

Lowans Ecology & Associates

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Biodiversity survey/assessment for Unit 3, Station Approach, North Street, Emsworth, Hampshire PO10 7PW

Prepared for: Mr M Pike, Temple Ford Design Ltd., on behalf of Racquet Sports Group

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1 Executive summary

Survey date: 16/11/2019
Grid reference: SU 74672 06324

Protected sites:

The site lies within 2000 metres of the following notable and protected sites:- Chichester Harbour Area of Outstanding Natural Beauty (AONB), Chichester and Langstone Harbours RAMSAR and Special Protection Areas (SPA), Solent Maritime Special Areas of Conservation (SAC), Chichester Harbour Site of Special Scientific Interest (SSSI), Warblington Meadow SSSI, Brook Meadow (Emsworth) Local Nature Reserve, Eames Farm Local Nature Reserve, Coastal saltmarsh Priority Habitat, Mudflats Priority Habitat, Saline lagoons Priority Habitat, Coastal and floodplain grazing marsh Priority Habitat, Good quality semi-improved grassland Priority Habitat, Lowland dry acid grassland Priority Habitat, Lowland meadows Priority Habitat, Intertidal Substrate Foreshore Priority Habitat, Reedbeds Priority Habitat, Deciduous woodland Priority Habitat, Ancient & Semi-Natural Woodland Priority Habitat, Traditional orchard Priority Habitat and Wood-pasture and Parkland Priority Habitat.

Data search:

Wiltshire and Swindon Biological Records Centre hold no records for the site. Records are held for water vole, hedgehog, badger and Daubenton's bat within a 1km radius of the site.

Habitats:

The site comprises of 0.2875 ha of hard standing, along the south boundary is a strip of scrub, that is predominantly bramble. On the north, south and west boundaries are young sycamore, hazel and pine trees. No notable species were found to be present.

Bats:

The warehouse was found to have a NEGLIGIBLE potential for use by bats. Internally there is no loft space. Externally, there are no gaps in the brick work, render or timber that could be used by crevice dwelling bats. No further surveys are recommended. The trees have no potential roost features that could be used by bats. Refer to section 6 for recommendations and precautionary mitigation measures.

Nesting birds:

The scrub has the potential to be used by nesting birds. Refer to section 6 for recommendations and precautionary mitigation measures.

Badger:

No signs of badger were found within the site. Refer to section 6 for recommendations and precautionary mitigation measures.

Reptiles:

The area of scrub has the potential to be used by common reptiles, it is south facing and has fairly good connectivity to the wider landscape. Refer to section 6 for recommendations and precautionary mitigation measures.

Amphibians:

MAGIC, OS and Google maps show one pond within a 500 metre radius of the site, at 60m northwest. There are no ponds within the site. The scrub has the potential to be used by over wintering amphibians. Refer to section 6 for recommendations and precautionary mitigation measures.

Dormouse

The site has a NEGLIGIBLE potential to be used by dormice. Refer to section 6 for recommendations and precautionary mitigation measures.

Enhancements:

The recommendations in section 6 will be conditioned as part of the planning application and will be adhered to.

Surveyor:

Louise Lowans (Natural England Licences: Bat 2015-16733-CLS-CLS, Barn Owl CL29/00005, Dormouse 2016-21322-CLS-CLS).

2 Introduction

2.1 Field survey

The aim of the ecology survey (extended Phase 1 Habitat Survey) was to confirm the presence/absence of; any protected/notable plant or animal species, any suitable habitats for protected species, such as bats, badgers, reptiles, nesting birds, amphibians, barn owl, dormouse and/or any protected habitats on the site and provide mitigation and/or enhancement as appropriate.

The site was assessed for species and/or habitats protected by the Wildlife and Countryside Act 1981 (as amended), The Protection of Badgers Act 1996, The Hedgerow Regulations Act 2007, The CROW Act 2000 and the Conservation of Habitats and Species Regulations 2017. Species and habitats of principal importance and general biodiversity interest of the site (Natural Environment and Rural Communities Act 2006) were also considered. Surveys were carried out following all relevant guidelines (refer to Section 7 References).

Local Planning Authorities are required to take into account nature conservation issues, incl. species and habitats protected under The Conservation of Habitats and Species Regulations 2017 and The Wildlife and Countryside Act 1981 (as amended) when making planning decisions. Local Planning Authorities also aim to conserve and enhance biodiversity (National Policy Planning Framework 2019 (NPPF)) and to have regard to conserving biodiversity, which includes restoring and enhancing a population or habitat under the Natural Environment and Communities Act 2006 (NERC 2006)).

The remit of the ecologist is to recommend a course of action that; a) protects the interest of the European Protected Species and other protected species, b) protects the owners and their agents from committing an offence under the legislation and is the best course of action for primarily the welfare of the protected species, but with some regard to the implementation of the owners' project.

2.2 Site location

The site is situated within Emsworth OS Grid Reference SU 74672 06324. Appendix A - Plan 1.

2.3 Site description

The site comprises of a detached warehouse set in 0.2875 ha of hard standing, along the south boundary is a strip of scrub. Appendix A - Plan 1. Appendix B - Figures 1 to 4.

The north boundary is lined with a wire fence. The east boundary is partially lined with a metal fence and partially open. The south boundary is lined with a brick wall and wooden fence and the west boundary is lined with wooden boarding. The north boundary lies adjacent to the railway line. The east boundary lies adjacent to the industrial estate. The south boundary lies adjacent to housing and the west boundary lies adjacent to Glenwood School.

The single storey warehouse is constructed of a pre-cast concrete frame, concrete purlins and brick. The north elevation is covered with render and the upper sections of the east and west elevations are clad in timber. It has a low pitched corrugated sheet roof. The window and door frames are timber and UPVC. It has metal roller shutter doors on the south and west elevations. There is no loft space.

2.4 Description of proposal

It is proposed to build an extension and new parking area. Appendix A - Plan 2.

3 Method

3.1 Desk study

3.1.1 Protected and other notable sites

The location was checked for habitats protected under the Wildlife and Countryside Act 1981 (as amended), and other habitats that could be County Wildlife sites or Biodiversity Action Plan habitats using the Multi-Agency Geographic Information for the Countryside (MAGIC) Defra website.

3.1.2 Data search

A data search was requested from Wiltshire and Swindon Biological Records Centre.

3.2 Date of survey

The date and time of the survey were recorded.

3.3 Weather conditions

The weather conditions were recorded.

3.4 Limitations of survey

Limitations that may affect the overall survey result were recorded.

3.5 Survey scope

This report includes surveys for the wildlife detailed below (as habitats were not present, or were not deemed suitable, for other species):

Survey Scope: habitats, bats, nesting birds, badgers, reptiles, amphibians and dormice

3.5.1 Habitats

The site was surveyed for important vegetation communities such as unimproved grassland, ancient woodland or hedges (that might be protected under the Hedgerow Regulations Act) and water features.

Hedgerow Regulations

Hedges were surveyed for features cited in the Hedgerow Regulations Act, namely features such as up to 7 woody species, presence of woodland plants, a ditch, bank, links to other hedges etc.

3.5.2 Bats

3.5.2.1 Daytime building survey

A building survey was conducted, it investigated the status of bats by assessing the building's suitability for bat roosts and places of rest for bats.

This was achieved by:

Checking external walls, soffits, roof coverings, internal spaces, lofts, beams, ledges, window sills, floors, holes and cavities etc. that display use by bats - regular use is demonstrated by staining, droppings and worn surfaces.

3.5.2.2 Daytime survey trees

The trees within the development area were assessed for potential roost features (PRF's). PRF's that may be used by bats include: woodpecker holes, rot holes, hazard beams, other vertical or horizontal cracks and splits (such as frosting cracks) in stems or branches, partially detached platey bark, knot holes arising from naturally shed branches or branches previously pruned back to the branch collar, man made holes or cavities created by branches tearing out from parent stems, cankers (caused by localised bark death) in which cavities have developed, other hollows or cavities including butt-rots, double leaders forming compression forks with included bark and potential cavities, gaps between overlapping stems and branches, partially detached ivy with stem diameters in excess of 50mm, bat, bird or dormice boxes.

3.5.3 Nesting birds

The site was surveyed for signs of nests of swallows, house sparrows and other birds as building works should not conflict with bird breeding seasons.

3.5.4 Badger

The site was searched for the following signs of badger *Meles meles*: tracks, hair on fences, feeding holes, latrines, scratching posts and setts.

3.5.5 Reptiles

The site was assessed for its potential to support fully protected reptiles and common reptiles, positive features being open undisturbed habitats, sandy banks, tall sward grassland and permanent scrubby areas.

3.5.6 Amphibians

The site was assessed for ponds and ditches that could be used by amphibians.

3.5.7 Dormouse

The site was assessed for its potential to support hazel dormouse *Muscardinus avellanarius*.

3.6 Field equipment

Equipment available for use during the survey included. Maglite (LED bulb) torch, ladders, Snap-On endoscope, binoculars, compass, notebook, pen, chest waders, Echo Meter EM3+ bat detector, Echo Meter Touch Pro and Kaleidoscope software for data analysis.

3.7 Details of surveyor

Louise Lowans BSc. (Hons), MCIEEM. Director and Principal Ecologist of Lowans Ecology & Associates. Ecologist for over 20 years. Natural England Licences held Bat Licence 2015-16733-CLS-CLS. Dormouse 2016-21322-CLS-CLS. Barn Owl CL29/00005.

4 Results and discussion

4.1 Protected and other notable sites

The site lies within 2000 metres of the following notable and protected sites:-

- Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Chichester and Langstone Harbours RAMSAR and Special Protection Areas (SPA)
- Solent Maritime Special Areas of Conservation (SAC)
- Chichester Harbour Site of Special Scientific Interest (SSSI)
- Warblington Meadow SSSI
- Brook Meadow (Emsworth) Local Nature Reserve
- Eames Farm Local Nature Reserve
- Coastal saltmarsh Priority Habitat
- Mudflats Priority Habitat
- Saline lagoons Priority Habitat
- Coastal and floodplain grazing marsh Priority Habitat
- Good quality semi-improved grassland Priority Habitat
- Lowland dry acid grassland Priority Habitat
- Lowland meadows Priority Habitat
- Intertidal Substrate Foreshore Priority Habitat
- Reedbeds Priority Habitat
- Deciduous woodland Priority Habitat
- Ancient & Semi-Natural Woodland Priority Habitat
- Traditional orchard Priority Habitat
- Wood-pasture and Parkland Priority Habitat

4.1.2 Data search

Wiltshire and Swindon Biological Records Centre hold no records for the site. Records are held for water vole, hedgehog, badger and Daubenton's bat within a 1km radius of the site.

4.2 Date of survey

The site was surveyed on 16/11/2019 at 08.00 hours.

4.3 Weather conditions

The weather conditions were 100% cloud cover, with light drizzle. The air temperature was 10°C. The wind measured 2 on the Beaufort scale.

4.4 Limitations of survey

The area of scrub was surveyed from the top of the site, as there were no safe access points to the lower area of the site.

4.5 Survey scope

4.5.1 Habitats

The site comprises of 0.2875 ha of hard standing, along the south boundary is a strip of scrub, that is predominantly bramble. On the north, south and west boundaries are young sycamore, hazel and pine trees.

4.5.2 Bats

4.5.2.1 Daytime building survey

The warehouse was found to have a NEGLIGIBLE potential for use by bats. Internally there is no loft space. Externally, there are no gaps in the brick work, render or timber that could be used by crevice dwelling bats. No further surveys are recommended. Refer to section 6 for recommendations and precautionary mitigation measures.

4.5.2.2 Daytime survey trees

The trees have no potential roost features that could be used by bats.

4.5.3 Nesting birds

The scrub has the potential to be used by nesting birds. Refer to section 6 for recommendations and precautionary mitigation measures.

4.5.4 Badger

No signs of badger were found within the site. Refer to section 6 for recommendations and precautionary mitigation measures.

4.5.5 Reptiles

The area of scrub has the potential to be used by common reptiles, it is south facing and has fairly good connectivity to the wider landscape. Refer to section 6 for recommendations and precautionary mitigation measures.

4.5.6 Amphibians

MAGIC, OS and Google maps show one pond within a 500 metre radius of the site, at 60m northwest. There are no ponds within the site. The scrub has the potential to be used by over wintering amphibians. Refer to section 6 for recommendations and precautionary mitigation measures.

4.5.7 Dormouse

The site has a NEGLIGIBLE potential to be used by dormice. Refer to section 6 for recommendations and precautionary mitigation measures.

5 Legislation

5.1 Bats

Bats and their places of rest are fully protected under UK and European Law. Within the Conservation of Species and Habitat Regulations 2017 it is stated that it is illegal to intentionally damage, destroy or obstruct access to any place that a bat uses for shelter, including during the process of a development, unless a Natural England European Protected Species Licence (EPSL) has been granted.

Advice from Natural England is that a licence **is** needed if the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is **reasonably likely** to result in an offence under Regulation 41; or

If the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is **reasonably unlikely** to result in an offence under Regulation 41 then no licence is required. However, in these circumstances Natural England would urge that reasonable precautions be taken to minimise the effect on European protected species should they be found during the course of the activity. If they are found then work should cease and an application be made to Natural England.

Regulation 41 states that

- (1) A person commits an offence if he—
 - (a) deliberately captures, injures or kills any wild animal of a European protected species,
 - (b) deliberately disturbs wild animals of any such species,
 - (c) deliberately takes or destroys the eggs of such an animal, or
 - (d) damages or destroys a breeding site or resting place of such an animal,

For the purposes of paragraph (1)(b), disturbance of animals includes in particular any disturbance which is likely—

- (a) to impair their ability—
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate

or migrate;

or

- (b) to affect significantly the local distribution or abundance of the species to

which they belong.

- (2) It is an offence for any person—
 - (a) to be in possession of, or to control,
 - (b) to transport,
 - (c) to sell or exchange, or
 - (d) to offer for sale or exchange.

5.2 Nesting birds

All birds, their nest and eggs are protected by the Wildlife and Countryside Act 1981, which makes it an offence to intentionally kill, injure or take any wild bird. It is an offence to intentionally take, damage or destroy the eggs, young or nest whilst it is being built or in use or prevent parent birds access to their nests.

5.3 Badgers

Badgers are protected under the Protection of Badgers Act 1992. It is illegal to: willfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so; to intentionally or recklessly interfere with a badger sett by damaging or destroying it; to obstruct access, or any entrance of, a badger sett and to disturb a badger when it is occupying a sett.

5.4 Reptiles

Reptiles are protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 and Schedule 5 and 6 of the Wildlife and Countryside Act 1981 (as amended).

5.5 Amphibians

Great Crested Newt *Triturus cristatus* and Natterjack Toad *Bufo calamita*

The Great Crested Newt and Natterjack Toad and their respective habitats are fully protected under Schedule 5 (Section 9) of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation of Habitats and Species Regulations 2017. It is illegal to kill, injure, capture, handle or disturb them, and the places they use for breeding, resting, shelter and protection are protected from being damaged or destroyed. They are both UK Biodiversity Action Plan priority species.

Great crested newts are also protected by the Protection of Animals Act 1911 and under the Abandonment of Animals Act 1960.

Common amphibians

The more common British amphibians, i.e. common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Lissotriton vulgaris* and palmate newt *Lissotriton helveticus* are protected only by Section 9(5) of the Wildlife and Countryside Act 1981. This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy, and is not relevant to this situation.

Common toad is now a UK Biodiversity Action Plan Priority Species and Species of Principle Importance in England (Section 41 of the Natural Environmental and Rural Communities Act 2006 (NERC)).

5.6 Dormice

Dormice are fully-protected against killing, capture, injury and disturbance, and their habitats are protected against damage, destruction or obstruction, under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). Without a licence it is an offence for anyone to deliberately disturb, capture, injure or kill them. It is an offence to damage or destroy their breeding or resting places, to disturb or obstruct access to any place used by them for shelter. It is also an offence to possess, or sell a wild dormouse.

5.7 Western European Hedgehog

The hedgehog is a Priority Species for conservation action under the UK Biodiversity Action Plan and protected from harm in the UK under Schedule 6 of the Wildlife and Countryside Act 1981 and the NERC Act 2006, the hedgehog is categorised as a 'Species of Principal Importance' for biodiversity.

6 Recommendations, precautionary mitigation measures and enhancements

National Planning Policy Framework sets out national planning policies on the protection of biodiversity and geological conservation. Circular 06/05 (DEFRA 01/05): Biodiversity and Geological Conservation: Statutory Obligations and Their Impact within The Planning System provides administrative guidance on application of the law in England relating to planning and nature conservation.

The following recommendations will be conditioned as part of the planning application and will be adhered to.

6.1 Bats

1. This survey shows the situation at the time of the survey and before. Crevice dwelling bats in particular can roost in suitable places at any time after this survey and could be disturbed by building works. If bats are found then work must stop by Law (Habitats Regulations) and the consultant ecologist contacted 07983 664173.
2. If an injured or underweight bat is found the consultant ecologist and Bat Conservation Trust will be contacted on 0845 1300 228 for details of the nearest bat care worker.

6.2 Nesting birds

1. Any vegetation will be cut back between 1st September and 28th February so as to avoid the bird nesting season.

6.3 Badgers

1. If badgers or signs are badgers are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates (07983 664173) contacted immediately for advice.

6.4 Reptiles

1. All of the scrub, accept a 3m buffer zone immediately around the proposed parking area, will be retained. The habitat within the buffer zone will be made unsuitable for reptiles, encouraging them, if present, to move out of the works area of their own accord, to the remaining suitable habitat. Appendix A - Plan 3.
2. The vegetation will be cut back in stages to ground level, between April and September when reptiles are active.
3. On the day the vegetation is to be cut back the ecologist will be on site to over see the work (the scrub will not be removed if nesting birds are present).
4. If reptiles are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates (07983 664173) contacted immediately for advice.

6.5 Amphibians

1. If amphibians are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates (07983 664173) contacted immediately for advice.

6.6 Dormice

1. If dormice or signs of dormice are found during the proposed development work. Work in the local vicinity will stop and Lowans Ecology and Associates (07983 664173) contacted immediately for advice.

6.7 Further survey work

1. No further surveys are recommended. However if the proposed work is not carried out within two years or the proposed plans change a follow up ecological survey maybe required, the ecologist will be contacted for advice.

7 References

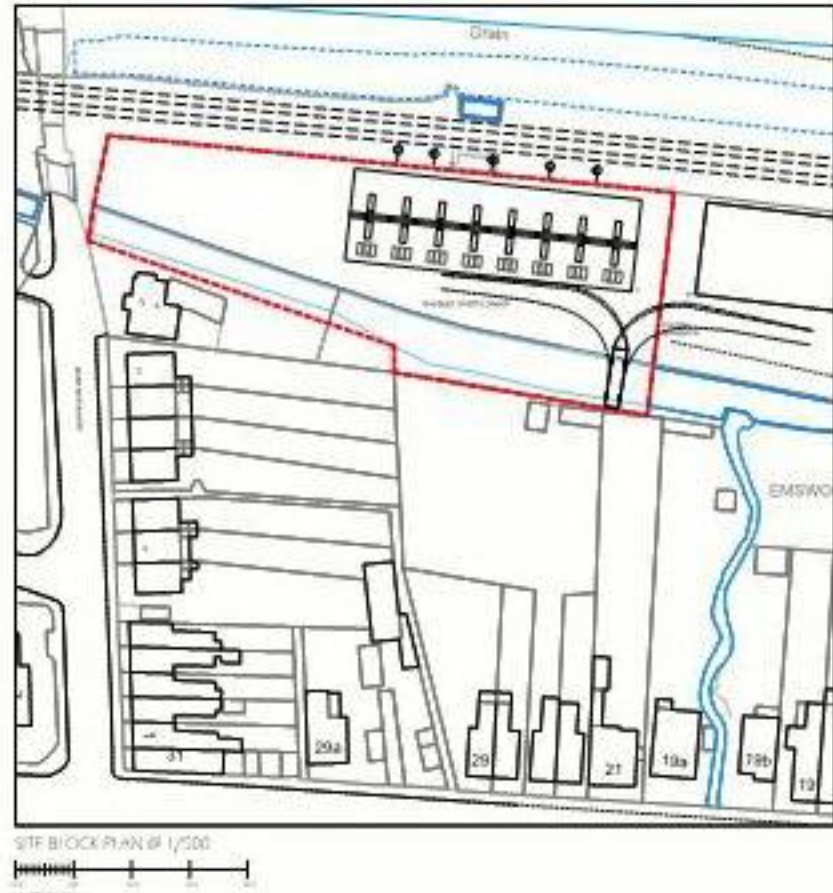
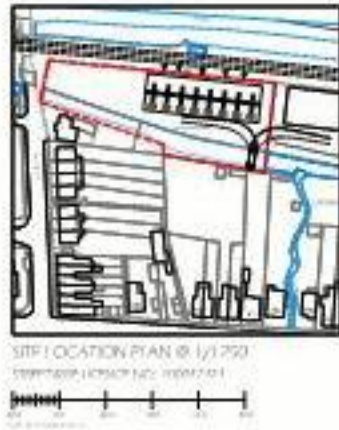
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8 Appendices

8.1 Appendix A - Plans

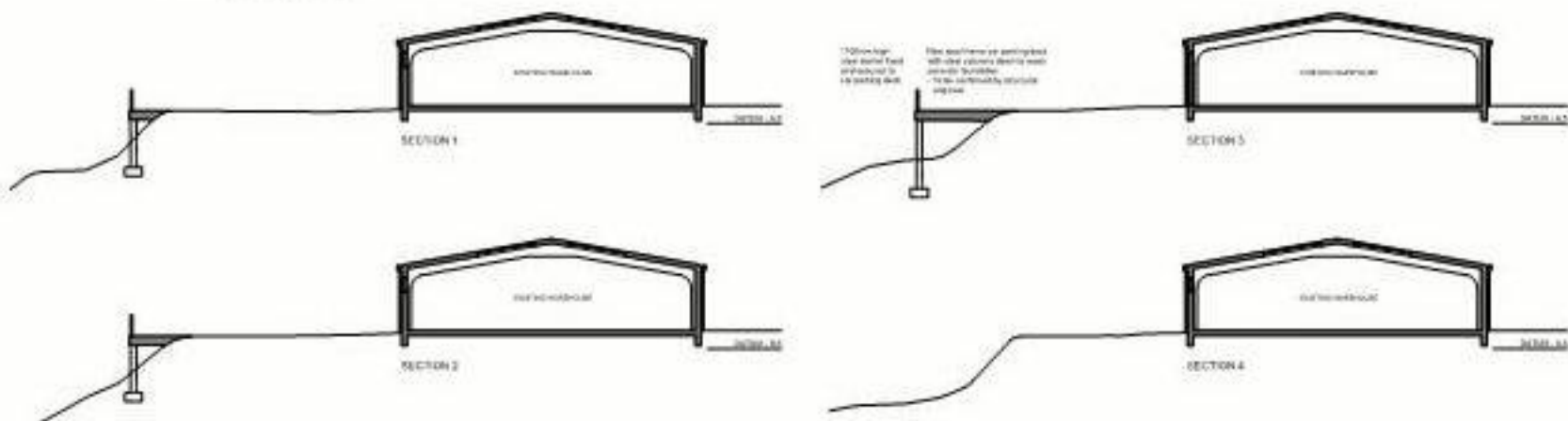
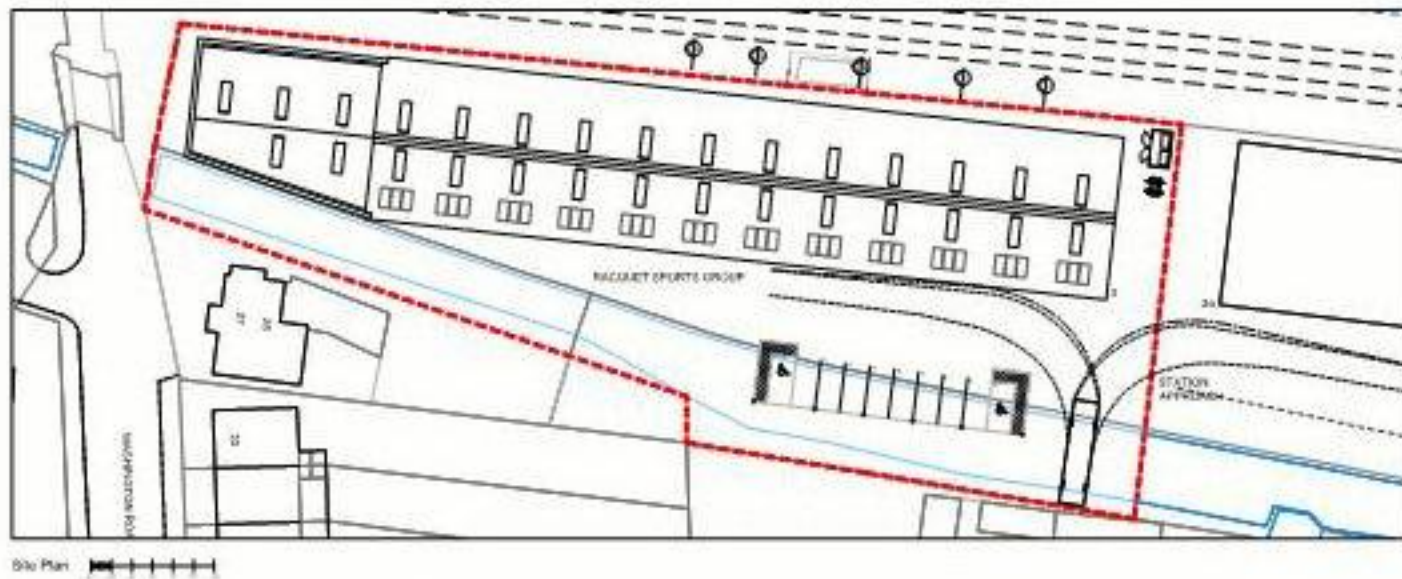
Plan 1 - Location and block plan

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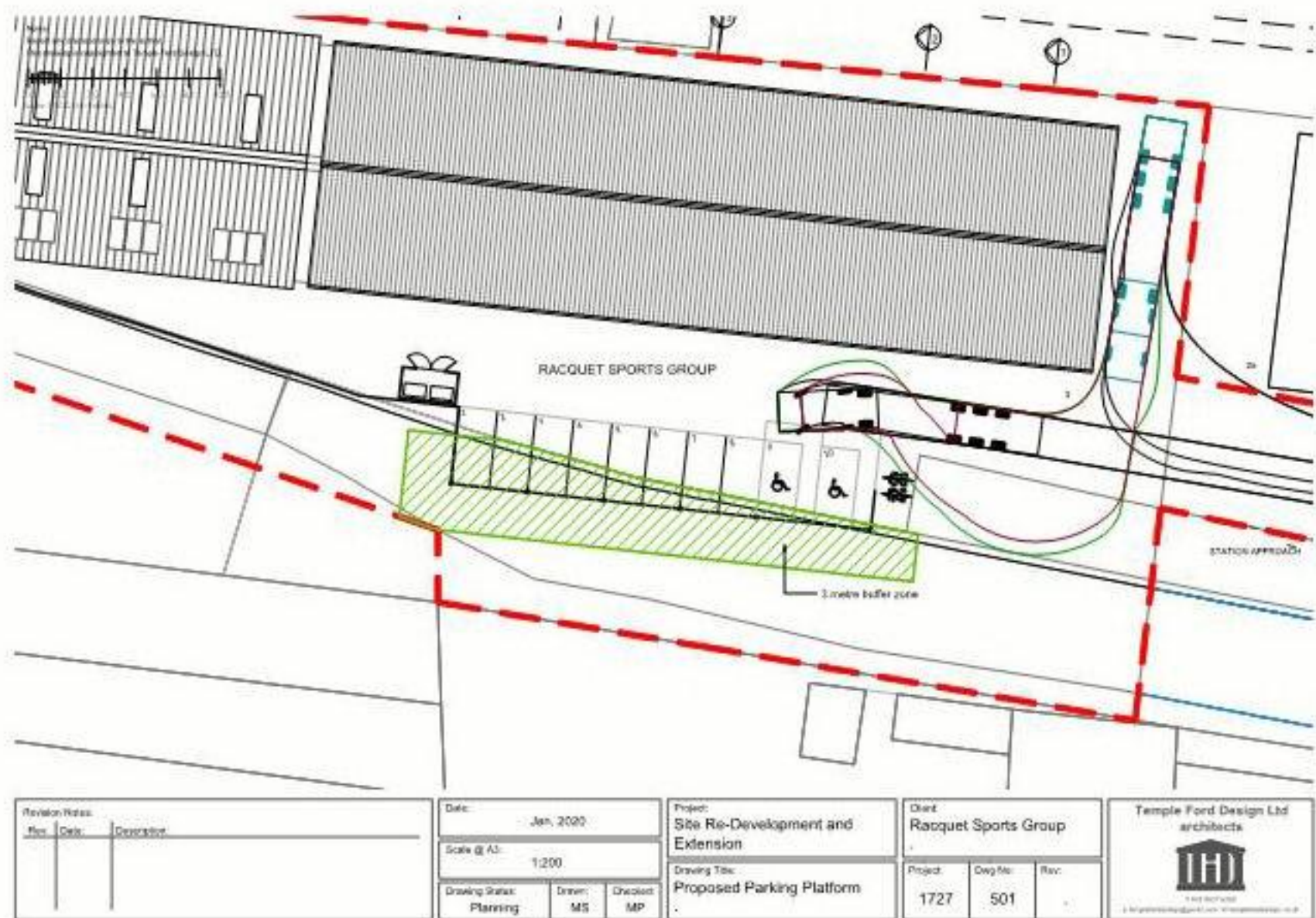
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			Drawing Status: Planning	Drawn: MS	Checked: MP				

Plan 2 - Proposed site plan and sections



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Revision Notes:			Scale @ A2: 1/100 & 1/250		Drawing Title: Proposed Sections & Site Plan		Project: 1727	Drawn: D00	
			Drawing Status: Planning	Drawn: MS	Checked: MP				

Plan 3 - Location of buffer zone to be created around parking area



8 Appendices

8.2 Appendix B - Figures

Figure 1 - North elevation



Figure 2 - South and east elevations



Figure 3 - West elevation



Figure 4 - Site looking northwest



Figure 5 - Area of scrub on south boundary



Figure 6 - Area of scrub on south boundary

