

Ecological Assessments

Environmental Statements
(Biodiversity)

Species Surveys

Phase I Habitat Survey

National Vegetation
Classification

Planning Guidance

Habitat Regulation Assessment

Protected Species Licensing

42020 CEMP: Biodiversity

BREEAM LE01 - 05

Preliminary Ecological Appraisal

Park Lane, Bedhampton, Havant, PO9 3HQ



Cover Photo: The Site entrance.

REPORT STATUS

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Date	05/11/25	14/11/25	
Prepared by	VM	VM	
Signature			
Reviewed by	PR/CLIENT	PR/CLIENT	
Signature			

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1 INTRODUCTION

1.1 BACKGROUND

Rationale

- 1.1.1 This report has been commissioned by C Project to provide a Preliminary Ecological Appraisal (PEA) on behalf of Tankerford Ltd to support a full planning application of proposals at Park Lane, Bedhampton, Havant, PO9 3HQ (hereafter referred to as the Site).
- 1.1.2 This Preliminary Ecological Appraisal follows guidance from CIEEM (2017¹) and complies with recommendations in BS42020² and BS8683³. It is informed by a desk study (Section 3) and a field survey (Section 4).
- 1.1.3 Survey information is valid for a maximum of 18 months, after which updated surveys will be required.
- 1.1.4 Data provided by Hampshire Biodiversity Information Centre is valid for a maximum of 12 months.

Site Details

- 1.1.5 The Site is located at a Petrol Filling Station, Park Lane, Bedhampton, Havant, PO9 3HQ (Grid reference SU 70455 07653). The Site lies in an urban area of residential properties, with main roads running along the northern and eastern boundaries of the Site. A small parcel of woodland connecting to residential gardens lies to the west and south of the Site. Refer to Figure 1 for more details

¹ **Chartered Institute for Ecology and Environmental Managers (2017)** Guidelines for Preliminary Ecological Appraisal. Second Edition (December 2017). Chartered Institute of Ecology and Environmental Management, Winchester.

² **The British Standards Institution 2013** BS 42020:2013 Biodiversity - Code of practice for planning and development. Published by BSI Standards Limited 2013. ISBN 978 0 580 77917 6

³ **The British Standards Institution 2021** BS 8683 Process for designing and implementing Biodiversity Net Gain – specification. Published by BSI Standards Limited 2021. ISBN 978 0 539 01986 5

Proposals

- 1.1.6 The proposals involve a new extension to existing building on the Site to form second car wash bay and accompanying new plant room. Refer to Figure 2 for more details.

1.2 REGULATORY FRAMEWORK

Legislation

- 1.2.1 This report has been prepared taking relevant statutory instruments into account; including domestic legislation such as Acts of Parliament, and Regulations to comply with European Directives. This is described in full in Appendix Section 6 and in summary as follows:

- The Environment Act 2021
- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Wildlife and Countryside Act 1981 (as amended)
- Protection of Badgers Act 1992
- Countryside and Rights of Way (CROW) Act 2000
- Natural Environment and Rural Communities (NERC) Act 2006
- ODPM Circular 06/2005 Biodiversity and Geological conservation (withdrawn March 2014, but report remains compliant)

Priority Species

- 1.2.2 As well as species and habitats formerly protected through statute, this assessment will consider 'Habitats and Species of Principal Importance', otherwise referred to as Priority Habitats and Species if present. In accordance with obligations set out in Section 40 of the NERC Act 2006, the planning authority refers to these habitats and species as material considerations, which are defined in a List through Section 41 of the Act.

National Planning Policy Framework (NPPF)

- 1.2.3 National policy for nature conservation is determined through the NPPF 2024⁴ and with respect to wildlife supersedes Planning Policy Statement 9 (PPS 9). The tools for species protection are still fully present since NPPF policy does not alter statutory legal requirements.
- 1.2.4 The natural environment is accounted for under Section 15. Conserving and enhancing the natural environment. Specifically with regards to habitats and biodiversity the following paragraphs are relevant:
- Paragraph 192: protection and enhancement of biodiversity.
 - Paragraph 193: Local Planning Authority principles.
 - Paragraph 194: Site protection
- 1.2.5 In addition, trees are also planned for under Paragraph 136 which states that, *'decisions should ensure... that opportunities are taken to incorporate trees elsewhere in developments... appropriate measures put in place to secure the long-term maintenance of newly planted trees, and existing trees should be retained where possible'*.

Biodiversity Net Gain (BNG)

- 1.2.6 In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 1.2.7 Within Part 6: Nature and Biodiversity of the Environment Act 2021, section 98, entitled "Biodiversity gain as a condition of planning permission" states that "Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England". Schedule 14 contains the requirement for Biodiversity Net Gain, as detailed below.

⁴ **Ministry of Housing, Communities & Local Government 2024** National Planning Policy Framework (updated December 2024 edition).

Biodiversity gain objective

- 1.2.8 Part 1 of Schedule 14 states *“The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage”*.
- 1.2.9 In England, developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. DEFRA has produced a Metric tool to measure the biodiversity losses and gains that result from development projects, updated in 2024 to The Statutory Biodiversity Metric (Natural England 2024⁵).

UK Biodiversity Policy

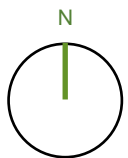
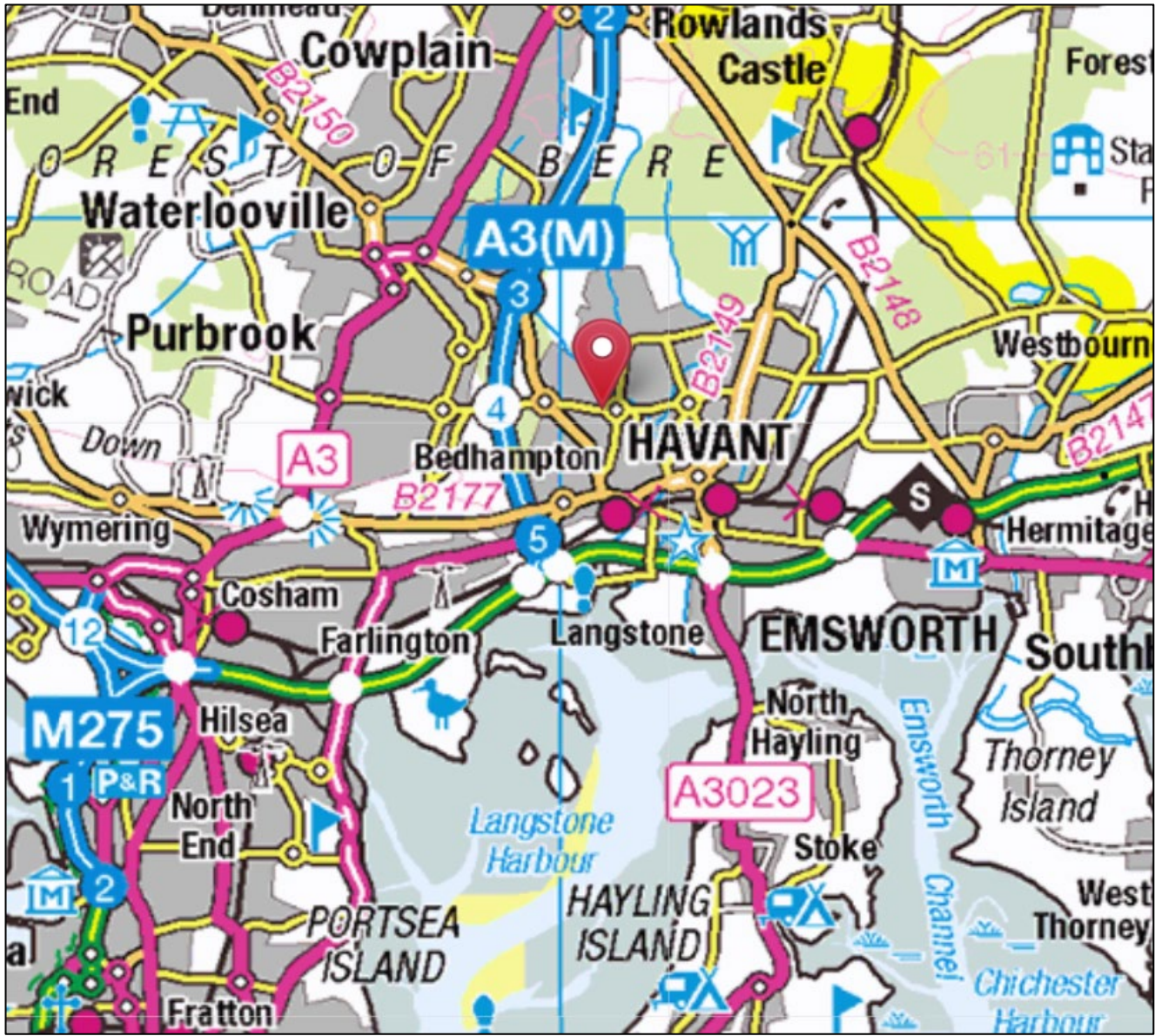
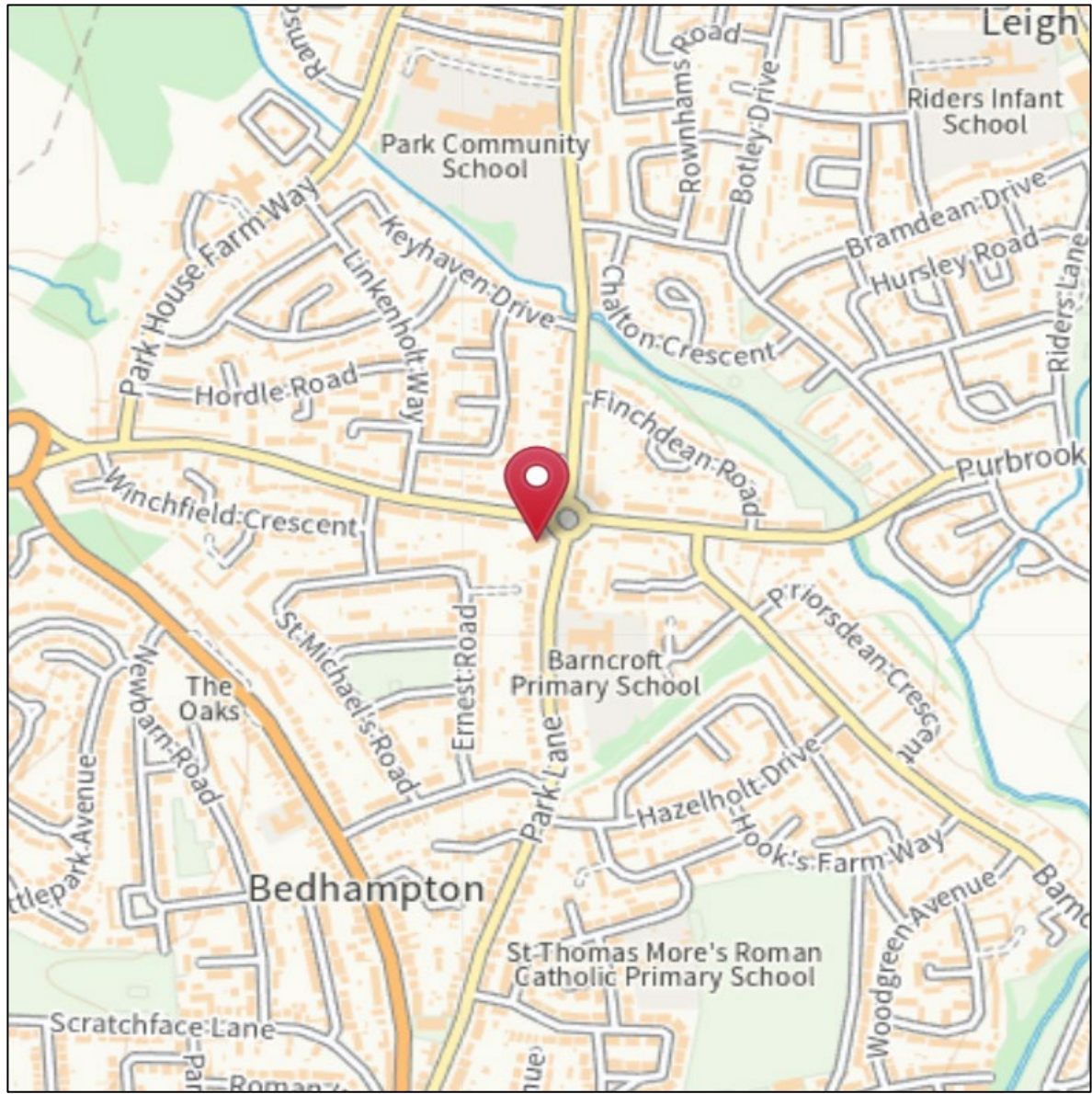
- 1.2.10 There is a ‘Biodiversity Duty’ for local authorities set out in the NERC Act 2006 Sections 40 and 41, guiding national policy for priority habitats and species (i.e., the S41 List), and importantly linking these to both the National Biodiversity Action Plan for the UK and local Biodiversity Action Plans (BAPs).
- 1.2.11 The UK BAP describes the UK’s biological resources and commits a detailed plan for the protection of these resources. Although not statutorily binding, nonetheless it provides policy direction at a national, regional and local scale. It currently has 391 Species Action Plans, 45 Habitat Action Plans and 162 Local Biodiversity Action Plans with targeted actions. This list, a result of the most comprehensive analysis ever undertaken in the UK, contains 1149 species and 65 habitats that have been listed as priorities for conservation action.

⁵ **Natural England 2024.** The Statutory Biodiversity Metric: Auditing and accounting for biodiversity – User Guide. Natural England Joint Publication JP039. ISBN: 978-1-7393362-1-9. First published February 2024.

Figure 1
Location



Application Site



Do not scale

Client

CProject

Project title	Project ID
Park Lane	320-04

Subject

Preliminary Ecological Appraisal

Drawing number

32004-01PEA_A

Drawing date	29/10/25	Version	A
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2 METHODS

2.1 DESKTOP

2.1.1 A desk study was carried out by collecting records within a 1km Area of Search (AoS). Data was collected from Hampshire Biodiversity Information Centre (HBIC). The data trawl provided records for non-statutory sites and details of priority and notable species. The background ecological data search report is valid until 14/10/2026.

2.1.2 The Department of the Environment and Rural Affairs (DEFRA) Map and Geographic Information Centre (MAGIC) website⁶ was searched for information on:

- Statutory designations within 5km of the Site,
- Distribution of Priority Habitats in a 1km AoS
- Relevant European Protected Species licensing data (2km).

2.1.3 Planning policies with respect to Biodiversity for this Site have been reviewed so that recommendations comply.

2.2 FIELDWORK

UK Habitat Classification

2.2.1 A site visit was carried out on 24th of October 2025.

2.2.2 The survey and assessment involved:

- The collection of existing data and scoping of likely habitats present;
- Mapping of Primary Habitats and recording of Secondary Codes while in the field, in accordance with UK Habs descriptions;
- The creation of a UK Habs map using QGIS;
- Review and Quality Assurance of output.

2.2.3 Dominant plant species were noted (including aliens), as were any uncommon species or species indicative of habitat types, but not all species would have

⁶ <https://magic.defra.gov.uk/>

been visible and there was no attempt to compile exhaustive species lists. The survey included at least 30m from the boundary, where possible, to ensure badgers will not be affected.

- 2.2.4 During this field survey, attention was paid to habitats and features that may provide opportunities for protected species to be present at other times of year and thus inform the recommendations for further survey where appropriate.

Ground Level Tree Assessment (GLTA)

- 2.2.5 During the Site survey, a Ground Level Tree Assessment (GLTA) was undertaken in accordance with Collins (2023⁷), to search for potential roost features such as cracks, crevices, and knot holes, and to search for evidence of bat activity such as droppings.

2.3 PERSONNEL

Table 1: Personnel

Name	Contribution	Qualification
Charlie Jones	Survey and Site visit	BSc, MSc., ACIEEM
Vix Moughal	Report writing	BSc, MSc., MEnvSc
Phil Roskell	Review	BSc MSc MCIEEM Bat License: 2024-12223-CL17-BAT

2.4 CONSTRAINTS

- 2.4.1 There were no constraints to survey.

⁷ **Collins, J. (ed) 2023** Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

3 DESKTOP RESULTS

3.1 DESIGNATED SITES

Statutory Designations

International Sites

- 3.1.1 The data search revealed three sites of international importance within the AoS, which are the Solent & Isle of Wight Lagoons (SAC), Solent Maritime (SAC) and Chichester and Langstone Harbours (SPA) all international sites are located over 2.4km from the Site. Refer to Figure 3 for more details.

Solent Maritime Special Area of Conservation (SAC)

- 3.1.2 The Site is designated for its internationally important habitats, including a large coastal lagoon (Annexe I). These habitats support the rare Annex II Desmoulin's whorl snail.

Solent & Isle of Wight Lagoons (SAC)

- 3.1.3 The Site is designated for internationally important Annex I coastal lagoon.

Chichester and Langstone Harbours (SPA)

- 3.1.4 The Site is designated for its waterbird assemblage such as dark-bellied brent goose, common shelduck, Eurasian wigeon, Eurasian teal and little tern.

National Sites

- 3.1.5 The data search revealed ten sites of national importance within the AoS.
- 3.1.6 All national sites are located over 2km from the Site. Refer to Table 2 and Figure 3 below for more details.

Table 2: National Sites

Site Name	Qualifying Feature
Portsdown SSSI	Portsdown SSSI is a chalk anticline that supports rich chalk grassland flora and fauna.
Warblington Meadow SSSI	Warblington Meadow Site of Special Scientific Interest is an unimproved

Site Name	Qualifying Feature
	grazing marsh adjoining Chichester Harbour and is of special interest for its gradation from freshwater, baserich marsh to old reclaimed saltmarsh, and for its rich associated flora, with a total of 158 species of flowering plants having been recorded up to the time of notification.
Langstone Harbour SSSI	Langstone Harbour is a tidal basin. SSSI that supports a variety of habitats and is a significant feeding ground for Brent geese.
Chichester Harbour SSSI	Chichester Harbour SSSI 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.
Brook Meadow (Emsworth) LNR	Brook Meadow LNR consists of 5 acres of grassland, surrounded by woodlands and flanked by two streams. Brook Meadow is full of birds, insects and wild flowers and has Water Voles in the river.
Fairlington Marshes LNR	Farlington Marshes is 25 hectares (308 acres) of flower-rich grazing marsh on the northern shore of Langstone Harbour between Portsmouth and Havant. Farlington is internationally important for the bird populations that it supports, as well as being a blaze of colour in spring and summer with many flowers and butterflies.
Hazleton Common LNR	Hazleton Common LNR has good breeding population of stonechat and is known for other raptors such as Kestrels, sparrowhawks and buzzards.
Hayling Billy LNR	Afforded Local Nature Reserve status in 2010, this old route of the

Site Name	Qualifying Feature
	Hayling Billy train provides habitat for some rare plants.
West Hayling LNR	West Hayling LNR, formerly known as the Hayling Oysterbeds, is home either permanently or on a migratory basis for tens of thousands of seabirds, which find that the thousands of hectares of intertidal mudflats contain a massive assemblage of marine invertebrate life.
Dell Piece West LNR	Dell Piece West LNR is known for Well wooded borders, unimproved grassland, damp marshy ground and a large shallow pond provides habitat for a rich variety of wildlife that includes various butterflies, dragonflies and reptiles.

Non-statutory Designations

- 3.1.7 The data search returned by HBIC identified six Sites of Nature Conservation Importance, and two Ancient Woodland Sites within the 1km AoS. These sites include Littlepark Wood (East), Hulbert Road Meadow, Neville's Park East Wood, Bushy Lease and Stockheath Common. The Site does not lie within any of the SNCI designations. Refer to Figure 4 for more details.

3.2 HABITATS

Priority Habitat

- 3.2.1 The data search revealed a single Priority Habitat within the 500m AoS. This Priority Habitat comprises a parcel of Deciduous Woodland, approximately 0.88ha c.480m from the Site. Refer to Figure 5 for more details.

3.3 SPECIES

- 3.3.1 The data search provided records for protected and notable species within the AoS. Key species records for this assessment include:

- Numerous records of Schedule 1 bird species within the AoS, including recent records of nightjar, marsh harrier, pied flycatcher, spotted flycatcher, firecrest and fieldfare.
- Numerous records of red-listed (r) and amber-listed (a) bird species of conservation concern, such as lesser redpoll (r), skylark (r), swift (r), greenfinch (r), house martin (r), yellow hammer (r), linnet (r), nightjar (a) and black headed gull (a).
- Numerous stag beetle records were returned with the data trawl in the AoS, the most recent was from 2021 and the closest to the Site was c.325m.
- Several records of slow worm were returned in the AoS, the most recent was from 2023 c.646m from the Site.
- Numerous records of bat were returned from within the AoS including Serotine the most recent from 2024, Natterer's Bat (2016), Noctule (2024), Nathusius's Pipistrelle (2022), Common Pipistrelle (2024), Soprano Pipistrelle (2024) and Brown long-eared bat (2024).
- Multiple records of hedgehog were returned in the data search, the most recent from 2020 located c.76m from the Site.

3.4 LOCAL PLANNING POLICY

3.4.1 The local planning policy is the responsibility of the Havant Borough Council Development and is guided by The Core Strategy (2011).

3.4.2 In relation to biodiversity the following policies are relevant:

- The Core Strategy - DM8 Conservation, Protection and Enhancement of Existing Natural Features
- The Core Strategy - DM9 Development in the Coastal Zone

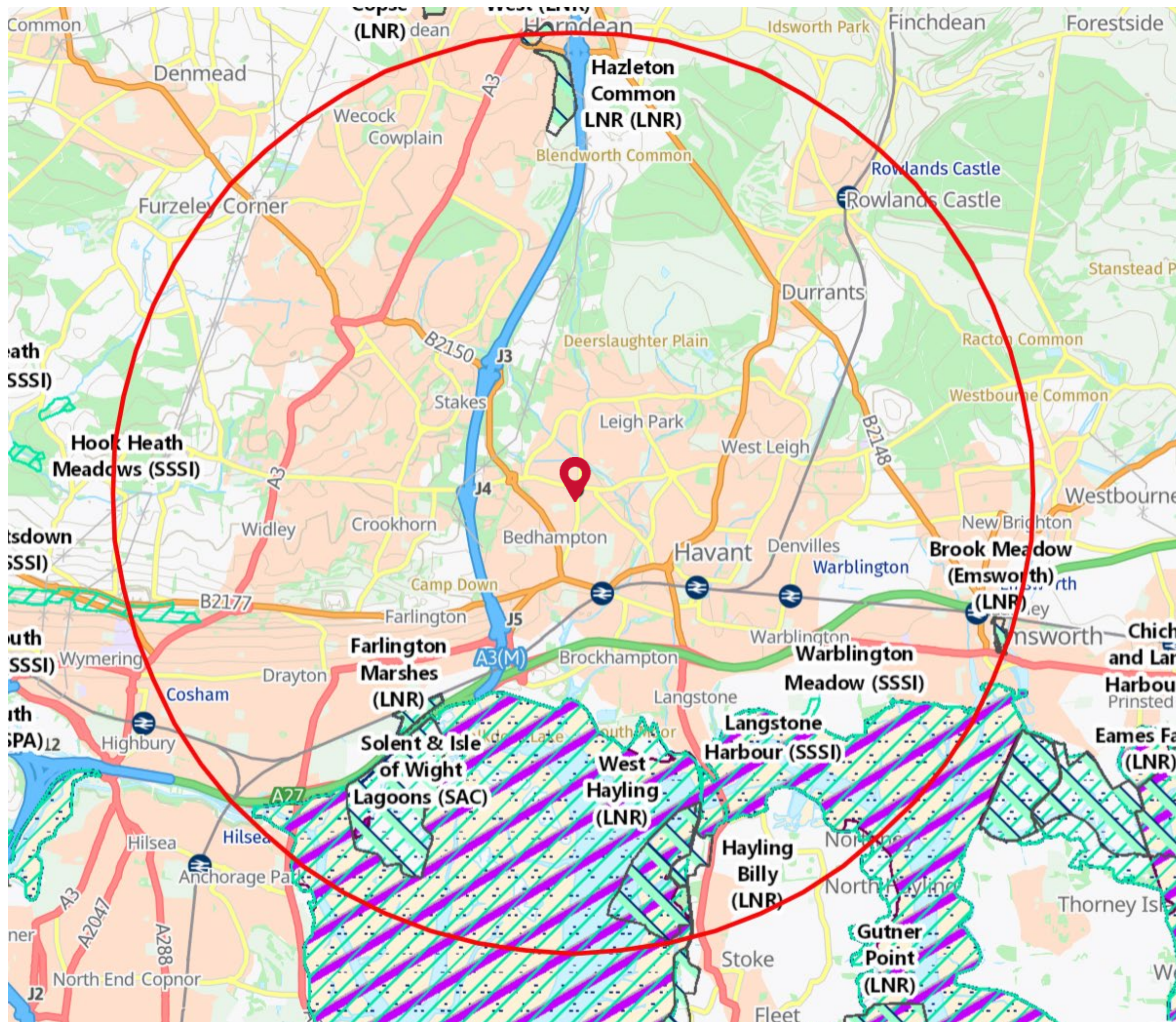


Figure 3
Statutory
Designations



Application Site



5km AoS



SAC



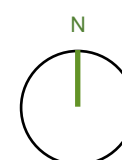
SPA



LNR



SSSI



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Project ID

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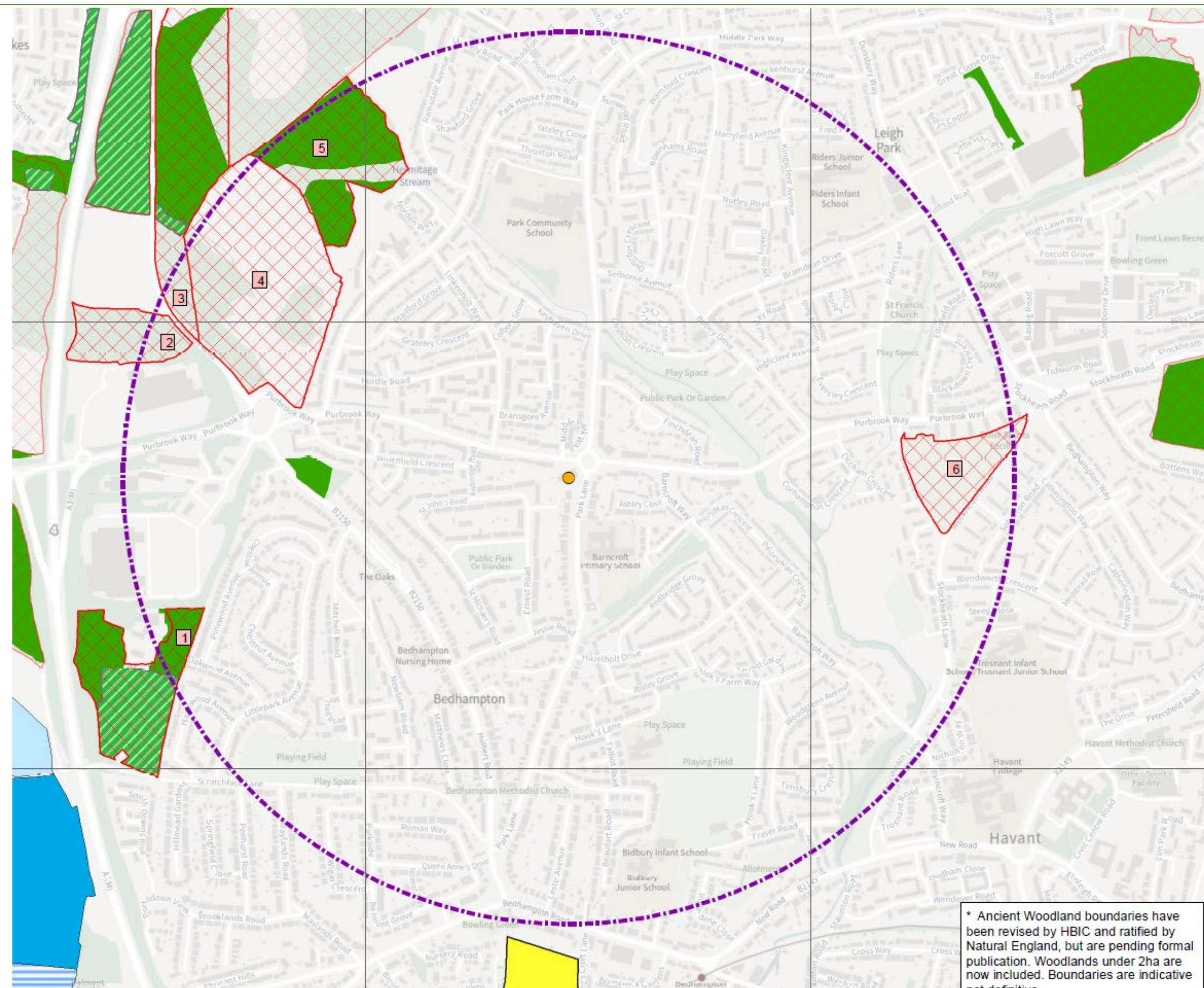
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Figure 4 Non-statutory Designations



- 1km Search Area
- Central Search Point
- SINC (Labelled pink)
- Surrounding SINC

Ancient Woodland Inventory

- Ancient & Semi-Natural Woodland
- Ancient Replanted Woodland
- Ancient Wood Pasture

Client

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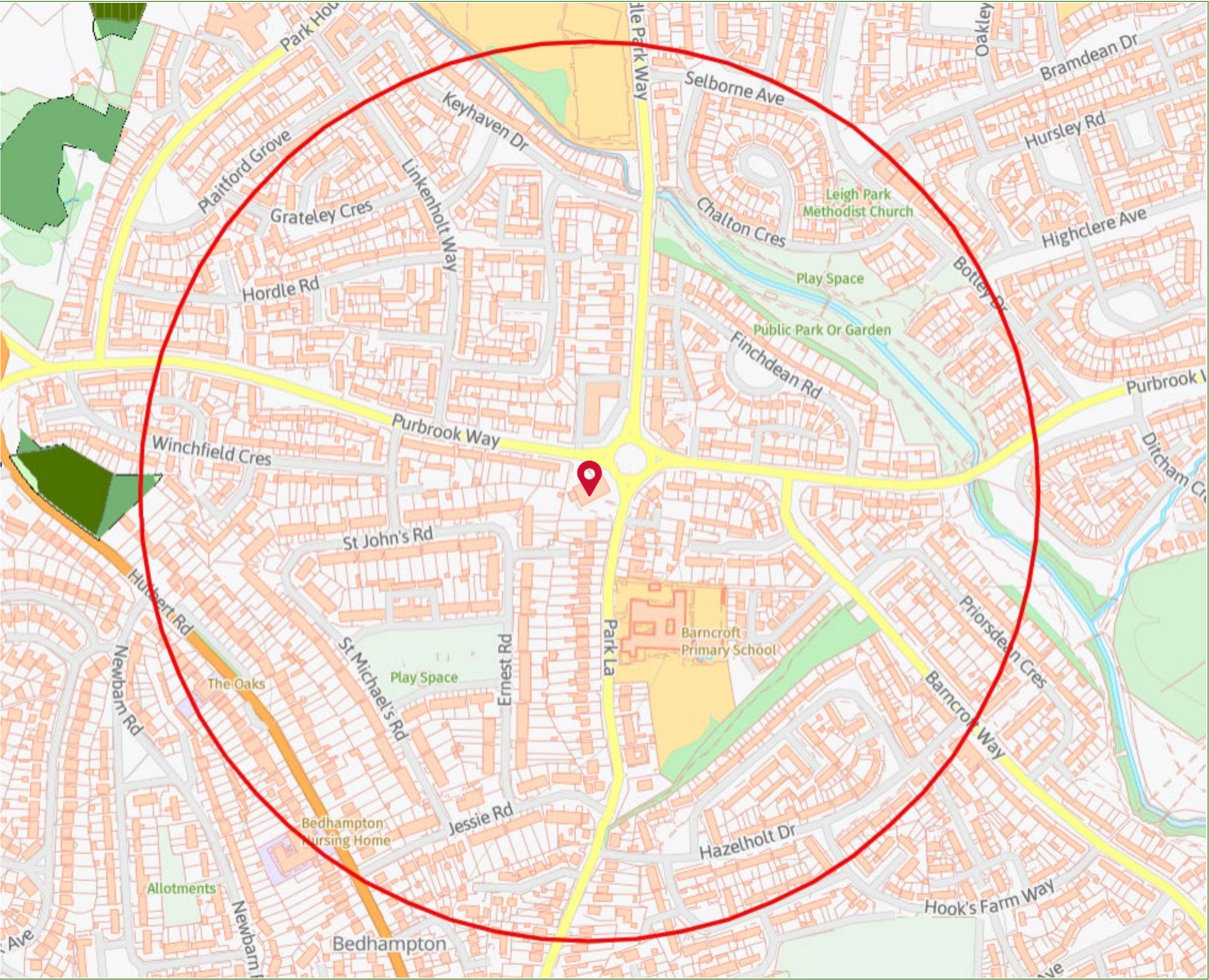
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* Ancient Woodland boundaries have been revised by HBIC and ratified by Natural England, but are pending formal publication. Woodlands under 2ha are now included. Boundaries are indicative not definitive.

Figure 5
Priority Habitat



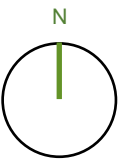
Application Site



500m AoS



Deciduous
Woodland



Do not scale

Client

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Project title

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Project ID

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4 FIELDWORK

Site Summary

- 4.1.1 The Site comprises a flat parcel of land that is occupied and in use as a fuel service station. The Site consists predominantly of hardstanding, sealed surface with modified grassland and mixed scrub present on the Site. Individual trees are present in the southwestern corner and on the northeastern perimeter of the Site. A habitat map has been provided, please refer to Figure 6 for more details.

u1 32 847 – urban land with ruderal species and introduced shrub

- 4.1.2 The southeastern portion of the site, and a small strip across the eastern boundary, comprise of introduced shrub. The shrub is dominated by box leaf honeysuckle, which stands at c.1-1.5m in height. Other species such as bramble agg. O, goat willow R, palm sp R, geranium sp. R, rose sp. R and snowberry R (TN1), are also present.

- 4.1.3 The southwest parcel contains scattered trees, which are c. 5-15m in height. The species include silver birch O, turkey oak R, wild cherry O, goat willow O, oriental plane R, ash O and holm oak R. There are 26 small trees and 10 medium trees on site.

g4 – modified grassland

- 4.1.4 The verges around the perimeter of the site comprise a g4 modified grassland. The sward is c. 5cm in height and homogenous throughout. Noted species include Perennial rye D, annual meadow grass O, knotgrass R, field speedwell R, ribwort plantain O, Yorkshire fog R, chickweed R, creeping cinquefoil R, blue field madder O, common nettle R, common mallow R, white clover D, common dandelion O, creeping buttercup O, smooth sow thistle R, broadleaved dock R, common hogweed R, red dead nettle R, yarrow O, spring sedge O, cats ear O, wall barley O, sheep's purse O, groundsel O, wood sorrel O, common daisy O.

Developed land; sealed surface u1b

- 4.1.5 The majority of the site is covered with paved brick, asphalt and concrete.

Buildings u1b5

- 4.1.6 There are two buildings (sales building & carwash), with a canopy cover in the centre of the site. The buildings are flat roofed, constructed of brick, glazing and uPVC/sheet metal panelling.



Photo 2: Urban land with ruderal species and introduced shrub.



Photo 3: The verges around the perimeter of the Site comprise of modified grassland.



Photo 4: The majority of the Site is covered with paved brick, asphalt and concrete.



Photo 5: The southwest parcel contains scattered trees, which are c. 5-15m in height.



Photo 6: There are two buildings (sales building & carwash), with a canopy cover in the centre of the Site.

4.2 HABITAT CONFORMITY TO OTHER CATEGORIES

International Qualifying Features

4.2.1 N/A

4.3 PRIORITY HABITATS

4.3.1 The habitat on site did not conform to any Priority Habitat type.

4.4 BATS AND NESTING BIRDS

Preliminary Roost Assessment

4.4.1 A preliminary roost assessment of the building was carried out to search for signs of bat activity or presence. During the PRA a search for evidence and/or presence of nesting birds was also carried out.

4.4.2 All buildings on site hold negligible roosting potential for bats. No evidence of bats was recorded across any building. One potential feature was noted on the southeast elevation of B1 (lifted lead flashing), but this was inspected with a high-power torch and did not progress into the roof structure. The gap itself is typically too exposed to be suitable for bats.

4.4.3 All the buildings are well sealed, with no damage or missing pieces of material that could allow the passage of bats into the interior or fabric of the buildings.

4.4.4 The trees and introduced shrub are suitable for nesting birds however no active bird nests were recorded around the Site in either building or trees.

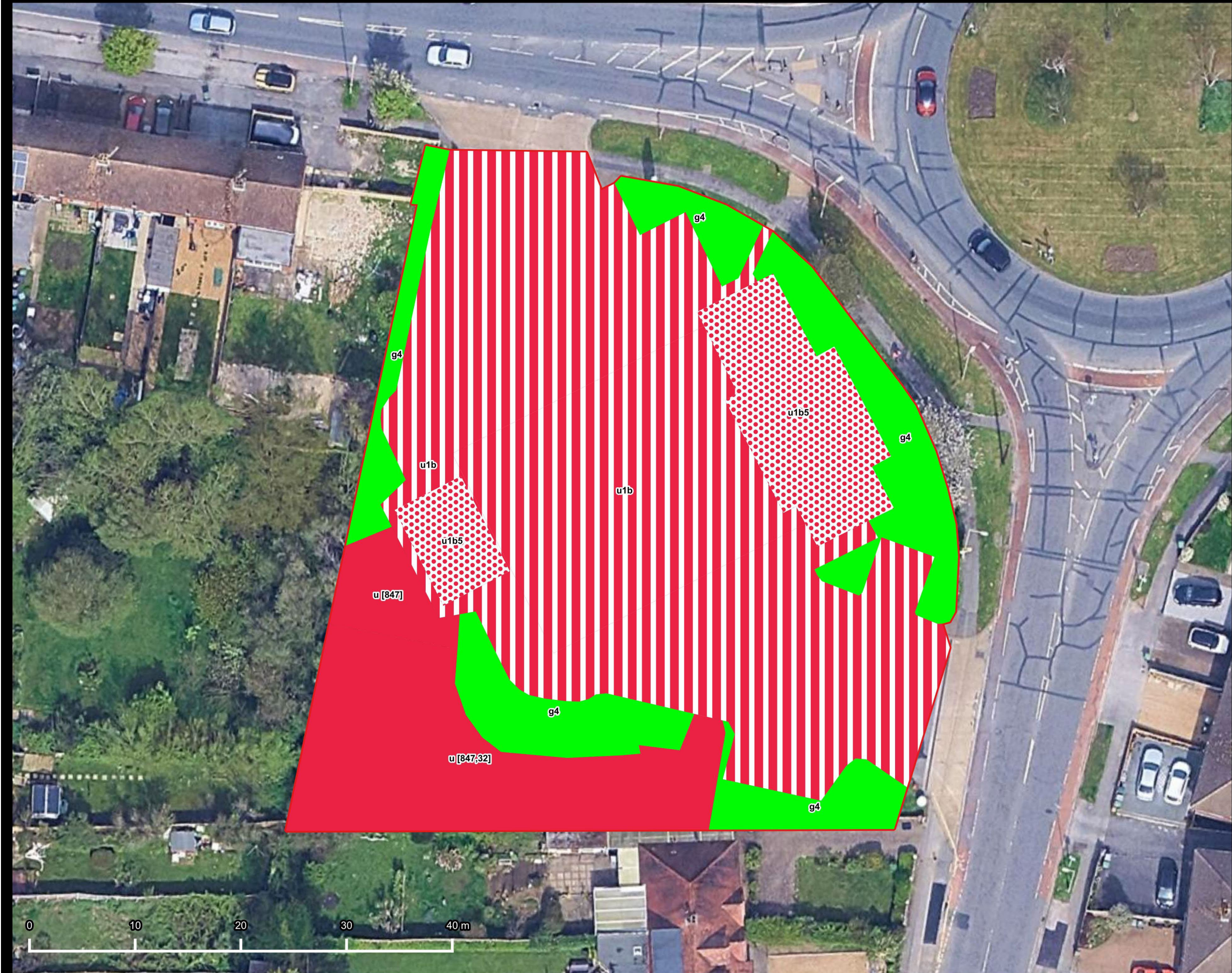
4.5 OTHER

4.5.1 Two mammal holes were identified in the southwest corner of the Site within an area of introduced shrub. Immediately around that area c.5m radius there were around 4-5 old foraging holes. No fresh latrines were recorded. Fox hair was found at the entrance of the smaller mammal hole.

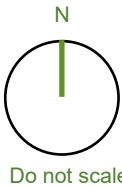
4.5.2 The southwest of the Site is suitable for common reptiles. There is a log pile, compost waste, corrugated metal sheeting and other fly-tipped materials. This area of the Site is connected to a suitable garden habitat.

4.5.3 The southwest parcel of the Site is suitable for other species such as hedgehog.

Figure 6
Habitat Map



- Key**
- Modified grassland [g4]
 - Urban [u]
 - Developed land; sealed surface [u1b]
 - Buildings [u1b5]



Client **CProject**

Project title Project ID
Park Lane 320-04

Subject
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Drawing number
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5 MITIGATION SUMMARY

5.1 MITIGATION SUMMARY

- 5.1.1 The following is a summary of the impacts that are likely at the Site and how mitigation has been proposed, together with some explanation of why some features present have been discounted from further assessment.
- 5.1.2 This summary has been included to ensure the complexity of mitigation does not overshadow any item, but each subject of mitigation should be carefully read in full in later sections to avoid missing any detail.

Table 3: Summary of Recommendations

Feature	Mitigation Summary
Habitats	CEMP
Breeding Birds	Breeding bird mitigation
Mammals	RAMS
Reptiles and Amphibians	
Red Fox	CEMP
Stag beetle	RAMS
Biodiversity Net Gain (BNG)	The current proposals do not achieve the required 10% biodiversity net gain, and the trading rules are not met. To deliver the required net gain, additional or revised landscaping proposals will be necessary to provide further on-site habitat creation or enhancement. Alternatively, biodiversity units may be purchased from a reputable habitat bank to offset the shortfall.

Table 4: Features not assessed further

Feature	Reason for omission
Designated Sites	Due to the nature and scale of the development, no direct or indirect impacts from the project are envisaged upon any statutory or non-statutory designated sites.

Feature	Reason for omission
Bats	No features offering suitable roosting habitat present on site. The site offers limited suitable foraging habitat. No further surveys are required.

5.2 HABITATS

Status

- 5.2.1 The Site does not lie on or within any statutory designations or priority habitat.
- 5.2.2 The majority of the Site comprises hardstanding with modified grassland and introduced shrub. A small portion of the introduced shrubs will be lost to the proposals.

Unmitigated Impacts

Construction

- The construction phase could unintentionally damage the neighbouring habitat.
- The construction phase could cause a pollution incident that may directly affect the adjacent habitat or waterways.

Recommendations

- 5.2.3 The Framework CEMP submitted with the application should include the following measures:
- i) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drainage.
 - ii) Details of sensitive biodiversity areas and locations of protective fencing.

- iii) Resource Management: details of waste generation and its management plus fuel and chemical storage and its containment.
- iv) Marine works should be suitably bunded from run-off, and concrete should be delivered to site ready-mixed.
- v) Pollution prevention through best practice will be implemented, including details of emergency spill procedures and incident response plan.
- vi) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details with an Incident Reporting Mechanism.
- vii) Biosecurity measures, such as ensuring the absence of invasive species at the Site.

5.3 BREEDING BIRDS

Status

- 5.3.1 The scrub and trees on site may provide opportunities for common breeding birds.

Legislation & Policy⁸

- 5.3.2 All wild breeding birds are protected by Part 1 of the Wildlife and Countryside Act 1981 (as amended) from deliberate or reckless damage or destruction. It is unlawful to;

- intentionally kill, injure or take wild birds
- intentionally take, damage or destroy a wild bird's nest while it's being used or built
- intentionally take or destroy a wild bird's egg

- 5.3.3 Schedule 1 birds are afforded additional protection under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly:

- disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young, or whilst lekking;

⁸ There are variations between countries in the UK, but the principle is enshrined here

- disturb the dependent young of any wild bird listed on Schedule 1.

Unmitigated Impacts

Construction

- Works could damage or destroy bird breeding habitat during the breeding season, potentially causing damage or destruction of a nest, eggs and unfledged young.
- Breeding bird habitat may be lost in the area.

Recommendations

5.3.4 If any works to potential bird nesting habitat is required, this should not take place during the breeding period or:

- i) Bird breeding habitat should be removed outside the bird breeding season in advance of the works, or
- ii) Where clearance of vegetation likely to support nesting birds takes place between 1st March and 31st August, a qualified ecological Clerk of Works (ECoW) should visit the Site within 48 hours prior to commencement (but preferably the same day) to confirm no breeding birds are present that will be affected by the proposals. Where this involves dense or extensive vegetation, the ECoW is unlikely be able to confirm this. Should an ECoW be required, the results of the visit should be kept on file to show the authorities should it be required.

5.4 MAMMALS

Status

5.4.1 There are records of hedgehogs in the area and the southwest corner of the Site offers suitable foraging and hibernating opportunities. No signs of badgers were observed within 30m of the Site where access was permitted.

Unmitigated Impacts

5.4.2 Impacts are restricted to the construction of the facility. Animals may commute across the Site and therefore be subject to adverse impacts from construction.

Recommendations

5.4.3 We recommend a CEMP is provided to control the construction process and in addition to the recommendations in 5.2.3 above should include:

- i) Any excavation >1.5m left overnight should have a means of escape provided, such as a plank or a ramp of earth.

5.5 REPTILES AND AMPHIBIANS

Status

5.5.1 No records of amphibians were returned in the data search, and the Site offers no suitable habitat for common amphibians. There are records of slow worms within the area of search, and the southwest corner of the Site provides suitable habitat for common reptiles. During the site visit, no amphibians or reptiles were observed.

Legislation & Policy

5.5.2 Common herptiles are partially protected by the WCA 1981 from intentional or reckless killing and injury, and the statutory guidance is to take all reasonable action to avoid such activity.

Unmitigated impacts

5.5.3 There is potential for a herptile to be killed or injured during the construction process.

Recommendations

5.5.4 The proposals involve demolishing the existing building to ground level. If any works are to affect the surrounding habitat which offers suitability for reptiles, then the construction process should be guided by a CEMP: Biodiversity, which should contain a code of construction practice for the proposed works. The Code should involve the use of Reasonable Avoidance Measures:

- i) A pre-construction finger-tip search when carrying out construction during April to October.
- ii) Pre-construction removal during April to October of any features that could be used by reptiles to find refuge or hibernate.

- iii) Any herptiles found can be safely released into neighbouring habitat that will be unaffected by the proposals.

5.6 RED FOX

Status

- 5.6.1 A red fox den is present on site, and a fox hair was observed during the survey.
- 5.6.2 Site operatives confirmed the presence of foxes.

Legislation & Policy

- 5.6.3 Red Fox receive limited protection under the Wildlife and Countryside Act 1981 and are protected under the Wild Mammals (Protection) Act 1996.

Unmitigated impacts

- 5.6.4 There is the potential for a fox to be harmed or ill-treated during the works. The fox den could be unintentionally destroyed or obstructed.

Recommendations

- 5.6.5 The proposed works should not affect the surrounding habitat. As such the fox den should not be impacted. Works should be subject to a CEMP to protect surrounding habitat from damage. Refer to 5.4.3.

5.7 STAG BEETLE

Status

- 5.7.1 Numerous stag beetle records were returned with the data trawl in the AoS, the most recent was from 2021 and the closest to the Site was c.325m.
- 5.7.2 The woodland trees and vegetation in the southwest corner of the Site may provide suitable habitat for stag beetle.

Legislation & Policy

- 5.7.3 Stag beetle is a Protected Species under Wildlife and Countryside Act, 1981 (as amended) and a Species of Principal Importance under Section 41 of the NERC Act 2006.

Unmitigated impacts

- 5.7.4 Stag beetle habitat could be destroyed.
- 5.7.5 There is potential for stag beetles to be killed or injured during the construction process.

Recommendations

- 5.7.6 Although no suitable breeding habitat (e.g. decaying tree stumps, log piles, or buried deadwood) was identified within the working area, the adjacent trees may support the species. Works will therefore be undertaken following precautionary measures to avoid indirect impacts:
- i) No tree stumps, fallen timber, or other potential stag beetle breeding material will be disturbed within the woodland or adjacent areas.
 - ii) Machinery and materials will be stored on hardstanding or existing disturbed ground, avoiding compaction of soils near woodland edges.
 - iii) Any unavoidable removal of woody debris will be preceded by a brief inspection by an ecologist to check for the presence of stag beetle larvae or suitable deadwood features.
 - iv) If stag beetles (adults or larvae) are encountered during works, activities will cease in that area and the site ecologist will be contacted for advice.
 - v) Where practicable, retained or surplus wood will be stacked partially buried in a shaded location at the site periphery to provide stag beetle habitat enhancement.

5.8 BIODIVERSITY NET GAIN

Status

- 5.8.1 In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%, unless exempt.
- 5.8.2 The Statutory Biodiversity Metric (2024) was used to assess the BNG scenario for the proposals. The site comprises urban developed land (sealed surface),

patches of modified grassland, and urban ruder/ephemeral vegetation with individual trees. A total of thirty-six individual trees are present within the red line boundary, all of which are due to be retained. The on-site baseline score consists of 2.36 habitat units.

5.8.3 Following the proposed development, all individual trees will be retained, as well as the ruderal/ephemeral vegetation. Approximately 91sqm of modified grassland will be lost.

5.8.4 The proposals result in a net change of - 0.02 habitat units (-0.77%).

5.8.5 No hedgerow or watercourse units are present on site.

5.8.6 The current proposals do not achieve the required 10% biodiversity net gain.

5.8.7 Currently, the site results in a 0.25 unit deficit.

Box 1: BNG Headline Results

FINAL RESULTS			
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-0.02	
	Hedgerow units	0.00	
	Watercourse units	0.00	
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-0.77%	Total net gain achieved is less than target set ▲
	Hedgerow units	0.00%	
	Watercourse units	0.00%	
Trading rules satisfied?	No - Check Trading Summaries ▲		

Biodiversity Gain Hierarchy

The Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for biodiversity net gain is set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This hierarchy (which does not apply to irreplaceable habitats) sets out a list of priority actions.

Priority Actions

- In relation to onsite habitats which have a medium, high and very high distinctiveness, the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and

- In relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible:

Enhancement

Enhancement of existing onsite habitats.

- There is no scope for enhancement within the Site boundary.

Onsite Habitat Creation

Creation of new onsite habitats

- There is no scope for compensation.

Offsite Gains

Creation of new offsite habitats

- There is no scope for offsite compensation.

Biodiversity Units

Purchase of biodiversity units.

- The client wishes to proceed with purchasing biodiversity units from a habitat bank.
- A total of 0.25 units are required to offset the loss of habitat.

6 APPENDICES

6.1 LEGISLATION

The Environment Act 2021

6.1.1 The Act deals with targets to improve air quality, biodiversity, water, and waste reduction and resource efficiency. Nature and Biodiversity is dealt with directly in Part 6, which is aimed at:

- Strengthened biodiversity duty.
- Biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity.
- Local Nature Recovery Strategies to support a Nature Recovery Network
- Duty upon Local Authorities to consult on street tree felling.
- Strengthen woodland protection enforcement measures.
- Conservation Covenants
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature
- Prohibit larger UK businesses from using commodities associated with wide-scale deforestation
- Requires regulated businesses to establish a system of due diligence for each regulated commodity used in their supply chain, requires regulated businesses to report on their due diligence, introduces a due diligence enforcement system

Conservation of Habitats and Species Regulations 2017 (as amended)

6.1.2 These Regulations consolidate the Conservation (Natural Habitats, &c.) Regulations 1994 and amend the 2010 Regulations, and together they transpose the European Habitats Directive into domestic law. The Regulations provide for the designation and protection of 'European sites' (referred to in this assessment as international sites), the protection of 'European protected

species', and the adaptation of planning and other controls for the protection of such.

- 6.1.3 Under the Regulations, UK competent authorities have a general duty to have regard to the EC Habitats and Birds Directives. They require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Under Regulation 63, where any proposed plan or project is likely to have an effect on a Natural 2000 site or qualifying feature for a site, then the competent authority (normally the local planning authority) will carry out an Appropriate Assessment of those effects, referred to as a Habitats Regulations Assessment (HRA).

Species

- 6.1.4 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority, including the planning authority, is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild populations of the species concerned: these three elements form the basis of the three derogations 'tests' to be applied to satisfy European legislation.

Wildlife and Countryside Act 1981

- 6.1.5 The principle statutory instrument that governs nature conservation in England is the Wildlife and Countryside Act 1981 as amended (WCA 1981).
- 6.1.6 The WCA 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and the Birds Directive in Great Britain. It

is complimented by the Wildlife and Countryside (Service of Notices) Act 1985, which relates to notices served under the 1981 Act, and the Habitats Regulations 2017 (as amended), which implement the Habitats Directive.

6.1.7 Containing four Parts and seventeen Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way.

6.1.8 Amendments to the Act have been made and there is a statutory quinquennial review of Schedules 5 and 8 (protected wild animals and plant respectively), undertaken by the country agencies and co-ordinated by the Joint Nature Conservation Committee. There have been 6 reviews with the 7th commenced in 2021.

Protection of Badgers Act 1992

6.1.9 There are very few Acts of Parliament that are dedicated to one species with conservation as part of the aim. This Act supplements the WCA 1981 by affording protection to badgers against disturbance and their setts against unlawful damage and destruction. It provides a licensing system to allow works to proceed in a sensitive manner.

Countryside and Rights of Way (CRoW) Act 2000

6.1.10 The CRoW Act 2000 places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the 1992 Rio Convention on Biological Diversity. The Act makes various amendments to the WCA 1981 including increasing SSSI protection, management and policing.

6.1.11 DEFRA published the first 'list' in 2002 under Section 74 of the CRoW Act 2000, which was identical with the UK BAP list at the time, now superseded by the Natural Environment and Rural Communities Act 2006 Section 41 list (see below).

Natural Environment and Rural Communities (NERC) Act 2006

- 6.1.12 The NERC Act 2006 makes provision in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species.
- 6.1.13 Section 40 of the Act lays a duty on authorities to have regard to the purpose of conserving biodiversity in compliance with the UN Biodiversity Convention in 1992. This is otherwise known as the 'Biodiversity Duty' and refers in particular to those Habitats & Species of Principle Importance listed in Section 41 of the Act. Guidance for local authorities on implementing the Biodiversity Duty is provided in DEFRA (2007).

Section 41 List

- 6.1.14 For the purposes of conserving biodiversity, habitats and species of principle importance are listed through the provisions set out in Section 41 of this Act (replacing Section 74 of the CRow Act 2000), referred to in this chapter as the Section 41 List. DEFRA 2007 references the UK and local Biodiversity Action Plans (BAPs) (see below) as the source of data for the Section 41 List. This assessment uses the List, as updated by the UK BAP, as a key guide for identification of ecological features to be affected by proposals, and to guide and weigh recommendations and mitigation.

The Section 41 List has been further refined by DEFRA 2007, where seven sectors have been selected where public bodies and other stakeholders can make a significant contribution to biodiversity conservation, through their Biodiversity Duty. Habitats and species relevant to each sector have been identified to help non-conservation professionals consider where the List might apply to them. Of these seven, two are relevant to this assessment i.e. Land Use Planning and Regional & Local Government. The List was last updated in 2010 and referenced here as Natural England 2010.

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