Ecological Impact Assessment (EcIA)

Small scale Developments

Mill Rythe Lane

Hayling Island, Hampshire, PO11 0QQ

April 2026

Version 1.0

Contract Details

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Declaration of Compliance

BS 42020:2013

This study has been undertaken in accordance with British Standard 42020:2013 Biodiversity, Code of practice for planning and development, unless specifically stated otherwise.

Code of Professional Conduct

The information which we have prepared is true and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions

Validity of Survey Data and Report

The findings of this report are valid for 12 months from the date of survey, unless the site has been maintained in exactly the same condition, in which case the report can be considered valid for 24 months. Please be aware that some Local Planning Authorities (LPAs) require an update once 12 months has elapsed. If a planning application has not submitted within this period, an updated survey by a suitably qualified ecologist may be required.

An important caveat is that if Natural England Protected Species Licences are required, Natural England expect the survey data to be 'current year'. As protected species surveys have to be undertaken at specific times of the year this may not align with the build process. An example would be, a bat survey undertaken in the period May – September, will be 'current year' only, until the following May. After this time Natural England may require a further survey/s be undertaken. Consequently, Protected Species reports may be acceptable to the LPA, but not to Natural England. It is the clients' responsibility to monitor this and update surveys as necessary. A failure to do so may result in serious delays to the build programme.

Legal and Moral Constraints and Responsibilities Summary

An overview of relevant legislation and responsibility is given within the Appendices: Planning Policy and Legislation. Constraints exist for development where specific habitats or species are, or are potentially, within or adjoining a site proposed for development. Therefore, avoidance, mitigation, compensation and enhancement for a site will apply.

In all instances where Mitigation is given, also refer to:

- Any further survey work for protected species (Phase 2 Surveys) recommended, or their results.
- General Good Practice during Construction Stage.
- Law and Legislation pertaining to specific species (plants and animals)
- Prevention of the spread of native and non-native invasive plants and animals.
- Avoidance of Wildlife Crime http://www.nwcu.police.uk/

Further advice if species are found onsite during development may be sought from Ecological Surveys Ltd (Tel: 0800 888 6846 or 07736 458609) or Natural England: 0300 060 3900.

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What is an Ecological Impact Assessment (EcIA)?

An EcIA is a process of identifying, quantifying and evaluating potential effects of development-related or other proposed actions on habitats, species and ecosystems

The findings of an assessment can help competent authorities understand ecological issues when determining applications for consent. EcIA can be used for the appraisal of projects of any scale including the ecological component of Environmental Impact Assessment (EIA) – This Small-Scale version EcIA is not intended to be used as a chapter within an Environmental Impact Assessment (EIA)

The primary audience for an EcIA is the client or developer and relevant members of the project team, such as the architect, planning consultant and landscape architect. It is normally produced to inform a developer (or other client), and their design team, about the key ecological constraints and opportunities associated with a project, possible mitigation requirements and any detailed further surveys required.

This EcIA report is written in a manner to support smaller scale developments, or developments taking place in locations which are not of high biodiversity value. This is in line with CIEEM guidance.

*Differing Scales of EcIA and a Proportionate Approach

> *1.9 EcIA can be applied to projects of widely varying scales. The EcIA principles and process outlined in this guidance are relevant to all developments that may impact on ecological features – this term is used throughout to cover habitats, species and ecosystems. However, the level of detail required in an EcIA will inevitably be proportionate to the scale of the development and complexity of its potential impacts.*

> *1.10 Scoping […] should be proportionate to potential effects on ecological features. Professional ecologists need to use their knowledge and experience to judge the resources required to complete an adequate and effective EcIA.*

> *1.11 Emphasis in EcIA is on 'significant effects' (see Box 3 in Appendices) rather than all ecological effects. Relevant legislation, regulations, plans and policies should be considered at an early stage, as these will have a bearing on the scope of investigations, how potential effects are interpreted, and the criteria needed for determining significance.*

*CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

Non-Technical Summary

Purpose of the Report	To present the results of the Extended Phase 1 Habitat Survey undertaken at Mill Rythe Lane, hereafter referred to as 'the Site'; assess the impacts of the proposed development on the Important Ecological Features identified; and detail applicable compensation, mitigation measures and biodiversity enhancements as appropriate.
Development Brief	Construction of Padel Courts and a new MOT test centre.
Further Survey Work (Phase 2 Protected Species Surveys)	Not required.
Further Assessment or Mitigation Method Statements	Not required.
Habitat Regulation Assessment (HRA)	It is considered possible that the local planning authority (LPA) will request an HRA and we advise urgent consultation with the LPA to clarify this requirement.

Important Ecological Features (IEFs)

The presence of an IEF on site, or in a location which could potentially be impacted by the development or post development activities will need to be avoided, mitigated or compensated for.

IEF Designated sites	**Onsite** - None **Offsite** - Chichester Harbour SSSI - Solent Maritime SAC - Chichester and Langstone Harbours SPA - Chichester and Langstone Harbours Ramsar - Solent Waders & Brent Goose Network
IEF - Habitats	**Onsite** - None

	Offsite - Line of trees (potential for foraging/commuting bats and nesting birds) - Mudflats (Priority Habitat; part of SSSI, SAC, SPA, & Ramsar) - Saltmarsh (Priority Habitat; part of SSSI, SAC, SPA, & Ramsar)
IEF - Species	**Onsite** - None **Offsite** - Bats (low potential for foraging/commuting) - Birds (nesting; protected/notable species within designated sites)
Invasive Non-native Species (Schedule 9 species)	**Onsite:** - None recorded

The developer must avoid negative impacts under the Mitigation Hierarchy to the following habitats (and those which might also offer opportunity to protected wildlife species)

Avoidance Measures	Timing of construction, to be carried out outside of Winter, to ensure no Brent Geese are present.
Mitigation Measures	None required
Compensation Measures	None required
Enhancement Measures	Inclusion of in-built bird brick/box

Biodiversity Net Gain

Background	The LPA have an obligation to ensure that all developments (unless exempted) result in a 'Net Biodiversity Gain (BNG)'. Consequently, even if there are no perceived negative biodiversity impacts, the developer might still have to provide some form of biodiversity enhancement. Biodiversity Net Gain (BNG) assigns a fixed value to residential gardens. Consequently, providing features such as ponds, scrub and hedgerows, whilst being very good for biodiversity, will not increase the BNG value. They should be considered for their benefit to wildlife as voluntary enhancements.
Considerations for Species-Specific Enhancements	The Biodiversity Metric takes no account of 'built-in' enhancements in concluding whether a loss / gain has resulted. However, it is considered that the substantial provision of new 'built-in' bat roosting, bird nesting and solitary bee facilities is of significant biodiversity enhancement value. Consequently, whilst these features are not included within the Metric, the LPA should weigh up the value of these enhancements when considering the overall biodiversity impact up on this site.
Is BNG Required for this Application?	BNG is not required for this Application because an Exemption Applies: 'De Minimis' - Development impacting habitat of an area below a '*de minimis*' threshold of 25 meters squared, or 5m for linear habitats such as hedgerows.

Landscape and Ecological Management Plan (LEMP)	A LEMP clarifies the timings and process which must be followed to ensure the biodiversity protection and enhancement of the site, during and post-development, as well as landscape considerations are carried out correctly. A LEMP is not considered necessary for this proposal.
Construction and Ecological Management Plan (CEMP)	A CEMP is a project-specific document that outlines how the ecological impacts of a construction project will be avoided, minimized, and managed throughout the construction phase. A CEMP is not considered necessary for this proposal.

Important Advisory	Ensure all onsite contractors/personnel are familiar with this report (and any Phase 2 reports associated with this site) and able to act upon the law and legislation governing protection of species and habitats onsite and mitigation specifically pertaining to this site. If protected species are discovered on site, all works in the vicinity must cease immediately and ecological advice sought urgently.
Other relevant information / advice	The LPA will ensure that any mitigation and compensation measures identified in this report, together with enhancement recommendations are either 'conditioned' where appropriate, or that full permission is withheld pending the agreement of mitigation, compensation (where necessary) and enhancement measures.

1. Introduction

1.1.Survey Detail

Ecological Surveys Ltd were commissioned to undertake an Ecological Impact Assessment (EcIA) to assess the potential for legally protected and notable species on the Site, and to assess the potential impact of the development on the biodiversity of the Site and its immediate environs. Only habitats which are present on site or adjoining the site, are included and no discussion is entered into regarding habitats which are not present.

Ecological Surveys Ltd has not been informed of any previous surveys undertaken on this site that need to inform this report.

Pre-application advice was sought for the part of the proposed development encompassing the padel courts. The pre-application advice letter sent to the client from Havant Borough Council recommends that an Ecological Assessment should accompany the submission. It also includes the following in regards to Ecology and BNG:

1) The site is adjacent to land included in the Solent Waders and Brent Goose Strategy and is near a number of sensitive ecological designated areas: Solent Maritime SAC, Chichester & Langstone Harbours SPA/Ramsar, Chicherster Harbour SSSI, and Mill Rythe Lane Saltmarsh SINC.
2) The Council's Ecologist is of the opinion that it is unlikely that the site is of significant ecological value.
3) However, there may be potential for construction works and operational activities that could impact on ecological features in proximity of the site. Potential impact pathways include noise and visual disturbance, waterbourne and airbourne pollution, and artificial lighting.
4) Concerning Biodiversity Net Gain (BNG), the relevant information available should be submitted. Alternatively, if exemptions are sought, evidence to support this must be provided at the application stage.

[Havant Borough Council, 2025a]

1.2. Survey Aims

The survey and this report identify features of conservation importance that could constitute a constraint to the proposals for this Site. Where appropriate, recommendations for impact avoidance, mitigation and

post-development enhancement are made to ensure compliance with wildlife legislation and relevant planning policy.

This survey has been prepared in accordance with the *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* produced by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018).

1.3. Site Location and Size

The Site comprises hardstanding open storage area for yachts within a designated industrial area on Hayling Island, Hampshire. The area surveyed is approximately 0.33ha in extent.

The Site location is indicated in Figures 1.1 and 1.2.

1.4. Proposed Development

The proposed development comprises the construction of Padel Courts and a new MOT test centre.

The proposed MOT test centre includes a 10m x 15m industrial building with associated parking. No operations are proposed outside the building; all mechanical testing activity will be internal. Compared to historic vehicle storage use, this is expected to reduce outdoor noise generation.

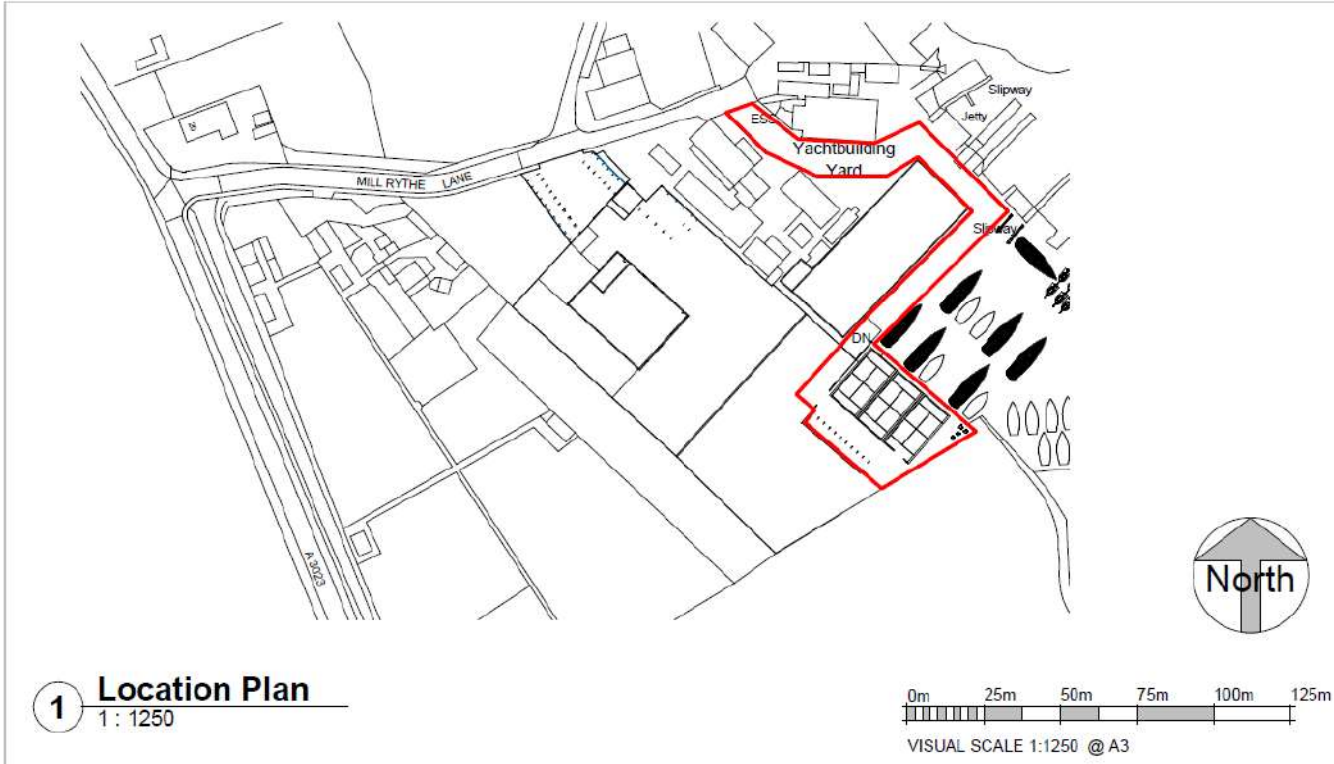
Also proposed are 3 Padel Courts with floodlights and canopies to allow evening and all-weather usage, as well as dedicated parking for up to 12 vehicles and associated facilities including toilets. The site is currently illuminated by floodlights at a height of 3m which are subject to motion sensors throughout the night. The proposal includes LED floodlighting at a height of approximately 6m under a canopied roof; these would be functional until 10pm and only active when necessary.

The proposed development is within an already developed industrial area. The new structures would be screened by existing industrial buildings, 4m-high fencing, and established hedging/trees.

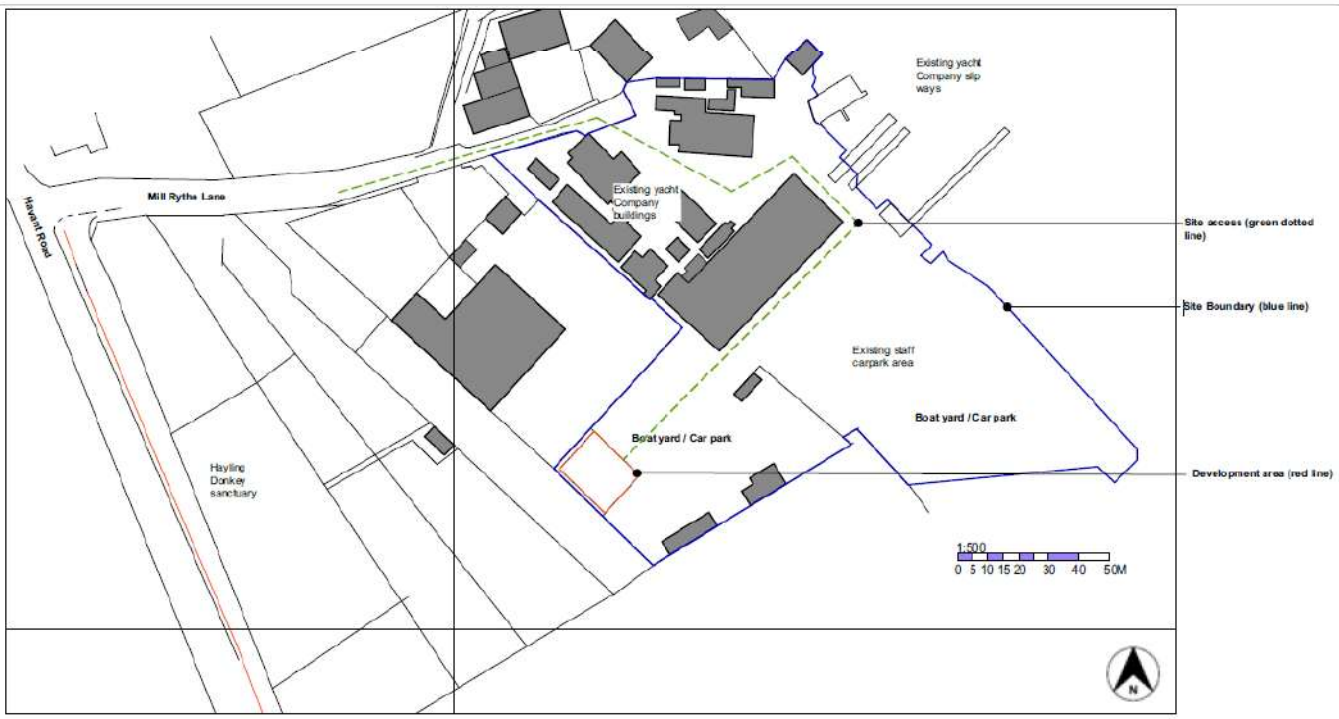
Details of the proposed development, including a layout and design, were provided by the client before any survey work was undertaken.

The layout of the proposed development is given in Figure 1.3

Figure 1.1. Location of Proposed Development



Padel Courts Location Plan



1. Existing Site Location plan Scale 1 - 1250 @A3 (Streetwise Maps 100047474)

MOT Test Centre Location Plan

Figure 1.2. Site Location in Geographical Context

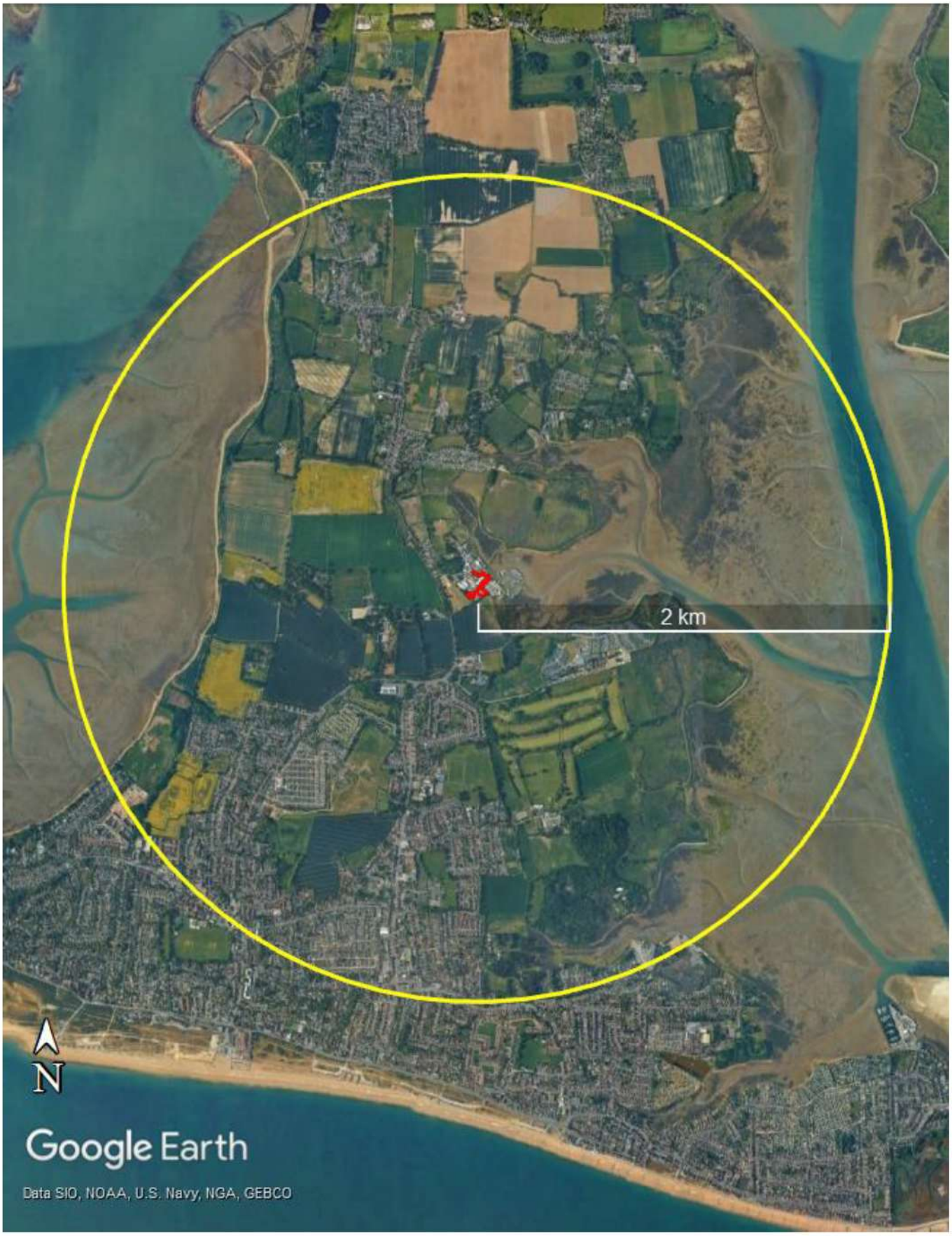
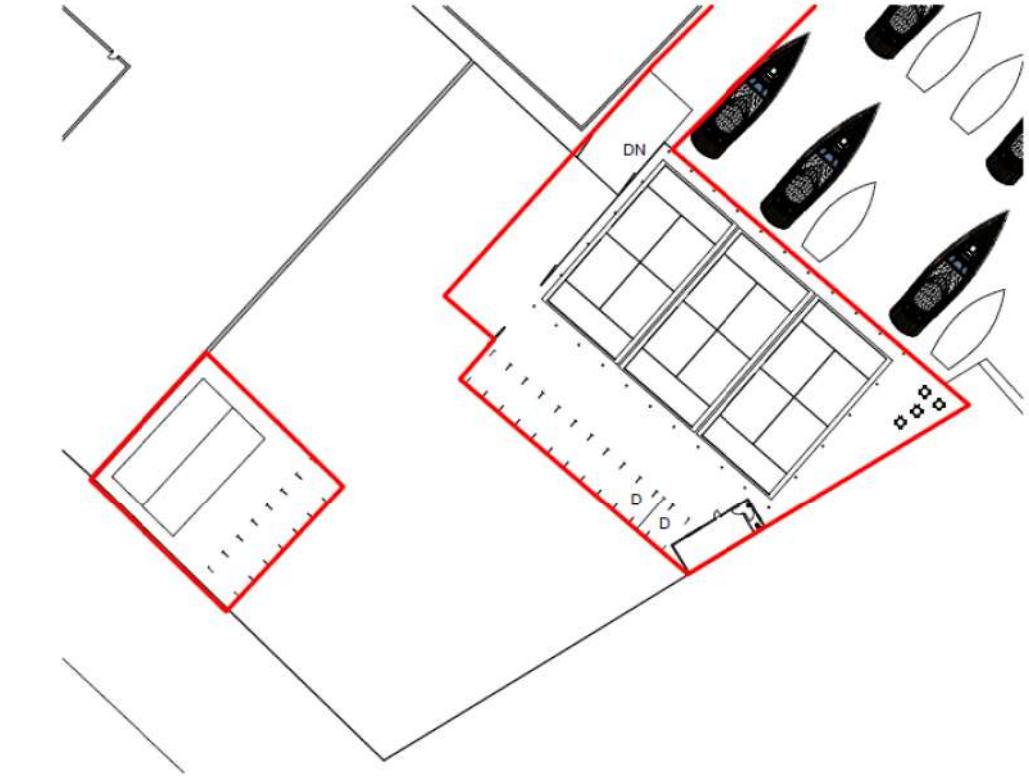


Figure 1.3. Layout of Proposed Development



1 **Main Site Plan**
1 : 500

0m 10m 20m 30m 40m 50m

VISUAL SCALE 1:500 @ A3

IJ Murray Associates Ltd www.ijma.co.uk CIAT CHARTERED PRACTICE	IJ Murray Associates Ltd 200 Seafront Hayling Island Hampshire PO11 9HR Phone 07779 246915 e-mail ian@ijma.co.uk These drawings are for planning and building regulation purposes only and are not for construction. All dimensions should be checked on site before work commences	These drawings are the property of IJ Murray Associates Ltd and should not be reproduced or used in any way without the permission of a Director of IJ Murray Associates Ltd	Mill Rythe Lane Padel Proposed V4 Andrew Jameson	Main Site Plan Project number: Project Number Date: 23.6.13 Drawn by: Author Paper size: Checker A102 Scale: 1 : 500

2. Assessment Methodology

This report assesses the ecological baseline by undertaking a desktop survey, drawing on existing information and data, and a field survey. Additionally, an initial evaluation of the impacts of the proposed development on the designated sites, habitats and species found both on the Site and in the immediate vicinity of the Site and the identification of measures to mitigate the impacts; and the identification of ways to enhance the biodiversity of the area.

2.1. Study Area and Zones of Influence

The study area has been defined as the application site and a 2km radius around it (the 'zone of influences'). The zone of influence is the 'area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities' (CIEEM, 2018: 22). A 2km radius around an application site is generally accepted as the industry standard. Baseline information for this area was collated to determine ecological features that could potentially be affected by the development of the site, including designated sites, habitats and species. However, it is recognised that the zone of influence will vary for different ecological features depending on their sensitivity to an environmental change.

2.1.1. Establishing the Ecological Baseline

The ecological baseline for the proposed development site takes account of site-specific surveys, as well as existing ecological information relating to the site and its vicinity. Ecological baseline conditions are those 'which exist in the absence of proposed activities' (CIEEM, 2018: 26).

2.1.2. Desktop Survey

The desktop survey identified any statutory nature conservation sites that may be affected by the proposals. This comprises an important part of the assessment process, providing information on ecological issues that may not be apparent during the site survey.

A desk-top survey collated existing data for the following relating to both the Site itself and the area within a 2km radius:

- Statutory and non-statutory wildlife and earth science sites
- BAP Priority Inventory Habitats - Habitats of Principal importance
- Legally protected and nationally notable species

In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report and only data specifically pertinent to this application have been included.

An assessment was then made of how the sites identified may be affected by the proposal, taking into account these relationships, and the species and/or habitat types for which the nature conservation site was chosen.

Consultees for the data search included:

- Natural England - GIS datasets of Statutory Nature Conservation Sites.
- Multi-Agency Geographic Information for the Countryside map (MAGIC Map).
- National Biodiversity Network Trust website - NBN Atlas (excluding data under non-commercial licences).
- The Solent Waders & Brent Goose Network Map (HIWWT).
- Havant Borough Council interactive map.

Websites consulted can be found in the References section.

In light of the habitats present within the Site, a biological records search was not commissioned as it was not considered appropriate for the scale and probable impact of the proposed development.

2.1.3. Field Survey

A field survey was undertaken on 13 April 2026 and the weather was clear and dry.

The field survey included carrying out an Extended Phase 1 Habitat Survey, consisting of a walkover assessment of the Site using UK Habitat Classification methodology (UKHab Ltd (2023) UK Habitat Classification as amended). This is a standard technique for classifying and mapping British habitats. All areas within the Site were surveyed, the main plant species recorded, and habitat type mapped.

This is not a botany survey, and it is likely that not all plant species have been recorded, however Indicators of ecological value were also noted, including the presence or signs of any legally protected or rare species.

Plant species were identified according to Stace (2019).

A search was also made to identify the presence of any invasive non-native species (particularly those listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

Any buildings onsite were assessed for their potential to support roosting bats. The bat emergence survey and report methodology undertaken adheres to Method Statement, Roost Characteristics, Surveys for Structures, as per: Collins, J. (ed.) (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn.) The Bat Conservation Trust, London & UK Bat Mitigation Guidelines – September 2023 www.cieem.net

2.2. Method for valuation of habitats

The ecological value of habitats present is provided in line with Guidelines for Ecological Impact Assessment (CIEEM), and those which are important in terms of legislation or policy are identified.

The nature conservation value, or potential value, of the habitat is determined within the following geographic context:

- International importance (e.g. internationally designated sites such as Special Areas of Conservation, Special Protection Areas, Ramsar sites);
- National importance (e.g. nationally designated sites such as Sites of Special Scientific Interest or species populations of importance in the UK context);
- County importance (e.g. SNCI, habitats and species populations of importance in the context of the County in which the site is located);
- Local importance (e.g. important ecological features such as old hedges, woodlands, ponds);
- Negligible importance. Usually applied to areas such as built development or areas of intensive agricultural land.

The examples are not exclusive and are subject to further professional ecological judgment.

2.2.1. Assessment

All ecological data and information gained through both the desktop survey and the survey work were evaluated. The important ecological features were then identified and evaluated against the potential impacts/effects that the proposed development may have on the ecology of the Site and surrounding area.

The biodiversity importance of each designated site, habitat and species is evaluated on a geographic scale: international, national, county and local.

Evaluation of designated sites considers their designation; their ecological and landscape relationship with the proposed site; and the species and/or habitat types for which the site was designated.

Evaluation of habitats considers their designation; their area, quality and viability; diversity and connectivity to the wider landscape; and structural diversity and species-richness.

Evaluation of species considers their designation, including legal protection and rarity.

When assessing the impact of the development and changes to the baseline conditions on site, predictions will be made which focus solely on the zone of influence whilst taking into consideration the lifespan of the development and the significant impacts as identified from the proposed work operations throughout the lifespan of the development.

The proposed development aims to firstly avoid and then mitigate against any potential effects/impacts on the local ecology/biodiversity, ensuring compliance with nature conservation legislation. It aims to achieve this by applying the **mitigation hierarchy** (as mentioned in Paragraph 175 of the National Planning Policy Framework and detailed in Paragraph: 018 Reference ID: 8-018-20140306 of National Planning Practice Guidance) as follows:

Avoidance – Significant harm to wildlife species and habitats should be avoided through design where this is possible.

Mitigation – where significant harm cannot be wholly or partially avoided, it should be minimised by design, or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations.

Compensation – where despite providing mitigation, there would still be significant residual harm. Compensation is a last resort and requires measures to provide for an equivalent value of biodiversity. To a large extent Compensation for lost or damaged habitats is considered through BNG. Where BNG is not a requirement for a development, the LPA will expect some form of compensation to be provided.

Appropriate measures to avoid and/or minimise the significant negative effects on the important ecological features have been identified. These mitigation measures aim firstly to avoid the overall effect/impact, or for those that cannot be avoided, reduce their overall effect value. It is not always possible to fully mitigate an adverse effect to neutral levels.

Under the National Planning Policy Framework, NPPF, (HM Government, 2024) local planning policies and decisions should 'contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

[Source NPPF 2024, Section 15.

Conserving and enhancing the natural environment, paragraph 187]

Thus, the mitigation hierarchy should be applied when considering the impacts of developments and local planning decisions on the natural environment, with the protection of important wildlife sites, habitats, species and ecosystem services; the avoidance of impacts, mitigating these impacts where appropriate, and then achieving biodiversity net gain through enhancements.

Section 15 of the NPPF 2024 goes on to state that 'when determining planning applications, local planning authorities should apply the following principles':

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The following should be given the same protection as Special Protection Areas (SAC) / Special Areas of Conservation (SPA) / Ramsar:

a) potential; Special Protection Areas (pSAC) and Special Areas of Conservation (pSPA)

b) listed or proposed Ramsar sites; and

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

[Source - NPPF 2024, Section 15. Conserving & enhancing the natural environment, paragraph 193 &194]

The aim of development should be to deliver biodiversity net gain on site (wherever possible) as well as limiting damage to important ecological features. Using the information gained during the desktop survey and the extended Phase 1 habitat survey, and the ecological requirements of habitats, species and local environmental conditions, biodiversity enhancements for the Site have been considered, providing opportunities to increase the diversity of habitats and species on site will be explored.

2.3. Biodiversity Net Gain (BNG) considerations

As of 12 February 2024, all planning applications are required to meet the mandatory minimum 10% biodiversity net gain (BNG) as set out by the Environment Act 2021, excepting some exemptions. Where required, the biodiversity net gain calculations, to determine the biodiversity losses and gains associated with the proposed development, have been undertaken using the Statutory Biodiversity Metric/Small Sites Metric. The statutory metrics use habitat to describe biodiversity, which is converted into measurable 'biodiversity units' according to the area of each type of habitat. The metric scores different habitat types (e.g. broadleaved woodland, modified grassland) according to their relative biodiversity value and adjusts

this according to the condition and location of the habitat. Where new habitat is created or existing habitat is enhanced then the associated risks of doing so are factored into the metric.

It should be noted that the metric for biodiversity offsetting only considers habitats, both those currently present on site and those proposed as mitigation, compensation and enhancement for the proposed development. The metric does not take account of species onsite, or enhancements proposed to delivery biodiversity gain for species (except where they equate to gain in habitats).

2.3.1. Biodiversity Net Gain (BNG) within gardens

Biodiversity Net Gain (BNG) has a fixed value for residential gardens. Consequently, providing features such as ponds, scrub and hedgerows, (whilst being universally accepted as very good for biodiversity) will not increase the BNG value. They should still be considered for their benefit to wildlife, as voluntary enhancements.

Residential gardens having a fixed value in the BNG metric has the effect of achieving biodiversity gain targets, virtually impossible for developments within gardens. Consequently, the current BNG rules mean that unless the proposal is exempt from BNG, developments within a garden will always result in a BNG loss.

A similar conundrum occurs where new developments are proposed that includes private gardens, as only Public Open Space (POS) can be used to try and generate a biodiversity gain.

As developers and local authorities try to maximise the number of houses being built onsite it is very difficult if not impossible to achieve BNG onsite on the majority of smaller development sites.

2.4. Survey Constraints

All areas of the Site were readily accessible, and the time spent on site was considered appropriate to obtain all the details required for each habitat and species to enable an assessment to be made. Although some plant species would not have been visible during the survey period, the botanical diversity was considered sufficient to be able to classify and assess the habitats present, as well as their potential for supporting legally protected and notable species.

It should be noted that habitats, and the species they support, may change over time due to natural processes and because of human influence.

In line with current guidelines, the findings of this report are valid for 12 months from the date of survey, unless the site has been maintained in exactly the same condition, in which case the report can be considered valid for 24 months.

If a planning application has not submitted within this period, an updated survey by a suitably qualified ecologist is likely to be required by the LPA.

An important caveat is that if Natural England Protected Species Licences are required, Natural England expect the survey data to be 'current year'. As protected species surveys have to be undertaken at specific times of the year. An example would be, a bat survey undertaken in the period May – September, will be 'current year' only, until the following May. After this time Natural England may require a further survey/s be undertaken. Consequently, Protected Species reports may be acceptable to the LPA, but not to Natural England. It is the clients' responsibility to monitor this and update surveys as necessary. A failure to do so may result in serious delays to the build programme.

3. Local Plan Policies

3.1. Havant Borough Core Strategy 2011

Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough

Planning permission will be granted for development that:

1. 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.
2. 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.
3. 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].
    iii. Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].
4. 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.
5. Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation.
6. 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.
7. 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.
8. 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.

9. 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.
10. Protects the best and most versatile agricultural land that has the greatest potential for local food security.
11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

3.2. Havant Borough Local Plan (Allocations) 2014

Policy DM23 Sites for Brent Geese and Waders

Planning permission will be granted for developments that avoid important sites for Brent Geese and/or waders outside of the statutory designated areas, identified on the Policies Map.

Where this cannot be avoided, development proposals on or adjacent to an important Brent Goose and/or wader site outside of the statutory designated areas will need to demonstrate levels of impact, alone and in combination with other proposals subject to the tests of the Habitats Regulations. Where a negative impact upon a site cannot be avoided or satisfactorily mitigated, and the tests of the Habitats Regulations are met as necessary, replacement feeding/roosting habitat, on a no net loss basis, will be sought.

Where a negative impact upon an important site cannot be avoided or mitigated and replacement feeding/roosting habitat is not or cannot be provided on a no net loss basis, the proposal will be refused.

Planning permission will be granted for development on or adjacent to uncertain sites for Brent Geese and/or waders outside of the statutory designated areas, where appropriate surveys are undertaken and it is determined that the site has no importance

Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in-combination effect of net additional dwellings. This mitigation can be provided through:

a. A financial contribution
b. A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations.
c. A combination of measures in (a) and (b) above.

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.

The provisions of this policy do not exclude the possibility that some residential schemes, due to their size/and or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site-specific avoidance or mitigation measures.

4. Baseline Ecological Conditions

This section presents the findings from the site survey and desktop study. The information is presented in three distinct sections:

- Designated Sites
- Habitats
- Species

4.1. Designated Sites

Table 4.1 lists designated sites of international, national and local importance, along with their approximate distance from the proposed development.

The Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) indicate that at this location, there is potential for the proposed development to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Natural England should be consulted on the proposed development at this location.

The Site is within the nutrient neutrality catchment of European site(s) vulnerable to nutrient impacts. Within this location, proposals with the potential to affect water quality may have a likely significant effect on the qualifying features of the European Site(s) through adverse nutrient impacts. Natural England advises that such developments that increase overnight accommodation (residential and tourist) require a Habitats Regulations Assessment (HRA), which has been informed by nutrient budget calculations, to consider the impacts, alone and in combination with other plans/projects, proceeding to appropriate assessment stage where likely significant effects cannot be ruled out. This is not applicable to the proposed development.

This development site is within the zone of influence (ZoI) for recreational pressure impacts to the Solent SPAs. Within this ZoI, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the Solent SPAs through increased recreational pressure when considered either alone or in combination with other plans and projects. Again, this is not applicable to the proposed development.

The Site is located adjacent to European sites: Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar. Dependent on the type and scale of proposal, the developers may be required to provide a shadow screening assessment to the planning authority to aid in its Habitat Regulations Screening assessment of the likely impact on these designated sites. Check with the Local Planning Authority.

The site is also 20m from Mill Rythe Lane Saltmarsh Site of Importance for Nature Conservation (SINC) and directly adjacent to a core area of the Solent Waders & Brent Goose Network.

A Habitats Regulations Assessment (HRA) **might be** required on this site. Albeit this is not our decision to make. Refer to Appendix B. Habitats Regulation Assessment (HRA) for details.

The following designated sites are considered Important Ecological Features with respect to the proposed development:

- Chichester Harbour SSSI
- Solent Maritime SAC
- Chichester and Langstone Harbours SPA
- Chichester and Langstone Harbours Ramsar
- Solent Waders & Brent Goose Network

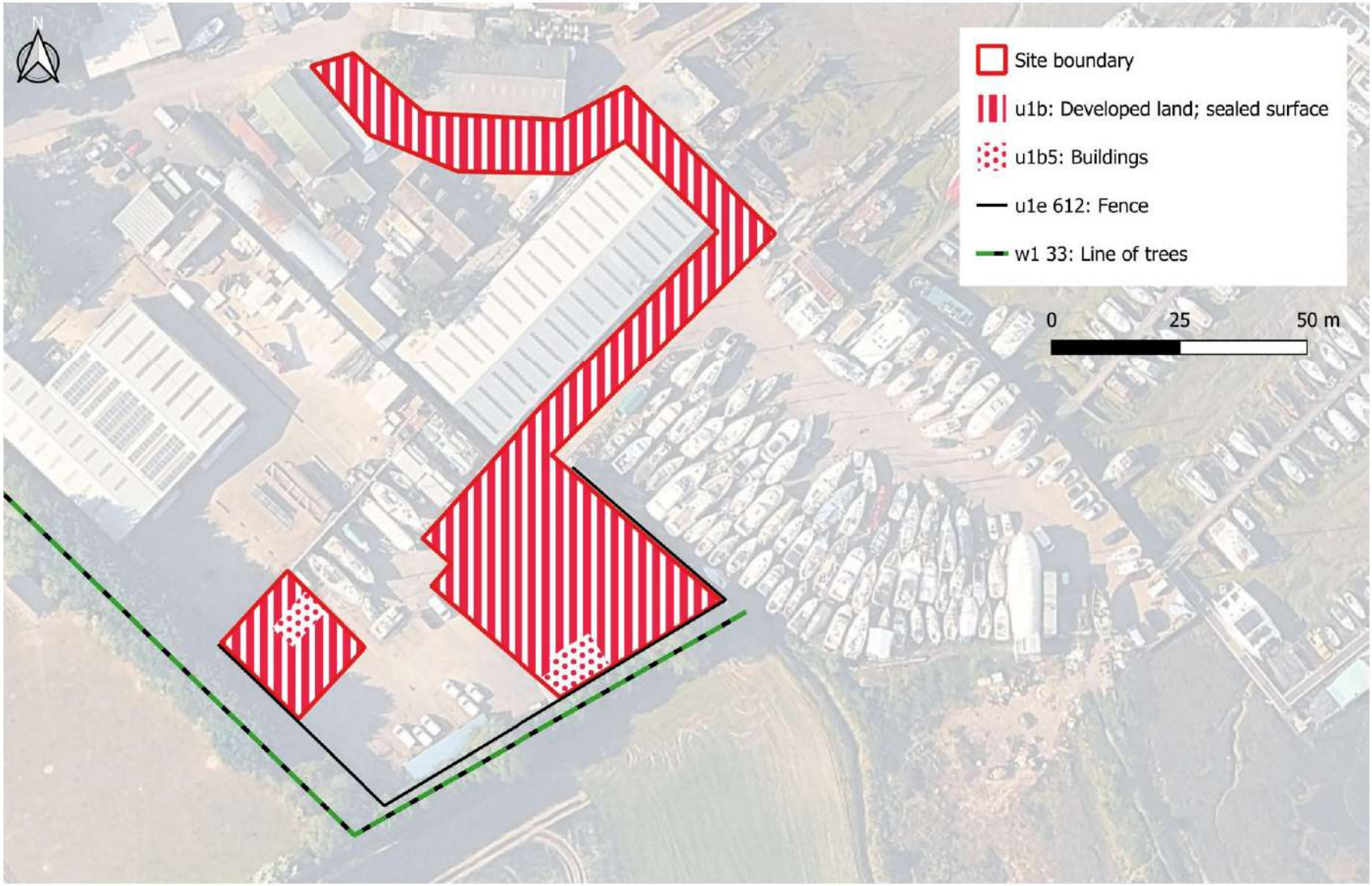
Table 4.1. Statutory designated Sites within 2km Study Zone

Designation	Name	Key Ecological Features/Qualifying Features	Approximate Distance
Statutory Sites			
Special Area of Conservation (SAC)	Solent Maritime	**Habitats**: estuaries, cord-grass *Spartina* sp. swards, Atlantic salt meadows, sandbanks, mudflats and sandflats, coastal lagoons, annual vegetation of drift lines, perennial vegetation of stony banks, *Salicornia* sp. and other annuals colonizing mud and sand, and shifting dunes along the shoreline with *Ammophila arenaria*. **Species**: Desmoulin's whorl snail *Vertigo moulinsiana*.	5m NE
Special Protection Area (SPA)	Chichester and Langstone Harbours	**Species**: breeding, migratory, and wintering birds. Little tern *Sterna albifrons*, sandwich tern *S. sandvicensis*, little egret *Egretta garzetta*, bar-tailed godwit *Limosa lapponica*, black-tailed godwit *L. limosa islandica*, dark-bellied brent goose *Branta bernicla bernicla*, dunlin *Calidris alpina alpine*, redshank *Tringa tetanus*, grey plover *Pluvialis squatarola*, and ringed plover *Charadrius hiaticula*.	5m NE
RAMSAR	Chichester and Langstone Harbours	**Habitats**: two large estuarine basins with extensive intertidal mudflats, saltmarsh, sand and shingle spits, and sand dunes. **Species**: wintering water birds including nationally and internationally important numbers of some species.	5m NE
Site of Special Scientific Interest (SSSI)	Chichester Harbour	**Habitats**: coastal vegetated shingle, littoral sediment, sand dunes, salt marsh, lowland dwarf shrub heath, lowland fens, lowland mixed deciduous woodland, and lowland neutral grassland. **Species**: aggregations of breeding and non-breeding birds, including rare bird species.	5m NE
	Langstone Harbour	**Habitats**: littoral sediment, salt marsh, saline coastal lagoons, and lowland neutral grassland. **Species**: aggregations of breeding and non-breeding birds, including rare bird species, and assemblages of invertebrates and vascular plants.	1.2km W
Local Nature Reserve (LNR)	Gutner Point	**Habitats**: Grassland, saltmarsh, and intertidal mudflats.	0.76km NE
	Hayling Billy	**Habitats**: Grassland and woodland.	1.1km NW

4.2. Habitats

This section details the habitats recorded onsite during the Extended Phase 1 Habitat Survey, along with important habitats within the vicinity of the site.

Figure 4.1. Map Showing Results of Field Survey (UK Habitats Classification)



4.3. Photo evidence

Buildings (onsite)

Location of proposed MOT test centre

Location of proposed Padel Courts

Sealed surface (onsite)

Boundary fence and offsite line of trees beyond	
Offsite line of trees, from offsite	Harbour (offsite) - part of Chichester Harbour SSSI, Solent Maritime SAC, and Chichester and Langstone Harbours SPA and Ramsar

4.4.Onsite habitats

4.4.1. Buildings

Two buildings are present on site (u1b5). Both are flat roof structures comprised of corrugated metal. These structures have no value for roosting bats or nesting birds; no evidence of either was found and there is no potential.

Habitat Summary		
Habitat	Importance in Geographical Context	Scoped IN or OUT as IEF
Buildings	Of Negligible importance for protected species	OUT

4.4.2. Sealed surfaces

The entire site is composed of hardstanding (u1b). It is part of a larger industrial yard which is currently being used as yacht storage. Surrounding the yard in which the development is proposed is a 4m tall corrugated metal fence (u1e), screening the yard from the habitats beyond.		
Habitat Summary		
Habitat	Importance in Geographical Context	Scoped IN or OUT as IEF
Developed land; sealed surface	Of Negligible importance for protected species.	OUT

4.5.Offsite habitats

4.5.1. Line of trees

Beyond the fence to the south and west is a line of trees (w1 33). This has the potential to support nesting birds and low potential to support foraging and commuting bats.		
Habitat Summary		
Habitat	Importance in Geographical Context	Scoped IN or OUT as IEF
Line of trees	Of Local importance for protected species (bats, nesting birds)	IN

4.5.2. Habitats of principal importance / priority habitats

There are a number of habitats of principal importance / priority habitats within the study area. These are listed in Table 4.2, along with the distance to the closest land parcel of each one.

Table 4.2. Habitats of Principle Importance/Priority Habitats within the Study Zone

Habitat	Approximate distance from proposed development site	Comments and Importance in Geographical Context	Scoped IN or OUT as IEF
Mudflats	2.5m NE	Part of Chichester Harbour SSSI, Solent Maritime SAC, and Chichester and Langstone Harbours Ramsar	IN
Coastal saltmarsh	80m E		IN

Coastal and floodplain grazing marsh	23m SE	Of Negligible importance with regards to the proposed development	OUT
Deciduous woodland	56m NW		OUT
Ancient woodland	500m W		OUT
Lowland meadows	720m SE		OUT

Table 4.3. Summary of Habitats Onsite and in the Study Zone Considered to be Important Ecological Features

UK Hab's Habitat Type	Ecological Value in Geographical Context
Line of trees (offsite)	Of local importance for protected species
Mudflats (offsite)	Of international importance
Coastal saltmarsh (offsite)	Of international importance

4.6. Species - Potential for species of Nature Conservation Importance

Habitats, both on and offsite, have been assessed from the results of the field survey and data search for their potential to support the following protected species. Where there is no potential for a species or species group to be associated with the site, or where habitats with the potential to support this species or species group will not be impacted by the proposals, they may be scoped out at this stage.

Table 4.4. Assessment of potential for European Protected Species and species of Nature Conservation Importance

Species	Assessment	Importance in Geographical Context	Scoped IN or OUT as IEF
Amphibians	Suitable riparian or terrestrial habitat is not associated with the Site. Amphibians do not need to be considered further.	Negligible	OUT
European Badger *Meles meles*	Suitable habitat is not associated with the Site. Badger does not need to be considered further.	Negligible	OUT

Bats	The following bat species have been recorded within a 2km radius of the site since the year 2000: common pipistrelle *Pipistrellus pipistrellus* and soprano pipistrelle *P. pygmaeus*. There is no potential for roosting bats onsite or adjacent. There is low potential for foraging and commuting bats along the offsite line of trees.	Negligible (roosting) Local (foraging and commuting)	IN
Birds	The following legally protected and/or notable birds have been recorded within a 2km radius of the site since the year 2000: ringed plover *Charadrius hiaticula,* herring gull *Larus argentatus,* nightingale *Luscinia megarhynchos,* spotted flycatcher *Muscicapa striata,* curlew *Numenius Arquata,* house sparrow *Passer domesticus,* kittiwake *Rissa tridactyla,* turtle dove *Streptopelia turtur,* song thrush *Turdus philomelos,* brent geese *Branta bernicla* and lapwing *Vanellus vanellus*. Most of these species are likely supported by the offsite adjacent sites designated for birds: Chichester and Langstone Harbours SPA and Solent Waders & Brent Goose Network. There is no potential for any protected or notable bird species onsite.	International	IN
Hazel Dormouse *Muscardinus avellanarius*	Suitable habitat is not associated with the Site. Hazel dormouse does not need to be considered further.	Negligible	OUT
West European Hedgehog *Erinaceus europaeus*	Suitable habitat is not associated with the Site. Hedgehog does not need to be considered further.	Negligible	OUT
Reptiles	Suitable habitat is not associated with the Site. Reptiles do not need to be considered further.	Negligible	OUT

Eurasian Otter *Lutra lutra*	Suitable riparian habitat is not associated with the Site. Otter does not need to be considered further.	Negligible	OUT
European Water Vole *Arvicola amphibius*	Suitable riparian habitat is not associated with the Site. Water Vole does not need to be considered further.	Negligible	OUT
Notable invertebrates	Habitats at this site are likely to support common and widespread invertebrates with negligible potential for notable species. Invertebrates do not need to be considered further.	Negligible	OUT
Notable plants	Habitats within the Site provide negligible potential for notable or rare plants and they do not need to be considered further.	Negligible	OUT
Invasive non-native plants	There are no species present within the site which are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), as Invasive Non-native with respect to England and Wales.	Absent	OUT

5. Evaluation of Important Ecological Features (IEFs)

5.1. IEF Assessment

Important Ecological Features (IEFs) have been assessed in light of current nature conservation policy, planning policy and wildlife legislation by an experienced ecologist.

IEF's include: IEF Designated sites, IEF Habitats and IEF Species. IEFs can be present on site, or adjoining the site, or close enough to the Site to be considered at risk from the proposals through some receptor or other.

Where necessary, the IEF is named and an assessment of the potential effect of the proposed development on that IEF. If it is considered that the proposed development is likely to have no effect on features that have been identified as present, or potentially present, they may be scoped out at this stage.

If an IEF cannot be scoped out, mitigation will be detailed within the Mitigation Section below.

Table 5.1. Assessment of Impacts to Designated Site IEFs

Ecological Feature	Assessment of Impacts	Avoidance/ Mitigation/Further surveys required?
Chichester Harbour SSSI	Chichester Harbour SSSI is situated to the east and north-east and is 5m at the closest point. Taking into account the proposed works, and the fact that the site is within an established industrial area, there is no realistic ecological pathway of effect. The proposed structures will be screened from the designated site by the existing fencing and line of trees and, compared to historic vehicle storage use, the proposal is expected to reduce outdoor noise generation. No impact to habitats or species within the SSSI is predicted.	No
Solent Maritime SAC	Solent Maritime SAC is situated to the north, east, south, and west and is 5m at the closest point. Taking into account the proposed works, and the fact that the site is within an established industrial area, there is no realistic ecological pathway of effect. The proposed structures will be screened from the designated site by the existing fencing and line of trees	Maybe - Check with the Local Planning Authority.

	and, compared to historic vehicle storage use, the proposal is expected to reduce outdoor noise generation. No impact to habitats or species within the SAC is predicted. However, the developers may be required to provide a shadow screening assessment to the Local Planning Authority to aid in its Habitat Regulations Screening assessment of the likely impact on this designated site. The information contained within this EcIA is without prejudice to the assessment of impacts on the SAC as set out in any shadow HRA.	
Chichester and Langstone Harbours SPA	Chichester and Langstone Harbours SPA is situated to the north, east, south, and west and is 5m at the closest point. Taking into account the proposed works, and the fact that the site is within an established industrial area, there is no realistic ecological pathway of effect. The proposed structures will be screened from the designated site by the existing fencing and line of trees and, compared to historic vehicle storage use, the proposal is expected to reduce outdoor noise generation. No impact to bird species within the SPA is predicted. However, the developers may be required to provide a shadow screening assessment to the Local Planning Authority to aid in its Habitat Regulations Screening assessment of the likely impact on this designated site. The information contained within this EcIA is without prejudice to the assessment of impacts on the SPA as set out in any shadow HRA.	Maybe - Check with the Local Planning Authority.
Chichester and Langstone Harbours Ramsar	Chichester and Langstone Harbours Ramsar is situated to the north, east, south, and west and is 5m at the closest point. Taking into account the proposed works, and the fact that the site is within an established industrial area, there is no realistic ecological pathway of effect. The proposed structures will be screened from the designated site by the existing fencing and	Maybe - Check with the Local Planning Authority.

	line of trees and, compared to historic vehicle storage use, the proposal is expected to reduce outdoor noise generation. No impact to habitats or species within the Ramsar is predicted. However, the developers may be required to provide a shadow screening assessment to the Local Planning Authority to aid in its Habitat Regulations Screening assessment of the likely impact on this designated site. The information contained within this EcIA is without prejudice to the assessment of impacts on the Ramsar site as set out in any shadow HRA.	
Solent Waders & Brent Goose Network	Part of the Solent Waders & Brent Goose Network is situated immediately adjacent to the east of the Site. Taking into account the proposed works, and the fact that the site is within an established industrial area, there is no realistic ecological pathway of effect. The proposed structures will be screened from the designated site by the existing fencing and line of trees and, compared to historic vehicle storage use, the proposal is expected to reduce outdoor noise generation. No impact to bird species using this area is predicted. Nonetheless, to absolutely avoid possible impacts during the construction phase, works should be timed to occur outside of the overwintering period. This will ensure no impacts during construction.	Yes – Timing of works to avoid impacts to Brent Geese

Table 5.2. Assessment of Impacts to IEF Habitats

Ecological Feature	Assessment of Impacts	Avoidance/ Mitigation required?
Line of trees (Offsite)	The adjacent line of trees is only of importance due to the protected species it potentially supports. It is therefore	See Table 5.3.

	assessed in *Table 5.3. Assessment of Impacts to IEF Species.*	
Mudflats (Offsite Priority Habitat)	This habitat is part of Chichester Harbour SSSI, Solent Maritime SAC, and Chichester and Langstone Harbours Ramsar designated sites. It is therefore assessed in *Table 5.1. Assessment of Impacts to Designated Site IEFs* and *Table 5.3. Assessment of Impacts to IEF Species*.	See Tables 5.1. and 5.3.
Coastal saltmarsh (Offsite Priority Habitat)	This habitat is part of Chichester Harbour SSSI, Solent Maritime SAC, and Chichester and Langstone Harbours Ramsar designated sites. It is therefore assessed in *Table 5.1. Assessment of Impacts to Designated Site IEFs* and *Table 5.3. Assessment of Impacts to IEF Species*.	See Tables 5.1. and 5.3.

Table 5.3. Assessment of Impacts to IEF Species

Ecological Feature	Assessment of Impacts	Avoidance/ Mitigation/Further surveys required?
Bats	The offsite line of trees, which may support foraging and commuting bats, will not be impacted by the proposed development. External artificial lighting is already present at this site; further proposed lighting is unlikely to disturb this species. No impact to bat species is predicted.	No

Birds	The offsite line of trees, which may support nesting birds, will not be impacted by the proposed development. The site is adjacent to Chichester and Langstone Harbours SPA and Solent Waders & Brent Goose Network, which support protected and notable bird species. Taking into account the proposed works, and the fact that the site is within an established industrial area, there is no predicted impact on birds within these sites. The proposed structures will be screened from the designated site by the existing fencing and line of trees and, compared to historic vehicle storage use, the proposal is expected to reduce outdoor noise generation. No impact to bird species is predicted. Nonetheless, to absolutely avoid possible impacts during the construction phase, works should be timed to occur outside of the overwintering period. This will ensure no impacts during construction.	Yes – Timing of works to avoid impacts to Brent Geese

6. Recommendations for Mitigation and Further Assessment

6.1. Mitigation

Where there is potential that the proposed development will have a significant effect on an Important Ecological Feature (IEF), recommendations for mitigation are made based on the mitigation hierarchy suggested in the National Planning Policy Framework and detailed in National Planning Practice Guidance;

Avoidance –significant harm to wildlife species and habitats should be avoided through design.

Mitigation – where significant harm cannot be wholly or partially avoided, it should be minimised by design or using effective mitigation measures that can be secured by, for example, conditions or planning obligations.

Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, this should be properly compensated for by measures to provide for an equivalent value of biodiversity.

In this case, whilst no significant impacts are considered likely, in order to be absolutely sure no impacts to Brent Geese within the adjacent field, works must be timed to avoid the overwintering period. This will ensure that there are no impacts during the construction phase. In the operational phase works will not be significantly different to the current use of the site for industrial / commercial purposes.

6.2. Further Assessment

Information within this report is sufficient to allow a robust assessment of the potential effects on the majority of ecological features associated, or potentially associated, with this site. No further ecological surveys are considered necessary.

However, the developers may be required to provide a shadow screening assessment to the Local Planning Authority to aid in its Habitat Regulations Screening assessment of the likely impact on the European designated sites adjacent to the proposed development site: Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar. We advise urgent consultation with the LPA to clarify whether a shadow HRA is required.

The information contained within this EcIA is without prejudice to the assessment of impacts on the Ramsar site as set out in any shadow HRA.

7. Biodiversity Enhancement

Throughout the report recommendations have been made with regard to avoiding / minimising impacts and where necessary, mitigating and compensating.

Section 7.1 describes post-development enhancement opportunities for species onsite and that might be present in the wider landscape, independent of BNG.

7.1.Site Enhancements

Enhancements are additional to any measures necessary to deal with potential impacts on site, as they are considered an opportunity to provide new benefits for biodiversity as a consequence of the proposals being implemented.

For this development, we recommend the following (with placement currently indicated on the Ecological Protection and Enhancement Plan (Section 9)). This may require amending if the proposal is not fixed or is later revised.

7.1.1. Bird Provision

New nesting opportunities could be provided for birds on the Site, through the provision of a nesting box built of long-lasting materials, suited to small passerine birds: boxes suitable include the Green & Blue bird block (Figure 1) which can be integrated or fitted externally with the addition of a fixing kit. This should be situated in a northerly/north-easterly facing aspect to one of the proposed structures.

ACO Polymer Build-in Bird Box

This compact bird box is designed to be built into a construction with standard bricks as it has a width of just half a brick, and height of a full length. The front of the box is designed to sit flush with the bricks with a small lip protruding at the top to act as a weather shelter, preventing rain from entering the box.

The box is made of polymer concrete which is completely freeze & thaw resistant, giving it a long lifespan. The front panel is removable to allow for maintenance (which should only be carried out when it is obvious that the box is empty). There are also two holes on the back plate for external mounting to walls, trees or poles, if necessary.
NHBS - https://www.nhbs.com/

8. Conclusion

The field survey undertaken on 13 April 2025, in conjunction with the desk-based study, are considered to have collected enough information about the ecological condition of the site to have been able to adequately assess the impact of the proposed development. Further survey work is not required.

Important Ecological Features were identified and evaluated against the potential impacts and effects that the proposed development might have on the ecology of the site and surrounding area. The impact assessment determined how the conditions, focusing on the Important Ecological Features identified, are likely to change in relation to the baseline conditions, allowing a clear understanding of the effects of the proposed development.

While the proposed development will have negligible effects/impacts on the Important Ecological Features and the local environment as a whole, avoidance measure restriction construction activities to occur outside of the overwintering period will ensure no impacts to brent geese.

The Site is located adjacent to European sites: Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar. The client may be required to provide a shadow screening assessment to the planning authority to aid in its Habitat Regulations Screening assessment of the likely impact on these designated sites. Check with the Local Planning Authority. The information contained within this EcIA is without prejudice to the assessment of impacts on the SPA / SAC as set out in any shadow HRA.

Enhancement measures for biodiversity have been set out, including a built-in bird box/brick. These enhancements must be reassessed in light of changes to the proposed site layout.

Providing the recommendations within this Ecological Impact Assessment (EcIA) are adhered to, with the mitigation measures and enhancements agreed between all relevant parties, it is considered, no ecological constraints exist which might prevent this development.

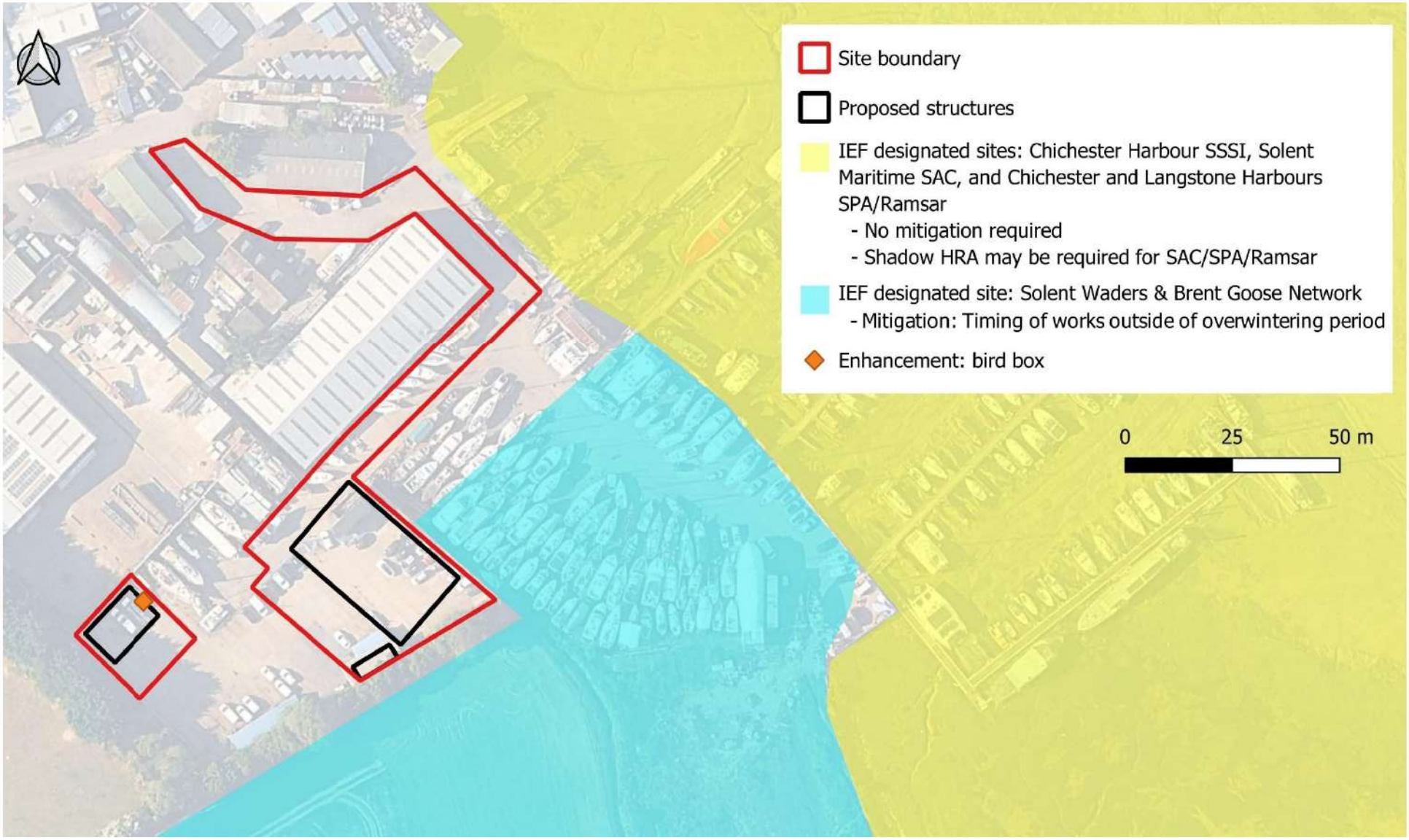
The local planning authority (LPA) will ensure that the mitigation measures, together with enhancement recommendations, are either conditioned where appropriate, or that full permission is withheld pending the agreement of mitigation, compensation (where necessary) and enhancement measures.

It is the responsibility of all those involved with the proposed development to ensure that wildlife protection and nature conservation legislation is complied with throughout the lifespan of the development, at every stage. Care should therefore be taken during all stages of the development and if

any protected are discovered they must not be handled; works must stop immediately, and advice sought from a licensed ecologist.

9. Ecological Protection and Enhancement Plan

This Ecological Protection and Enhancement Plan clarifies areas to be Avoided, Mitigated, Compensated for and Enhanced as appropriate to this project.



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11. Appendices

Appendix A. Summary of the Legislation and Policy relating to Habitats and Species

The Wildlife and Countryside Act (WCA) 1981 (as amended)

This Act is the primary legislation that protects animals, plants and certain habitats in the UK. It is the means by which the Bern Convention and the Birds Directive and Habitats Directive are implemented in Britain. Protected birds, animals and plants are listed in Schedules 1, 5 and 8 respectively of the Wildlife and Countryside Act.

Schedule 1 Part 1 – Birds which are protected by special penalties at all times from being intentionally killed, injured, or taken and whose eggs, nests or dependent young are also protected from being disturbed.

Schedule 5 Section 9 Part 1 (killing/injuring) – Animals which are protected from being intentionally killed or injured.

Schedule 5 Section 9 Part 1 (taking) – Animals which are protected from being taken.

Schedule 5 Section 9 Part 4a – Animals which are protected from intentional damage to, destruction of, or obstruction of access to any structure or place used for shelter or protection.

Schedule 5 Section 9 Part 4b – Animals which are protected from intentional disturbance while occupying a structure or place used for shelter or protection.

Schedule 5 Section 9 Part 4c – Animals which are protected from their access to any structure or place which they use for shelter or protection being obstructed.

Schedule 6 - Animals which are protected from being killed or taken by certain methods under Section 11(1). The methods listed are: self-locking snares, bows, crossbows, explosives (other than ammunition for a firearm), or live decoys.

Schedule 8 – Plants and fungi which, subject to exceptions, are protected from: intentional picking, uprooting or destruction; selling, offering for sale, possessing or transporting for the purpose of sale; advertising for buying or selling.

Schedule 9 – Plant and animal species that are prohibited from introducing into the wild as they may cause ecological or environmental harm or where they pose a threat to the native habitats and species. Under Schedule 9 of the Wildlife & Countryside Act 1981 (as amended) it is a criminal offence to cause any of 48 non-native plant species (6/4/2010) and (non-native animals) to spread into the wild where they cause damage to the environment/ economy/health/lifestyle.

The site owner has a responsibility to:

- Prevent invasive, non-native plants on their land spreading into the wild and causing a nuisance.
- Prevent harmful weeds on their land spreading onto a neighbour's property

The owner of the site must not plant in the wild or cause certain invasive and non-native plants to grow in the wild. This can include moving contaminated soil or plant cuttings. If this occurs there is a fine or prison term for up to 2 years. The site owner is not legally obliged to remove these plants or to control them on site. However, at the point of change: **development, mulching, earth moving operations**: it is important that they are identified, and their spread controlled in the most appropriate way.

Environmental Protection Act 1990

Environmental Protection Act 1990 allows for the potential classification of soil and other waste containing viable propagules of invasive non-native plant species as controlled waste. This has been applied to Japanese Knotweed with the result that waste containing this species must be disposed of in accordance with the duty of care set out in section 34 of the Act. The Environment Agency have issued guidance which will be of use in complying with the duty of care.

In addition:

- Any Schedule 9 plant material, or soil containing root or rhizome fragments, may be classified as 'controlled waste' under the Environmental Protection Act 1990 (EPA).
- In addition to a criminal prosecution under the Wildlife & Countryside Act, infringement of the EPA can result in an *unlimited fine*.
- The owner may also be held liable for costs incurred from the spread into adjacent properties and for disposal of contaminated soil off site during development, which later leads to the spread on another site.

Protection of Badgers Act 1992

Both badgers and their setts are protected, making it illegal to kill, injure or take, possess or cruelly ill-treat badgers or to interfere with a badger sett (including blocking tunnels or damaging the sett in any way).

The Hedgerow Regulations 1997

Any hedgerows classified as 'important' under the 1997 Hedgerows Regulations cannot be removed without a Hedgerow Removal Notice issued by the relevant Local Authority unless previously approved as part of a planning permission. The UK Biodiversity Action Plan (BAP) now classifies any native hedge over 20m in length as a priority habitat feature. Priority hedgerows should be those comprising 80% or more cover of any native tree/shrub species. The Local Authority is the arbiter as to classification of hedgerows.

The Countryside and Rights of Way (CRoW) Act 2000

This Act increases measures for the management and protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation.

Natural Environment and Rural Communities Act 2006

The Act made amendments to the both the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way (CROW) Act 2000. For example, it extended the CROW biodiversity duty to public bodies and statutory undertakers. The Act also makes provisions in respect of pesticides harmful to wildlife, the protection of birds, and in respect of invasive non-native species, and also alters enforcement powers in connection with wildlife protection, and extends time limits for prosecuting certain wildlife offences.

Section 41 of the Act requires that the Secretary of State publishes a list of species of flora and fauna considered to be of principal importance for the purpose of conserving biodiversity in England. The list is intended to be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the NERC Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions. The list of species of principal importance was first published in 2002 by DEFRA under Section 74 of the Countryside and Rights of Way (CRoW) Act 2000, and was identical to the UK BAP list at that time. The CRoW Act Section 74 list has now been replaced by the Section 41 list. Sixty-five (65) habitats are listed as being of principal importance, in the Secretary of State's opinion, for the purposes of conserving biodiversity. Under section 41 (England) of the NERC Act (2006) there is a need for these habitats to be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity. These habitats are the subject of National and Local Biodiversity Action Plans.

The Anti-social Behaviour, Crime and Policing Act 2014

Anti-social Behaviour, Crime and Policing Act 2014 enables community protection notices to be served by local authorities or the Police against individuals who are acting unreasonably and who persistently or continually act in a way that has a detrimental effect on the quality of life of those in the locality. These powers are designed to be flexible and could be used to address specific problems caused by widespread species such as Japanese knotweed.

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019)) originally transposed the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ("the Habitats Directive") and elements of Directive 2009/147/EC on the conservation of wild birds ("the Birds Directive") in England, Wales, and to limited extent, Scotland and Northern Ireland. The objective of the Regulations is to protect biodiversity

through the conservation of natural habitats and species of wild fauna and flora. The Regulations set out the rules for the protection, management and exploitation of such habitats and species. They place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species. These sites are known generally as 'European sites' and in the UK form the national sites network (known in Europe as Natura 2000 sites). They include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

Environment Act 2021

The Environment Act 2021 received Royal Assent on 9 November 2021. It only applies to England. Key elements of the Act include:

- All new developments to deliver 10% increase in biodiversity (biodiversity net gains), to be managed for at least 30 years (reviewable by the Secretary of State), with a Biodiversity Gain Site Register to be implemented and maintained for at least 30 years after the site scheme has completed.
- Introduction of Local Nature Recovery Strategies (LNRSs) – new spatial strategies led by a "responsible authority" in each area. Statutory guidance to be given to Local Planning Authorities (LPAs) explaining how they should take account of the LNRSs.
- Introduction of a new Species Conservation Strategy which places a duty on LPAs to cooperate with Natural England and other LPAs etc. to safeguard the future of 'at risk' species.
- LPAs to produce Biodiversity Reports every five years, describing action taken and the impact it has had on local biodiversity.
- Establishment of the Office for Environmental Protection (OEP), a green 'watchdog' to ensure the enforcement of the environmental legislation in England and Northern Ireland.
- Introduction of the five Principles to which organisations must have regard:
    - (i) Integration (environmental protection should be integrated into the making of policies);
    - (ii) Prevention (preventative action should be taken to avert environmental damage);
    - (iii) Precautionary (a precautionary approach should be taken to the possibility of environmental harm);
    - (iv) Rectification At Source (where possible any environmental harm should be rectified at source);
    - (v) Polluter Pays (the person(s) who causes the harm must suffer the financial penalty both in terms of mitigation and compensation)
- Long-term (at least 15 years, starting in 2022) legally binding targets on air quality, biodiversity, water, resource efficiency and waste reduction.

Circular 06/2005 Biodiversity and geological conservation – statutory obligations and their impact within the planning system

This circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the National Planning Policy Framework and the Planning Practice Guidance.

National Planning Policy Framework, 2024

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It contains a number of policies relating to ecology including "minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures". Under NPPF, local planning authorities have an obligation to promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species as identified under the Natural Environment and Rural Communities Act (2006). Local Planning Authorities will seek to produce a net gain in biodiversity, by requiring developers to design wildlife into their plans and to ensure that any unavoidable impacts are appropriately mitigated for. The NPPF 2024 version replaces the first NPPF published in March 2012 and includes minor clarifications to the revised version published in 2018, 2019, 2021 and 2023.

European Red Data lists (IUCN, 2000)

International Union for Conservation of Nature (IUCN and the European Commission have been working together on an initiative to assess around 6,000 European species according to IUCN regional Red Listing Guidelines. Through this process they have produced a European Red List identifying those species which are threatened with extinction at the European level so that appropriate conservation action can be taken to improve their status.

Appendix B. Habitats Regulation Assessment

A Habitats Regulations Assessment (HRA) is a mandatory process in the UK to check if a plan or project (like new developments, policies) will significantly harm protected European wildlife sites (RAMSAR, SACs & SPAs), involving screening for likely effects, an in-depth Appropriate Assessment, and potentially derogation tests if impacts remain, ensuring legal compliance with nature directives. The goal is to avoid, mitigate, or compensate for adverse impacts on site integrity.

https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site Appropriate assessment - GOV.UK

Where a Local Authority (LA) considers it necessary for and HRA and potentially an Appropriate Assessment (AA), the developers is required to undertake their own assessments and present the findings to the LA. The resultant assessment is called a shadow HRA as it is the responsibility of the LA to undertake the HRA.

Many Local Authorities, in their capacity as a Competent Authority, have undertaken surveys of the RAMSAR, SACs & SPAs within their region and formulated compensation structures, which developers pay to provide a fund which pays for the mitigation required to offset harm from activities which are adjudged to negatively impact the protected sites. In theory this negates the need for developers to provide individual shadow HRAs for separate sites. In practice the Local Authority reserves the right to require a sHRA

Appendix C. BNG and BNG Exemptions

In line with the Environment Act 2021, Local Planning Authorities (LPA) require suitable enhancements for wildlife within minor and major developments, with the aim of securing net gain.
There are however a number of BNG exempt development projects including:

- permitted development (homeowner applications),
- *de minimis*

The *de minimis exemption* is designed to cover planning permission for developments of such a small scale that no or minimal loss to habitat value is entailed. Two conditions must be met for this exemption to apply: firstly, the development must not impact an onsite priority habitat (defined as a habitat specified in a published list); secondly, the development must impact no more than 25 square metres of onsite habitat with a biodiversity value greater than zero, and no more than five metres in length of onsite linear habitat. Therefore, this exemption will apply depending on whether a habitat is impacted; a habitat being deemed to be impacted when it is lost or degraded in such a way that there is a decrease in the biodiversity value of that habitat (Regulation 4(b)). But a change of use application does require the provision of biodiversity net gain.

- Change of Use – (Caveated)
  - Change of use applications whilst therefore not exempt per se will usually fall under the de minimis exemption set out above. In most cases, where a change of use application is submitted the land in question is already developed and so any the habitat score will likely be zero and so no BNG is required.

Although the statutory BNG condition will not be required for most change of use applications, Planning Authorities and other stakeholders may still require lesser improvements in biodiversity to be made for change of use applications so local plan policy still needs to be checked.

- Self-build / Custom-build (see below)
  - Definition of Self-Build: The development must consist exclusively of dwellings that are self-built or custom housebuilding, as defined in Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015. This means that individuals or groups must have primary input into the design and layout of the homes they are building for personal occupancy.
  - Size and Impact: The exemption typically applies to small-scale developments that do not significantly impact biodiversity. For instance, developments that do not affect priority habitats and have minimal impact on non-priority habitats (less than 25 square meters) may qualify.
  - Application Process: To apply for the exemption, developers must submit a Biodiversity Net Gain Statement Form, justifying how their project meets the self-build criteria. This includes a signed statement confirming that the occupants will have primary input in the design and layout. Additionally, a statutory biodiversity metric must be submitted to assess the pre-development biodiversity value of the site.

- Legal Agreements: If a self-build property is sold or leased within three years of completion, the occupant may be required to secure off-site biodiversity net gain units, ensuring compliance with BNG objectives. Typically this is enforced with the use of a Covenant on the property, preventing a sale unless BNG has been retrospectively agreed and arranged. The approach taken varies between LPAs.

- s73a - Planning permission that has been granted retrospectively
- s73 variation permissions where the original permission was granted before 12 February or the application for the original permission was made before 12 February

The LPA may still seek proportionate enhancements for wildlife from these developments.

Depending upon the LPA's requirements, this might include bat box/brick/tubes, bird boxes /bricks and bee bricks. If structurally inappropriate to the design, the use of alternative, but equivalent, wildlife features is possible

END