

**LAND AT BRIGADIER GERRARD PUBLIC HOUSE,  
BOTLEY ROADM EASTLEIGH, HAMPSHIRE**

**ECOLOGICAL IMPACT ASSESSMENT**

**Final Document**

March 2023

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Preliminary Ecological Appraisals • Protected Species Surveys and Licensing • NVC • EclA • HRA • Management Plans  
Habitats • Badger • Bats • Hazel Dormouse • Birds • Reptiles • Amphibians • Invertebrates • Riparian and Aquatic Species

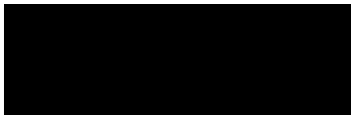
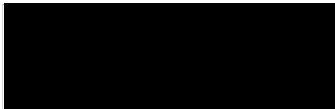
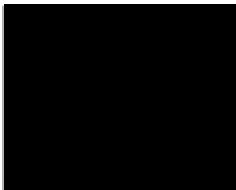
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## ECOSA Quality Assurance Record

This report has been produced in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Report Writing 2017 (CIEEM, 2017). The Ecological Impact Assessment and report has been prepared in line with the CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018) and survey work has been undertaken in line with references within CIEEM's Source of Survey Guidance (CIEEM, 2017).

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**LAND AT BRIGADIER GERRARD PUBLIC HOUSE,  
BOTLEY ROAD, EASTLEIGH, HAMPSHIRE**

**ECOLOGICAL IMPACT ASSESSMENT**

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## EXECUTIVE SUMMARY

Ecological Survey and Assessment Ltd (ECOSA) have been appointed by Wadworth & Co Ltd to undertake an Ecological Impact Assessment to support a planning application for the redevelopment of land at Brigadier Gerrard Public House, Eastleigh. The site is located to the south of Horton Heath, Hampshire and comprises grassland used as an informal car park. The proposals entail the removal of the grassland and construction of a formal car park.

The main findings of the Ecological Impact Assessment are:

- The site is dominated by improved grassland, bare ground, dense scrub and native species poor hedgerow.
- The site is assessed as having suitability to support foraging and commuting bats, hazel dormouse, reptiles, breeding birds and European hedgehog. All of which could be adversely affected by accidental damage and direct harm during the site clearance.
- Mitigation measures include sensitive timing of works for birds and hazel dormouse, supervised destructive searching for reptiles and hazel dormouse. Compensation and enhancement measures include provision of bird and bat boxes and creation of wildflower grassland.
- Given the impacts identified, and the mitigation, compensation and enhancement measures proposed it is considered that the proposals accord with all relevant local and national planning policy.
- If the planning application boundary changes or the proposals for the site alter, a re-assessment of the scheme in relation to ecology may be required. Given the mobility of animals and the potential for colonisation of the site over time, updating survey work may be required, particularly if development does not commence within 18 months of the date of the most recent relevant survey.

## **1.0 INTRODUCTION**

### **1.1 Background**

Ecological Survey & Assessment Limited (ECOSA) have been appointed by Wadworth & Co Ltd to undertake an Ecological Impact Assessment to support a planning application for land at Brigadier Gerrard Public House, Botley Road, Eastleigh, Hampshire, SO50 7DQ (hereafter referred to as the site).

A full planning application has been submitted to Eastleigh Borough Council (reference F/22/94243) on the 21<sup>st</sup> November 2022. The application has not yet been determined however as part of the consultation process a number of issues relating to ecology were highlighted by the Eastleigh Borough Council Ecologist. The key concern is for potential impacts on breeding birds and reptiles. This report aims to address these issues.

### **1.2 The Site**

The site is located in Horton Heath, Hampshire centred on National Grid Reference (NGR) SU 4960 1656 (**Map 1**). The Phase 1 habitat map (**Map 2**) depicts the boundary of the site.

The site contains grassland which has been used as a car park. The site is within the boundary of the Brigadier Gerard Public House ownership. The Brigadier Gerard Public house building and car park are on the northern boundary of the site. To the east of the site is a woodland block, Scorey's Copse. To the north, west and south of the site is residential development. Botley road lies on the western boundary of the site.

Within the wider landscape urban development extends to the north of the site, associated with the village of Horton Heath. To the east, south and west of the site is agricultural fields with boundary vegetation. Small areas of rural residential development are scattered throughout the land to the south of the site.

### **1.3 Aims and Scope of Report**

The information within this report is based on a field survey and desktop study carried out during January and February 2023. The report describes the habitats and species (hereafter referred to as ecological features) within the site's Zone of Influence (Paragraph 3.2) and provides a detailed assessment of potential ecological effects of the proposed development of the site. It identifies the need for any measures to avoid, mitigate or compensate for significant adverse effects<sup>1</sup> on ecological features and

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<sup>1</sup> For the purposes of this assessment a 'significant' adverse effect is one which will have an adverse effect on the ecological feature at the site level or higher.

outlines enhancements to the site's ecology to be implemented as part of the development. The objectives of the assessment are:

- To provide baseline information on ecological features within the site's Zone of Influence;
- To assess, characterise and quantify the effects on ecological features, including cumulative effects, and identify effects in the absence of any mitigation;
- To set out measures to avoid, mitigate and compensate for significant ecological effects in accordance with the 'mitigation hierarchy'<sup>2</sup>; and
- To outline opportunities for enhancement in order to achieve a net gain for biodiversity.

#### **1.4 Site Proposals**

The proposals entail the removal of the grassland and a formal gravel car park being constructed. An area to the east of the site will be designated a construction exclusion zone to buffer the woodland on the eastern boundary from the onsite construction activities.

The Ecological Impact Assessment is based on the proposals plan produced by Property Plans, dated 22<sup>nd</sup> January 2023 (DWG No. 2022059 003 Revision A) (**Appendix 1**).

A full planning application has been submitted to Eastleigh Borough Council (reference F/22/94243) on the 21<sup>st</sup> November 2022.

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<sup>2</sup> In accordance with CIEEM Ecological Impact Assessment guidance (CIEEM, 2018) a sequential process is adopted to address impacts on features of ecological interest, with 'Avoidance' prioritised at the top of the hierarchy and Compensation/Enhancement' at the bottom. This is often referred to as the 'mitigation hierarchy'.

## 2.0 PLANNING POLICY CONTEXT

### 2.1 Introduction

This section summarises the planning policy in relation to ecology and biodiversity within the Eastleigh Borough Council administrative area. This information is then used to assess the compliance of the scheme in relation to relevant planning policy and where necessary used to inform the necessary mitigation, compensation and enhancement measures (see Section 5.0).

### 2.2 Planning Policy

#### 2.2.1 National Policy

The National Planning Policy Framework (NPPF) sets out the government's requirements for the planning system in England. The original document was published in 2012 with the most recent revised NPPF published in July 2021. A number of sections of the NPPF are relevant when taking into account development proposals and the environment. As set out within Paragraph 11 of the NPPF "*Plans and decisions should apply a presumption in favour of sustainable development*". However, Paragraph 182 goes on to state that "*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.*".

The NPPF sets out that development proposals should not only minimise the impacts on biodiversity but also to provide enhancement. Paragraph 174 states that the planning system should contribute to and enhance the natural environment by "*...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*".

A number of principles are set out in Paragraph 180, including that where harm cannot be adequately avoided then it should be mitigated for, or as a last resort, compensated for. Where impacts occur on nationally designated sites, the benefits must clearly outweigh any adverse impact and incorporating biodiversity in and around developments should be encouraged. Specific reference is also made to the protection of irreplaceable habitats<sup>3</sup>, including ancient woodland<sup>4</sup>. Where loss to irreplaceable

<sup>3</sup> The NPPF defines irreplaceable habitats as "*Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.*"

<sup>4</sup> Natural England defines ancient woodland as "An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS)."

habitats occurs planning permission would normally be refused unless there are wholly exceptional reasons and an adequate compensation strategy is in place. Paragraph 180 also states *“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.”*. Paragraph 181 also sets out that potential SPAs, SACs and listed or proposed Ramsar sites or sites acting as compensation for SPAs, SACs and Ramsar sites, should receive the same protection as habitat sites.

In addition to the NPPF, Circular 06/05 provides guidance on the application of the law relating to planning and nature conservation as it applies in England. Paragraph 98 states *“the presence of a protected species is a material 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”*. Paragraph 99 states *“it is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the Proposed Project Development, is established before planning permission is granted”*.

### **2.2.2 Local Policy**

The Eastleigh Borough Local Plan 2016-2036 was adopted on 25<sup>th</sup> April 2022. It sets out the policies and plans to guide future development to 2036 and replaced the ‘saved’ policies in the Adopted Local Plan 2001-2011. A number of policies relate to ecology:

- **Policy S9: Green Infrastructure**

In relation to ecology, this policy states that the council will seek to provide green stepping stones such as street trees, green roofs and walls, pocket parks and urban copses as well as connected habitats linking the network of designated sites and existing propriety habitats, taking account of the Hampshire ecological network map.

- **Policy DM10: Water and Waste Water**

This policy states that where new water supply or waste water infrastructure is required or proposed, the development will be phased alongside the provision of infrastructure to ensure compliance with the Habitats Regulations; that there is no deterioration of the status of water bodies; and the avoidance or mitigation of any other adverse impacts.

- **Policy DM11: Nature Conservation**

This policy states that developments should seek to protect, conserve and enhance international, national and local nature conservations designations

and networks of natural habitats. A 'project level' Habitats Regulations Assessment will be required where there are likely significant effects on international or European nature conservation sites. In particular, reference is made to the Solent, the New Forest and the River Itchen designated sites. The policy also states that a net gain of biodiversity will be sought on all development sites.

Development will not be permitted if it is likely to have adverse effects on priority habitats, protected or priority species, or on the local ecological network, unless it can be demonstrated that there are no alternative solutions, there is an overall biodiversity net gain or the benefits clearly outweigh the adverse effects.

In relation to ecological survey work, the policy states that development will not be permitted unless it can be demonstrated that there have been thorough habitat and species surveys conducted; a great crested newt strategic survey and strategy have been considered in all developments within 500 metres of a great crested newt pond; and a strategic bat trapping survey has been considered in all developments within the locality of a woodland or connected habitat network.

## **3.0 METHODS**

### **3.1 Introduction**

This section details the methods used during the field survey and desktop study carried out as part of the Ecological Impact Assessment. Any significant limitations to the assessment are also considered.

### **3.2 Zone of Influence**

To define the total extent of the study area for this assessment (Zone of Influence<sup>5</sup>), the proposed scheme was reviewed to establish the spatial scale at which ecological features could be affected. The appropriate survey radii for the various elements of the assessment (i.e. desktop study and field survey) have been defined in the relevant sections below. These distances are determined based on the professional judgement of the ecologist leading the appraisal, taking into account the characteristics of the site subject to appraisal, its surroundings and the nature and scope of the proposals.

### **3.3 Scoping**

Protected species considered within this appraisal are those species/species groups considered likely to be encountered given the geographical location and context of the site. These are discussed within the results section (Section 4.0) of the current report. Where such a species is unlikely to be present on site a justification for likely absence is provided. Species considered likely absent from the site are not then considered in the assessment of ecological effects and mitigation measures section (Section 5.0) of this report.

### **3.4 Desk Study**

A full biological record centre desktop study was not undertaken as part of this assessment. This was not considered necessary given the limited scale of impacts and the nature of on-site and surrounding habitats.

#### **3.4.1 Multi-Agency Geographic Information for the Countryside**

The Multi-Agency Geographic Information for the Countryside (MAGIC) (DEFRA, 2023) database was reviewed on 2<sup>nd</sup> February 2023 to establish the location of statutory designated sites located within the vicinity of the site. This included a search for all internationally and nationally designated sites such as Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Wetlands of International Importance (Ramsar sites), Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) and Local Nature Reserves (LNRs) within one kilometre of the site. Where appropriate, the desk study search area has been extended to take account of any

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<sup>5</sup> The Zone of Influence (Zoi), as defined by CIEEM, is the area over which ecological features may be subject to significant effects as a result of the proposed project and associated activities.

appropriate statutory designated sites which need consideration in terms of potential in-direct effects and which support particularly mobile species<sup>6</sup>. The Impact Risk Zones (IRZ) were also obtained from MAGIC, which are used to help guide and assess planning applications for likely effects on SSSIs.

Sites within two kilometres of the site boundary where European Protected Species Mitigation (EPSM) licences have been granted were reviewed. This information allows a greater understanding of the potential for European protected species to be present in the local area.

### **3.4.2 Other Sources of Information**

Online mapping resources, at an appropriate scale, were used to identify the presence of habitats such as woodland blocks, ponds, watercourses and hedgerows, in the vicinity of the site. These habitats may offer resources and connectivity between the site and suitable habitat in the local area, which may be exploited by local species populations.

The presence of ponds or other waterbodies within a 500 metre radius of the site in particular are noted in relation to great crested newt. The 500 metre radius is a standardised search radius to assist in the assessment of the suitability of a site and its surrounding habitat to support this species, based on current Natural England guidance (English Nature, 2001).

## **3.5 Field Survey**

The field survey broadly followed standard Phase 1 habitat survey methodology (JNCC, 2010) and included a search for evidence of, and an assessment of the site's suitability to support, protected and notable species as recommended by CIEEM (CIEEM, 2017). The field survey covered all accessible areas of the site, including boundary features. Habitats described in Section 4.0, have been mapped (**Map 2**) and photographs provided, where relevant.

### **3.5.1 Phase 1 Habitat Survey**

An assessment was made of all areas of vegetation within the site based on the standardised Phase 1 habitat survey methodology (JNCC, 2010). This involved identification of broad vegetation types, which were then classified against Phase 1 habitat types, where appropriate. A list of characteristic plant species for each

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<sup>6</sup> Search areas for bat records are based upon information contained within Collins, J. (Ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Third Edition). The Bat Conservation Trust, London. Relevant distances for consideration of impacts on SPAs, SACs, Ramsar sites have been based on current published guidance available through web-based sources.

vegetation type was compiled and any invasive species<sup>7</sup> encountered as an incidental result of the survey recorded.

### **3.5.2 Protected and Notable Species Appraisal**

A preliminary appraisal of the site's suitability to support legally protected and notable species was carried out. The following species/species groups were considered during the appraisal.

#### Bats

The survey conformed to current Bat Conservation Trust guidelines (Collins, 2016). An assessment was made of the suitability of trees on the site and immediately on the site boundary to support roosting bats based on the presence of Potential Roosting Features such as holes, cracks, splits, loose bark and ivy cladding for trees.

An assessment was made of the suitability of the site and the surrounding landscape to support foraging and/or commuting bat species. The assessment of the suitability of the site to support roosting, foraging and commuting bats is based on a four-point scale as detailed in **Appendix 4**.

#### Otter

The otter appraisal was based on an assessment of the suitability of the habitat present within the site to support otter by reference to habitat type (such as rivers, streams, ditches, wetlands, reed beds, lakes, ponds and reservoirs), proximity of the site to freshwater and potential important feeding resources (such as fisheries), presence of habitat features which could provide opportunities for resting places and/or holts (such as tunnels, hollows at the base of trees and presence of dense, undisturbed habitat). During the survey attention was paid to the presence of evidence such as spraints, feeding remains, footprints and slides.

#### Badger

The survey involved an assessment of the suitability of the site to support badger. Evidence of the species was recorded as an incidental result of the Phase 1 habitat survey and included locating badger setts, paths, and signs of territorial activity such as latrine sites.

#### Hazel Dormouse

The appraisal for the suitability of the site to support hazel dormouse was based on an assessment of habitat features that may indicate that the species is present. This includes the presence of key food sources such as hazel and bramble, or plants used as nesting material such as honeysuckle and clematis. Additionally, the species

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<sup>7</sup> Plant species included on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). The survey was not specifically aimed at assessing the presence of these species and further specialist advice may need to be sought.

requires a continuum of food supply so that habitat structure, diversity and connectivity to adjacent areas of woodland/scrub are important features in determining the suitability of the site for hazel dormouse.

#### Water Vole

The water vole appraisal was based on an assessment of the suitability of the habitat present within the site to support water vole by reference to habitat type (such as rivers, streams, ditches, wetlands, reed beds, lakes, ponds and reservoirs), bank structure and the bank side vegetation. Water voles generally require sloping banks in which to burrow and well-developed bank side vegetation to provide shelter and food. During the survey attention was paid to the presence of burrows, latrines, feeding remains, trails and footprints.

#### Birds

The appraisal of breeding birds on the site was based on the suitability of habitat present to support nesting bird communities, the presence of bird species that may potentially nest within the available habitat and evidence of nesting such as old or currently active nests.

The assessment of wintering birds was based on an assessment of the suitability of the habitat on site to support important wintering bird species and populations. Particular attention was paid to the suitability for the site to support wintering farmland bird species, waders and wildfowl.

#### Reptiles

The reptile appraisal was based on an assessment of the suitability of the habitat present within the site to support a population of reptiles. Reptiles particularly favour scrub and rough grassland interfaces and the presence of these is a good indication that reptiles may be present on-site. In addition, reptiles may utilise features such as bare ground for basking, tussocky grassland for shelter and compost heaps and rubble piles for breeding and/or hibernating.

#### Great Crested Newt

The appraisal of the site to support great crested newt included establishing the presence of suitable aquatic habitats such as ponds, lakes or other waterbodies within or adjacent to the site and the presence of suitable terrestrial habitat. Waterbodies that are densely shaded, highly eutrophic or that contain fish are likely to be less suitable for this species. The suitability of on-site ponds and terrestrial habitat is considered in relation to the presence of ponds within the wider area, as identified within the desktop study (Paragraph 3.4.2), and their suitability to be used as a network.

### Invertebrates

An assessment was made of the suitability of the site to support diverse communities of invertebrates. The assessment was based on the presence of habitat features which may support important invertebrate communities. These features include, for example, an abundance of dead wood, the presence of diverse plant communities, varied woodland structure, sunny woodland edges with a diverse flora, waterbodies and water courses and areas of free draining soil exposures. During the field survey there was no attempt made to identify species present as this is a more specialist area of ecological assessment reserved for targeted surveys.

### Other Relevant Species

An assessment was made of site suitability for other notable species such as more rarely encountered protected species, Species of Principal Importance for the Conservation of diversity in England notified under Section 41 of the NERC Act 2006 and as listed in the England Biodiversity List, and Local Biodiversity Action Plan (LBAP) species<sup>8</sup>, specific to the study region.

### Invasive Species

During the field survey any incidental records of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded. However, it should be considered that the survey was not specifically aimed at assessing the presence of these species and further specialist advice may need to be sought.

## **3.6 Field Survey Details**

The field survey was carried out by Samantha Faggetter, Ecologist of ECOSA on 18<sup>th</sup> January 2023. The weather conditions were dry with approximately 0% cloud cover, an ambient temperature of 3°C and a calm wind.

During the survey, the surveyor was equipped with 10x40 binoculars, a high powered torch and a digital camera.

## **3.7 Field Survey Limitations**

Ecological surveys are limited by factors which affect the presence of plants and animals such as the time of year, migration patterns and behaviour. The field survey has therefore not produced a complete list of plants and animals and in the absence of evidence of any particular species should not be taken as conclusive proof that the species is absent or that it will not occur in the future.

---

<sup>8</sup> LBAPs identify local priorities for biodiversity conservation by translating national targets for species into effective action at the local level and identifying targets for species important to the local area.

Online mapping resources provide an indication of habitat features present in the wider area, but do not provide a detailed assessment of habitat types.

The survey was undertaken at a time of year when many species of plant and animal are either dormant, not visible above ground or simply not present in the UK (such as migratory birds). Therefore, the survey was based upon an assessment of the habitat present on site and the suitability of this habitat to support protected species.

## **4.0 BASELINE ECOLOGICAL CONDITIONS**

### **4.1 Introduction**

This section details the results of the field survey and desktop study undertaken as part of the Ecological Impact Assessment for the site. It assesses the baseline ecological conditions of the site at the time the desktop study was completed and based on the ecological features recorded during the field survey carried out on 18<sup>th</sup> January 2023.

### **4.2 Statutory Designated Sites**

There are no statutory designated sites of nature conservation interest situated within one kilometre of the site boundary.

### **4.3 Habitats**

#### **4.3.1 Desktop Study Results**

Consultation with the MAGIC database produced a record of a very narrow strip Habitat of Principal Importance lowland mixed deciduous woodland on the northern boundary of the site. However, the field survey confirmed that this is actually hardstanding and there is no vegetation along this section. The woodland present on the eastern boundary of the site is identified as Habitat of Principal Importance lowland mixed deciduous woodland which was confirmed as present during the field survey. The woodland on the eastern boundary directly links to Scorey's Copse which is an ancient and semi-natural woodland.

#### **4.3.2 Field Survey Results**

Habitats within the site are shown on the Phase 1 Habitat Map (**Map 2**), and photographs have been provided as appropriate. Habitats are described in general terms using standard Phase 1 habitat survey terminology. The main habitats recorded on site during the Phase 1 habitat survey were as follows:

##### *Dense Scrub*

Dense bramble *Rubus fruticosus* aggregate dominated scrub is present along the eastern site boundary and throughout the adjacent construction exclusion zone (**Figure 1**).



**Figure 1:** Dense scrub along the eastern boundary adjacent to the construction exclusion zone.

### Improved Grassland

Improved grassland is present around the edges of the site which is irregularly managed (**Figure 2**). The grassland is damaged from being used as an informal car park. Around the edges of the site the grassland is tussocky in structure. The range of grass species present are limited to common and widespread species and perennial rye-grass *Lolium perenne*, comprised 50% of the grasses present. Along the southern boundary the grassland was waterlogged at the time of the survey.

Other species present include creeping bent *Agrostis stolonifera*, Yorkshire-fog *Holcus lanatus*, annual meadow-grass *Poa annua*, cock's-foot *Dactylis glomerata*, perennial rye-grass false-brome *Brachypodium sylvaticum*, broad-leaved dock *Rumex obtusifolius*, dandelion *Taraxacum officinale* aggregate, ribwort plantain *Plantago lanceolata*, creeping buttercup *Ranunculus repens*, creeping thistle *Cirsium arvense*, creeping cinquefoil *Potentilla reptans*, pendulous sedge *Carex pendula*, common nettle *Urtica dioica*, common vetch *Vicia sativa*, white clover *Trifolium repens*, smooth sow-thistle *Sonchus oleraceus*, dove's-foot crane's-bill *Geranium molle*, daisy *Bellis perennis*, great willowherb *Epilobium hirsutum*, spear thistle *Cirsium vulgare*, hard rush *Juncus inflexus*, bugle *Ajuga reptans*, common mouse-ear *Cerastium fontanum*, common fleabane *Pulicaria dysenterica*, lesser water-parsnip *Berula erecta*, cleavers *Galium aparine* and cow parsley *Anthriscus sylvestris*



**Figure 2:** Improved grassland towards the centre of the site



**Figure 3:** The longer grassland towards the southern boundary which has a tussocky structure

#### Native Species-poor Hedgerow

A short section of box cut hedgerow (H1) is present along the western boundary of the site (**Figure 4**). The hedgerow was dominated by blackthorn *Prunus spinosa* and hawthorn *Crataegus monogyna*. The ground flora consisted of the same species composition of species as the adjacent improved grassland. As the hedgerow consists of native species and is assessed as a Habitat of Principal Importance.



**Figure 4:** Native species-poor hedgerow on the western boundary

#### Other Habitats

A very small amount of young willow *Salix* species scrub is present on the northern boundary of the site. The centre of the site is dominated by bare ground caused by the grassland being used as an informal car park. The northern boundary of the site consists of a fence with a metal gate towards the east which is permanently open.



**Figure 5:** Bare ground within the centre of the site

### Summary

The site comprises common and widespread habitats that are abundant in the wider landscape. On site the native species-poor hedgerow has the highest relative ecological value at the site due to it being a Habitat of Principal Importance.

## **4.4 Notable and Legally Protected Species**

### **4.4.1 Bats**

#### Desktop Study Results

Consultation with the MAGIC database produced seven records of Natural England EPSM licences in regard to bats within two kilometres of the site boundary. Collectively these licences covered impacts on soprano pipistrelle *Pipistrellus pygmaeus*, common pipistrelle *Pipistrellus pipistrellus*, Natterer's bat *Myotis nattereri*, and brown long-eared bat *Plecotus auritus*. The closest licence is located approximately 740 metres to the north-west of the site and was granted in 2019 for the destruction of a roosting and breeding site.

#### Foraging and Commuting Habitat

The on-site eastern and western boundary hedgerow and scrub is suitable for supporting foraging and commuting bats. These habitats, in their own right, are of limited value to foraging and commuting bats as they are very small in size. However, the dense scrub on the eastern boundary connects well with high quality off-site habitat in the form of woodland to the east of the site. Therefore, the site is considered to have moderate suitability for foraging and commuting bats.

#### **4.4.2 Otter**

##### Desktop Study Results

Consultation with the MAGIC database produced no records of granted Natural England EPSM licences in regard to otter *Lutra lutra* within the desktop study area, however, this does not confirm the absence of the species in the local area.

A review of Aerial Imagery and 1:5,000 scale OS mapping revealed that the closest suitable waterbody is a stream located approximately 260 metres to the north-east of the site. The next closest water body is the River Itchen which is located approximately three kilometres to the north-west of the site.

##### Field Survey Results

The site does not contain any habitats suitable for otter such as rivers or streams and does not connect with any off-site suitable habitats such as rivers or streams. It is assessed based on this that the site is unsuitable for otter. Therefore, otter are not considered further in this report

#### **4.4.3 Badger**

##### Field Survey Results

No evidence of resident badger *Meles meles* was recorded during the field survey. The grassland provides suitable habitat for foraging and commuting individuals. Given the small size of the site and limited extent of suitable habitat for the species it is considered that if badger are present within the local area, the site would not represent an important resource to the species. Therefore, badger is not considered further in this report.

#### **4.4.4 Hazel Dormouse**

##### Desktop Study Results

Consultation with the MAGIC database produced no records of granted Natural England EPSM licences in regard to hazel dormouse within the desktop study area, however, this does not confirm the absence of the species in the local area.

##### Field Survey Results

The site supports suitable habitats for hazel dormouse in the form of a hedgerow and sense scrub. This hedgerow habitat is limited at the site as it is restricted to the western boundary and is frequently cut leading to a high level of disturbance and is isolated from any other hedgerows or suitable habitat within the wider landscape. The dense scrub connects well with off-site habitat in the form of woodland to the east, which means there is good connectivity to the wider landscape. Therefore it is possible that hazel dormouse could occur on site on occasion.

#### **4.4.5 Water Vole**

##### Desktop Study Results

A review of Aerial Imagery and 1:5,000 scale OS mapping revealed that the closest suitable waterbody is a stream located approximately 260 metres to the north-east of the site. the next closest is the River Itchen which is located approximately three kilometres to the north-west of the site.

##### Field Survey Results

The site does not contain any habitats suitable for water vole *Arvicola amphibius* such as rivers or streams and does not connect with any off-site suitable habitats such as rivers or streams. It is assessed based on this that the site is unsuitable for otter. Therefore, water vole are not considered further in this report

#### **4.4.6 Birds**

##### Field Survey Results

During the field survey robin *Erithacus rubecula*, and blue tit *Cyanistes caeruleus* were recorded within the hedgerow. The hedgerows and dense scrub provide suitable nesting opportunities for breeding birds. The site does not contain the habitat structure required to support ground nesting birds due to the site mostly having a short sward from where cars drive over the grassland which also causes a frequent amount of disturbance.

The habitats on site are unsuitable for supporting a significant population of wintering birds, therefore, wintering birds are not considered further in this report.

#### **4.4.7 Reptiles**

##### Field Survey Results

The site contains suitable habitat for reptiles in the form of grassland along the southern boundary, which is tussocky in structure, dense scrub on the eastern boundary and the hedgerow base on the western boundary. All of these habitats provide suitable places for basking and sheltering. In addition, the dense scrub connects well with the off-site woodland to the east of the site.

#### **4.4.8 Great Crested Newt**

##### Desktop Study Results

Consultation with the MAGIC database produced three records of granted Natural England EPSM licences in regard to great crested newt *Triturus cristatus* within the desktop study area. The closest most recent of these licences is located approximately

1.5 kilometres to the north-west of the site and was granted in 2020 for the damage and destruction of a resting place.

A review of aerial and 1:5,000 scale OS mapping revealed that there is a stream located approximately 260 metres to the north-east of the site. The stream extends to the north and south. There are no other waterbodies within 500 metres of the site boundary. Due to the length of this stream it is likely that there is a current present and therefore this is unsuitable for great crested newt.

#### Field Survey Results

The site does not contain any waterbodies and therefore is not suitable to support breeding great crested newt. The stream identified to the north-east of the site is not suitable for great crested newt due to a current likely being present. In addition the stream would act as a barrier to dispersal. The terrestrial habitat in the form of the hedgerow base, dense scrub and tussocky grassland provide suitable habitat to support terrestrial great crested newt. However, as the stream acts as a barrier to dispersal and there are no other waterbodies within 500 metres of the site boundary it is assessed that great crested newt are likely absent from site. As such great crested newt are not considered further in this report.

#### **4.4.9 Invertebrates**

##### Field Survey Results

The site is likely to support a wide range of common invertebrate species and assemblages but does not support any habitats likely to attract notable or protected invertebrate species. The habitats on site are assessed as unsuitable for notable and protected invertebrate species and therefore this species group is not considered further in this report.

#### **4.4.10 Other Relevant Species**

##### Field Survey Results

The site provides suitable habitat to support European hedgehog *Erinaceus europaeus* in the form of the hedgerow, improved grassland and dense scrub which are suitable for foraging and shelter.

#### **4.5 Summary of Key Ecological Features**

The following features are those with greatest ecological value that lie within the site's Zone of Influence:

- 
- Habitat of Principal Importance lowland mixed deciduous woodland is present on the eastern boundary and hedgerow is present on the western boundary of the site;
  - Suitability for foraging and commuting bats;
  - Suitability for hazel dormouse;
  - Suitability for breeding birds;
  - Suitability for reptiles; and
  - Suitability for European hedgehog.

## **5.0 ASSESSMENT OF ECOLOGICAL EFFECTS AND MITIGATION/COMPENSATION/ENHANCEMENT MEASURES**

### **5.1 Introduction**

This section assesses the ecological effects of the proposed development scheme on the identified ecological features as identified in Section 4.0. Methods for addressing potential impacts and effects on ecological features have been approached in accordance with the mitigation hierarchy<sup>9</sup> with avoidance of impacts prioritised where possible. Where significant adverse effects cannot be avoided other forms of mitigation are prioritised over compensation. Enhancement measures have been detailed, where relevant, in order to not only minimise the impacts on biodiversity but also to provide enhancement in accordance with Paragraph 174 of the NPPF (Paragraph 2.2.1). It is anticipated that mitigation, compensation and enhancement measures will be secured through the planning process.

### **5.2 Scheme Design**

The proposed development entails clearance of the site including the grassland and dense scrub. The hedgerow on the western boundary will be retained. The site will then be laid with gravel and used as a formal car park. The gate will be expanded to allow easier access to the new parking area. An area towards the eastern boundary will be designated a construction exclusion zone to retain habitat that is suitable for wildlife and to buffer the woodland from construction activities at the site.

The potential ecological impacts and effects of these proposals, in the absence of mitigation, are described for each ecological feature below. For each ecological feature, measures to mitigate and/or compensate for significant effects are described.

### **5.3 Habitats**

#### **5.3.1 Potential Impacts and Effects**

There is the potential during site clearance for accidental damage to take place on the adjacent Habitat of Principal Importance lowland mixed deciduous woodland and retained hedgerow.

#### **5.3.2 Mitigation and Compensation Measures**

The creation of the construction exclusion zone will create a buffer to protect the adjacent Habitat of Principal Importance from any accidental damage that may take place during the site clearance stage. Heras fencing will be installed along the eastern elevation of the hedgerow to protect this habitat from accidental damage.

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<sup>9</sup> In accordance with CIEEM Ecological Impact Assessment guidance (CIEEM, 2018) a sequential process is adopted to address impacts on features of ecological interest, with 'Avoidance' prioritised at the top of the hierarchy and Compensation/Enhancement' at the bottom. This is often referred to as the 'mitigation hierarchy'.

### **5.3.3 Enhancement**

To enhance the site, a strip of wildflower grassland will be created along the eastern side of the hedgerow (**Map 3**). This wildflower grassland will be created through the seeding of the ground with Bees and Butterfly Wildflower Seed BSBP or similar. A kerb will be installed to protect this grassland from being driven on by cars once the car park is in active use. The grassland will be managed through mowing or strimming twice a year.

## **5.4 Bats**

### **5.4.1 Potential Impacts and Effects**

The majority of suitable foraging and commuting habitat for bats is being retained as part of the proposals. Therefore, there will be no significant long-term loss of suitable foraging and commuting habitat for bats. No new lighting is proposed as part of the development.

In England, bats and their habitat are fully protected under the Wildlife and Countryside Act 1981 through inclusion in Schedule 5. In addition, all bat species are protected under the Conservation of Habitats and Species Regulations 2017. Refer to **Appendix 3** for details.

### **5.4.2 Mitigation and Compensation Measures**

No mitigation or compensation measures are required in regard to bats.

### **5.4.3 Enhancement**

Enhancement measures will include installation of two bat boxes such as Vivara Chillon WoodStone® Bat Box, or similar, as high up as possible on the trees within the wider site ownership (**Map 3**), preferably facing a south or south westerly direction.

## **5.5 Hazel Dormouse**

### **5.5.1 Potential Impacts and Effects**

There is the potential that the dense scrub clearance next to the construction exclusion zone could result in the disturbance or injury of a hazel dormouse should this species be present within the adjacent woodland.

In England, hazel dormouse and their habitat are fully protected under the Wildlife and Countryside Act 1981 through inclusion in Schedule 5. In addition, this species is protected under the Conservation of Habitats and Species Regulations 2017. Refer to **Appendix 3** for details.

### **5.5.2 Mitigation and Compensation Measures**

Due to the small scale (approximately 20 square metres) of the suitable habitat removal required to clear the site it is recommended that a precautionary measure of work is suitable to mitigate impacts on hazel dormouse. This method has been recommended as it is unlikely that the clearance works would affect a resting or breeding place due to the small scale. To avoid potentially causing disturbance to a hibernating hazel dormouse (which is when they are most vulnerable) it is recommended that the vegetation clearance takes place in the active season (April to October). It is recommended that the removal of the vegetation takes place using hand tools under the supervision of a suitably licenced ecologist. Should a hazel dormouse or evidence of hazel dormouse be encountered then the works will cease, and a Natural England mitigation licence applied for.

### **5.5.3 Enhancement**

No enhancement measures are recommended for hazel dormouse.

## **5.6 Birds**

### **5.6.1 Potential Impacts and Effects**

The removal of vegetation at the site will result in a decrease in nesting opportunities for breeding birds. There is also the potential of damaging or destroying a nest and disturbance of nesting birds during the removal and demolition. As such breeding birds could be adversely impacted by the proposals.

All birds, their nests, eggs and young are legally protected, with certain exceptions, under the Wildlife and Countryside Act 1981 (as amended). Refer to **Appendix 3** for details.

### **5.6.2 Mitigation and Compensation Measures**

If possible, the vegetation removal should avoid taking place within the breeding bird season (March to August inclusive). If the vegetation removal takes place in the breeding bird season a suitably qualified ecologist should inspect the vegetation immediately prior to the work beginning to identify any active nests. Any active nests encountered in the vegetation should be left with an undisturbed five to ten metre buffer area until the chicks have fledged and/or the nest is no longer in use.

To compensate for the loss of suitable nesting habitat it is recommended that a bird box, such as Vivara Pro Woodstone Nest box 32 millimetres or similar, be installed on the building within the wider site boundary (**Map 3**). The bird box would be installed as high as possible and ideally placed on a north or north-east elevation.

### **5.6.3 Enhancement**

To enhance the site for breeding birds two bird boxes, such as Vivara Pro Woodstone Nest box 32 millimetres or similar, will be installed on suitable trees within the wider site boundary (**Map 3**). The bird box would be installed as high as possible and ideally placed on a north or north-east elevation.

## **5.7 Reptiles**

### **5.7.1 Potential Impacts and Effects**

The removal of vegetation at the site will result in a decrease in basking and sheltering opportunities for reptiles. There is also the potential of injury or killing a reptile during vegetation clearance therefore reptiles could be adversely impacted by the proposals.

Widespread reptile species (slow-worm *Anguis fragilis*, common lizard *Zootoca vivipara*, grass snake *Natrix helvetica* and adder *Vipera berus*) are protected under the Wildlife and Countryside Act 1981 against harm. Refer to **Appendix 3** for details.

### **5.7.2 Mitigation and Compensation Measures**

Due to the scale of the proposals being small in nature and not affecting a large area of suitable habitat for reptiles it is recommended that a precautionary approach be taken.

This precautionary method will involve a destructive search. The destructive search will be undertaken of the on-site habitat under supervision of a suitably qualified ecologist between April and mid-October. This will entail the methodical removal of any suitable habitat within the site. Removal of suitable habitat will involve the sensitive vegetation stripping by excavator and sensitive clearance of soil, brash and rubble piles, under supervision of a suitably qualified ecologist. Any reptiles encountered as part of the destructive search will be captured by the ecologist and relocated to a designated receptor area which will be decided by an ecologist. Once the destructive search has been completed, and all suitable reptile habitat has been removed from the site, the development work will proceed.

If there will be a significant amount of time between the destructive search and the development commencing, then the clearance of the vegetation on site will be maintained. This will be done by hand strimmer's or brush cutters. This is to ensure the on-site habitat remains unsuitable for reptiles and decreases the chance of them re-entering the site.

### **5.7.3 Enhancement**

No enhancement measures are recommended in regard to reptiles

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## **5.8 Other Relevant Species**

### **5.8.1 *Potential Impacts and Effects***

The development of the site would likely result in the loss of suitable European hedgehog habitat, with potential to result in direct harm to individuals during the construction phase.

European hedgehog is a Species of Principal Importance under the NERC Act. Refer to Error! Reference source not found. for details.

### **5.8.2 *Mitigation and Compensation Measures***

Impacts on European hedgehog will be mitigated for through the same methodology as described in Paragraph 5.5.2.

### **5.8.3 *Enhancement***

No enhancement measures are recommended in relation to European Hedgehog.

## **5.9 Residual and Cumulative Effects**

Given the mitigation and compensation measures outlined above, no significant residual effects are anticipated on any of the species considered. Therefore, there will be no cumulative effects on local populations as a result of the development.

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## **6.0 CONCLUSIONS**

### **6.1 Conclusion**

The habitats on the site largely comprise improved grassland and bare ground which have negligible ecological value in their own right, with the remainder of the site comprising common and widespread species. The hedgerow and boundary woodland are Habitats of Principal Importance. The site is assessed as having suitability to support nesting birds, foraging and commuting bats, reptiles, hazel dormouse and European hedgehog.

Mitigation measures include supervised destructive searching. The site will be enhanced for bats and birds through the installation of an additional bat and bird boxes, resulting in an overall net gain for biodiversity. Post-development, no residual or cumulative impacts are anticipated. As such it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including the core Policy DM11 set by Eastleigh Borough Council and the NPPF policies (see Section 2.0).

### **6.2 Updating Site Survey**

If the planning application boundary changes or the proposals for the site alter, a re-assessment of the scheme in relation to ecology may be required. Given the mobility of animals and the potential for colonisation of the site over time, updating survey work may be required, particularly if development does not commence within 18 months of the date of the most recent relevant survey.

## 7.0 REFERENCES

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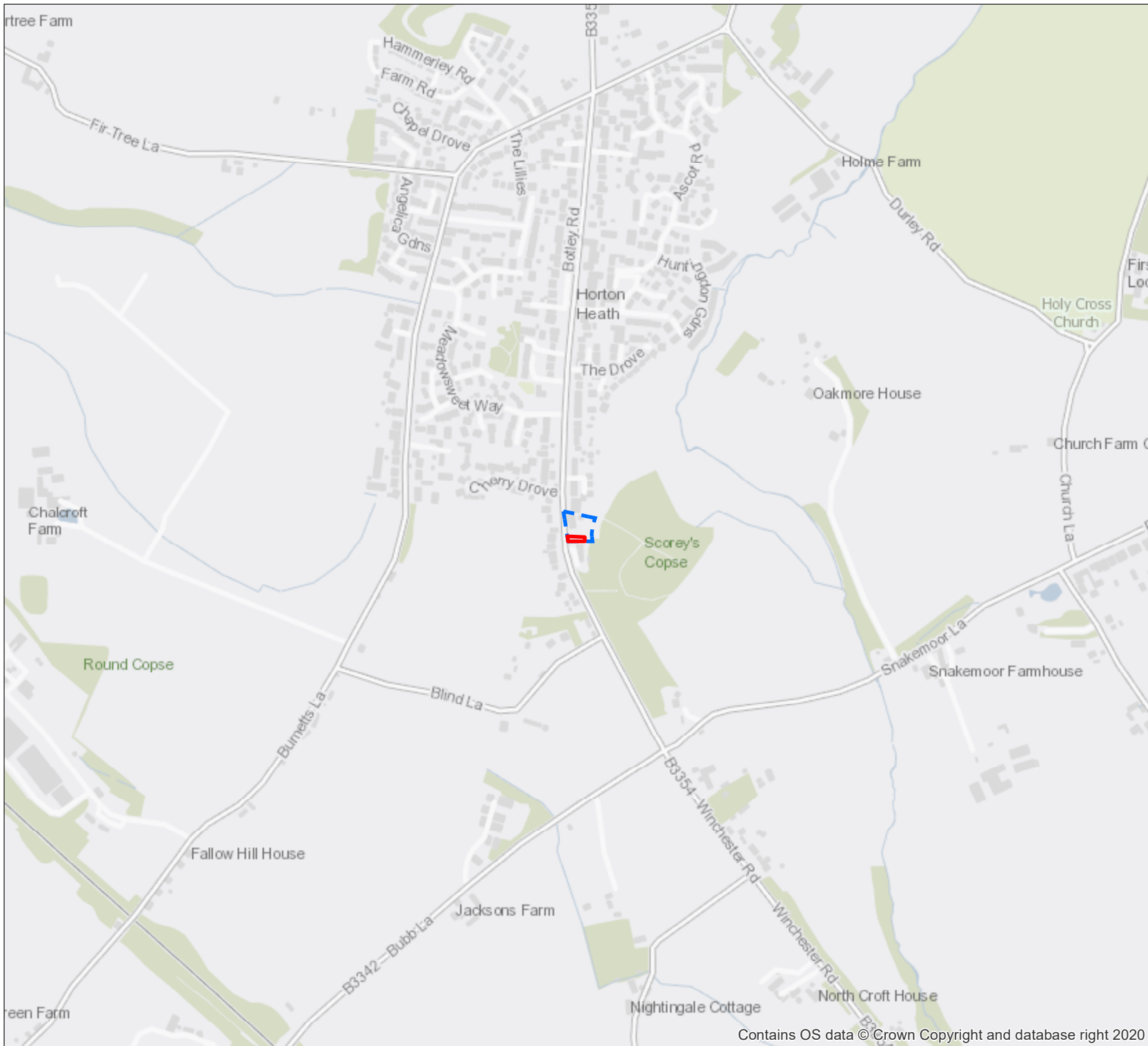
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## **Map 1** Site Location Plan



# **LAND AT BRIGADIER GERRARD PUBLIC HOUSE, BOTLEY ROAD, EASTLEIGH, HAMPSHIRE**

## **ECOLOGICAL IMPACT ASSESSMENT**

### **Map 1 - Site Location Plan**

|         |                   |
|---------|-------------------|
| Client: | Wadworth & Co Ltd |
| Date:   | February 2023     |
| Status: | Final             |

### **KEY**

- Site Boundary
- Wider Ownership Boundary



Scale at A4: 1:10,000

0 100 200 400 Metres

N

|                      |              |
|----------------------|--------------|
| Prepared by: EV      | Date: 170223 |
| Last amended by: N/A | Date: N/A    |

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## **Map 2** Phase 1 Habitat Map

# LAND AT BRIGADIER GERRARD PUBLIC HOUSE, BOTLEY ROAD, EASTLEIGH, HAMPSHIRE

## ECOLOGICAL IMPACT ASSESSMENT

### Map 2 - Phase 1 Habitats

Client: Wadworth & Co Ltd

Date: February 2023

Status: Draft

### KEY

-  Site Boundary
-  Wider Site Boundary
-  Construction Exclusion Zone
-  Improved Grassland
-  Dense Scrub
-  Bare Ground
-  Native Species-poor Hedgerow
-  Fence
-  Gate
-  Willow Scrub

Scale at A4: 1:250

0 2.5 5 10 Metres



Prepared by: EV

Date: 310123

Last amended by: EV

Date: 200223

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### **Map 3** Enhancement Plan

**LAND AT BRIGADIER GERRARD  
PUBLIC HOUSE, BOTLEY ROAD,  
EASTLEIGH, HAMPSHIRE**

**ECOLOGICAL IMPACT ASSESSMENT**

**Map 3 - Site Enhancement Plan**

|         |                   |
|---------|-------------------|
| Client: | Wadworth & Co Ltd |
| Date:   | February 2023     |
| Status: | Draft             |

**KEY**

-  Wider Site Boundary
-  Site Boundary
-  Construction Exclusion Zone
-  Wildflower Grassland Strip
-  Bat Box
-  Bird Box



|                  |              |
|------------------|--------------|
| Prepared by: EV  | Date: 230223 |
| Last amended by: | Date:        |

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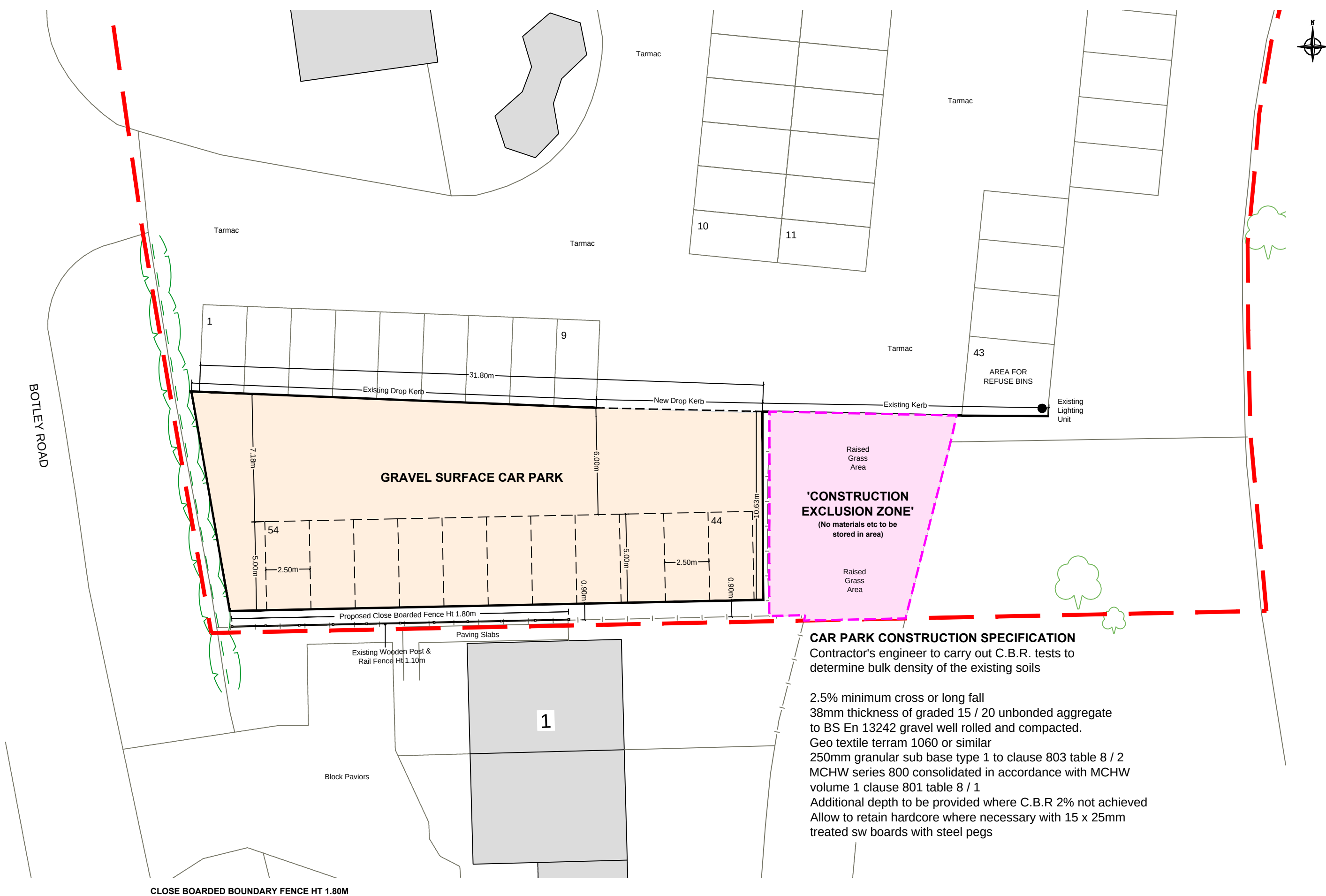
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Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

## **Appendix 1**     Site Proposals Plan

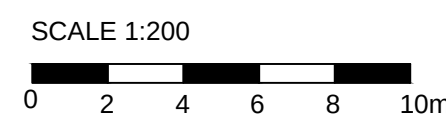
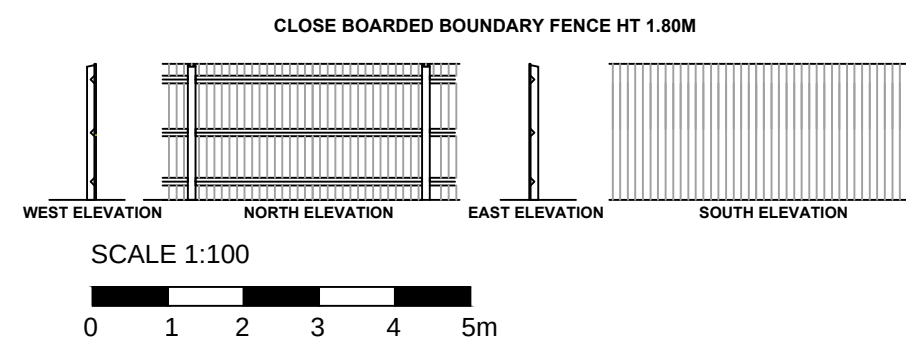
DO NOT ENLARGE OR SHRINK TO FIT PAGE - A3 PLANS TO BE PRINTED 'AS DOCUMENT'



### CAR PARK CONSTRUCTION SPECIFICATION

Contractor's engineer to carry out C.B.R. tests to determine bulk density of the existing soils

- 2.5% minimum cross or long fall
- 38mm thickness of graded 15 / 20 unbonded aggregate to BS En 13242 gravel well rolled and compacted.
- Geo textile terram 1060 or similar
- 250mm granular sub base type 1 to clause 803 table 8 / 2
- MCHW series 800 consolidated in accordance with MCHW volume 1 clause 801 table 8 / 1
- Additional depth to be provided where C.B.R 2% not achieved
- Allow to retain hardcore where necessary with 15 x 25mm treated sw boards with steel pegs



REV A 22:12:2022 CONSTRUCTION EXCLUSION ZONE ILLUSTRATED

|                                                                           |                                                                                  |                                         |                        |               |             |                                                                                                                                                                                                  |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------|------------------------|---------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| client<br>WADWORTH & CO LTD<br>41- 45 NORTHGATE ST<br>DEVIZES<br>SN10 1JW | address<br>BRIGADIER GERARD<br>PUBLIC HOUSE<br>BOTLEY ROAD<br>EASTLEIGH SO50 7DQ | dwg<br><br>PROPOSED SITE<br>LAYOUT PLAN | date<br>22:01:2023     | scale         | sheet<br>A3 | <b>Propertyplans</b> (Southwest) Ltd<br>11 west villas cotford st luke taunton ta4 1df<br>tel. 01823 215 005 mob. 07866 422 575<br>email. info@property-plans.net<br>web. www.property-plans.net |
|                                                                           |                                                                                  |                                         | dwg.no.<br>2022059 003 | revision<br>A |             |                                                                                                                                                                                                  |

## **Appendix 2     Sites Designated for Nature Conservation**

### **Statutory Sites**

#### ***Internationally Designated Sites - Ramsar Sites, Special Areas of Conservation and Special Protection Areas***

Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) form a network of protected sites across the European Union and United Kingdom. In the United Kingdom the primary legislative protection is afforded to these sites under the Conservation of Habitats and Species Regulations 2017 (as amended).

Ramsar sites are designated as wetlands of international importance which are afforded similar legislative protection to SPAs and SACs.

SACs are sites which support internationally important habitats or internationally important assemblages or populations of species. SPAs are designated for supporting internationally important populations of birds. SACs, SPAs and Ramsar sites are generally also designated as Sites of Special Scientific Interest.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) there is a legal requirement that competent authorities, such as local planning authorities, need to consider whether plans or projects are likely to have a significant adverse effect on SPAs, SACs or Ramsar sites, either alone, or in combination with other plans or projects. In the event that a likely significant effect cannot be ruled out, on the basis of objective information, then the competent authority must undertake an “Appropriate Assessment” to fully assess the plan or project against the site’s conservation objectives. Unless certain defined derogation tests can be met, the competent authority may not authorise nor undertake any plan or project which adversely affects the integrity of a SPA, SAC or Ramsar site.

#### ***Nationally Designated Sites – Sites of Special Scientific Interest and National Nature Reserves***

Sites of Special Scientific Interest (SSSI) receive legal protection under the Wildlife and Countryside Act 1981 (as amended). Such sites are designated to protect specific areas of biological or geological interest of national importance. Such sites also generally receive strict protection through the planning system.

National Nature Reserves (NNR) are also usually designated as SSSIs and are specifically managed for their wildlife value. They receive legal protection through the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981 (as amended). As with SSSIs, these sites generally receive strict protection through the planning system.

### ***Locally Designated Sites – Local Nature Reserves***

Local Nature Reserves (LNR) are designated by local authorities under the National Park and Access to the Countryside Act 1949. These are generally designated not only for their local wildlife value but also for education, scientific and recreational purposes. These sites generally receive protection from development through the planning system.

## Appendix 3 Relevant Legislation

### Bats

All UK bat species are listed in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. They are afforded full protection under Section 9(4) of the Act and Regulation 43 of the Regulations. These make it an offence to:

- Deliberately capture, injure or kill any such animal;
- Deliberately disturb any such animal, including in particular any disturbance which is likely:
  - To impair its ability to survive, breed, or rear or nurture their young;
  - To impair its ability to hibernate or migrate;
  - To affect significantly the local distribution or abundance of that species;
- Damage or destroy a breeding site or resting place of any such animal;
- Intentionally or recklessly disturb any of these animals while it is occupying a structure or place that it uses for shelter or protection; or
- Intentionally or recklessly obstruct access to any place that any of these animals uses for shelter or protection.

In addition, five British bat species are listed on Annex II of the Habitats Directive. These are:

- Greater horseshoe bat *Rhinolophus ferrumequinum*;
- Lesser horseshoe bat *Rhinolophus hipposideros*;
- Bechstein's bat *Myotis bechsteinii*;
- Barbastelle *Barbastella barbastellus*; and
- Greater mouse-eared bat *Myotis myotis*.

In certain circumstances where these species are found the Directive requires the designation of Special Areas of Conservation (SACs) by EC member states to ensure that their populations are maintained at a favourable conservation status. Outside SACs, the level of legal protection that these species receive is the same as for other bat species.

### **Hazel Dormouse,**

This species is listed in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. They are afforded full protection under Section 9(4) of the Act and Regulation 43 of the Regulations. These make it an offence to:

- Deliberately capture, injure or kill any such animal;
- Deliberately disturb any such animal, including in particular any disturbance which is likely, to impair its ability to survive, breed, or rear or nurture their young, to impair its ability to hibernate or migrate;
- To affect significantly the local distribution or abundance of that species;
- Damage or destroy a breeding site or resting place of any such animal;
- Intentionally or recklessly disturb any of these animals while it is occupying a structure or place that it uses for shelter or protection; or
- Intentionally or recklessly obstruct access to any place that any one of these species uses for shelter or protection.

### **Breeding Birds**

With certain exceptions, all wild birds, their nests and eggs are protected by Section 1 of the Wildlife and Countryside Act 1981 (as amended). Therefore, it is an offence, to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; or
- Intentionally take or destroy the egg of any wild bird.

These offences do not apply to hunting of birds listed in Schedule 2 subject to various controls. Bird species listed on Schedule 1 of the Act receive further protection, thus for these species it is also an offence to:

- Intentionally or recklessly disturb any bird while it is nest building, or is at a nest containing eggs or young; or
- Intentionally or recklessly disturb the dependent young of any such bird.

### **Reptiles**

The four widespread species of reptile that are native to Britain, namely common or viviparous lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, adder *Vipera berus* and grass snake *Natrix*

*helvetica*, are listed in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and are afforded limited protection under Section 9 of this Act. This makes it an offence to:

- Intentionally kill or injure any of these species.

The remaining native species of British reptile (sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca*) receive a higher level of protection via inclusion under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. They are afforded full protection under Section 9(4) of the Act and Regulation 43 of the Regulations (in England and Wales only) and the Wildlife and Countryside Act 1981 (as amended). The distribution of these species are restricted to only a few sites in England.

### **Species and Habitats of Principal Importance in England**

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The England Biodiversity List is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions. There are currently 943 species of principal importance and 41 habitats of principal importance included on the England Biodiversity List.

## Appendix 4 Appraisal Criteria for Bats

The criteria used to assess the suitability of roosting and foraging/commuting habitat for bats is based on industry guidelines and outlined in **Table 1**<sup>10</sup>.

**Table 1:** Criteria used to Assess Suitability of Roosting and Foraging/Commuting Habitat for Bats

| Suitability       | Description of roosting habitats                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Commuting and foraging habitats                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>High</b>       | A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.                                                                                                                                                                                                                                                                      | Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge.<br><br>High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland.<br><br>Site is close to and connected to known roosts. |
| <b>Moderate</b>   | A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status.                                                                                                                                                                                                                                                                                                                | Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees and scrub or linked back gardens.<br><br>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.                                                                                                                                                                                    |
| <b>Low</b>        | A structure with one or more potential roost sites that could be used by individual bats opportunistically/structure that does not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation).<br><br>A tree of sufficient size and age to contain potential roost features but with none seen from the ground or features seen with only very limited roosting potential. | Habitat that could be used by small numbers of commuting bats such as a gappy hedgerows or un-vegetated stream, but isolated (i.e. not very well connected to the surrounding landscape by other habitat).<br><br>Suitable, but isolated, habitat that could be used by small numbers of foraging bats such as a lone tree or a patch of scrub.                                                                                                                                    |
| <b>Negligible</b> | Negligible habitat features on site likely to be used by roosting bats.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Negligible habitat features on site likely to be used by commuting or foraging bats.                                                                                                                                                                                                                                                                                                                                                                                               |

<sup>10</sup> Table adapted from (Collins, 2016)