprano Pipistrelle, which included foraging activity.
- 3.13 Activity by an unidentified Myotis species was restricted to one pass by a single bat.
- 3.14 Significant commuting routes were recorded during the surveys, mainly by Soprano Pipistrelles travelling from east to west across the south of the Godbey House.
- 3.15 The main areas where foraging bats were recorded were within the play area to the south of Godbey House and along the east of Godbey House underneath the tree canopy. In general, the lowest bat activity was recorded to the south-east corner of Godbey House with this area being well lit, in comparison to the rest of the site, from the driveway and front porch lighting.
- 3.16 Bat activity levels, although low, were fairly consistent over the two surveys. The timings of the activity suggest that bats are not roosting on the site.

Site Status Assessment

- 3.17 Based on the bat surveys undertaken, and in view of the wider bat activity being that of low numbers of relatively common bat species, the bat assemblage within the ZOI is currently considered to be within the **Zone of influence importance** in relation to the criteria set out in CIEEM (2016). In the absence of development, the conservation status is **favourable** and will be **stable** as long as the habitats continue to be managed in the same way.

4 CONCLUSIONS AND RECOMMENDATIONS

Conclusions

- 4.1 Overall, the site supports low levels of foraging and commuting bats of common and widespread species which originate from off-site roosts. The site is considered to be of only Zol value for bats. This assemblage is considered to be of favourable and stable conservation status. There is a likely absence of bat roosts within Godbey House and no further consideration to bats as part of the proposed development is required although enhancements to the site are recommended (see below).

Potential Significant Effects in the Site Clearance and Construction Phase

Harm or Death of Individual Bats

- 4.2 No bats were recorded roosting within Godbey House and it is consequently considered that there are unlikely to be any significant effects on bats as a result of direct harm caused during demolition.
- 4.3 If the proposed works have not commenced before 2 years after the date of this report, it is recommended that survey results and recommendations are reviewed under the advice of a suitably-qualified ecologist as updates or amendments may be required.

Disturbance due to Construction Activity

- 4.4 Lighting used during construction works may have the potential to disturb commuting and foraging bats and may result in abandonment of nearby roosts or core foraging areas in the absence of mitigation.
- 4.5 Due to the limited scale of the proposals and the low level of bat activity, in the absence of mitigation this is unlikely to have a significant negative affect on the conservation status of bat populations. However, measures are nonetheless available that are easily implementable in conjunction with the proposals, and consequently are recommended below as good practice and to ensure no net loss of biodiversity from the Zone of Influence and enable net gains where possible, in accordance with the aspirations of the National Planning Policy Framework (NPPF).

Potential Significant Effects in the Operational Phase

Artificial Lighting

- 4.6 Lighting has been shown to be highly disturbing to bats and can impact on bat activity and use of a site. Direct lighting can cause abandonment of roosts, change feeding habits and interrupt commuting routes, or result in artificial roosts installed within mitigation schemes not becoming colonised. Increased lighting of stationary objects has been shown to significantly increase bat collisions through the effects of glare on their sensitive eyesight and increased ambient lighting results in avoidance of established commuting routes and foraging zones due to an increase in perceived predation risk.

- 4.7 Whilst both of the species of Pipistrelles encountered are generally amongst the more light-tolerant species of bat, an increase in uncontrolled lighting could result in the loss and fragmentation of foraging areas, or a reduction in their value to the local bat assemblage. Whilst this is unlikely to represent a significant negative effect due to the limited scale of the proposals and the low level of bat activity within the Zol, mitigation measures are nonetheless recommended below to ensure no net loss of biodiversity from the Zol and provide net gains where possible in accordance with the aspirations of the NPPF.

Habitat Loss

- 4.8 Notwithstanding the above, it is worth noting that the site is currently located within a matrix of residential properties within gardens, and that the species of bat present and foraging within those gardens and the grounds of Godbey House are those commonly associated with exploiting this type of habitat. It is anticipated that the site will remain predominantly of the same character post development (i.e. residential dwellings with associated garden space), and consequently the anticipated change in habitats is unlikely to affect the conservation status of the local bat population, provided that use of the garden habitat is not precluded by excessive lighting as mentioned above.

5 MITIGATION, COMPENSATION AND ENHANCEMENTS

Introduction

- 5.1 In order for the development to comply fully with applicable legislation and planning policy, it is necessary to mitigate for any significant negative ecological impacts as identified in **Section 4**, and then to provide compensation for those negative impacts that remain significant after mitigation. Legislation and planning policy also seek no net loss of biodiversity, and encourage development to provide ecological enhancements.
- 5.2 This section details appropriate measures that will be expected to be undertaken to ensure compliance with this legislation and planning policy, and also to avoid impacts on the bat assemblage utilising the habitats within the site.

Mitigation Proposals in the Site Clearance and Construction Phase

Supervision of Sensitive Works

- 5.3 Bats are nomadic and can alter roost locations, some precautionary measures are recommended to ensure that no legal offence is accidentally committed. In the unlikely event that bats are discovered at any point during works, all works must stop immediately and a suitably-qualified ecologist contacted for advice. In this event, it is likely that works would need to be halted until a European Protected Species Licence is obtained from Natural England, to allow the works to proceed lawfully.
- 5.4 Should it be necessary for the removal of, or to conduct pruning works on, the mature Cypress tree identified as having bat roosting potential, then a suitably qualified ecologist will be consulted prior to any works being carried out. Subject to the proposed scope of the tree work, it may then be necessary to inspect the potential roost feature in the tree with an endoscope and/or to prescribe a tree work method statement to address the potential risk of disturbance to any bats that may use the tree as a roost.

Mitigation of Disturbance Effects

- 5.5 It will be necessary to develop a series of measures to ensure that activities associated with site clearance and construction (construction lighting and noise) do not result in significant disturbance to the bat population within the ZOI. For example:
- Construction work restricted to daylight hours;
 - Selection of luminaires with a narrow photometric curve;
 - Use of full horizontal cut-off units, to eliminate up-lighting;
 - Minimising the height of light columns, to reduce light spill and provide dark flying space above the luminaire;
 - Use of hoods and baffles to further reduce light-spill where required;
 - Favour warm-white (long wavelength) lights and avoid blue-white (short wavelength) lights;
 - Avoid lights with high UV content: (e.g. metal halide or mercury light sources);
 - Avoid lighting mature trees within the site; and,

- Avoid lighting the mature Cypress tree.

Mitigation Proposals in the Operational Phase

Mitigation of Artificial Lighting Effects

- 5.6 A lighting strategy for the proposed development will be designed to ensure that the surrounding habitat suitable for bats such as the garden areas and trees are not subject to significant increases in illumination (beyond that required for public safety). Broadly, this will mean pre-installing directional lighting (as close as possible to full cut-off) with luminaires with reduced emission of long-wavelength light that can interfere with nocturnal wildlife both in public areas and in new building (in the latter case, this will reduce the chances of new occupiers themselves needing to install inappropriate lighting).
- 5.7 The main areas where foraging bats were recorded during the bat surveys was within the garden area to the west and underneath the tree canopy to the east of Godbey House. Based on the current design proposals, the layout of the garden area allows for foraging areas to be incorporated/retained through keeping these areas dark.
- 5.8 The main areas where commuting bats were recorded during the bat survey was within the garden area to the south of Godbey House. Based on the current design proposals, the layout of the garden area allows for commuting route to remain. Mitigation is required to prevent illuminating the boundary habitats that have the potential to be used by commuting bats. Any light fixtures will be placed over the main door of the new building and angled downwards to minimise light spill.

Enhancements

- 5.9 Two Bat boxes will need to be put in place to enhance the new development for bats. These bat boxes are selected to be suitable to species known to be present, in this case Pipistrelle species. One Schwegler 1FF Bat Box will need to be installed on to a suitable tree within the site and the 1FR Schwegler Bat Tube will need to be installed on the external wall of new building, either flush or beneath a rendered surface. Only the entrance hole of this box is visible so it is also discrete. Thereby enhancing the value of the site for bats in accordance with the aspirations of Section 11 of the National Planning Policy Framework (NPPF) for planning proposals to deliver biodiversity enhancements.
- 5.10 Supplementary planting of native species of local provenance known to support invertebrates could be introduced to provide insect feeding resources for bats and other wildlife.

Residual Impacts and Conclusions

- 5.11 In the absence of mitigation, the proposal has the potential to negatively impact upon bats. In this instance, due to the limited potential for the proposals to exert an effect and the low level of bat activity recorded within the ZOI, the potential effects are not considered likely to be significant.

- 5.12 However, in order to ensure that no accidental offences against the species protection afforded by the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) occur, precautionary measures have been recommended.
- 5.13 Furthermore, in order to accord with the principle of achieving no net loss of biodiversity from the Zol, and providing net gains where possible in accordance with national (NPPF) and local level planning policy (Policy CS11), further measures have been recommended to ensure that bats are able to continue to utilise habitats within the Zol after development.
- 5.14 Provided the mitigation recommended above, there should be no significant residual negative impacts to bats as a result of the proposals and the favourable conservation status of the bat population will be maintained. Measures to enhance the site for bats by providing roosting opportunities within adjacent habitat are also proposed. The proposals will consequently comply with relevant legislation and planning policy.

6 REFERENCES

Bat Conservation Trust. 2012. *Bat Surveys – Good Practice Guidelines 2nd Edition*. Bat Conservation Trust, London.

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Maps

Map 1a Dusk Emergence Survey Results 29/06/17

Map 1b Dawn Re-entry Survey Results 26/07/17



KEY

-  Site Boundary
-  Common Pipistrelle
-  Soprano Pipistrelle
-  Common Pipistrelle heard not seen
-  Soprano Pipistrelle heard not seen
-  Surveyor position

SCALE: 1:350 at A3

0 10 20 Metres



Ecological Planning & Research

CLIENT: Perbury (Developments) Ltd.

PROJECT: Godbey House, Hayling Island

DATE: August 2017



KEY

- Site Boundary
- Common Pipistrelle
- Soprano Pipistrelle
- Soprano Pipistrelle Heard Not Seen
- Myotis Heard Not Seen
- Surveyor
- Commuting

SCALE: 1:350 at A3

0 10 20 Metres

N

CLIENT: Perbury (Developments) Ltd.

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Appendix 1

Applicable Nature Conservation Related Legislation & Planning Policy

Appendix 1 is intended to provide an overview of the main features of legislation and policy relating to nature conservation in England and the implications for development.

KEY WILDLIFE LEGISLATION

Conservation of Habitats and Species Regulations 2010 (as amended)

The Conservation of Habitats and Species Regulations 2010¹ (known as the “Habitats Regulations”) transpose Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the European “Habitats Directive”) into UK legislation. These regulations consolidate all the various amendments made to the preceding “Conservation Regulations” 1994 for England and Wales.

The Habitats Regulations were amended by the Conservation of Habitats and Species (Amendment) Regulations 2012.²

The Habitats Regulations provide for the designation of both Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in the UK, which form part of the Natura 2000 network of protected areas across Europe. The Regulations also prohibit the deliberate capture, killing or disturbance of European Protected Species (EPS), which include *inter alia* Dormouse *Muscardinus avellanarius*, Great Crested Newt *Triturus cristatus*, Otter *Lutra lutra* and all native species of bat, and make it an offence to destroy or damage either the nesting or breeding sites of these species. The above actions can be made lawful through the granting of licenses after Natural England (the licensing authority in England) is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the EPS.

Further information on SPAs, SACs and European Protected Species (Licensing and Protected Species) is provided in the relevant sub-sections of this Appendix.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981³ is the principal mechanism for the legislative protection of wildlife in Great Britain. Various amendments have occurred since the original enactment. Certain species of bird, animal and plant (including all of the European Protected Species listed above) are afforded protection under Schedules 1, 5 and 8 of the Act. Reference is made to the various Schedules and Parts of this Act (**Table A1.1**) in the section of this Appendix dealing with Legally Protected Species. The Act also contains measures for the protection of the countryside,

¹ The Conservation of Habitats and Species Regulations 2010. Available from:

<http://www.legislation.gov.uk/uksi/2010/490/contents/made>

² The Conservation of Habitats and Species (Amendment) Regulations 2012. Available from:

<http://www.legislation.gov.uk/uksi/2012/1927/contents/made>

³ The Wildlife and Countryside Act 1981. Available from:

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

National Parks, Sites of Special Scientific Interest (SSSIs) and public rights of way as well as preventing the establishment of invasive non-native species that may be detrimental to native wildlife.

Table A1.1: Key Schedules of the Wildlife & Countryside Act 1981 (as amended)

Schedule	Protected Species
Schedule 1 Part 1	Protects listed birds through special penalties at all times.
Schedule 1 Part 2	Protects listed birds through special penalties during the close season.
Schedule 5 Section 9.1 (killing/injuring)	Protects listed animals from intentional killing or injuring.
Schedule 5 Section 9.1 (taking)	Protects listed animals from taking.
Schedule 5 Section 9.2	Protects listed animals from being possessed or controlled (live or dead).
Schedule 5 Section 9.4a	Protects listed animals from intentional damage or destruction to any structure or place used for shelter or protection.
Schedule 5 Section 9.4b	Protects listed animals from intentional disturbance while occupying a structure or place used for shelter or protection.
Schedule 5 Section 9.5a	Protects listed animals from being sold, offered for sale or being held or transported for sale either live or dead, whole or part.
Schedule 5 Section 9.5b	Protects listed animals from being published or advertised as being for sale.
Schedule 8	Protects listed plants from: intentional picking, uprooting or destruction (Section 13 1a); selling, offering for sale, possessing or transporting for the purpose of sale (live or dead, part or derivative) (Section 13 2a); advertising (any of these) for buying or selling (Section 13 2b).
Schedule 9	Prohibits the release of species listed in the Schedule into the wild.

Further information on legally protected species, designated wildlife sites and invasive non-native species is provided in the relevant sub-sections of this Appendix.

Countryside & Rights of Way Act 2000

Many of the provisions of the Countryside and Rights of Way (CROW) Act 2000⁴ have been incorporated as amendments into the Wildlife and Countryside Act (1981) and some provisions have now been superseded by later legislation such as The Natural Environment and Rural Communities Act (2006).

The most relevant changes provided by the CROW Act include the added protection given to SSSIs and other important sites for nature conservation. Importantly, under the Act it became a criminal offence to "recklessly disturb" Schedule 1 nesting birds and species protected under

⁴ The Countryside and Rights of Way (CROW) Act 2000. Available from: <http://www.legislation.gov.uk/ukpga/2000/37/contents>

Schedule 5 of the Wildlife and Countryside Act. It also enabled heavier penalties on conviction of wildlife offences.

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities (NERC) Act 2006⁵ was intended to raise the profile of biodiversity amongst all public authorities (including local authorities, and statutory undertakers) and to make biodiversity an integral part of policy and decision-making processes. The NERC Act also improved wildlife protection by amending the Wildlife and Countryside Act 1981.

Section 40 (S40) of the Act places a 'Biodiversity Duty' on all public bodies to have regard to the conservation of biodiversity when carrying out their normal functions. This includes giving consideration to the restoration and enhancement of species and habitats.

Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of Principal Importance for the conservation of biodiversity in England⁶. Public authorities have a responsibility to give specific consideration to the S41 list when exercising their normal functions. For planning authorities, consideration for Species and Habitats of Principal Importance will be exercised through the planning and development control processes. Further information on species and habitats of Principal Importance is provided in the relevant sub-section of this Appendix.

PLANNING POLICY & GUIDANCE

Listed below is the main planning policy and government guidance that relates to the conservation of nature and development at all levels of government.

National Level

National Planning Policy Framework (NPPF)

The National Planning Policy Framework⁷ sets out the Government's planning policies for England and how these should be applied in local-level policy and decision making. The NPPF has a clear "presumption in favour of sustainable development" (paragraph 14), with a requirement to consider its economic, social and environmental dimensions. This does not apply where development requiring Appropriate Assessment under the Habitats Directive is being considered, planned or determined (paragraph 119).

Section 11 of the NPPF provides guidance on conserving and enhancing the natural environment through the planning system and replaces the preceding Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation. It specifies that when determining planning

⁵ The Natural Environment and Rural Communities Act 2006. Available from: www.legislation.gov.uk/ukpga/2006/16/contents

⁶ The S40 list replaces the previously prepared list of habitats and species of Principal Importance for the conservation of biological diversity in England that was published under Section 74 (2) of the Countryside and Rights of Way Act 2000.

⁷ DCLG (2012). *National Planning Policy Framework*. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

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, adequately mitigated or (as a last resort) compensated for, then planning permission should be refused;
- proposed development that is likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should normally be refused;
- planning permission should normally 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;
- development proposals where the primary objective is to conserve and enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged.

In the case of SSSIs and irreplaceable habitats, exceptions *may* be made if it can be clearly demonstrated that the benefits of the development, at this particular site, outweigh the costs in terms of loss or adverse impacts.

Section 11 also specifies that listed or proposed Ramsar sites, potential European sites, and sites identified or required as compensatory measures for adverse effects on designated/listed or potential/proposed European and Ramsar sites should be given the same protection as designated European sites.

Government Circular 06/05: Biodiversity and Geological Conservation

The Government produced Circular 06/05⁸ to provide guidance on the application of the law to the conservation of nature. Although the document is in the process of being updated, Paragraphs 98 and 99 remain relevant as they and set out the following principles and obligations:

- The presence of protected species is a material consideration when determining a development proposal;
- Local authorities should consult with Natural England before granting permission, and consider imposing planning conditions or obligations to secure the long-term protection of the species;
- The presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, must be established before permission is granted;

⁸ ODPM (2005). *Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System*. Available from:
<http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity>

- Given the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.

Good Practice & Standards

DCLG Planning Practice Guidance

Revised and updated Planning Practice Guidance (PPG)⁹ was launched by the Department for Communities and Local Government (DCLG) as a web-based tool in March 2014 to accompany the National Planning Policy Framework. The webpages are set out in an accessible Q&A format. The PPG consolidates and supersedes existing guidance on a range of planning-related topics, clarifies some of the statements made in the NPPF, and provides links to relevant legislation and other sources of advice.

The Guidance outlines a number of important principles in relation to nature conservation and biodiversity, including the need to integrate biodiversity into all stages of the planning process and to consider opportunities to enhance biodiversity and contribute to the Government's commitments and targets set out in *Biodiversity 2020: A strategy for England's wildlife and ecosystem services* (see below). It also lists a number of issues that should be considered in relation to biodiversity, including local biodiversity plans and strategies, Section 41 species and habitats, the need for ecological surveys, local ecological networks, and statutory obligations with regard to internationally and nationally designated sites – all of which are discussed throughout this Appendix.

The guidance also requires that “an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate” and recommends that “local planning authorities should only require ecological surveys where clearly justified, for example if they consider there is a reasonable likelihood of a protected species being present and affected by development.”

Other guidance

In addition to the Planning Practice Guidance, various other forms of guidance and standards are available to help manage biodiversity through the development process. Of particular note is *British Standard BS42020:2013 Biodiversity – Code of practice for planning and development*,¹⁰ published in August 2013, which replaces *Planning to Halt the Loss of Biodiversity (PAS 2010): Biodiversity conservation standards for planning in the United Kingdom*.

This document is designed to complement the National Planning Policy Framework and is aimed at organisations concerned with ecological issues throughout the planning process, including local authorities, developers, planners and ecological consultants. It sets out clear, step-by-step recommendations on how to incorporate biodiversity considerations at all stages of the planning process, with a focus on the provision of consistent, high quality and appropriate ecological

⁹ DCLG (2014). Planning Practice Guidance. Available from: <http://planningguidance.planningportal.gov.uk/>

¹⁰ The British Standards Institution (2013). BS42020:2013 Biodiversity – Code of practice for planning and development. Available from: <http://shop.bsigroup.com/ProductDetail/?pid=000000000030258704>

information, effective decision making, and high standards of professional conduct and competence.

Local Level

The adopted Havant County Council Core Strategy (adopted March 2011)¹¹ sets out the overarching objectives and planning policy for the District. Those of relevance to ecology are described below.

The Core Strategy includes two ecology specific policies:

- 1) Protecting and Enhancing the Special Environment and Heritage of Havant Borough, **Policy CS11**; and,
- 2) **DM8** Conservation, Protection and Enhancement of Existing Natural Features

Protecting and Enhancing the Special Environment and Heritage of Havant Borough, **Policy CS11** states the following considerations with regards to planning decisions:

Planning permission will be granted for development that:

- Ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community;
- Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland;
- Has particular regard to the following hierarchy of nature conservation designations within the borough (as identified on the Proposals Map):
 - i. Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International];
 - ii. Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National]; and,
 - iii. Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].;
- Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest;
- Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation;

¹¹<https://www.havant.gov.uk/sites/default/files/documents/ADOPTED%20CORE%20STRATEGY%20.pdf>

- Incorporates partnership working with conservation organisations to improve public understanding of biodiversity and to manage public access to designated sites, particularly on the coast, to reduce harm to nature conservation interests;
- Incorporates partnership working with landowners and developers to ensure land management practices restore, enhance and where appropriate create new valued landscapes, habitats and their soil structure, particularly the ancient woodland remnants of the Forest of Bere and coastal salt marsh;
- Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration;
- Maintains undeveloped gaps between the settlements of Emsworth/Havant; Havant/Waterlooville; Havant/Portsmouth; Emsworth/Westbourne and Leigh Park/Rowlands Castle as shown on the Proposals Map;
- Protects the best and most versatile agricultural land that has the greatest potential for local food security; and,
- Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

DM8: Conservation, Protection and Enhancement of Existing Natural Features states the following considerations with regards to planning decisions:

Development will only be permitted where it protects and enhances local habitats and landscape distinctiveness and which addresses all of the relevant criteria as set out below:

- Protects natural features of nature conservation and/or amenity importance on the site, for example trees, woodlands, hedgerows, soils, streams, stream corridors, springs, ditches or ponds from damage, destruction and a deterioration in quality;
- Sympathetically incorporates existing features into the overall design of the scheme including measures taken to ensure their continued survival;
- Provides new landscape works that integrate successfully with the local environment and existing natural features, using local materials and plant species and making provision for future maintenance of new landscape works associated with new developments; and,
- Ensures sequences of greenspaces are maintained and protects the attractiveness and visual amenity of all green open spaces that contribute to the identity of the borough.

BIODIVERSITY PLANS AND STRATEGIES

The NERC Act 2006 places a duty on local authorities to have due regard to biodiversity when exercising their normal functions, and the NPPF requires planning policies to “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” (paragraph 117). These targets are set out in a range of biodiversity plans and strategies from

the international through to the district level. An overview of the key biodiversity plans and strategies in the UK, and their implications for development, are set out below.

National level

The UK Biodiversity Action Plan 2007 (UK BAP) has been superseded by the *UK Post-2010 Biodiversity Framework*¹² and individual national biodiversity strategies. The UK framework sets out the overarching vision, strategic goals and priority activities for the UK's work towards international biodiversity targets (known as the 'Aichi Targets'), as agreed by 192 parties at the UN Convention on Biological Diversity in 2010. The Framework's overall vision is that "by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people."

In England, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*¹³ is the national biodiversity strategy, which has the stated mission "(...) to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people." In order to focus activity and assess performance in achieving this mission, Biodiversity 2020 sets objectives relating to terrestrial and marine habitats and ecosystems, species and people. These include:

- Establishing coherent and resilient ecological networks, described as "a network of high quality sites, protected by buffer zones, and connected by wildlife corridors and smaller, but still wildlife-rich, 'stepping-stone' sites";
- Taking targeted action for the recovery of priority species whose conservation is not delivered through wider habitat-based and ecosystem measures;
- Establishing Nature Improvement Areas and Marine Protected Areas;
- Bringing more SSSIs into favourable condition;
- Reducing environmental pressures by working with sectors such as agriculture, forestry, planning and development.

A network of 48 Local Nature Partnerships have been set up across England to help deliver these objectives.

Note that as these changes are still relatively new, some local plans and government guidance documents/circulars still refer to the UK BAP and 'UK BAP priority habitats and species'. These habitats and species are listed under Section 41 of the NERC Act, and **remain a material consideration in the planning process**. They are now described as 'Species/Habitats of Principal Importance', though they are also commonly referred to as 'Section 41 Species/Habitats' or simply 'Priority Species/Habitats'. Further guidance is given in the relevant sections below.

¹² JNCC and Defra (on behalf of the Four Countries' Biodiversity Group) (2012). *The UK Post-2010 Biodiversity Framework*. Available from: http://jncc.defra.gov.uk/pdf/UK_Post2010_Bio-Fwork.pdf

¹³ DEFRA (2011). *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*. Available from: <https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services>

Local level

Despite the changes to national level biodiversity policy described above, county and district level BAPs still apply. The **Biodiversity Action Plan for Hampshire**¹⁴ consists of targets for maintaining, restoring and creating priority habitats and protecting priority species.

Delivering Biodiversity Opportunities

Where practicable, opportunities should also be sought to achieve a **net gain** (i.e. enhancement) of biodiversity. Support for biodiversity enhancement is provided in the Public Authority 'Biodiversity Duty' under the NERC Act 2006 and in the key principles of the NPPF, as described above.

Enhancement projects may not just benefit biodiversity. There are many functional benefits to be won from strategically planned green infrastructure projects such as semi-natural urban green spaces, sustainable urban drainage schemes (SUDS) and green roofs. Planning conditions and obligations are increasingly being used to mandate biodiversity enhancement on or off a development site, either through design or through financial support.

Many ideas for incorporating ecological enhancement into planning and development can be found in the biodiversity action plans and/or strategies relevant to the policy or development area, or through initiatives led by the Local Nature Partnership. At the national level, twelve Nature Improvement Areas were set up in 2012 in order to deliver landscape-scale conservation objectives, and many regions and counties have also identified and mapped 'Biodiversity Opportunity Areas', 'Nature Maps' or 'Strategic Nature Areas' where conservation action such as habitat creation and restoration will deliver the greatest benefits for biodiversity.

Other sources of ideas and opportunities include schemes led by conservation NGOs, such as the Wildlife Trusts' 'Living Landscapes' and the RSPB's 'Futurescapes', which are working in partnership with landowners and local communities across the country to restore ecosystems and ecological networks.

¹⁴ <http://www.hampshirebiodiversity.org.uk/action.html>

SPECIES PROTECTION

Legally Protected Species

Bats are protected by law in England. It is essential to determine the presence or likely absence of legally protected species and the extent to which they may be affected by proposed development. This can best be achieved by undertaking surveys early in the planning process. Mitigation measures are required to minimise disturbance to protected species and may necessitate a licence. Natural England offers further detailed advice which can be applied to planning applications that affect protected species¹⁵.

Mammals

All wild mammals are protected against cruelty under the Wild Mammals (Protection) Act 1996, which makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

Bats are protected further by law in England:

There are 18 species of bat in the UK, seven of which are Species of Principal Importance in England. All bats and bat roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Bats are also a European Protected Species protected under the Habitat Regulations 2010 (as amended). It is an offence to:

- Intentionally or deliberately kill, injure or capture bats;
- Intentionally, deliberately or recklessly disturb bats in such a way as to be likely to significantly affect the ability of any significant group of bats to survive, breed, or rear or nurture their young or the local distribution of or abundance of a species of bat;
- Intentionally, or recklessly damage, destroy or obstruct any place used for shelter or protection (i.e. bat roosts) or intentionally or recklessly disturb a bat whilst it is occupying such a place;
- Damage or destroy a breeding site or resting place of a bat; and
- Possess, sell or transport a bat, or anything derived from it.

Development proposals affecting bats or their roosts require a European Protected Species licence from Natural England.

Licences for Development

Licences are required to permit activities prohibited under wildlife legislation, namely the disturbance or capture of protected species or damage to their habitats. Natural England is the licensing authority in England. Licences are only issued for certain purposes, which are set out in

¹⁵ Natural England. 2011. *Standing Advice for Protected Species*. Available from: <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>

the law, and only where there is a valid justification. The licences most relevant to development scenarios are discussed below.

European Protected Species Licences

A European Protected Species Licence is required from Natural England to undertake any development that is reasonably likely to result in an offence in respect of a European Protected Species protected under Schedule 2 of the Habitat Regulations 2010 (as amended); including *inter alia* all species of bats, Dormouse, Great Crested Newt and Otter. Natural England must be satisfied that the following three tests are satisfied before it will issue a licence covering a European Protected Species:

1. The proposal is necessary to preserve 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;
2. There is no satisfactory alternative; and
3. The proposal will have no detrimental effect to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Species of Principal Importance in England

943 species have been identified as being of Principal Importance in England for the conservation of biodiversity under Section 41 (S41) of the NERC Act 2006. This list of species includes species found in England which have been identified as requiring action under the now superseded UK Biodiversity Action Plan 2007 (plus the Hen Harrier¹⁶). While these species may not be legally protected, there is a clear responsibility on planning authorities to further their conservation. These species can be a material consideration in development control decisions and so developers are advised to take reasonable measures to avoid or mitigate impacts to prevent the net loss of these species and habitats and to enhance them where possible. Additional guidance to developers is typically provided in level planning policies.

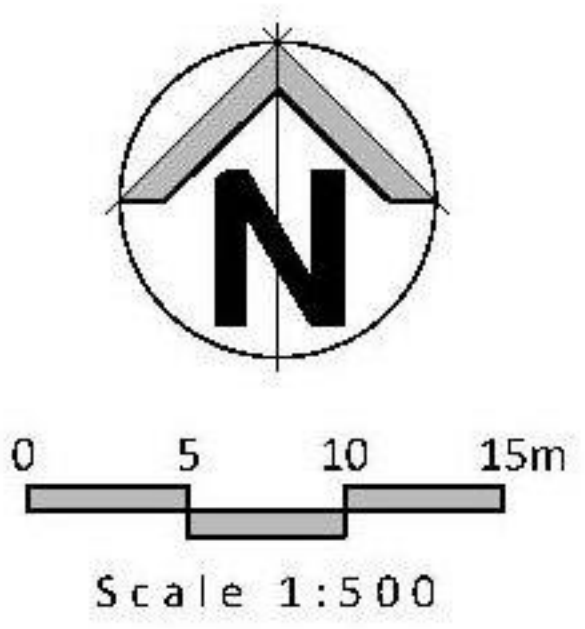
Appendix 2

Proposed Site Layout



- Key
- Site Boundary
 - Proposed Building
 - Neighbouring Properties
 - Building to be demolished
 - Trees to be removed

Proposed Block Plan 1:500@A3



General Notes

Ordnance Survey data received from client on 04.07.2016, drawn by Hampshire County Council in May 2014.

Tree Survey Data drawn by and received from Barrell Tree Consultancy on 03.04.2017.

All dimensions to be confirmed on site. All drawings subject to planning and building regulations consent.

All drawings are subject to Local Authority consent.

The details shown are for design intent purposes only and are subject to further design development with suppliers and sub-contractors.

Do not scale off drawings, if in doubt ask.

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Project/Client:	Project No:
Godbey House	16054
Hayling Island	Dwg No:
Perbury Group	P02
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Drawing:	Scale:
Proposed	1:500 @A3
Block Plan	Drawn By: Date:
	JH 12.04.17
	Checked By: Date:
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