



**Belle Vue House, High Street, Old Bursledon,
Hampshire, SO31 8DJ**

Ecological Assessment

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1.0 Summary

The proposal is to construct a replacement dwelling on site, on approximately the same footprint. The existing dwelling has a small roost of common pipistrelle bats roosting in crevices under hanging tiles (as shown by bat surveys in 2020 and 2022) and therefore a European Protected Species licence will be required to proceed with the proposals once planning permission has been granted. Demolition of the existing dwelling will be undertaken under ecological supervision outside of the hibernation season for bats and after bat boxes have been erected as temporary mitigation, any bats found will be moved to the bat boxes. New features for crevice roosting bats will be incorporated into the new replacement dwelling.

The garden of the existing dwelling has many ponds and several of these are known to have Great Crested Newts as shown by surveys in 2020, including at least one with a large breeding population. During a site visit in 2022 a Great Crested Newt was recorded in one of the ponds and the remaining ponds are in similar condition to 2020. Although the ponds will not be directly impacted by the proposals, there is the potential for Great Crested Newts to be impacted during construction works and therefore a Low Impact Newt licence will be required to proceed with the demolition of the existing house and construction of the new replacement dwelling. This will entail installing a newt fence between the ponds and the construction area, hand searching any areas which could harbour newts and providing new features for newts including hibernacula and a new pond. Alternatively District Level Licensing can be considered as an option if available at the time of construction.

Additional enhancement for nesting birds will be included to provide net gain for biodiversity in line with local and national policies.

A Construction Environment Management Plan will also be produced as a condition of planning to ensure the mature trees and ponds surrounding the built up area are not negatively impacted by the works during or post construction. This will cover storage of materials and access routes and other processes that will need to be taken into account to ensure the wildlife of the local area is protected.

2.0 Introduction

Background

- 2.1 Peach Ecology was commissioned in 2020 to carry out an Ecological Assessment of the proposed development at Drove House, High Street, Old Bursledon, Hampshire. SO31 8DJ located as shown in Appendix A, central Grid Reference: SU 48603 09261 and laid out as shown in Appendix B. Planning permission was refused for the original proposal and therefore Peach Ecology was commissioned to provide an updated assessment for a new set of proposals in 2022. This report will be submitted to Eastleigh Borough Council for permission to construct a new dwelling to replace the existing dwelling onsite as shown in Appendix C. This report describes the existing ecology on site based on the findings of several site visits from 2020 - 2022, further Phase 2 bat surveys in 2020 and 2022, Great Crested Newt surveys in 2020, protected species and habitats data searches from Hampshire Biodiversity Information Centre and review of local and national policies.

Description of site and surrounding area

- 2.2 The site consists of a large dwelling set within a large garden, a separate garage is located just to the north of the dwelling. The total site area is 3.14 hectares. The house is surrounded by hard standing to the front and paving to the rear and sides. There are some well established ornamental plants and shrubs around the main dwelling and then the garden extends beyond this to the south-east. The immediate garden to the rear of the dwelling, measuring approximately 0.14 hectares, is laid to lawn and at the boundaries of this are established shrub borders, an ornamental pond with fish is present in the centre of the lawn. Beyond this more ornamental garden curtilage area is a wilder garden area with 8 ponds, this area measures approximately 2.78 hectares. The wilder garden area is a mosaic of trees, shrubs and longer grassland leading down to a train track to the south-east, beyond which are several nature reserves and protected areas associated with the Solent and River Hamble, these have been designated Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar's, Local Nature Reserves (LNR) and classified as Sites of Importance for Nature Conservation (SINC).
- 2.3 The site is located in National Character Area (NCA) 126, South Coast Plain. This NCA is a flat, coastal landscape with an intricately indented shoreline lying between the dip slope of the South Downs and South Hampshire Lowlands and the waters of the English Channel, Solent and part of Southampton Water. The coastline includes several major inlets which have particularly distinctive local landscapes and intertidal habitats of international environmental importance for wildfowl and waders. Chichester Harbour Area of Outstanding Natural Beauty lies within the NCA and the foothills of the South Downs, along the northern boundary, fall within the South Downs National Park. Some three per cent of the area is designated as a Site of Special Scientific Interest, and there are four Special Protection Areas, two Special Areas of Conservation and four Ramsar sites: Chichester and Langstone Harbour, Pagham Harbour, The Solent and Southampton Water and Portsmouth Harbour.

Brief

- 2.4 To carry out an Ecological Assessment of the site and inform the clients of any ecological implications associated with the current proposals.

3.0 Methodology

Desk Study

- 3.1 This involved gathering ecological data relating to statutory nature conservation sites and species of priority conservation concern, the results of which are shown in Appendix D, E and F. A search was requested from Hampshire Biodiversity Information Centre (HBIC) for species of conservation concern, protected sites and broad habitats within 1km of the site. Records for Great Crested Newts from the records search are shown in Appendix G. A further search was undertaken using Multi-Agency Geographic Information for the Countryside (MAGIC), a DEFRA run website, to check for European Protected Species licences nearby and for sites not covered in the HBIC search. Ordnance Survey maps and aerial images were assessed to check for other relevant data on notable habitats and species nearby including ponds and wildlife corridors where the site connects into the surrounding area.

Site Assessment

- 3.2 The initial site was initially assessed on the 1st August 2019 by Davog McCloskey. This survey employed techniques based on standard Phase I Habitat Survey (JNCC) methodology and the CIEEM Guidelines for Ecological Impact Assessment (ECIA: CIEEM, 2016). Habitat types on and adjacent to the site were identified according to standard habitat definitions. The collection of botanical information focused on the dominant and key indicator species for each habitat type. The site survey included an assessment of the habitats immediately adjacent to the site, where possible, to look at the value of the site within the local landscape and to see whether these sites supported protected species. Indicative methodologies for the most likely protected and notable species that could occur on site and be impacted by the proposals are set out below.

Bats

- 3.3 Buildings and trees within the footprint of the site and any areas potentially impacted by the proposals were inspected in accordance with current survey guidance (BCT, 2016) for potential access points and roosting features which could support bats. Trees were checked for ivy cover, crevices and rotten sections from ground level and using a ladder and binoculars where necessary. Buildings were checked internally and externally for any signs of roosting bats or bat activity including droppings, insect feeding remains, worn entrances and staining. The buildings were all inspected internally before every survey to check for any up to date signs of bats.
- 3.4 Four bat emergence surveys took place, three dusk surveys and a dawn survey, three surveys were undertaken in 2019 and one was undertaken in 2022. The dusk surveys started at least 15 minutes before sunset and continued until 1.5 hours after sunset, the dawn survey started approximately 1.5 hours before sunrise and finished just after. Two surveyors were present during each survey positioned on opposite sides of the house giving good coverage of all potential access points. Equipment used included hand-held Elekon Bat Logger M bat detector/recorders, and sounds were analysed on Elekon Batexplorer Software. Details on the environmental conditions were taken at the time of survey. Davog McCloskey (Licence number 2015-11951-CLS-CLS) was present at one of the surveys and other experienced bat surveyors included Katherine Steele, Nancy Inman, Jack Hargreaves and Rob Neal.

Birds

- 3.5 Any habitat features on the building which could potentially be used by nesting birds, were surveyed and any nesting activity was noted.

Great Crested Newts

- 3.6 Any ponds or waterbodies within the vicinity of the site were noted and the potential of the land to act as a commuting route, shelter or foraging resource for great crested newts (GCN) was assessed.
- 3.7 Jon Cranfield (licensed ecologist) undertook Great Crested Newt Surveys of the ponds on site on 21st April 2020. The ponds were visually assessed to determine whether further surveys were possible using standard amphibian survey methods. Egg searches were undertaken on suitable ponds. Water samples were taken on ponds which met the protocols by Natural England. Day time trapping was undertaken on a selection of ponds using methods described by Baker 2013. Traps were baited using bacon pieces and were set within deep water for a few hours in the mid-morning to early afternoon. Traps were retrieved and the animals were counted, aged and sexed. All water sampling was undertaken prior to any ecologist entering the ponds or field surveys were undertaken.

4.0 Results and Discussion

Desk study

- 4.1 The site is located within 1km of several sites of conservation importance with Local, National and International Importance. Details of these sites are set out below:
- 4.2 Hackett's Marsh (LNR) is located approximately 25m south-east from the south-eastern site boundary, across a railway line. Hackett's Marsh contains species-rich meadows as well as saltmarsh and is of importance for a wide range of insects, as well as being an important feeding area and high-water roost for waders, wildfowl and herons.
- 4.3 Solent & Southampton Water (SAC, SPA, Ramsar), Lancegrove & Hackett's Marshes (SSSI) and Solent Maritime (SAC) overlap with each other and with Hackett's Marsh LNR in some areas. These are located, at the closest point to the site, approximately 25m south-east from the south-eastern site boundary across the railway line. These protected habitats are comprised of mature saltmarsh on the west bank of the River Hamble estuary, one of the best remaining examples of this habitat on the south coast.
- 4.4 The Solent Maritime SAC and Solent and Dorset potential SPA run along the River Hamble beyond the marshes and the Solent and Dorset pSPA also runs along both sides of the river further to the east and north, and to the south-west. The Solent Maritime SAC is designated for the Annex I habitats that are a primary reason for site selection: 1130 Estuaries; 1320 *Spartina* swards; 1330 Atlantic salt meadows; as well as seven further Annex I habitats that present as qualifying features. It also contains Annex II species 1016 Desmoulin's whorl snail as a species present as a qualifying feature for site selection.
- 4.5 Further sites within 2km that lie beyond the above sites are Hook with Warsash LNR, Mercury Marshes LNR, Lee-on-the-Solent to Itchen Estuary SSSI, Holly Hill Woodland Park LNR, Manor Farm LNR, Upper Hamble Estuary & Woods SSSI and Solent & Dorset Coast pSPA. These are all sites related to the River Hamble.
- 4.6 The site is located within 1km of several Sites of Important for Nature Conservation (SINC). These include: Mallards Moor; Piland's Wood (Lower); Piland's Wood (Upper); Badnum Copse; Bursledon Meadow; Crableck Wood & Saltmarsh; River Hamble Mudflats & Saltmarsh – 1; River Hamble Mudflats & Saltmarsh – 2; and Brixedone Saltmarsh & Mudflat. These sites have been notified for their Ancient and semi-natural Woodland, Semi-natural coastal and estuarine habitats, Agriculturally unimproved grasslands and because they are sites which support one or more notable species.
- 4.7 The proposal is to replace an existing house with another house on a similar footprint – a relatively small-scale development that is unlikely to impact upon any site of importance for nature conservation. In addition, the designated sites lie on the other side of a railway line from the development site, which constitutes an effective barrier between to disturbance. Three of the woodland SINC's are separated by residential areas, roads and fields to the west and north-west.
- 4.8 It is important that the proposals follow appropriate pollution prevention and drainage guidelines. The habitats and flora associated with waterways and ground water are sensitive to changes cumulatively, from different impacts locally so every development should consider and mitigate for their own impact with regards drainage and pollution.

The proposals represent an opportunity to include enhancements to the garden that complement the protected habitats nearby – this could be by creating new hibernacula.

Site Assessment

Buildings

- 4.9 The site contained the dwelling (Photo 1) and a garage. The brick-built garage is single storey, has a tiled roof and has negligible bat roosting potential. The dwelling is constructed from brick with a tiled roof – there are three floors although one of the sections to the south-west is only single storey. There are two separate attics and both of these have no evidence of bats although there are some rat droppings present. The exterior of the building has hanging tiles on the south-east, north-east (Photo 2) and north-west elevation and gaps were noticed below these (Photo 3) as well as gaps under roof tiles, potentially around the chimneys and by dormer windows. On closer inspection some pipistrelle droppings were noted on an awning below the hanging tiles on the south-east elevation.



Photo 1: South-eastern elevation of the house showing hanging tiles at first and second floor level



Photo 2: The north-east and north-west elevation with hanging tiles on second floor



Photo 3: Gaps under hanging tiles to the south-east elevation

The garden

- 4.10 The garden immediately to the rear (south-east) of the dwelling and to the sides consists of lawn and mature shrubs and ornamental species. The lawn to the rear has mature shrubs at the borders and a single pond is located centrally in the lawn. Beyond the immediate garden to the south-east and east is an area that is managed as a 'wild area' with areas of scrub, long grassland, trees and shorter mown paths through the longer grassland. This 'wild area' has a further six ponds as shown in Appendix B.



Photo 4: The garden and view looking south-east

- 4.11 The garden and ponds (Photo 5) will not be impacted by the proposals other than the loss of some small ornamental shrubs around the existing house. The loss of the ornamental garden will be compensated for by new landscape planting around the new dwelling.



Photo 5: The first pond to the south-east of the existing dwelling, with large koi carp present

Bats

Desk study

- 4.12 Three EPS mitigation licenses have been granted within 2km of the proposals:
- 2017-31720-EPS-MIT for Common pipistrelle, 450m southwest
 - 2014-2574-EPS-MIT for Common pipistrelle, 770m west
 - 2017-28698-EPS-MIT for Common pipistrelle, 1.1km west
 - 2016-26416-EPS-MIT for Brown long-ear, common and soprano pipistrelle, 1.4km to the south-east
- 4.13 Within 1km of the site the following bat species have been recorded, according to the HBIC data search:
- Serotine *Eptesicus serotinus*
 - Whiskered/Brandt's
 - Natterer's *Myotis natteri*
 - Noctule *Nyctalus noctule*
 - Nathusius' pipistrelle *Pipistrellus nathusii*
 - Common pipistrelle *Pipistrellus pipistrellus*
 - Soprano pipistrelle *Pipistrellus pygmaeus*
 - Brown long-eared *Plecotus auritus*
- 4.14 An internal and external inspection of the house was carried out on the 1st August 2019. This found that there were potential access points for bats under hanging and roof tiles and at other potential places on the roof. Pipistrelle droppings were found at the base of hanging tiles on the south-east elevation. No signs were found of bats using either of the two attic spaces.

Phase 2 bat surveys

- 4.15 Four Phase 2 emergence surveys took place, consisting of three dusk (two in 2019 and one in 2022) and one dawn (in 2019). These took place in July, August and September, using two surveyors for each, who were positioned to have maximum visibility of the building and areas where bats could roost. Surveyors were using bat detectors to record ultrasound calls, in order to determine species of bats and to detect any not seen. Surveyors monitored the presence of bats and the direction bats flew when they left the roost or where they came from when going to roost.
- 4.16 Table 1 below shows a summary of the conditions, equipment and personnel present during the bat surveys.

Survey Date	Survey type	Surveyors	Equipment used	Duration	Weather	Sunset /sunrise time
1 st August 2019	Inspection	DM	High-powered torch	Daylight hours	N/A	N/A
5 th August 2019	Dusk	NI, KS	2x Elekon Batlogger M	2040-2220	20-30% cloud cover, wind force 2, no rain, 22°C at start of survey and 17°C at end	2046
21 st August 2019	Dusk	NI, JH	2x Elekon Batlogger M	2000-2145	70% cloud cover, wind force 1, no rain, 17°C at start of survey and 16°C at end	2015
15 th September 2019	Dawn	DM, RN	1x Elekon Batlogger M; 1x Echometer Touch Pro 2 + phone	0510-0641	0% cloud cover, wind force 0, no rain, 15°C at start of survey and 15°C at end	0641
12 th July 2022	Dusk	DM, RN	2x Elekon Batlogger M and Infra Red Camera	2100 - 2244	100% cloud cover, wind force 1, no rain, 25°C at start of survey and 24°C at end	2114

Table 1: Environmental conditions and surveyors present during bat surveys

- 4.17 At least 6 pipistrelle bats (common and soprano) were found to be roosting under different hanging tiles. At least 6 species of bats were recorded using the site: common pipistrelle, soprano pipistrelle, brown long-eared, myotis sp., noctule and serotine.
- 4.18 On the first dusk survey on the 5th August at least five species of bats were recorded at the site: common pipistrelle, soprano pipistrelle, brown long-eared, noctule and myotis (at least 1 species). No bats were recorded emerging from the house. Both pipistrelle species were regularly foraging around the house and commuting past the surveyors. Brown long-eared were recorded at 2124 and 2143 but not seen. A noctule commuted high over the site at 2144. A myotis was regularly heard, usually quietly, at the east of the house between 2146 and 2213.
- 4.19 On the second dusk survey on the 21st August at least 6 pipistrelles emerged from the house and a further pipistrelle may have emerged. The first bat recorded was a common pipistrelle at 2026, also emitting social calls. At 2029-2040 pipistrelles were seen foraging around the house. At 2037 a soprano pipistrelle was seen possibly emerging from the house and then at 2041-2 six pipistrelles, both common and soprano, were seen emerging from the north-east and north-west of the house from three separate locations. pipistrelles were picked up foraging around the site for the remainder of the survey. A brown long-eared was recorded at 2105 flying around overhead, a myotis was recorded at 2133 but not seen and a serotine was recorded at 2142, foraging for around a minute before disappearing.
- 4.20 On the dawn survey on the 5th September no bats were seen or heard throughout the survey, despite weather conditions being suitable for bats.
- 4.21 During the dusk survey in 2022 a single common pipistrelle was recorded emerging from a similar location as a bat had emerged from during the 2019 surveys, from a hanging tile on the eastern corner. During the survey a noctule was recorded foraging low above the house and immediate area at the start of the survey for about 20 minutes and a myotis species was recorded foraging in the rear garden for 8 minutes during two separate occasions – it was thought that this bat may have emerged however

when camera footage was examined the bat came from the east and flew close to the building but it did not emerge from it. Soprano pipistrelle were the only other species recorded during the survey. Two bats were recorded together on occasion and when recordings were analysed it was noted that these were a soprano and common pipistrelle briefly.

- 4.22 In conclusion, the proposed demolition of the house will lead to the loss of summer roosts under hanging tiles for up to 7 common and soprano pipistrelle bats. The approximate locations of the emerging bats are shown in Figure 1.

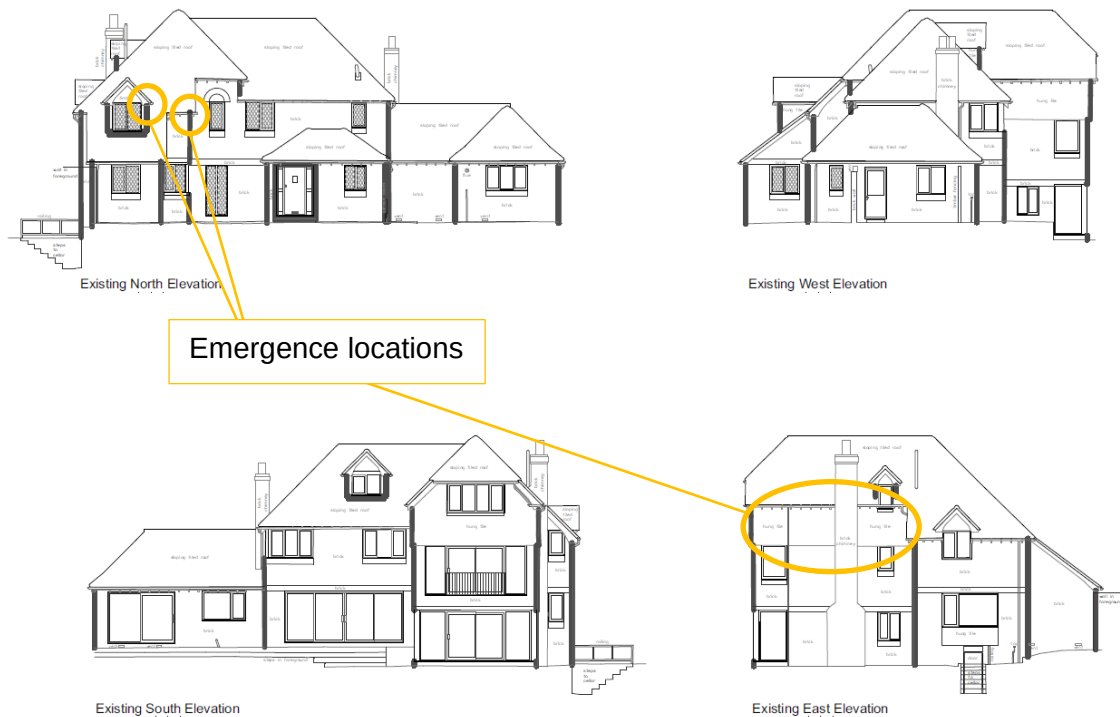


Figure 1. Approximate emergence locations of up to 7 pipistrelle bats

Birds

- 4.23 No signs of nesting birds were noted on or in any of the buildings or in nearby shrubs.
- 4.24 Including new nesting features for birds associated with buildings would be an enhancement for nesting birds.

Great Crested Newts

- 4.25 Great Crested Newts are known to be present in at least two of the ponds on site and a pond on adjacent land (Appendix G), these ponds are located in the wild area to the south-east of the dwelling. As the ponds are located within the terrestrial habitat of great crested newts it is possible that newts use the area around the dwelling to commute through or to hibernate under paving slabs or in rockeries – areas that will be impacted by the proposals.

- 4.26 The presence of great crested newt, smooth newt and common frog were confirmed through the survey undertaken on the 21st April 2020 (see table 2 & photographs 6-8).

Pond Number	Survey Results	Habitat Suitability Index	eDNA Results
1	Not surveyed Fishpond	n/a	n/a
2a	17 GCN, SN	0.79 (good)	+ve 7/12
2b	Not surveyed Fishpond	0.5 (b average)	n/a
3a – 3c	Sticklebacks, SN and CF	0.37 (poor)	-ve 0/12
4a – 4b	Not surveyed, Unsuitable for visual & eDNA	0.50 (b average) 0.64 (average)	n/a
5a	Egg search +ve	0.78 (good)	+ve 10/12
5b	Egg search +ve	0.78 (good)	+ve 10/12

- 4.27 The ponds are laid out as shown in Figure 2.

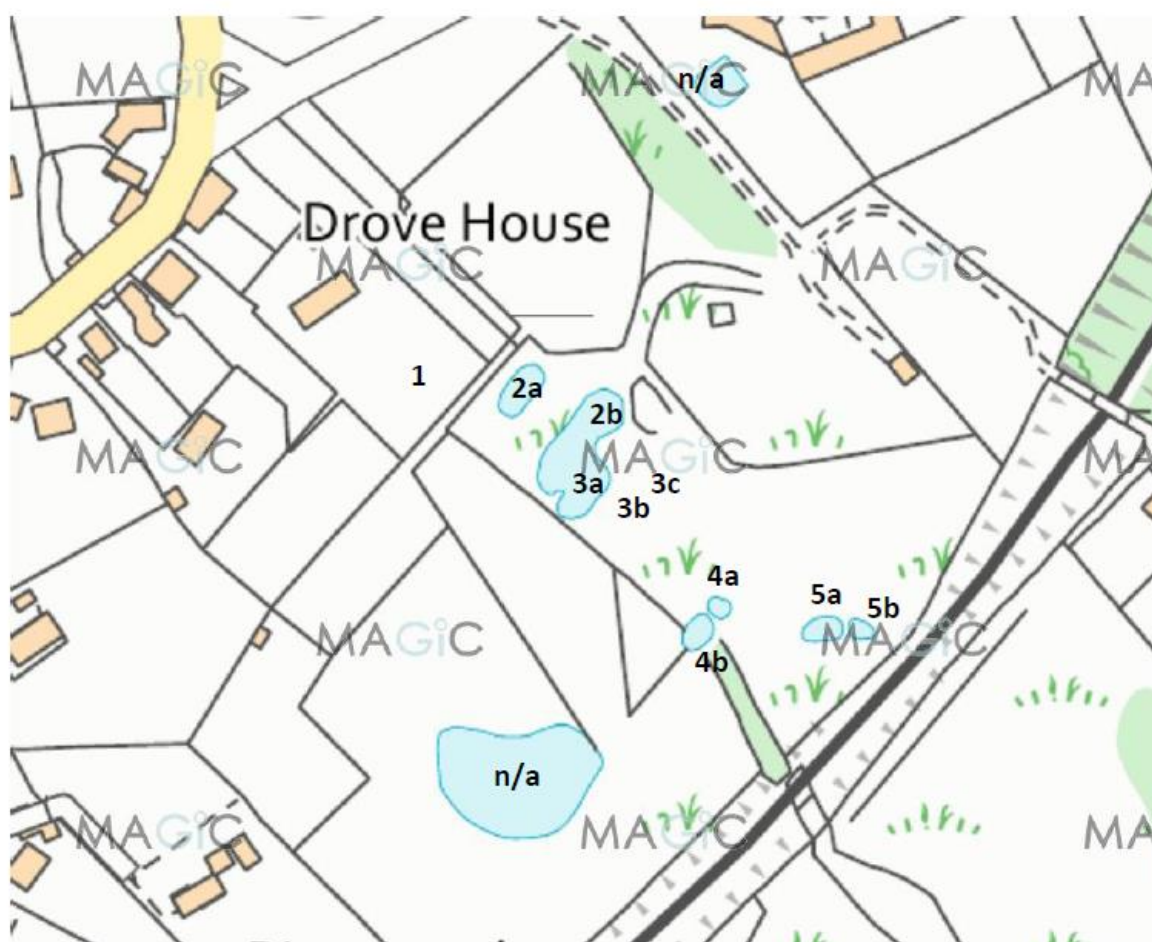


Figure 2. Locations of ponds surveyed as part of the newt assessment at Drove House, Burlesdon April 2020



Photo 6: Pond 2a - Located closest to Drove House - +ve 7/12 eDNA 21st April 2020



Photo 7: 17 adult GCN captured from Pond 2a 21st April 2020



Photo 8: Pond 5 a+b – GCN newt eggs found 21st April and 10/12 +ve eDNA

- 4.28 It is possible that an offence could be committed during construction works and therefore a Low Impact Great Crested Newt will be required to proceed with the proposals. Alternatively District Level Licensing will be used in Hampshire in the future under Naturescape and this option can be considered.
- 4.29 Creating a new pond and hibernacula for Amphibians will be an enhancement in line with local and national policies.

5.0 Requirements and Recommendations

Bats

- 5.1 A European Protected Species EPS mitigation license will be required to proceed with the proposals once planning permission has been granted. A licence would also be required to undertake any works on the roofs of Buildings.
- 5.2 Due to the nature of the buildings works on them which could impact bats will be carried out at a time when bats are active to avoid the hibernation period, this is from approximately mid-November to the end of February. The start date will first be discussed with an ecologist, who will determine the likelihood of bat hibernation depending on the weather conditions at the time.
- 5.3 Three 1f bat boxes or a similar style will be erected prior to any work on the buildings – these can be erected nearby in a tree.
- 5.4 The removal of any roof features will need to be carried out by hand, under the supervision of a trained ecologist who will be present to ensure that no bats are harmed during the process.
- 5.5 The new buildings will have bat roost features included in them as annotated in Appendix H. The crevice features can be made to blend in with stone, brick or woodwork.
- 5.6 All buildings will use bitumen 1f style roofing felt under tiles.
- 5.7 The site will be monitored during construction to ensure bat features are installed correctly.
- 5.8 Follow up monitoring will take place in the 2 years following completion to check on the bat population locally.

Birds

- 5.9 Impacts on the roofs of the buildings internally or externally will avoid the bird nesting from March – August inclusive, unless it can be shown by an ecologist that there are no nesting birds present. Similarly all vegetation removal will be undertaken outside the bird nesting season or alternatively under ecological supervision.
- 5.10 The new buildings will have bird nest features included in them as shown in Appendix H. These will include integrated sparrow and swift nest boxes, these can be rendered over as long as the entrances are left open.

Great Crested Newts

- 5.11 A Low Impact Great Crested Newt licence will be applied for to proceed with the proposals once planning permission has been granted. Alternatively District Level Licensing will be used in Hampshire in the future under Naturescape and this option can be considered.
- 5.12 An amphibian fence (Appendix I) will be put in place prior to any demolition works. This will be erected under supervision of the licensed ecologist or accredited agent during the active season (March – October) so that newts are restricted from moving towards the construction area. The fence can remain in place for 18 months until there is no potential for newts to be harmed by the works.

- 5.13 A finger tip search will be undertaken of any areas of vegetation and any newts moved to the south-east of the site. Any paving slabs being removed will be undertaken under ecological supervision to prevent harm to the species.
- 5.14 Two hibernacula and a new pond will be constructed under ecological supervision to the south-east of the site to enhance the area for wildlife.

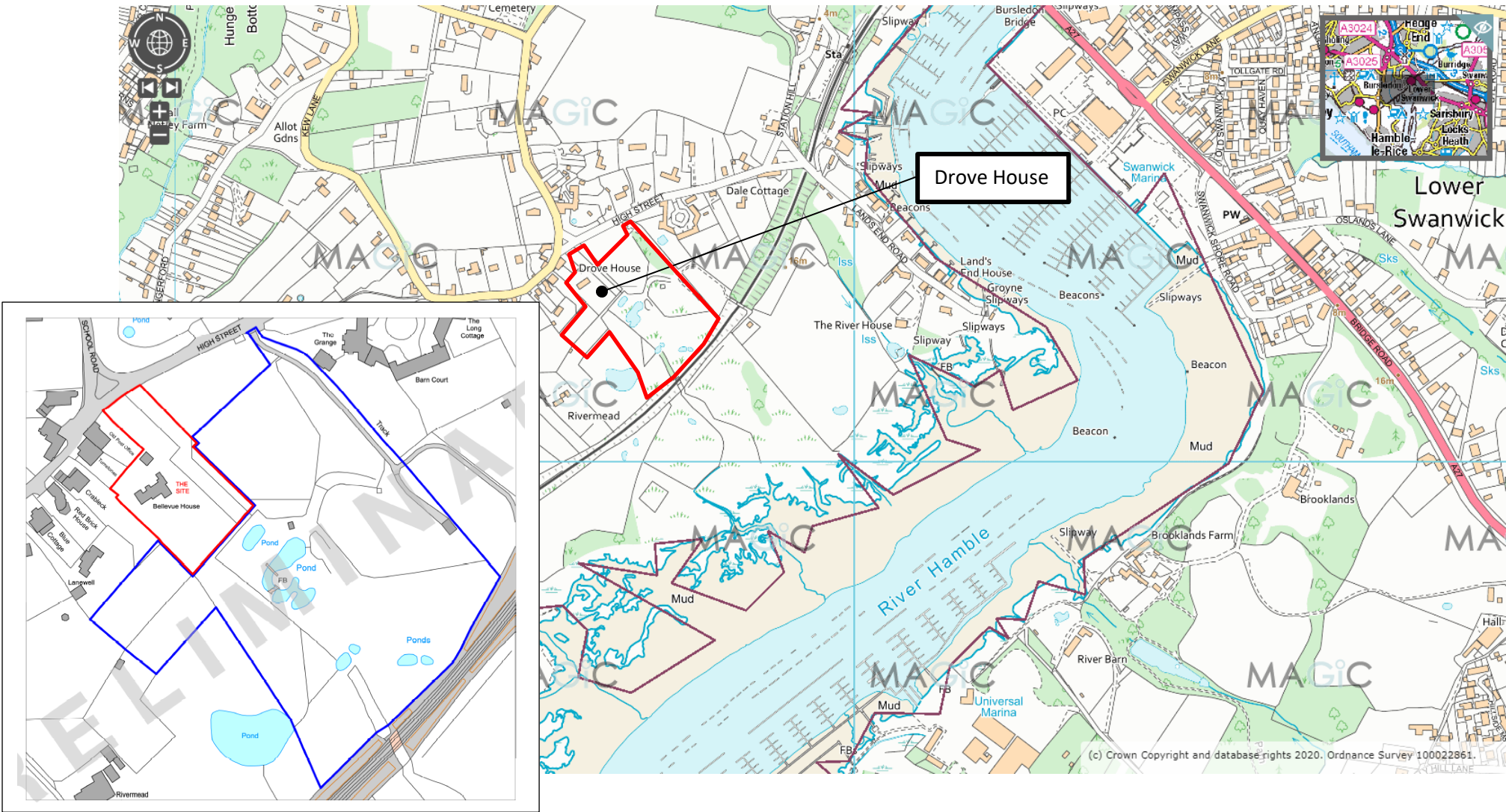
Construction Environment Management Plan

- 5.15 A Construction Environment Management Plan will also be produced as a condition of planning to ensure the mature trees and ponds surrounding the built up area are not negatively impacted by the works during or post construction. This will cover storage of materials and access routes and other processes that will need to be taken into account to ensure the wildlife of the local area is protected.

Pollution prevention and drainage

- 5.16 It is important that the proposals follow appropriate pollution prevention guidelines (PPG 6) and drainage guidelines (Defra guidelines for Sustainable Urban Drainage) to protect habitats connected hydrologically.

Appendix A: Site location



Appendix B: Existing elevations



Existing North Elevation



Existing West Elevation

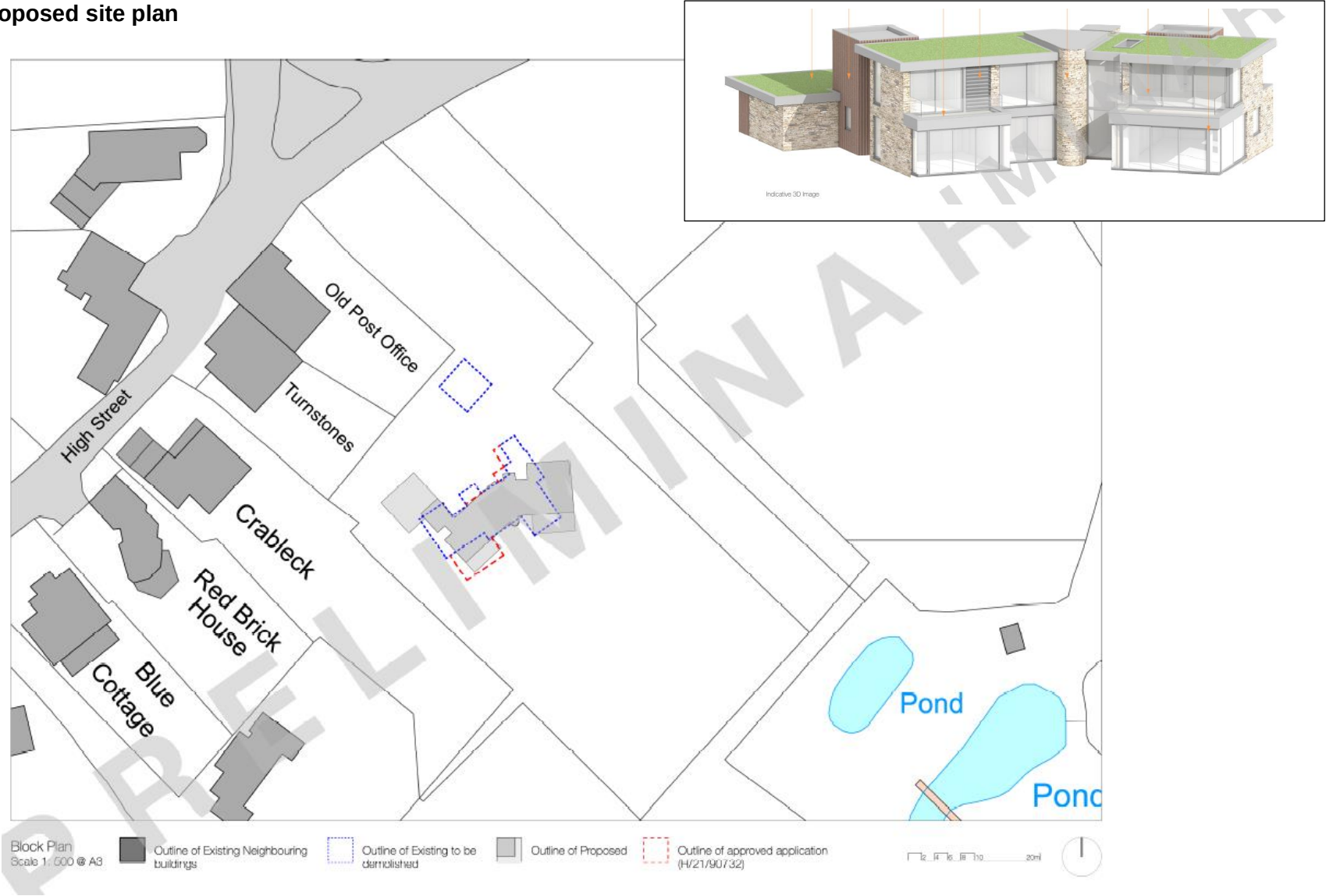


Existing South Elevation

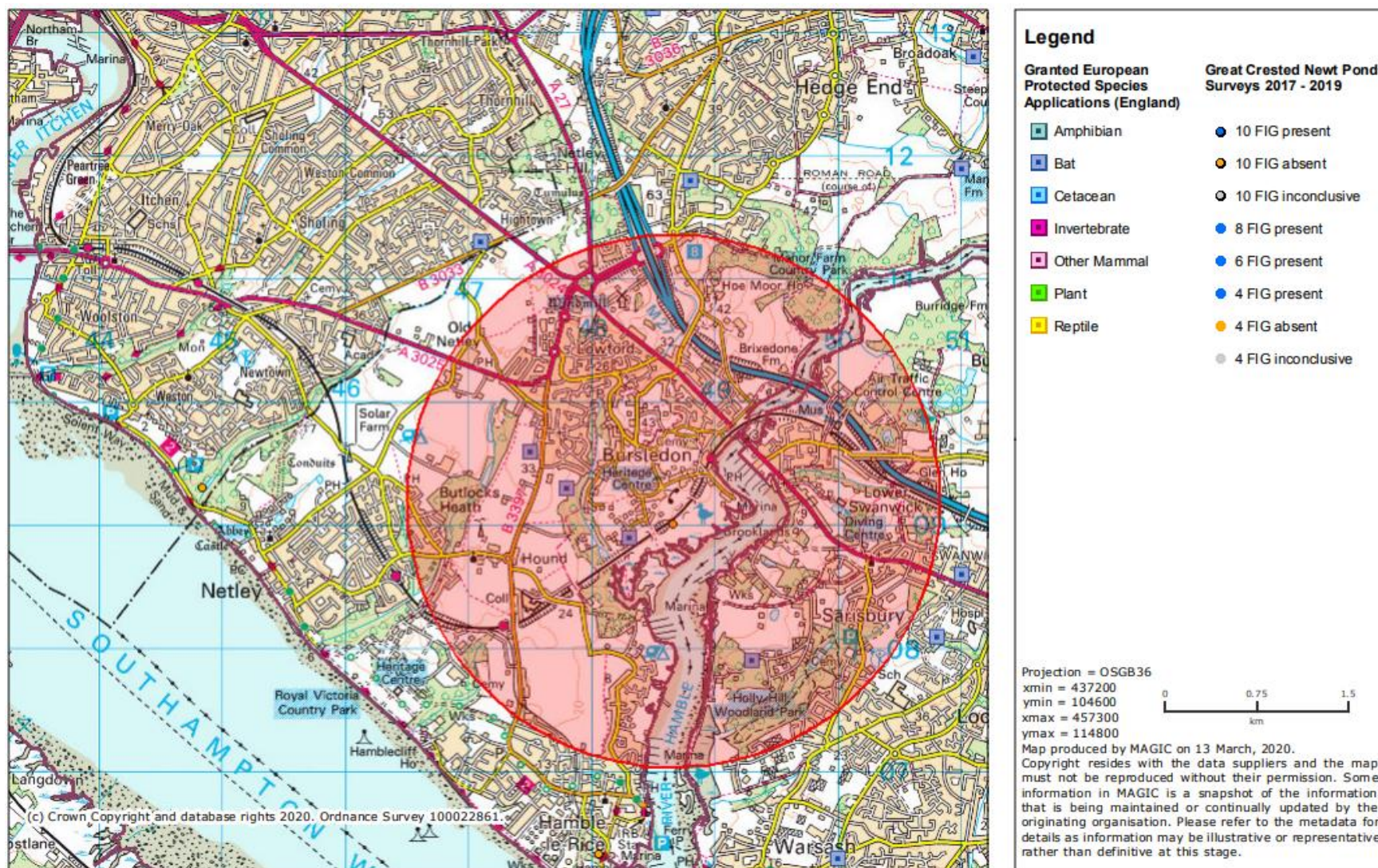


Existing East Elevation

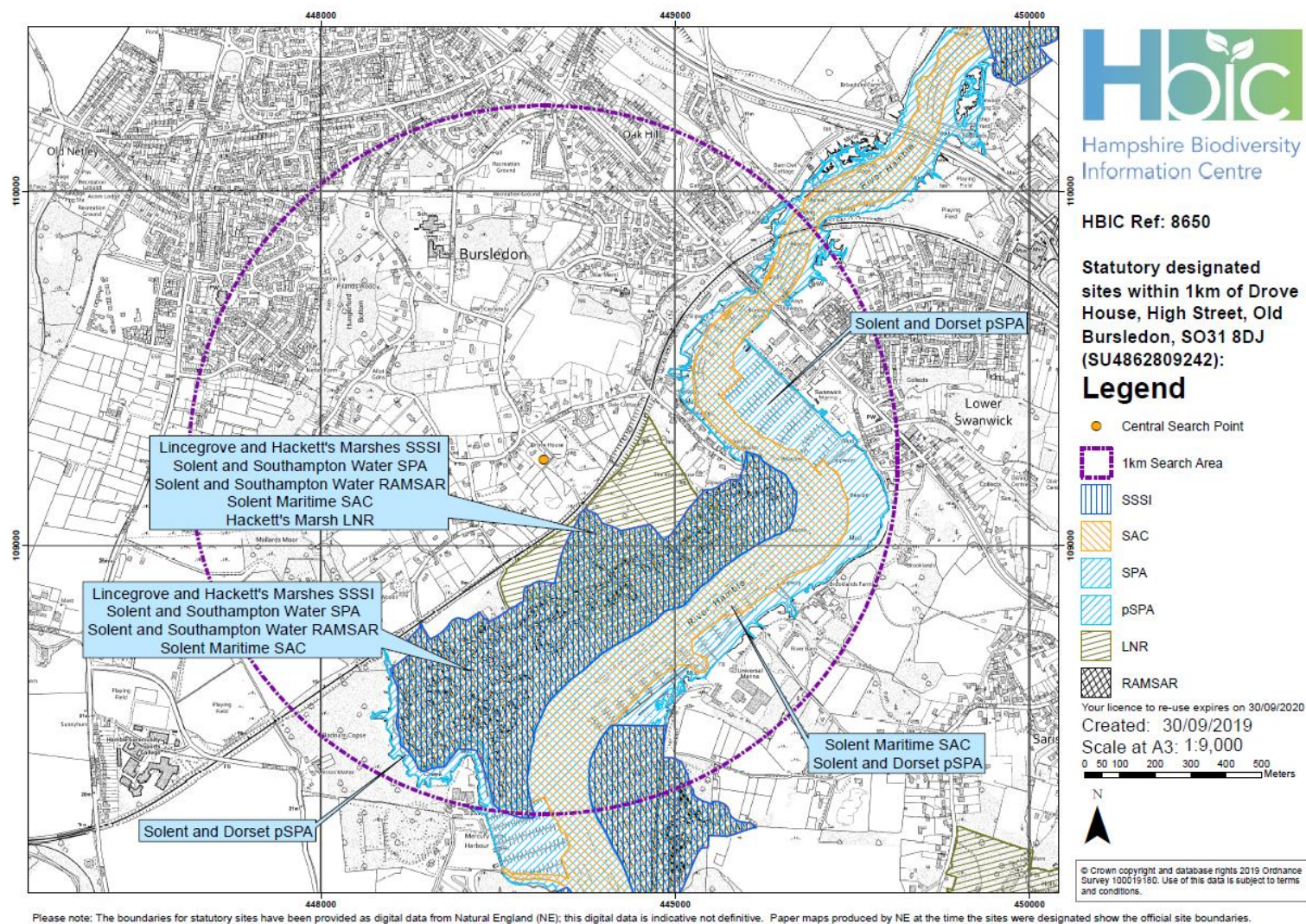
Appendix C: Proposed site plan



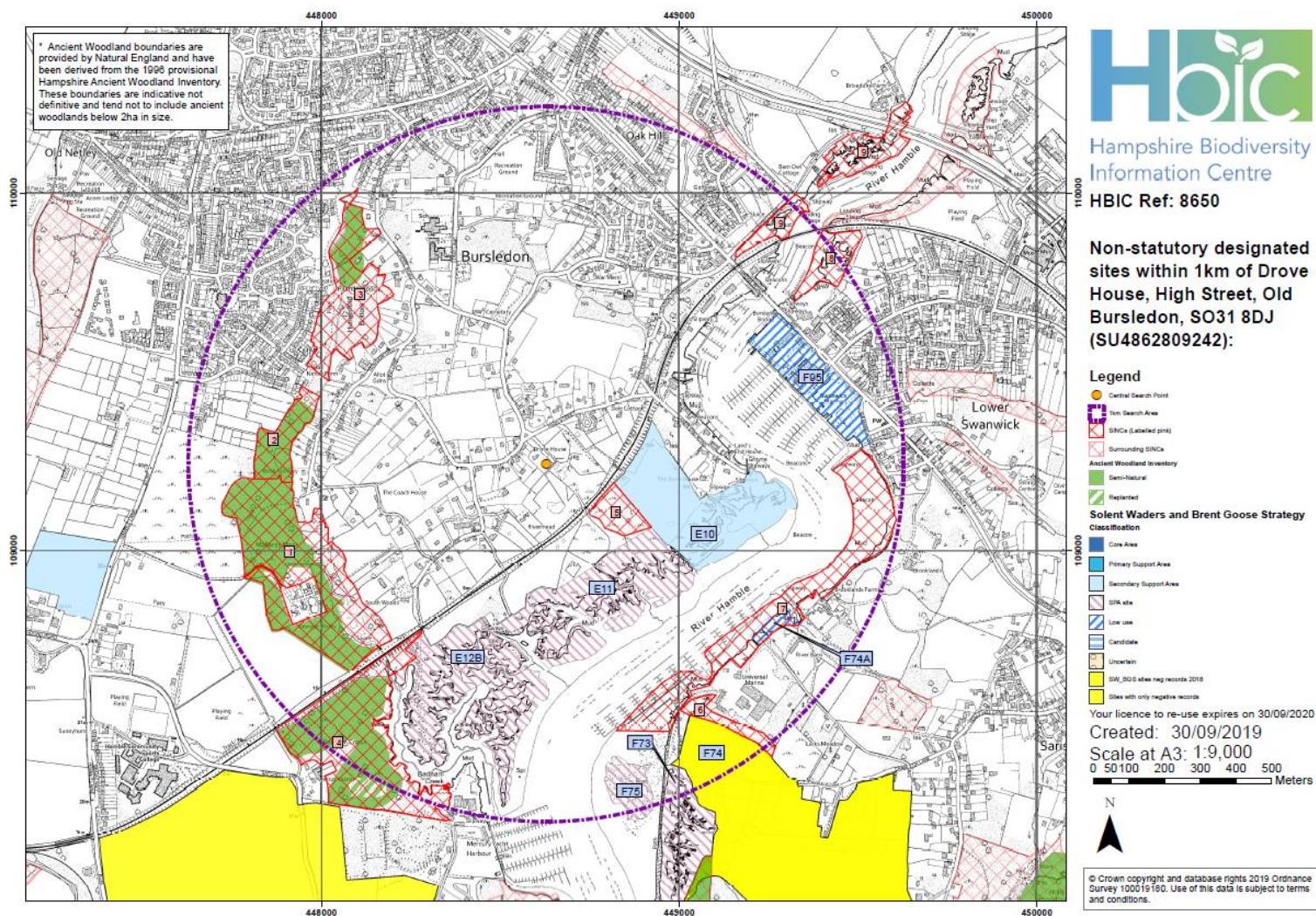
Appendix D: European Protected Species licences and Great Crested Newt Pond Survey data



Appendix E: Statutory Designated Sites within 1km



Appendix F: Non-Statutory Designated Sites within 1km



Appendix G: Ponds with Great Crested Newt Records



Appendix H: Bat and bird mitigation and enhancements



Four features for nesting birds will be installed in these indicative locations, this will include two house sparrow boxes and two swift boxes



Four features for crevice dwelling bats



Appendix I: Great Crested Newt mitigation



Appendix J: Protected species legislation

Amphibians

Natterjack toad, pool frog and great crested newt are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). They are also afforded additional protection under the Wildlife and Countryside Act 1981 (as amended).

Natterjack toad, common toad, great crested newt and northern pool frog are also Species of Principal Importance (SPIs).

Reptiles

Smooth snake and sand lizard are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). They are afforded additional protection under the Wildlife and Countryside Act 1981 (as amended).

Adder, grass snake, common lizard and slow-worm are all protected from killing and injury under the Wildlife and Countryside Act 1981 (as amended). All UK reptile species are SPIs.

Birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). This includes damage and destruction of their nests whilst in use, or construction. Species listed under Schedule 1 of the Act, such as barn owl, are afforded protection from disturbance during the nesting season.

The following 50 bird species are SPIs: lesser redpoll, aquatic warbler, marsh warbler, skylark, white-fronted goose, tree pipit, scaup, bittern, dark-bellied brent goose, stone-curlew, nightjar, hen harrier, northern harrier, hawfinch, corncrake, cuckoo, Bewick's swan, lesser spotted woodpecker, corn bunting, ciril bunting, yellowhammer, reed bunting, red grouse, herring gull, black-tailed godwit, linnet, twite, Savi's warbler, grasshopper warbler, woodlark, common scoter, yellow wagtail, spotted flycatcher, curlew, house sparrow, tree sparrow, grey partridge, wood warbler, willow tit, marsh tit, dunnoek, Balearic shearwater, bullfinch, roseate tern, turtle dove, starling, black grouse, song thrush, ring ouzel and lapwing.

Birds are also categorised according to their level of conservation concern indicated by their population status and stability. These are known as the Birds of Conservation Concern (BoCC4), Red, Amber and Green lists (Eaton et al, 2015). Where red and amber species are present, their conservation status should be considered in determining the likely impacts of proposed projects and plans.

The conservation status of birds recorded during the survey was assessed against the following criteria:

- EC Birds Directive 2009 Annex 1,
- Wildlife and Countryside Act 1981 (As Amended) Schedule 1, (Table 1, WCA1)
- Natural Environment and rural communities (NERC) Act 2006 – Section 41
- Red and Amber lists of Birds of Conservation Concern in England (BoCC4)

Badger

Badger is protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to kill or injure a badger; to damage, destroy or block access to a badger sett; or to disturb badger in its sett. The Act also states the conditions for the Protection of Badgers licence requirements.

Bats

All bat species are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), as detailed above. Bats are further protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence to:

- Deliberately or recklessly damage or destroy any structure or place which bat(s) use for shelter or protection.
- Disturb bat(s) while occupying a structure or place which it uses for shelter or protection.
- Obstruct access to any structure or place which they use for shelter or protection.

Furthermore, seven bat species are SPIs, covered under Section 41 of the NERC Act 2006. These include western barbastelle, Bechstein's, noctule, soprano pipistrelle, brown long-eared, lesser horseshoe and greater horseshoe.

Hazel dormouse

Hazel dormouse is protected under the Conservation of Habitats and Species Regulations 2017 (as amended). It is afforded additional protection under the Wildlife and Countryside Act 1981 (as amended), including obstruction to a place of shelter or rest.

Hazel dormouse is also a SPI.

Hedgerow

Under the Hedgerows Regulations 1997 it is against the law to remove or destroy certain hedgerows without permission from the LPA, which are also the enforcement body for offences created by the Regulations. LPA permission is normally required before removing hedges that are at least 20 m in length, more than 30 years old and contain certain plant species. The authority will assess the importance of the hedgerow using criteria set out in the regulations. The regulations do not apply to hedgerows within the curtilage of, or marking a boundary of the curtilage of, a dwelling house.

Hedgerow is a Habitat of Principal Importance (HPI).

Other mammals

West European hedgehog, brown hare, mountain hare, pine marten, harvest mouse, polecat and red squirrel are all SPIs.

The following mammals are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended): wildcat, brown hare (Schedule 5A), mountain hare (Schedule 5A), pine marten and red squirrel.

Non-native invasive plant species

Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is a list of non-native plant species for which Section 14 of the Act applies. It is an offence to plant, or otherwise cause to grow in the wild species listed under Schedule 9 of the act. These include, but are not limited to:

- Himalayan balsam
- Cotoneaster sp.
- Japanese knotweed
- Giant hogweed

Habitats of Principal Importance

Section 41 of the NERC Act 2006 details 56 HPIs, of which the following could be present in south-east England: Lowland calcareous grassland, Lowland dry acid grassland, Lowland meadows, Lowland Heathland, Open Mosaic Habitats on Previously Developed Land, Lowland fens, Lowland raised bog, Reedbeds, Lowland beech and yew woodland, Lowland mixed deciduous woodland and Wet woodland.

Impacts to HPI are of material planning consideration.

Ancient woodland and veteran trees

The NPPF 2021 states that 'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'. In addition, Natural England's standing

advice for ancient woodland indicates that a 15 m buffer is retained between ancient woodland and any works or development. Ancient woodlands, and ancient and veteran trees, may also be protected by Tree Preservation Orders.

National Planning Policy Framework (2021)

Details the Government's planning policies for England and how these should be applied, particularly to contribute to the Government's commitment to halt the decline of biodiversity. When assessing planning applications, LPAs should have regard to conserving and enhancing biodiversity by applying a number of principals, including:

- Avoiding impacts to biodiversity through appropriate site selection.
- Mitigating residual impacts.
- Encouraging the preservation and enhancement of biodiversity.
- Preventing the development of protected sites, such as SSSIs.
- Refusing permission where habitats that cannot be recreated, such as ancient woodland, would be lost.
- Encouraging good design that limits light pollution.
- Relevant paragraphs in the NPPF (2021) are detailed below.

Paragraph Number	Detail
174	"Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impact on and providing net gains for biodiversity" Protection of sites of biological values Preventing new and existing development from adverse impacts to soil, air, water or noise Development should help improve local conditions
175	Maintenance and enhancement of networks of habitats and green infrastructure; plan for the enhancement of natural capital at a catchment or landscape scale
179	"To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."
180	"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."
181	The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites⁶⁴; 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.
185	"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living

	conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ... c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”
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Environment Act (2021)

The Environment Act (2021) achieved Royal Assent in November 2021.

The Environment Act (2021) makes a provision for biodiversity net gain to be a condition of planning permission in England, however, it is not anticipated that a 10% biodiversity net gain will be mandatory until 2023. When it does become mandatory, planning applications will need to demonstrate a 10% biodiversity net gain can be met. A biodiversity net gain plan must be submitted and must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
- b) the pre-development biodiversity value of the onsite habitat,
- c) the post-development biodiversity value of the onsite habitat,
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- e) any biodiversity credits purchased for the development.

It should be noted however, that the NPPF (2021) as set out below on does require a project to provide a measurable net gain for biodiversity.

Countryside and Right of Way Act 2000

Amends and strengthens the Wildlife and Countryside Act 1981 (as amended). It also details habitats and species for which conservation measures should be promoted.

Natural Environment and Rural Communities Act 2006

Section 40 of the Act places a duty on local planning authorities to conserve and enhance biodiversity in England whilst carrying out their normal functions. Section 41 comprises a list of Habitats of Principal Importance (HPIs) and Species of Principal Importance (SPIs) which should be considered.

The LPA will need to have particular regard to any relevant local nature recovery strategies, and any relevant species conservation strategy or protected site strategy prepared by Natural England.

Hedgerows Regulations 1997

Under these regulations it is an offence to intentionally or recklessly remove, or cause or permits another person to remove, a hedgerow. Important hedgerows are defined in Section 4 of the Regulations. This includes hedgerows that have existed for over 30 years or satisfies at least one criteria listed in Part II of Schedule 1.

Wild Mammals (Protection) Act 1996

Under this act wild mammals are protected from the intentional unnecessary suffering by crushing and asphyxiation.

ODPM Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System (2005)

The Government's Office of the Deputy Prime Minister (ODPM) Circular 06/05 (ODPM 2005) presents the legal requirement for planning authorities with regard to statutory designated sites. Planning approval should not be granted where impacts to statutory designated sites that are not connected to the site maintenance for nature conservation, or will have a significant effect on the site's conservation objectives and/or affect the site's integrity. Permission may be granted if the proposed development overrides public interest.

The presence of a protected species is a material planning consideration. The Circular clearly outlines that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Otherwise, all relevant considerations may not have been addressed in making the decision.