



**103 Bournemouth Road,
Chandler's Ford, Eastleigh, Southampton**

Bat Dusk Emergence Survey

For Cordage 13 Ltd

By Arun Ecology Ltd

December 2022

Issuing Office

South East

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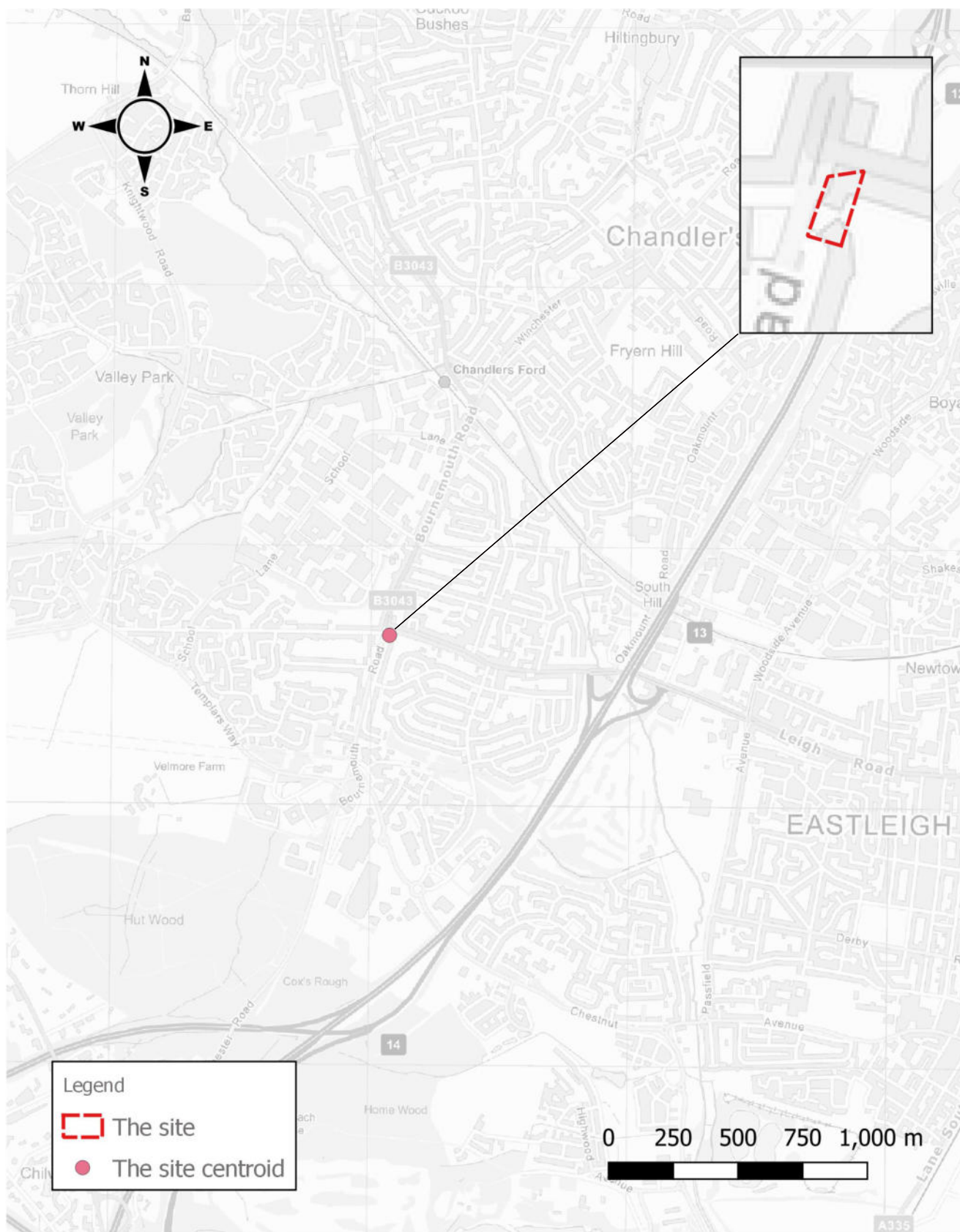
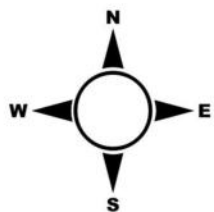


Figure Title			Client/Project no:	
Site location			Cordage 13 Ltd - C-CGP-002-002	
Site Location			 enquiries@arunecology.com www.arunecology.com	
Figure no:	Revision no:	Scale:		
1	001	1:33893		
Cartographer:	Date Drawn	Reviewed by:		
Joseph Baker	09/12/2022	Hannah Baker		



Legend

-  Building layout
-  Roof layout
-  Gap behind wooden boarding
-  Missing mortar
-  Infra-red Camera Positions
- SL Surveyor location

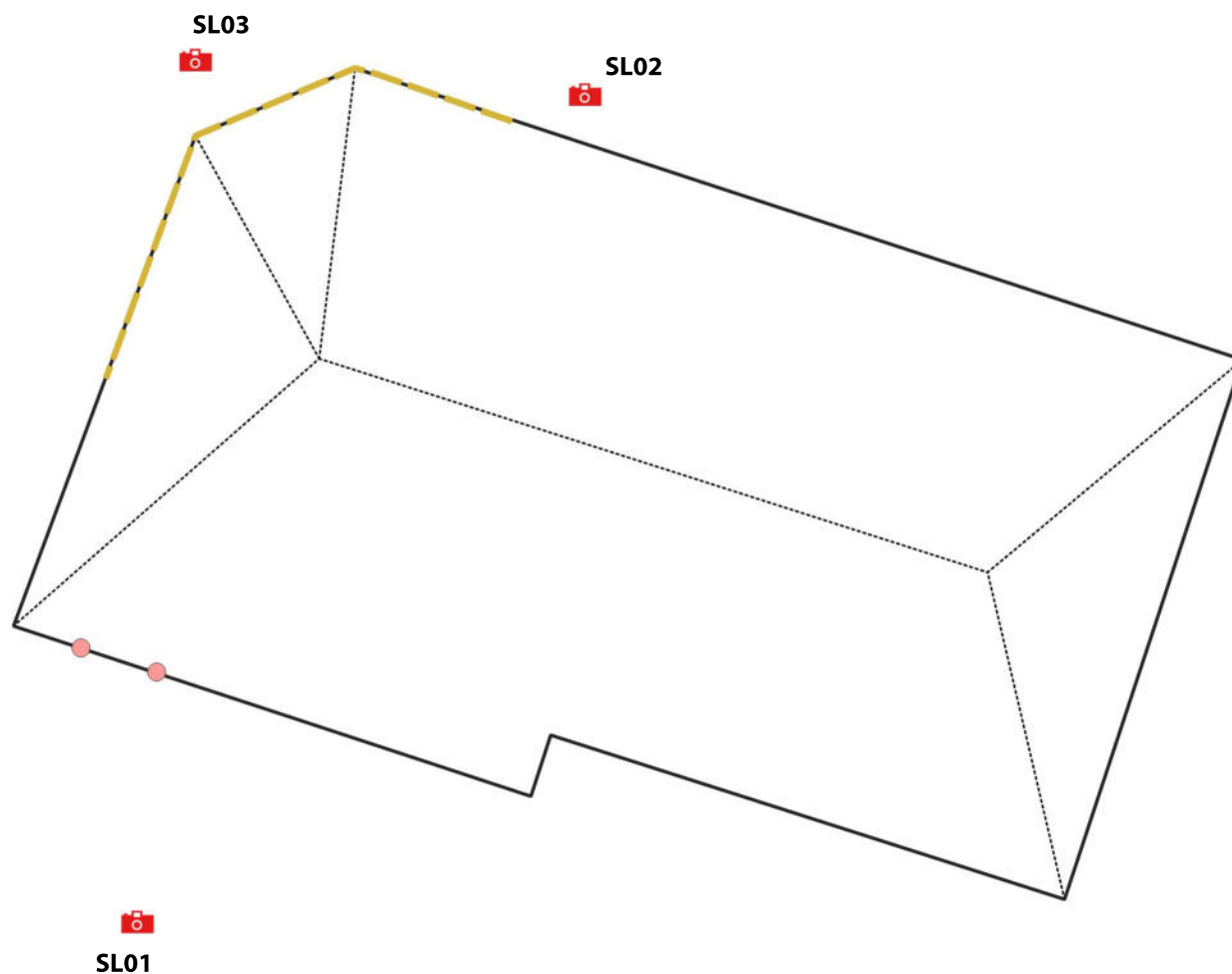


Figure Title:

Bat Dusk Emergence Survey Results

Client/Project no:

Cordage 13 Ltd - C-CGP-002-002

Site Location:

103 Bournemouth Road, Chandler's Ford,
Eastleigh, Southampton, S053 3AJ.

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2

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1. Summary & Recommendations

1.1 Summary

- 1.1.1** Cordage 13 Ltd on behalf of their client are proposing the re-development of the 103 Bournemouth Road site, located on Bournemouth Road, Chandler's Ford, Eastleigh, Southampton SO53 3AJ (Grid reference: SU 43071 19658). The proposals include an extension to an existing commercial building, removal of a portable building within the site and re-landscaping of the site. Arun Ecology Ltd were commissioned by Cordage 13 Ltd to undertake a bat dusk emergence survey on a single building within the site to inform a planning application submitted to Eastleigh Borough Council in December, 2022 (Reference: F/22/94159).
- 1.1.2** Building B1 was recorded within the site during a Preliminary Ecological Appraisal (PEA) undertaken by Arun Ecology Ltd and subject to a bat Preliminary Roost Assessment (PRA) in September 2022. Building B1 had previously been assessed in 2019 by Peach Ecology and Environmental Ltd (Peach Ecology and Environmental Ltd, 2019) and was 'not considered to provide roosting potential for bats'. At the time of the updated bat PRA conducted by Arun Ecology Ltd, Building B1 was classified as having low suitability to support roosting bats in line with BCT, Good Practice Guidelines (Collins, 2016), with suitability for bat day (summer) and transitional roost types. The Potential Roosting Features (PRFs) recorded on Building B1 during the PRA were assessed as being unsuitable for bat roost types of higher conservation importance such as bat maternity and hibernation roosts.
- 1.1.3** A single dusk emergence survey was undertaken on the 04th October 2022, in suitable weather conditions for bats and in a sustained period of mild weather that spanned September and October. No bats were recorded emerging from Building B1 during the bat dusk emergence survey. The probable absence of a bat transitional roost is concluded based upon the timing of the bat dusk emergence survey. Taken together with the results of the PRA, in our professional judgement it is reasonably likely that bat roosts will be absent from Building B1 at other times of the year.
- 1.1.4** Building B1 is situated in a well-lit urban area with limited foraging habitat, connectivity and only has a few newly established, small or exposed PRFs that provide limited opportunity for roosting bats and that are unsuitable for roosts of higher conservation value. In our professional opinion the survey effort undertaken to date is proportionate to conclude that the risks to bats arising from the development are acceptably low that the development will be compliant with the legislation and planning policy outlined the protection of bats. Furthermore, that further bat surveys in the next bat survey season would be disproportionate to inform the impact of the development on bats.

- 1.1.5** The requirement for developments to incorporate ecological enhancements for the benefit of biodiversity are outlined in national and local planning policy (NPPF, 2021 and EDC Local Plan 2022). To ensure the development is compliant with the relevant planning policy for ecological enhancements the recommendations outlined in this report should be followed.

1.2 Recommendations

- 1.2.1** The following recommendations should be followed to ensure the development remains compliant with the legislation and planning policy outlining the protection of bats:

- Bat dusk emergence survey data used to inform planning applications and bat mitigation licence requirements should be collected in the most recent bat survey season. As such, if sufficient time should pass (i.e. more than one bat survey season before the development commences) bat dusk emergence and dawn re-entry surveys may need to be repeated to confirm that bats are still likely absent from Building B1 and inform the impacts of the development.
- It is not foreseen that bats or their roosts will be impacted as a result of the development. However, in the very unlikely event that a bat is disturbed during the construction phase of the development, works should stop and an ecologist consulted. In such an event, further surveying and application for a European Protected Species Licence for bats would need to be obtained before the development can proceed again lawfully; and
- Incorporate the ecological enhancements outlined within the PEA report undertaken Arun Ecology Ltd for the development (Arun Ecology Ltd., 2022).

2. Introduction

2.1 Development Background

2.1.1 Cordage 13 Ltd on behalf of their client are proposing to undertake the re-development of the 103 Bournemouth Road site, (Grid ref: SU 43071 19658) located at Bournemouth Road, Chandler's Ford, Eastleigh, Southampton SO53 3AJ (See Figure 1). The land at 103 Bournemouth Road is hereafter referred to as 'the site' in this report.

2.1.2 The site comprises an area of approximately 0.1ha that was formerly used as a commercial property, but is now unoccupied. The site is located in an urban setting and is directly bordered by Bournemouth Road to the west and north. The site is surrounded by residential properties, with a large industrial complex to the north-west. The wider area within 500m from aerial imagery appears to be a mix of residential properties and roads.

2.1.3 The site falls under the governance region of Eastleigh Borough Council (EBC).

2.2 Development Proposals

2.2.1 Cordage 13 Ltd on behalf of their client seeks planning consent for the intended development. A planning application has been submitted prior to the issue of this report in December, 2022 (Planning number: F/22/94159) and includes the following proposals:

- Part single, part two storey extension to an existing commercial building;
- Removal of a further temporary/ portable building within the site;
- Re-landscaping of the site as per drawing reference: 22.3377.100 (PLC Architects, 2022). The landscaping plans include reconfiguration of a car park, creation of a cycle storage, creation of new grassland and hedgerow habitats and retention of two mature trees.

2.2.2 The proposals outlined in this section of the report will hereafter be referred to collectively as the development.

2.3 Ecology Background

2.3.1 A Preliminary Ecological Appraisal (PEA) was undertaken at the site by Peach Ecology and Environmental Services Ltd in 2019 (Peach Ecology & Environmental Services, 2019). An assessment was made of a single building (Building B1 in this report, See Figure 2) within the site, which concluded that 'The building is not considered to

provide roosting potential for bats'. No further recommendations were made for bat surveys.

- 2.3.2** A PEA was undertaken at the site by Arun Ecology Ltd in September, 2022 (Arun Ecology Ltd., 2022). Two buildings were recorded within the site during the PEA, hereafter referred to as Building B1 and Building B2 (See Building B1 and Building B2, Figure 2). Building B1 and B2 were then subject to a bat Preliminary Roost Assessment (PRA). Full details of the bat PRA at the site are outlined within the PEA report for the development completed by Arun Ecology Ltd (Arun Ecology Ltd., 2022) and are summarised below.

Building B1

- 2.3.3** Building B1 was subject to an external inspection where a small number of Potential Roosting Features (PRFs) were recorded on the exterior of Building B1. No clear access/egress points were recorded during the external inspection that led into the internal roof void of Building B1. It was not possible to undertake an internal inspection of Building B1 due to the loft void being completely sealed, furthermore the possible presence of asbestos containing materials (ACMs) was identified on Building B1 by JTEC Environmental Ltd (JTEC Environmental Ltd., 2022). As such, it was not deemed safe to undertake an invasive entry into the roof void, as a full risk assessment could not be made.
- 2.3.4** Building B1 was classified as having low suitability for roosting bats in line with BCT Good Practice Guidelines (Collins, 2016) for bat day (summer) and transitional roost types only. This classification reflected the low number of PRFs, the urban setting and the PRFs being unsuitable for roosts of high conservation importance such as bat maternity and hibernation roosts. A single dusk emergence survey was recommended for a proportionate survey effort to determine the presence or probable absence of bats for Building B1 in-line with BCT Good Practice Guidelines (Collins, 2016).

Building B2

- 2.3.5** Building B2 was subject to an external and internal inspection as part of the bat PRA. No evidence of bats was recorded at Building B2 and no access or egress points of PRFs were recorded for Building B2. As such, the building was classified as having negligible suitability to support roosting bats in line with BCT Good Practice Guidelines (Collins, 2016).

Records of bats

- 2.3.6** There were 17 records of bat roosts returned from the desk study search as part of the PEA (Arun Ecology Ltd., 2022) within 2km of the site. This included roost records for common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), pipistrelle sp., serotine (*Eptesicus serotinus*), long eared sp. (*Plecotus* sp), and brown long-eared (*Plecotus auritus*). The closest record was a soprano pipistrelle hibernation roost located 0.3km from the site. A record of a brown long eared maternity roost was returned 1km from the site. Four EPSLs granted for bats were also returned for bats which included the above species within 2km of the site. The closest being for common pipistrelle 0.5km from the site.
- 2.3.7** Many of the records summarised above fall on the outer edge of Chandler's Ford and outside of the main urban area in which the site is located. The outskirts of Chandler's Ford contains numerous designated sites, ancient woodlands and Habitats of Principle Importance (HPI) that will be of high value for bats. Full details of nearby designated sites, ancient woodlands and HPI are outlined in the PEA undertaken by Arun Ecology Ltd for the development (Arun Ecology Ltd, 2022).

2.4 Brief and Objectives

- 2.4.1** Arun Ecology Ltd were commissioned on the 4th of October 2022 by Cordage 13 Ltd, on behalf their client, to undertake a single bat dusk emergence survey of Building B1.
- 2.4.2** The key objectives of the bat dusk emergence survey, as per BCT Good Practice Guidelines for Ecologists (Collins, 2016) are to:
- Determine the actual presence or probable absence of bats;
 - Characterise the bat roost types and the number of bats using the roost; and
 - Collect information on the bat roosts in order to inform the planning application for the development.
- 2.4.3** The brief was to:
- Undertake a single bat dusk emergence survey in line with the suitability classification assigned for Building B1 in the PRA and in line with the Bat Conservation Trust Good Practice Guidelines (Collins, 2016);
 - Provide a bat dusk emergence survey report that presents the methods and results (including any limitations) and a discussion of the legislation and planning

policy considerations, and our recommendations for how these may be overcome; and

- Provided digitised mapping of Building B1 and bat dusk emergence survey results.

3. Method

3.1 General Approach

- 3.1.1** The bat dusk emergence survey was carried out in accordance with the Bat Conservation Trust Good Practice Guidelines for Ecologists (Collins, 2016) and BCT Technical Guidance Notes (BCT, 2022). Any deviations and limitations in respect of best practice are outlined in section 3.5.

3.2 Bat Dusk Emergence Survey

- 3.2.1** A single bat dusk emergence survey was carried out at Building B1. The number and timing of the survey visits was determined by the roost suitability classification assigned to Building B1 during the bat PRA (Arun Ecology. Ltd, 2022).
- 3.2.2** The bat dusk emergence survey commenced at least 15 minutes before the time of local sunset (source www.sunrisesunsetmap.com) and continued for at least 2 hours after sunset.

Recording bats

- 3.2.3** Surveyors were positioned around the exterior of Building B1 to visually watch all the potential access/egress points and PRFs that were recorded by Arun Ecology Ltd during the PRA. The location of PRFs and surveyor locations for the dusk emergence survey are shown in Figure 2.
- 3.2.4** The surveyors were aided by ultrasonic bat detectors (Elekon Batlogger M and Elekon Batlogger M) to audibly record any bat echolocation calls from bats that emerged from, or re-entered Building B1.
- 3.2.5** Three Canon AX40 video cameras were used during the bat dusk emergence survey of Building B1 in line with the BCT Interim Guidance Note on use of night vision aids for bat dusk emergence surveys (BCT, 2022). The cameras were used in infrared mode by the surveyors to act both as a visual aid when watching PRFs as light levels dropped and to record the survey and any bats that emerged or re-entered Building B1. The Infra-red cameras were supervised at all times unless stated and justified in section 3.5.
- 3.2.6** Two nightfox 850nm infra-red torches were mounted with all the Canon XA40s to illuminate the area of Building B1 in front of the surveyor location with infrared light, with one camera set-up mounted with one additional nightfox 850nm infrared torch.

- 3.2.7** Only bats that emerged or re-entered Building B1 were recorded by surveyors during the bat dusk emergence to ensure concentration was retained on the PRFs at all times by surveyors. Records of flight lines were noted for emerging or returning bats.

Data analysis

- 3.2.8** Any bat calls recorded during the surveys for emerging or re-entering bats were subject to analysis using Elekon Bat Explorer software. These were taken to species level (where possible) or genus level, using British Bat Calls: A Guide to Species Identification, Russ J. M, 2012.
- 3.2.9** Any bat echolocation calls incidentally collected during the survey were also analysed to collect a summary of the species recorded during the survey, but bat activity for each survey was not quantified.
- 3.2.10** Infra-red camera footage collected by surveyors was analysed using the VLC media player software.

3.3 Bat Survey Date(s) and Conditions

Bat Dusk Emergence Survey

- 3.3.1** Information about the bat dusk emergence survey including the date and the weather conditions at the time of the survey are outlined in Table 4, below.

Table 1 – Bat dusk emergence survey information and weather conditions.

Visit	Survey Type	Date	Survey Timings		Temperature (°C)		Rain	Wind (Beaufort Scale)
			Start	Finish	Start	Finish		
1	Dusk	04/10/2022	18:22	20:37	18	18	Dry	1

- 3.3.2** Temperature was measured by the lead surveyor in degrees Celsius using the inbuilt meter within the Batlogger M detectors, as well as a note of the wind levels, taken in line with the Beaufort scale.
- 3.3.3** An overall assessment of the suitability of the weather conditions was made against those outlined in BCT Good Practice Guidelines for Ecologists (Collins, 2016), which states:

'The aim should be to carry out surveys in conditions that are close to optimal (sunset temperature 10°C or above, no rain or strong wind)'.

3.3.4 The bat dusk emergence survey was undertaken (as outlined in Table 4) in suitable conditions in-line with the above statement.

3.4 Surveyors

3.5.1 A summary of the survey team for the bat dusk emergence survey, is outlined below in Table 5.

Table 2 - Surveyors who undertook the bat dusk emergence survey.

Survey Visit	Date	Surveyors and survey locations (SL)
Building B1		
1	04/10/2022	Hannah Baker BSc (Hons) MSc ACIEEM Level 2 Class Licence to Survey Bats (SL01, Figure 2); Helen Miller BSc (Hons), PhD (SL02, Figure 2) An unsupervised camera was used at SL03 (See SL03, Figure 2).

3.5 Limitations, deviations and clarifications

Bat Dusk Emergence Survey Timing

3.5.1 The bat dusk emergence survey was undertaken on the 4th of October 2022. BCT Guidelines state broadly that for a structure classified as having low roost suitability presence/absence surveys should typically be undertaken between May-August.

3.5.2 The BCT Guidelines however, state that in general:

- May to August surveys may detect maternity colonies and males/non/breeding females in summer roosts;
- August to October surveys may detect mating bats;
- August to October surveys may detect transitional roosts used after bats have dispersed from maternity colonies (or summer roost types) but before they go into hibernacula although, October may be less suitable for surveys in more northerly latitudes).

- 3.5.3** The BCT Good Practice Guidelines (Collins, 2016) clearly state that in August – October surveys the presence and probable absence of bats can still be determined for certain roost types, although this may not be appropriate for bat maternity roosts of higher conservation value.
- 3.5.4** In our professional judgement the survey timing is not a major limitation for the following reasons:
- The months of September and October were particularly mild in 2022. The temperature recorded at the start and end of the dusk emergence survey was 18 degrees, with similar temperatures recorded in the area for the two weeks prior to the survey. As such the bat survey season would still have been active at the time of the survey;
 - Building B1 was not classified as being suitable to support maternity roosts during the PRA (Arun Ecology Ltd., 2022) which is one of the primary reasons for undertaking surveys between May – August (when maternity colonies are most likely to be detected); and
 - Building B1 was located in an urban setting which is sub-optimal for bats and only had a small number of low value PRFs recorded during the bat PRA (Arun Ecology Ltd., 2022).

Unsupervised infra-red camera

- 3.5.5** One unsupervised infra-red camera was used on the bat dusk emergence survey at SL03 (See, Figure 2). The infra-red camera covered the only PRF in this location fully, so this is not considered a limitation. The recording from the infra-red camera was watched in full in post-survey analysis.

4. Results

4.1 Dusk Emergence Survey Results

4.1.1 The results of the dusk emergence survey undertaken at Building B1 are summarised below in Table 9 and shown in Figure 2.

Table 3 – Bat dusk emergence survey results.

Survey visit	Surveyor Location	Infra-red camera used (✓ = yes)	Survey Records
Building B1			
Visit 1 Date: 04/10/2022 Start time: 18:22 Sunset time: 18:37 End time: 20:37	SL01	✓	- No bats were recorded emerging at SL01 from Building B1 during the bat dusk emergence survey. - A single common pipistrelle commute was recorded at 19:11, approximately 34 minutes after sunset, however the bat was not seen by the surveyor or on infra-red camera footage.
	SL02	✓	No bats were recorded emerging from Building B1 during the bat dusk emergence survey at SL02.
	SL03	✓	- No bats were recorded emerging from Building B1 during the bat dusk emergence survey at SL03. - A single common pipistrelle pass was recorded at 19:11 (the same recording as SL01 at this time) but the bat was not seen by the surveyor or on infra-red camera footage.

4.1.2 No bats were recorded emerging from Building B1 during the bat dusk emergence survey undertaken.

4.1.3 A single common pipistrelle bat pass was recorded incidentally during the survey but was not seen by surveyors or on infra-red camera footage in post survey analysis, suggesting the bat passed nearby to the site.

5. Legislation and Planning Policy

5.1 Background

5.1.1 The purpose of this section is to evaluate the legislation and planning policy that we know are relevant to the development based upon the results of the bat surveys undertaken to date for Building B1. This section does not include legislation or policy at this time that would require further actions to determine if it is relevant to the development (such as further bat surveys or mitigation).

5.2 Bats

5.2.1 As set out in Appendix I, all bats and their roosts are protected and the following legislation and planning policy is relevant to the development:

- Conservation of Habitats and Species Regulation 2017;
- Wildlife & Countryside Act, 1981 (as amended) – schedule 5;
- Natural Environment & Rural Communities Act, 2006 – S40 and S41;
- Countryside Right of Ways Act, 2000.
- National Planning Policy Framework, 2021; and
- EDC Local Plan 2022.

5.2.2 In addition to the above government circular 06/2005 is also relevant to the development as outlined in Appendix I.

Building B1

5.2.3 As no bats were recorded at Building B1 during the bat dusk emergence survey the probable absence of a bat transitional roost type is concluded for Building B1 based upon the time of year that the bat dusk emergence survey was undertaken.

5.2.4 Despite the survey timing falling outside of the BCT Best Practice Guidelines (Collins, 2016) for a low suitability building, in our professional judgement the surveying effort to date on Building B1 is proportionate to inform the impacts of the development on bats. This is because the risk of impacts to bat roosts and harm to individual bats arising as a result of the development is sufficiently low for the following reasons:

- The PRFs recorded at Building B1 during the bat PRA undertaken by Arun Ecology Ltd were not reported in an assessment undertaken by Peach Ecology and Environmental Services (Peach Ecology and Environmental Services, 2019), and as such the PRFs are only likely to have been created more recently, limiting the possible time that bats could have colonised Building B1;
- The limited PRFs recorded during the bat PRA on Building B1 were either small or exposed to the weather and potential predators, and there are no PRFs that lead into the internal roof void. As such Building B1 was classified during the bat PRA as being unsuitable for bat roosts of high conservation value (such as bat maternity and hibernation roost), and only suitable for occasional use by opportunistic bats in the right weather conditions, as the features do not appear to be well sealed.
- The site only has limited connectivity and is situated in a well-lit urban area of Chandler's Ford, reducing the likelihood of bats using the site. Furthermore, local records of known bat roosts appear to reflect the edges of Chandler's Ford where there is better connectivity to designated sites, ancient woodland and HPI.

5.2.5 The above taken together in our professional judgment suggests that bats are reasonably likely to be absent from the building at other times on the year. As such, the costs or delays associated with carrying out further surveys in the next bat survey season to determine the presence or probable absence of a non-breeding day (summer) roost (of low conservation value), would be disproportionate based on the overall suitability of Building B1 and, that the absence of bats has been demonstrated for a non-breeding bat transitional roost type. As such, we conclude that the risk to bats is likely to be sufficiently low that the development will be compliant with the legislation and planning policy outlining the protection of bats.

5.3 Ecological Enhancements

5.3.1 The requirement for ecological enhancements for the benefit of biodiversity are outlined under the NPPF (2021). Policy DM11 of the EBC Local Plan 2022 also requires ecological enhancements to be incorporated within the design of the development and provided within a plan. To ensure the development is compliant with the national and local planning policy relevant to ecological enhancements, the recommendations in section 6.4 should be followed.

6. Recommendations

6.1 Background

- 6.1.1** This section is based upon the results of all bat surveys undertaken to date and includes recommendations following the mitigation hierarchy (avoidance, mitigation and compensation) on how the development can proceed lawfully with respect to bats.

6.2 Further Surveys

- 6.2.1** No further bat dusk emergence or dawn re-entry surveys are recommended for Building B1.
- 6.2.2** Bat dusk emergence survey data used to inform planning applications and bat mitigation licence requirements should be collected in the most recent bat survey season. As such, if sufficient time should pass (i.e. more than one bat survey season before the development commences) bat dusk emergence and dawn re-entry surveys may need to be repeated to inform the impacts of the development.

6.3 Mitigation

- 6.3.1** It is not foreseen that bats or their roosts will be impacted as a result of the development. However, in the very unlikely event that a bat is disturbed during the construction phase of the development, works should stop and an ecologist consulted. In such an event, further surveying and application for a European Protected Species Licence for bats would need to be obtained before the development can proceed again lawfully.

6.4 Ecological enhancement

- 6.4.1** Ecological enhancements for bats should be incorporated within the site as part of the development. Ecological enhancements for the development are set out in the PEA report provided by Arun Ecology Ltd (Arun Ecology Ltd., 2022) and if followed will ensure the development is compliant with the national and local planning policy, with respect to ecological enhancements.

7. Conclusion

- 7.1.1** No bats were recorded emerging from Building B1 during a single dusk emergence survey completed at the site. Due to the timing of the survey the probable absence of a bat transitional roost is concluded. The bat dusk emergence survey results taken together with the bat PRA of Building B1 suggest bats are reasonably likely to be absent at other times of year, including the maternity and hibernation periods for bats. This reflects the limited number of small, exposed PRFs on the building. In our professional opinion the bat surveys undertaken to date are proportionate to conclude that the risk to bats arising from the development is acceptably low, that the development will not contravene the legislation and planning policy outlining their protection.

8. Bibliography

- 8.1.1** Arun Ecology Ltd. (2022) Preliminary Ecological Appraisal 103 Bournemouth Road, Chandlers's Ford, Eastleigh, Southampton, SO53 3AJ. Arun Ecology Ltd. Slinfold, West Sussex.
- 8.1.2** BCT (2022) Interim Guidance Note: Use of night vision aids for bat emergence surveys and further comment on dawn surveys. Bat Conservation Trust, May 2022. Bat Conservation Trust, London.
- 8.1.3** BSI Group (2013), BS42020 – a code of practice for biodiversity in planning and development. The British Standards Institution. (Online) Available at <http://www.bsigroup.com/LocalFiles/enGB/biodviersty>. Accessed April 2022.
- 8.1.4** Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN – 13 978-1-872745-96-1.
- 8.1.5** CIEEM (2022) Code of conduct. Chartered Institute of Ecology and Environmental Management, Winchester.
- 8.1.6** JTEC Environmental Ltd. (2022) Asbestos Survey 103 Bournemouth Road, Chandler's Ford, Eastleigh, Southampton. JTEC Environmental Ltd, Sturminster Newton, Dorset.
- 8.1.7** Peach Ecology and Environmental Services Ltd (2019) Preliminary Ecological Appraisal 103 Bournemouth Road, Chandler's Ford, Eastleigh, SO53 3AE, Wilton Wilshire.

Appendix I – Legislation & Planning Policy

8.2 Background

8.2.1 This section provides a summary of the legislation and planning policy that could be relevant to the development. Where possible we have limited this section to the areas relevant to this report. This means the legislation and planning policy outlined below is not included in its entirety.

8.2.2 This section does not constitute legal advice, and only, represents the interpretation and professional judgement of the ecologists named in this report, on the legislation and planning policy relevant to the development.

8.3 Conservation of Habitat and Species Regulations, 2017

8.3.1 The Conservation of Habitats and Species Regulations, 2017 transposes the EC Habitats Directive and some elements of the EC Bird Directive into national law in England and Wales. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The directive lays down rules for the protection, management and exploitation of such habitats and species.

Protected Species

8.3.2 The regulations include provisions that prohibit certain actions from the protection of species listed under Annex II of the Habitat Directive. It is a criminal offence for a person to 'intentionally or recklessly' take the following action:

- Deliberately capture, injure or kill any wild animal of a European Protected species;
- Deliberately disturb wild animals of any such species in such a way as to be likely to affect significantly the local distribution or abundance of the species to which they are likely to belong;
- Deliberately take or destroy eggs of any such wild animal;
- Deliberately pick, collect, uproot or destroy a wild plant of a European Protected Species; and
- Keep transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European protected species, or any part of or anything derived from such an animal or plant.

8.3.3 The disturbance of such animals includes in particular; any disturbance that is likely to impact their ability;

- To survive, to breed or reproduce, or to rear or nurture their young;
- In case of animals of a hibernating or migratory species, to hibernate or migrate; or
- To affect significantly the local distribution or abundance of the specie to which they belong.

Protected Sites

8.3.4 The Conservation of Habitats and Species Regulations, 2017 puts an obligation on the appointed appropriate authority for England & Wales to establish priorities for a network of nationally important sites.

8.3.5 The aforementioned sites, often referred to as European protected sites are formed of two types of sites, Special Protection Areas (sites specifically designated for birds) and Special Areas of Conservation (specifically designated for fauna and flora). The objective is for all species and habitats covered by these sites to contribute towards the maintenance and restoration of their favourable conservation status.

8.3.6 Designation can include but is not limited to the following reasons:

- A natural habitat type specific in Annex I of the Habitat Directive;
- A species specified in Annex II of the Habitats Directive;
- For the coherence of the national network of protected sites; and
- For threats of degradation or destruction to which the sites are exposed.

8.4 Wildlife and Countryside Act, 1981 (as amended)

8.4.1 The Wildlife and Countryside Act, 1981 (as amended) primarily transposes the UK Governments obligations under the Bird Directive and Bern Convention into law. The act outlines provisions for the protection of nationally important sites for nature conservation and provides protection at different levels for certain animals and plants, including certain prohibitions.

Protection of Animals

8.4.2 Part 1 – Section 9 of the act includes certain prohibitions for the protection of certain animals named in schedule 5 . In summary offences include:

- If any person intentionally or recklessly kills, injures or takes any wild animal included in schedule 5;
- If any person has in his possession or control any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal;
- If any person intentionally or recklessly damages or destroys, or obstructs access to, any structure or place which any wild animal included in schedule 5 uses for shelter or protection; or
- Disturb any such animal while it is occupying a structure or place which it uses for that purpose; and
- Sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal, or publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

Sites of Specific Scientific Interest

8.4.3 Part 2 – Sections 28-33 of the act set out the law regarding Sites of Specific Scientific Interest (SSSI) by the conservation bodies in England (Natural England) and Wales (Natural Resource Wales) and outlines the offences with respect to SSSI.

8.4.4 The offences outlined in the act apply to any person(s), public body, land owner or occupier as well as statutory undertakers or permitted developments. Examples of offences include (but are not limited to):

- Any person intentionally or recklessly damaging or destroying any of the features of special interest of an SSSI, or disturbing wildlife for which the site was notified;
- Public bodies are not allowed to carry out damaging operations on an SSSI, except where they notified the relevant conservation agency. It is also an offence for a public body to fail to minimise damage don an SSSI or – if damage occurs – to fail to restore a SSSI to its former state; and
- Statutory bodies have a general duty to take reasonable steps to further to conservation and enhancement of the special feature of SSSI's;

- Where statutory bodies propose to undertake or permit activities that could affect a SSSI they must consult the relevant statutory nature conservation agency. If the activity cannot be avoided it must be undertaken in a way least damaging to the SSSI; and
- If you are the owner or occupier of a SSSI, it is an offence to carry out any activity that may likely damage the SSSI without consent from the relevant conservation agency. The law requires that you inform the conservation agency of any changes in the ownership or occupancy.

8.5 Countryside Right of Ways Act, 2000

- 8.5.1** The Countryside Right of Ways Act, 2000 (CRoW Act, 2000) makes provisions for public access, amends the law for public rights of ways and amends existing law on nature conservation and the protection of wildlife as well as makes further provisions for Areas of Outstanding Natural Beauty.

[Wildlife Legislation](#)

- 8.5.2** Part III of the CRoW Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.
- 8.5.3** Schedule 9 of the CRoW Act, 2000 increases powers for the protection and management of SSSI. There are increased powers for appropriate authorities to secure management agreements for SSSI. A duty is placed on public bodies to have regard for the continued conservation and enhancement of SSSI. Furthermore, there are increased penalties for the prosecution of wildlife crime, including for third parties that damage SSSI.
- 8.5.4** Schedule 12 of the CRoW Act, 2000 makes certain offences under the provision of the Wildlife and Countryside Act, 1981 arrestable. Greater powers are given to police and appointed wildlife inspectors under the CRoW Act, 2000 and enables heavier penalties for the prosecution of wildlife crime.

8.6 Natural Environment & Rural Communities Act, 2006

- 8.6.1** The Natural Environment and Rural Communities Act (NERC), 2006 is primarily intended to implement key aspects of the governments rural strategy published in July 2004. It also addresses a wider range of issues relating broadly to the natural environment.

Section 40

- 8.6.2** Section 40 of the NERC Act, 2006, places a duty on any public authority and statutory undertaker to have due regard for the conservation and enhancement of biodiversity when delivering their functions, extending the provisions outlined under section 74 of the CRow Act, 2000.
- 8.6.3** The policy goes on to state that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population of that habitat.

Section 41

- 8.6.4** Section 41 of the NERC Act, 2006 requires the secretary of state in consultation with Natural England to outline Species of Principle Importance (SPI) and Habitats of Principle Importance (HPI) that in their opinion are important for the conservation of biodiversity.
- 8.6.5** The secretary of state is required to:
- Take such steps as appear to the secretary of state to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section; or
 - Promote the taking by other of such steps.
- 8.6.6** The NERC Act, 2006 also provides some amendments to the Wildlife & Countryside Act, 1981 (as amended) and includes provisions for enforcement powers and the protection of SSSI.

8.7 National Planning Policy Framework (2021)

- 8.7.1** The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2021) sets out the Governments planning policies for England and how these should be applied. It provides a framework which locally prepared plans for housing and other developments can be produced.
- 8.7.2** The NPPF supplements Government Circular: Biodiversity and Geological Conservation 06/2005 (Office of the Deputy Prime Minister, 2005).

Conserving and enhancing the natural environment

- 8.7.3** Paragraph 174 of the NPPF states – 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 matter 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;
- e) preventing new and existing development from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, where 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.

8.7.4 Paragraph 179 States. In order 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.

8.7.5 Paragraph 180 states. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from the 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 SSSI site, 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 species scientific interest, and any broader impacts on the national network of SSSI sites.
- 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 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.

8.7.6 Paragraph 180 States. 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
- 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.

8.7.7 Paragraph 181 is also relevant to the development It states:

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

8.7.8 Paragraph 175 is also relevant stating that, plans should distinguish between the hierarchy of international, national and locally designated sites, allocated land with

the least environmental or amenity value, where consistent with other policies in this framework ; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

8.8 Biodiversity and Geological Conservation Circular 06/2005

8.8.1 Biodiversity and geological conservation circular 06/2005 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 NPPF, 2019 and the Planning Practice Guidance. Broadly the guidance covers designated sites, the conservation of habitats and species, including outside of designated sites, protected species by law and the duties and powers used by planning authorities.

8.8.2 Paragraph 82 of the guidance states that 'in determining the application for development that is covered by up to date standing advice, a planning authority must take into account this standing advice'.

Protected Species and planning

8.8.3 Paragraph 98 of the guidance states 'the presence of a protected species is a material planning consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'.

8.8.4 Paragraph 98 also states that 'they (the planning authority) should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species.

8.8.5 Paragraph 99 of the guidance goes on to state: '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 the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'. Paragraph 99 also states that 'this is justified only, where there is a reasonable likelihood of the species being present and affected by the development.'

8.9 Eastleigh Borough Council Local Plan (2022)

8.9.1 Policy DM11 of the Eastleigh Borough Council (EBC) Local Plan (2022) sets out EBCs commitment to protecting biodiversity in the district.

General approach

- 8.9.2** 1) The Council will work with statutory and voluntary agencies and developers, and will determine planning applications, to:
- A) protect, conserve and enhance all:
 - i. international, national and local nature conservation designations; and
 - ii. networks of natural habitats and features, including the Local Ecological Network, Priority Biodiversity Areas and Priority Biodiversity Links, watercourses, wetland complexes, woodland trees, and trees and hedgerows important to biodiversity and local character; and facilitate their adaptation to climate change wherever possible.
 - B) assist in achieving national, county and local biodiversity targets as set out in Biodiversity Action Plans (BAPs);
 - C) seek a net gain of biodiversity on all development sites (including sites for redevelopment) through the protection, enhancement and connection of existing and provision of new habitats and features of nature conservation interest compatible with the native biodiversity characteristics of the Borough, having regard to local geodiversity and soils; and
 - D) contribute to major elements of the PfSH Green Infrastructure Strategy and other strategies for the provision and enhancement of multifunctional green infrastructure including green routes, ecological networks and biodiversity enhancements (see strategic policy S9).

International Designations

- 8.9.3** 2. Development which is likely (either individually or in combination with other developments) to adversely affect the integrity of an international or European nature conservation site will not be permitted subject only to imperative reasons of overriding public interest and securing any necessary compensatory measures in the absence of alternative solutions. A 'project level' Habitat Regulations Assessment will be required where there are likely significant effects or uncertainty. Any mitigation measures required to ensure no adverse impact must be implemented at the appropriate time.
- 8.9.4** 3. The Council will work with PfSH, Natural England, the Environment Agency and other wildlife organisations to develop and implement with developers a strategic approach to the protection and enhancement of international and European sites

from the direct and indirect effects of development. Within Eastleigh Borough this will include:

- Implementing:
 - i. the Solent Recreation Mitigation Strategy (requiring contributions from residential developments within 5.6 kilometres of the Solent Special Protection Area to the Strategy); and
 - ii. the interim and any future New Forest Recreation Mitigation Strategy if 75 Adopted EBC Local Plan 2022 required; or alternative agreed site specific measures to address recreational disturbance;
- b. preserving the water quality and flows within the Itchen and Hamble, Southampton Water and Solent;
- c. protecting the River Itchen SAC, in particular the maintenance and where appropriate restoration of habitats and qualifying species to favourable conservation status (as defined by article 1 of the Habitats Directive); and
- d. seek contributions towards measures set out in the Southern Damsely Conservation Strategy (or other strategy) specifically to deliver biodiversity net gain.

National and Local Designation

8.9.5 4. Development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on a Site of Special Scientific Interest (SSSI), Site of Importance for Nature Conservation (SINC) or Local Nature Reserve (LNR) as shown on the policies map (or on a more recent plan provided by the Hampshire Biodiversity Information Centre) unless it can be demonstrated that:

- a. there are no alternative solutions;
- b. the adverse effects are unavoidable;
- c. measures are taken to mitigate or, as a last resort, compensate for the adverse effects;
- d. there is an overall biodiversity net gain; and
- e. if there are any residual adverse effects which cannot be avoided, mitigated or compensated, the benefits of the development must clearly outweigh the

adverse effects on the nature conservation value of the site and any broader impacts on national and local designations.

Priority habitats, protected and priority species and the local ecological network

- 8.9.6** 5. Development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on priority habitats, protected or priority species, or on the local ecological network unless it can be demonstrated that:
- a. there are no alternative solutions;
 - b. the adverse effects are unavoidable;
 - c. measures are taken to mitigate or, as a last resort, compensate for the adverse effects;
 - d. there is an overall biodiversity net gain; and
 - e. if there are any residual adverse effects, the benefits of the development clearly outweigh the adverse effects on priority habitats, priority and protected species, and the local ecological network.

Irreplaceable habitats

- 8.9.7** 6. Development will not be permitted if it results in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy 76 Adopted EBC Local Plan 2022 exists.

Buffers

- 8.9.8** 7. Buffers free from development will be provided to designated sites to avoid/mitigate impacts, including recreational impact and impacts on edge habitats, and to maintain dark skies.

Surveys

- 8.9.9** 8. Development will not be permitted unless it can be demonstrated that:
- there have been thorough habitat and species surveys;

- b. the great crested newt strategic survey and strategy have been considered in all developments within 500m of a great crested newt pond; and
- c. the strategic bat trapping survey has been considered in all developments within the locality of a woodland or connected habitat networks..

8.10 Bibliography – Appendix I

- 8.10.1** Countryside Right of Ways Act, 2000 (C37) (Online) London, The Statutory Office. Accessed April 2022. Available at <http://www.legislation.go.uk>.
- 8.10.2** EBC (2022) Eastleigh Borough Council Local Plan, 2022.
- 8.10.3** JNCC (2022) Conservation Designations for UK Taxa 2022. (Online), Joint Nature Conservation Committee. Available at <http://hub.jncc.gov.uk/assets/478f7160-967b-4366-acdf-8941fd33850b>.
- 8.10.4** Ministry of Housing, Communities & Local Government (2019) National Planning Policy Framework. (Online) Ministry of housing and Local Government, Fry Building, 2 Marsham Street, London, SW1P 4DF. Accessed April 2022.
- 8.10.5** Natural Environment & Rural Communities Act, 2006. (Online) Accessed April 2020. Available at <http://legislation.gov.uk>.
- 8.10.6** ODPM Circular 06/2005. Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (2005). Norwich: HMSO. Accessed April 2022. Available at <http://www.go.uk/goverment/publications/biodiversity-and-geological-conservation-circular-06-2005>.
- 8.10.7** The Conservation of Habitat & Species Regulation (2017) (Online). London: The Statutory Office. Accessed April 2022. Available from <http://legislation.gov.uk>.
- 8.10.8** Wildlife and Countryside Act, 1981 (As amended). (Online) Accessed April 2022. Available at <http://www.legislation.go.uk>.