
The Kings School, Allington Lane, Eastleigh, SO50 7DB

Preliminary Ecological Appraisal:

The Kings School

Allington Lane,

Eastleigh

SO50 7DB



Survey and report by: Vesper Conservation & Ecology Limited

Report produced by Robert West BA(Hons), PGDip, MCIEEM

Non-Technical Summary:

Site name and location	The Kings School, Allington Lane, Eastleigh, SO50 7DB SU 48932 18069
Scope of works	Preliminary appraisal of the land at The Kings to assess its ecological value of the site and to see if any further surveys are needed. August 2023
Assessment and survey methods	The PEA survey was carried to the standards and guidance from the Chartered Institute for Ecologists and Environmental Managers (CIEEM).
Lead Surveyor	Robert West BA (Hons), PGDip. MCIEEM
Purpose of Works	The purpose of this survey is to inform a planning application for: Provision of new two storey building and removal of the existing northern timber teaching block plus landscape works
Summary of Surveys and evaluation	The survey showed that the grounds of the school have limited ecological value, the majority of the is already built on with tarmac and buildings. The building on the northern boundary has negligible potential for bats to roost within. The trees on the northern boundary will be removed, none of these trees have crack or holes that would create potential for bats to roost. GCNs mitigation licenses have been granted within 1km of the site and there are ponds in the woods to the east, there is also a balancing pond to the northeast of the site. There is no suitable habitat on site for either amphibians or reptiles. No other protected species were noted within and around the boundary of the site.
Recommendations	- No further surveys are recommended for this site at this time, this may change over time if the works are not undertaken in a timely manner and or the scope of the works changes. - The addition of two inbuilt or wall mounted bat boxes on the new building at the apex of the gable walls (eastern and western elevations). - The addition of 10 wall mounted/inbuilt sparrow terraces should be added to the wall of the new building under the eaves on the southern and northern elevations. - Seeding the new sloped area with a wildflower seed mix that will encourage pollinators on site.

Vesper Conservation & Ecology Limited

Director: Robert West. Company Secretary: Stephanie West.

Registered in England No. 09643480

Registered office: 2 Wessex Business Park, Colden Common, Winchester, SO21 1WP

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| | <ul style="list-style-type: none">• New hedge and tree planting to replace those that are lost, with the addition of more than is removed to increase the biodiversity on site. This will be a mix of native and nonnative plants. |
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1. Introduction

- 1.1 The purpose of this report it is to highlight any ecological interest that may need further survey for the proposed provision of new two storey building and removal of the existing northern timber teaching block plus landscape works. The site was surveyed on 17th August 2023 by Robert West BA(Hons) PGDip, MCIEEM, the weather conditions were good with a light breeze and sunshine with temperatures of 18°C.

2. Desktop Study

- 2.1 A desktop study was undertaken to determine whether any designated sites are situated close to or on the site and to find out whether any protected species have been recorded in, or within close proximity of, the site. This was achieved by examining aerial photographs, through the interrogation of online resources (Nature on the Map & Magic maps, 2023) and by reviewing the biological records obtained from the Hampshire Biodiversity Information Centre.

3. *Designated Sites: Special Area of Conservation/ Special Protection Areas*

- 3.1. There is one designated SAC within 2km of the site, this is the River Itchen which is 1.8km to the west of the site.

4. Sites of Special Scientific Interest

- 4.1 There is a single SSSI within 2km of the site this is the River Itchen SSSI which is 1.8km to the west (See map 1)
- 4.2 The woodland to the south of the site is a Local wildlife site SINC for ancient woodland and other habitats within the area.
- 4.3 Given the scale and nature of the application however, it is considered unlikely that there may be an impact on the features of these designated sites as a result of the proposed development.

5. *National Park boundary*

- 5.1 The site is not in any National Park boundary.

6. *Non-Statutory Designated Sites*

- 6.1 The woodland to the south of the site is a Local wildlife site SINC for ancient woodland (Quobleigh Woods) and other habitats within the area. An area which has wet woodland and ponds in its matrix.

7. Priority Habitats

- 7.1 No priority habitats have been identified on the application site and it is not considered likely that the proposed development will have an impact on priority habitat types within the local area. The site is close to an area of deciduous woodland which is classified as seminatural/ancient, but the proposed works will not have an impact on this habitat.

8. Protected species

- 8.1 There are protected species records held by HBIC for the site itself, there are records from the areas around the site. These records include some highly mobile species such as bird and bat species; it is possible that these species could use this site.

9. Reptiles and Amphibians

- 9.1 There are no protected species records held by HBIC for the site itself, although there are records from the areas around the site. These records include some highly mobile species and some reptiles which could be using the site.
- 9.2 There are records of Great crested Newt within 1km of the site, there is a known population in the pond in the woodland to the south of the site. There have been EPS mitigation licenses granted within 1km of the site.

10. Mammals

- 10.1 There are numerous recorded of bat species within 1km of the site, including records of Brown Long eared, Serotine, Daubenton's, Noctule and Common and Soprano pipistrelles. There are 4 granted EPS mitigation licenses for bat within 1km of the site.
- 10.2 Badgers are recorded from the surrounding countryside and Hedgehogs have been recorded using the gardens of the village around the site as well as the countryside surrounding the site. No signs of badger activity was noted during the survey.

11. Birds

- 11.1 The records show that there are numerous sightings of bird species within 1km of the site, birds that have been seen close to the site include Brambling and Red Kite. As birds are highly mobile, they will be using the wider countryside around.

12. Site survey

- 12.1 The site is situated in the grounds of The Kings School SU 48932 18069; the site is small and is 0.24 hectares in size.
- 12.2 The site has two prefabricated buildings, which are situated along the north boundary, immediately to the south of the buildings there is a large area of tarmacked parking and play area. Which lead so not to a well-maintained improved grass area.
- 12.3 Building A is scheduled to be removed as part of the works; this building is a several old, prefabricated building joined together. This building has been clad with wooden weather boarding in the past year or so.
- 12.4 The wooden cladding is in good order with no obvious gaps or holes that would allow bats to ingress behind and roost.
- 12.5 The roof of building A has been patched several times over its life, there are no gaps around the eaves that would allow bats to ingress.
- 12.6 Building B is a newer building and will not be affected by the proposed works so was not assessed for this report.
- 12.7 The northern boundary of the site has a row of trees a mixture of ages (see the arborists report). None of the trees had any cracks holes or fissures that would be suitable for bat roosting. Under the line of trees there is a relatively newly planted hedgerow of mixed native trees. They seem to be suffering from the tree canopy and in places the dense bramble and nettle cover that has grown up around them. They have not been managed since they were planted.
- 12.8 To the southwest of building A there is a mature dense hedge with several standards, the hedge does not link to any other hedge on site. However, it is dense enough to be used by nesting birds.
- 12.9 The area in front of buildings A & B is laid down to tarmac for either a play area and or parking and has no ecological value.
- 12.10 The grass area to the east of the buildings is well kept and mown on a regular basis, there are no obvious areas that would be suitable for any reptiles or amphibians.
- 12.11 There is a woodland which is beyond the site boundary to the east, this wood land has a small stream and pond within. The site has a dense understorey of bramble and nettles and in the damper areas there are dense stands of Himalayan balsam.
- 12.12 The new housing development to the north of the site has a large balancing pond, which at the time of the survey had water with in it, it had good stands of Typha, and sedges no submerged vegetation could be seen.



Site Survey



Figure 1: Showing Phase 1 survey map.

13 Conclusion

- 13.1 This site is just under a hectare in size and is of low ecological value, there is limited connectivity to the wider landscape. No designated (SAC/SPA or SSSI) or local wildlife site (SINCs) will be affected by this proposed development.
- 13.2 The trees and small areas of hedgerow that will be removed to facilitate the proposed works. The trees and hedgerows will be replaced with a mixture of native and nonnative plants that will create suitable habitat in the coming years. The trees and hedgerow to be removed are highlighted in the Arborists report. The proposed removal of the trees around the site will not affect any protected species, the trees have been surveyed for PRF none were noted.
- 13.3 There are records of Great Crested Newts close by, with records from the pond in the woodland to 250m east of the school, there is a new balancing pond 100m northeast of the proposed works. There is no habitat suitable for reptile or amphibian species on site and as such no further surveys are recommended.
- 13.4 The building (Building A) which will be removed during the proposed works has a negligible potential for bats to be roosting with in, as the building materials are tight fitting with no obvious gaps or holes that would allow bats to ingress.
- 13.5 There are no signs of Badgers within 100m of the proposed works. There are signs of other mammals such as Deer that use the site on a regular basis.

14 Recommendations

- 14.1 No further Bat, Badger or other protected species surveys are required at this time; however, this may change if the scope of the work changes or if the work is not carried out in a timely manner.
- 14.2 All open workings and pipes will need to be covered every evening and then check before use each morning, to make sure no animals are trapped or using the site.
- 14.2 In the highly unlikely event of a bat been discovered during the demolition works then all work **MUST STOP!** And a suitable qualified ecologist should be contacted for further advice.
- 14.3 The removal of the hedgerow and trees should be undertaken outside of the bird nesting season which runs between March and August (some birds will carry on after these dates). If the work cannot be carried out before this time, then further pre-work surveys may be required. IF undertaking the works and an active nest is discovered then all works **MUST STOP!** within 10m of the nest, and the young will be allowed to fledge before any work can continue.
- 14.4 New trees and hedgerows be planted to replace the ones that will be removed to facilitate the proposed works as per the arborists report, this should at least double the number planted as removed.
- 14.5 The newly created slope (beyond the new retaining wall) to the east of the building should be seeded with a meadow mix to create a wildflower area. Emersgate seeds EL1 and EM2 would be suitable for the site.
- 14.6 2 x bat boxes should be incorporated into the new building, they can be either in built boxes or wall mounted, they would need to be placed as high as possible into the new gable ends.
- 14.7 The addition of 10 sparrow terrace boxes should be added to the building, these should be placed under the eaves. 5 on the northern elevation and 5 on the southern elevation.
- 14.8 The proposed habitat recommendations will help to increase the biodiversity on site and will increase the habitats on site.



Figure 2: Showing the rough positions of the bat (star) and bird (squares) boxes.

Appendix 1

Appraisal Methodologies

The ecological appraisal has been completed following guidance in The Institute of Ecology and Environmental Management (CIEEM) *Guidelines for the Ecological Impact Assessment in the United Kingdom* (2018).

DESK STUDY METHODOLOGY

A desk study was carried out in order to gather and refer to existing biodiversity and contextual information with respect to the zone of influence and the wider area. This involved interrogation of internet resources, including the Multi-agency Geographic Information for the Countryside (MAGIC) and National Biodiversity Network (NBN), Natural England's Nature on the Map, aerial photos, current Ordnance Survey maps and Old Maps. Reference was also made to the UK BAP, and the Local BAP.

In order to obtain contextual information, data on statutory and non-statutory designated wildlife sites within 5 and 2km respectively was obtained from the Hampshire Biodiversity Information Centre, along with existing biological records of protected and/or notable species within 5 and 2km respectively.

FIELDWORK METHODOLOGY

Land Use, Habitat Types, Vegetation Communities and Flora

Within the study area the land use, habitat types and landscape features (such as hedgerows and veteran trees) were described and mapped. For each main habitat type the dominant vegetation communities were recorded, along with any notable or indicator plant species, (including Japanese Knotweed where present). A preliminary evaluation of the structure, quality and likely management of each habitat or feature was also carried out.

The survey method used to record this information was based on Phase 1 Habitat Survey methodology (JNCC 1993).

Badgers

Consideration was given to the presence of habitat potentially suitable for supporting Badgers, including woodland and grassland. Potential evidence of the presence of Badgers was looked out for and noted, including earthworks that might be Badger setts, and signs such as dung pits, mammal pathways through ground vegetation and under fences, and hairs on fences.

Bats

Bats use buildings and trees for roosting and breeding and, where present, a preliminary assessment of the potential for these features to support bats was undertaken during the survey. Potential may include gaps/crevices within concrete and brick structures and voids within window frames and ventilation grilles. In trees potential roosting features include woodpecker holes, splits in branches and peeling bark.

Preliminary evidence was obtained through noting the presence of crevices within the building structures and assessment of the mature oak tree within the water tower compound.

A preliminary evaluation was also undertaken of potential bat foraging habitat in the area, including woodland, pasture and hedgerows.

Birds

Any birds seen whilst carrying out the survey were recorded, and the type and quality of habitats available for birds was considered, including vegetation suitable for nesting, and habitat with the potential to support valued species, including breeding and wintering birds.

Reptiles

The presence and quality of habitat considered potentially suitable for supporting reptiles was recorded. This included areas providing basking and foraging areas, hibernation and breeding sites, such as rough grassland and scrub, banks, burrows, rubble piles, compost heaps, hedge banks and water bodies.

Appendix 2

Legislation & Planning Policy Relating to Wildlife & Development in England

This Appendix is intended to provide an overview of the main features of legislation and policy relating to nature conservation in England and the implications for development.

KEY WILDLIFE LEGISLATION

Conservation of Habitats and Species Regulations 2018

The Conservation of Habitats and Species Regulations 2018¹ (known as the “Habitats Regulations”) transpose Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the “Habitats Directive”) into UK legislation. These regulations consolidate all the various amendments made to the preceding “Conservation Regulations” 1994 for England and Wales.

The Habitat Regulations provide for the designation of both Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in the UK, which form part of the Natura 2000 network of protected areas across Europe. The Regulations also prohibit the deliberate capture, killing or disturbance of European Protected Species (EPS), which include *inter alia* Dormouse *Muscardinus avellanarius* and all native species of bat, and make it an offence to destroy or damage either the nesting or breeding sites of these species. The above actions can be made lawful through the granting of licenses after Natural England (the licensing authority in England) is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the EPS.

Further information on SPAs, SACs and European Protected Species (Licensing and Protected Species) is provided in the relevant sub-sections of this Appendix.

Wildlife & Countryside Act 1981

The Wildlife and Countryside Act 1981² is the principal mechanism for the legislative protection of wildlife in Great Britain. Various amendments have occurred since the original enactment. Certain species bird, animal and plant (including all of the European Protected Species listed above) are afforded protection under Schedules 1, 5 and 8 of the Act. Reference is made to the various Schedules and Parts of this Act (**Table A1.1**) in the section of this Appendix dealing with Legally Protected Species. The Act also contains measures for the protection of the countryside, National Parks, Sites of Special Scientific Interest (SSSIs) and public rights of way as well as preventing the establishment of invasive non-native species that may be detrimental to native wildlife.

¹ The Conservation of Habitats and Species Regulations 2018 SI 2010/490. Available from: <http://www.legislation.gov.uk/ukSI/2010/490/contents/made>

² The Wildlife and Countryside Act 1981. Available from: <http://www.legislation.gov.uk/ukpga/1981/69/contents>

Table A1.1 Key Schedules of the Wildlife & Countryside Act 1981 (as amended)

Schedule	Protected Species
Schedule 1 Part 1	Protects listed birds through special penalties at all times
Schedule 1 Part 2	Protects listed birds through special penalties during the close season
Schedule 5 Section 9.1 (killing/injuring)	Protects listed animals from intentional killing or injuring
Schedule 5 Section 9.1 (taking)	Protects listed animals from taking
Schedule 5 Section 9.2	Protects listed animals from being possessed or controlled (live or dead)
Schedule 5 Section 9.4a	Protects listed animals from intentional damage or destruction to any structure or place used for shelter or protection
Schedule 5 Section 9.4b	Protects listed animals from intentional disturbance while occupying a structure or place used for shelter or protection
Schedule 5 Section 9.5a	Protects listed animals from being sold, offered for sale or being held or transported for sale either live or dead, whole or part
Schedule 5 Section 9.5b	Protects listed animals from being published or advertised as being for sale
Schedule 8	Protects listed animals from: intentional picking, uprooting or destruction (Section 13 1a); selling, offering for sale, possessing or transporting for the purpose of sale (live or dead, part or derivative) (Section 13 2a); advertising (any of these) for buying or selling (Section 13 2b).
Schedule 9	Prohibits the release of species listed in the Schedule into the wild.

Further information on legally protected species, designated wildlife sites and invasive non-native species is provided in the relevant sub-sections of this Appendix.

Countryside & Rights of Way Act 2000

Many of the provisions of the Countryside and Rights of Way (CROW) Act 2000³ have been incorporated as amendments into the Wildlife and Countryside Act (1981) and some provisions have now been superseded by later legislation such as The Natural Environment and Rural Communities Act (2006).

The most relevant changes provided by the CROW Act include the added protection given to SSSIs and other important site for nature conservation. Importantly, under the Act it became a criminal offence to "recklessly disturb" Schedule 1 nesting birds and species protected under Schedule 5 of the Wildlife and Countryside Act. It also enabled heavier penalties on conviction of wildlife offences.

³ The Countryside and Rights of Way (CROW) Act 2000. Available from: <http://www.legislation.gov.uk/ukpga/2000/37/contents>

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities (NERC) Act 2006⁴ was intended to raise the profile of biodiversity amongst all public authorities (including local authorities, and statutory undertakers) and to make biodiversity an integral part of policy and decision-making process. The NERC Act also improved wildlife protection by amending the Wildlife and Countryside Act 1981.

Section 40 (S40) of the Act places a 'Biodiversity Duty' on all public bodies to have regard to the conservation of biodiversity when carrying out their normal functions. This includes giving consideration for the restoration and enhancement of species and habitats.

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 England⁵. Public authorities have a responsibility to give specific consideration to the S41 list when exercising their normal functions. For planning authorities, consideration for Species and Habitats of Principal Importance will be exercised through the planning and development control processes. Further information on species and habitats of Principal Importance is provided in the relevant sub-section of this Appendix.

PLANNING POLICY & GUIDANCE

Listed below is the main planning policy and government guidance that relates to the conservation of nature and development at all levels of government.

National Level

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The NPPF has a clear "*presumption in favour of sustainable development*" (paragraph 14), with a requirement to consider its economic, social and environmental dimensions. With regard to protecting the natural environment, the NPPF requires that planning decisions should enhance the natural environment and where possible provide net gains for biodiversity.

Section 11 of the NPPF provides guidance on conserving and enhancing the natural environment through the planning system and replaces the preceding *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation*. Section 11 of the NPPF specifies that the planning system should contribute to and enhance the natural and local environment by:

- (i) protecting and enhancing valued landscapes, geological conservation interests and soils;
- (ii) recognising the wider benefits of ecosystem services;

⁴ The Natural Environment and Rural Communities Act 2006. Available from: www.legislation.gov.uk/ukpga/2006/16/contents

⁵ The S40 list replaces the previously prepared list of habitats and species of Principal Importance for the conservation of biological diversity in England that was published under Section 74 (2) of the Countryside and Rights of Way Act 2000.

(iii) minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

(iv) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and

(v) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

To minimize impacts on biodiversity, planning policies should:

(i) plan for biodiversity at a landscape-scale across local authority boundaries;

(ii) identify and map components of the local 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 local partnerships for habitat restoration or creation;

(iii) promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan; and

(iv) where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

(i) if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(ii) proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

(iii) development proposals where the primary objective is to conserve and enhance biodiversity should be permitted

(iv) opportunities to incorporate biodiversity in and around developments should be encouraged

(v) planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

(vi) the following wildlife sites should be given the same protection as European sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- Listed or proposed Ramsar sites; and
- Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Paragraph 119 of the NPPF makes it clear that the presumption in favour of Sustainable Development set out by the NPPF does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directive is being considered, planned or determined.

The aim of planning decisions should be to conserve and enhance biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

Government Circular 06/05: Biodiversity and Geological Conservation

The Government produced Circular 06/05⁶ to provide guidance on the application of the law to conservation of nature. The circular covers implications of internationally designated wildlife sites, habitats and species outside of designated sites and protected species. Although some of the information in the circular is now out of date, paragraphs 98 and 99 of the document remain relevant as it sets out the obligation for data on protected species to be collected prior to the submission of an application.

Paragraph 98

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. Local authorities should consult Natural England before granting planning permission. They 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. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned.

Paragraph 99

⁶ ODPM (2005). *Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System*. Available from:
<http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity>

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. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.

Good Practice & Standards

Various forms of guidance are available to manage biodiversity through the development process. Of particular note are 'Planning for Biodiversity & Geological Conservation: A Guide to Good Practice'⁷ and 'Planning to Halt the Loss of Biodiversity (PAS 2010): Biodiversity conservation standards for planning in the United Kingdom - Code of Practice'⁸. These documents were principally designed to help local planning authorities deliver the national policies in PPS9 and comply with legislation. They are also useful to developers and their agents as they outline the expectations of the local authority for the conservation of nature in the development control process.

⁷ Office of the Deputy Prime Minister (2006). *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*. Available from:

<http://www.communities.gov.uk/publications/planningandbuilding/planningbiodiversity>

⁸ British Standards Institution (2006). *Planning for Biodiversity & Geological Conservation: A Guide to Good Practice*. Publicly available from: http://www.ukgbc.org/site/document/download/?document_id=590

Vesper Conservation & Ecology Limited

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SITES DESIGNATED FOR THE CONSERVATION OF NATURE

There is a hierarchy of nature conservation sites which is based on the level of statutory protection and the administrative level of importance. Other features of nature conservation interest outside designated sites may also be a material consideration in the determination of planning applications.

Statutory Sites

International & European Important Sites

Ramsar Sites, Special Areas of Conservation (SAC) and Special Protection Areas (SPA)

The Conservation of Habitats and Species Regulations 2017 provide the primary legal basis for the protection of Special Areas of Conservation (SAC) and Special Protection Areas (SPA) in Great Britain. Ramsar sites are, as a matter of National planning policy, subject to the same strict protection. Any plan or project considered likely to affect a SAC, SPA or Ramsar Site must be subject to an assessment, as set out under Regulation 61, and Regulation 102 in respect of Land Use Plans.

Ramsar sites are wetlands of international importance. The majority of terrestrial Ramsar sites in England are also notified as SPAs and/or Sites of Special Scientific Interest (SSSIs).

SACs are sites which support internationally important habitats and/or species listed as being of Community Importance in the Annexes of the EU Habitats Directive 1992. SPAs are sites which support internationally important numbers of bird species listed as being of Community Importance in the Annexes of the EU Birds Directive 1979. Together, SACs and SPAs make up the Natura 2000 network of Sites of Community Importance throughout Europe.

Development Control

Development proposals or damaging activities which may affect a European or international site will be subject to rigorous examination by local planning authorities (or other 'competent authority'), through a process commonly referred to as "Habitats Regulations Assessment". The onus is on the developer to provide the necessary information to inform this process.

Under the Conservation of Habitats and Species Regulations 2010, the competent authority must determine in the first instance whether a proposed development is likely to have a significant effect on the European or Ramsar site, either alone or in combination with other plans and projects.

If a likely significant effect cannot be precluded on the basis of objective information, the competent authority must undertake an "Appropriate Assessment" to fully assess these implications against the site's conservation objectives. A precautionary approach must be taken with respect to determining whether or not there would be an impact, and the appropriate nature conservation body (in most cases Natural England) should be consulted. Except in certain exceptional circumstances prescribed by the Regulations where there are imperative reasons of overriding public interest for allowing a development to proceed, the competent authority may not undertake or authorise the plan or project until they have established (based on the conclusions of the Appropriate Assessment) that the activity will not adversely affect the integrity of the European or Ramsar site. This should be the case where no reasonable scientific doubt remains as to the absence of such effects.

Nationally Important Sites

Sites of Special Scientific Interest (SSSI)

The Wildlife and Countryside Act 1981 (as amended) and the CROW Act 2000 provide the primary legal basis for the protection of Sites of Special Scientific Interest (SSSI). These sites have been designated to capture the best examples of England's flora, fauna, geological or physiographical diversity.

National Nature Reserve (NNR)

NNRs are declared under the National Parks and Access to the Countryside Act 1949 or the Wildlife and Countryside Act 1981. As amended by Environmental Protection Act 1990. They are managed to conserve their habitats or to provide special opportunities for scientific study of the habitats communities and species represented within them. NNRs represent the very best parts of England's SSSIs. The majority of NNRs also have European nature conservation designations.

Development Control

A development proposal that is likely to affect nationally important sites will be subject to special scrutiny by the local authority and Natural England. Certain operations may be permitted. Any potentially damaging operations that could have an adverse effect directly or indirectly on the special interest of the site will not be permitted unless the reasons for the development clearly outweigh the nature conservation and/or geological value of the site itself and the national policy to safeguard such sites.

Regionally & Locally Important Sites

Local Nature Reserves

Local Nature Reserves are declared by local authorities under the National Parks and Access to the Countryside Act 1949 as living green spaces in towns, cities, villages and countryside. They provide opportunities for research and education, or for simply enjoying and having contact with nature. LNRs are usually protected from development through local planning documents which may be supplemented by local by-laws.

Non-Statutory Sites

Local Wildlife Sites

Local authorities may designate non-statutory sites for their nature conservation value based on important, distinctive and threatened habitats and species within a national, regional and local context. These sites are not legally protected but are given some protection through the planning system. These sites may be declared as 'County Wildlife Sites', or 'Sites of Nature Conservation Importance' (SNCIs) in local and structure plans. Non-statutory sites are a material consideration when planning applications are being determined. The precise amount of weight to be attached however will take into account the position of the site in the hierarchy of sites as set out above. Further information is typically provided in local level planning policy.

Nature Conservation in Areas outside Designated Sites

Various other features exist outside designated sites that are important for the conservation of nature and which are a material consideration in the planning system.

Biodiversity Action Plans

The UK Biodiversity Action Plan (UK BAP) is the UK Government's response to the Convention on Biological Diversity (CBD) signed in 1992. The UK BAP describes the UK's biological resources and details action plans to conserve the most threatened species and habitats. A review of the UK BAP priority list in 2007 led to the identification of 1,150 species and 65 habitats that meet the BAP criteria at the UK level. The UK BAP is implemented at a local level through county and district level Biodiversity Action Plan. Species and habitats listed on the UK and local BAPs are a material consideration in the planning system.

Habitats of Principal Importance in England

56 of the priority habitats listed on the UK Biodiversity Action Plan 2007 have been identified as Habitats of Principal Importance in England for the conservation of biodiversity under Section 41 (S41) of the NERC Act 2006⁹. The National Planning Policy Framework, Government Circular 06/05, good practice guidance and the NERC Act 2006 place a clear responsibility on planning authorities to further the conservation of these habitats. The conservation of these habitats can be a material consideration in development control decisions and so developers are advised to take reasonable measures to avoid or mitigate impacts to prevent their net loss and to enhance them where possible. Additional guidance to developers is typically provided in local level planning policy.

Hedgerows

Hedgerows can act as wildlife corridors that are essential for migration, dispersal and genetic exchange of wild species. Hedgerows that qualify as a priority habitat in the UK Biodiversity Action Plan are a material consideration in the planning system.

Under the Hedgerow Regulations 1997, it is an offence to remove a hedgerow without submitting a notice to the Local Planning Authority and waiting for their decision. The Regulations are aimed at countryside hedges and do not apply to hedges around private dwellings or where planning permission has been granted for a project that includes hedge removal. Hedgerows that satisfy wildlife, archaeological, historical or landscape criteria qualify as 'important' under the Regulations. If a hedgerow is not important, the Local Planning Authority may not prevent its removal; however, Local Planning Authorities are required under the Regulations to protect and retain important hedgerows unless satisfied that the circumstances justify its removal.

Trees & Woodlands

Tree Preservation Orders

Tree Preservation Orders (TPOs) may be declared under the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 to protect individual trees and woodlands from development and cutting. TPOs are designed to preserve amenity or landscape conservation. The importance of trees as wildlife habitat may be taken into account but alone is not

⁹ The S41 List of Species & Habitats of Principal Importance in England is available from:
<http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

sufficient to warrant a TPO. For this reason, TPOs do not fit comfortably under the remit of nature conservation. Further guidance on TPOs in relation to development is available from the Department for Communities and Local Government¹⁰.

Ancient Woodland & Veteran Trees

Ancient woods are areas continuously wooded for at least 400 years. Even an ancient wood which has been replanted may still have remnants of ancient woodland wildlife and historical features and has potential to be restored. Ancient woodland is not a statutory designation and does not provide legal protection. Local authorities are advised under PPS9 not to grant planning permission for any development that would result in its loss or deterioration of ancient woodland or veteran trees unless the need for, and benefits of, the development outweigh the loss. Local Planning Authorities in the south-east of England must take into account Natural England's Standing Advice on development and Ancient Woodland¹¹.

SPECIES PROTECTION

Legally Protected Species

The species listed in the following subsections are protected by law in England. It is essential to determine the presence or likely absence of legally protected species and the extent that they may be affected by proposed development. This can best be achieved by undertaking surveys early in the planning process. Mitigation measures are required to minimise disturbance to protected species and may necessitate a licence. Natural England offers further detailed advice which can be applied to planning applications that affect protected species¹².

Mammals

All wild mammals are protected against cruelty under the Wild Mammals (Protection) Act 1996, which makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

The following species of mammal are protected further by law in England.

Dormouse

The Dormouse *Muscardinus avellanarius* is a UK BAP priority species and a Species of Principal Importance in England under S41 of the NERC Act 2006. It is legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is afforded significant further protection as a European Protected Species under the Habitats Regulations 2010. Collectively, this legislation makes it an offence to:

- Intentionally or deliberately kill, injure or capture Dormice;
- Intentionally, deliberately or recklessly disturb Dormice in such a way as to be likely to significantly affect the ability of any significant group of

¹⁰ Office of the Deputy Prime Minister (2000). Tree Preservation Orders: A Guide to the Law and Good Practice. Available from: <http://www.communities.gov.uk/publications/planningandbuilding/tposguide>

¹¹ Natural England (2011). Standing Advice for Ancient Woodland. Available from:

http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/ancientwoodland/default.aspx

¹² Natural England. 2011. Standing Advice for Protected Species. Available from:

<http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>

Dormice to survive, breed, or rear or nurture their young or the local distribution of or abundance of the species;

- Intentionally, deliberately or recklessly damage destroy or obstruct breeding or resting sites or places used by Dormice for shelter or protection (whether occupied or not);
- Possess or transport a Dormouse (or any part thereof) unless under licence;
- Sell or exchange Dormice.

Development proposals affecting the Dormouse require a European Protected Species licence from Natural England.

Badger

The Protection of Badgers Act 1992 offers considerable protection to both badgers and badger setts. This legislation was enacted to protect the Badger *Meles meles* against baiting and not as a means of species recovery for it is common in England. It is an offence to cruelly treat, kill or take Badgers, but it is also illegal to intentionally or recklessly damage or disturb a badger sett whilst it indicates signs of current use by a Badger.

Natural England has issued guidance to help developers and their proponents avoid sett disturbance and to identify setts that are in current use¹³. It is important to maintain adequate foraging territory in development proposals affecting badgers as the destruction or severance of large areas of foraging territory could also be taken to include habitat loss. Licences to disturb Badgers and their setts in respect of development may be issued by Natural England provided provisions are made to minimise disturbance.

Bats

There are 18 species of bat in the UK, 7 of which are UK BAP priority species and Species of Principal Importance in England under S41 of the NERC Act 2006. All bats and bat roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Bats are also a European Protected Species protected under the Habitat Regulations 2010. It is an offence to:

- Intentionally or deliberately kill, injure or capture bats;
- Intentionally, deliberately or recklessly disturb bats in such a way as to be likely to significantly affect the ability of any significant group of bats to survive, breed, or rear or nurture their young or the local distribution of or abundance of a species of bat;
- Intentionally, deliberately or recklessly damage, destroy or obstruct any place used for shelter or protection (i.e. bat roosts); or
- Possess, sell or transport a bat, or anything derived from it.

Development proposals affecting bats or their roosts require a European Protected Species licence from Natural England.

¹³ Natural England (2009). Protection of Badgers Act 1992 (as amended) Interpretation of 'Disturbance' in relation to badgers occupying a sett. Available from: http://www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf
Natural England (2009). Guidance on 'Current Use' in the definition of a Badger Sett. Available from: http://www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf

Birds

48 species of bird on the UK BAP exist in England. These species, plus the Hen Harrier, are also listed as Species of Principal Importance in England under S41 of the NERC Act 2006. All birds are protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence, with certain exceptions (e.g. game birds), to intentionally kill, injure or take any wild bird and to take, damage or destroy their nests or eggs.

Schedule 1 of the Wildlife and Countryside Act 1981 affords extra protection for a number of species and applies harsher penalties for offences. Any intentional or reckless disturbance of a Schedule 1 bird, whilst it is nesting or rearing dependant young, constitutes an offence.

Reptiles

All four of the widespread British species of reptile, including the Common Lizard *Lacerta vivipara*, Slow-Worm *Anguis fragilis*, Grass Snake *Natrix natrix* and Adder *Vipera berus*, are also UK BAP priority species and Species of Conservation Concern in England. They are protected under Schedule 5 (Sections 9.1, 9.5a, 9.5b) of the Wildlife & Countryside Act 1981 (as amended) from intentional killing, injury and trade. The habitat of the four widespread reptiles is not legally protected; however the replacement of habitat lost through development may be required through the planning system. Mitigation for these species is not subject to licensing by Natural England but should nonetheless be planned to minimise disturbance.

Licences for Development

Licences are required to permit activities prohibited under wildlife legislation, namely the disturbance or capture of protected species or damage to their habitats. Natural England is the licensing authority in England. Licences are only issued for certain purposes, which are set down in the law, and only where there is a valid justification. The licences most relevant to development scenarios are discussed below.

Conservation Licences

In the context of development, conservation licences are normally only relevant to mitigation involving the capture of Water Voles or White-Clawed Crayfish. Conservation licences are granted to permit the trapping and translocation of these species on the condition that the development activity is properly planned and executed and thereby contributes to the conservation of the population of the species.

Badger Licences

Licences to disturb Badgers and their setts in respect of development may be issued by Natural England provided provisions are made to minimise disturbance.

European Protected Species Licences

A European Protected Species Licence is required from Natural England to undertake any development that is reasonably likely to result in an offence in respect of a European Protected Species protected under Schedule 2 of the Habitat Regulations 2010; including *inter alia* all species of bats, Dormouse *Muscardinus avellanarius*, Great Crested Newt *Triturus cristatus* and Otter *Lutra lutra*. Natural England must be satisfied that the following three tests are satisfied before it will issue a licence covering a European Protected Species:

- 1) The proposal is necessary to preserve public health or public safety, or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- 2) There is no satisfactory alternative; and
- 3) The proposal will have no detrimental effect to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Species of Principal Importance in England

943 species have been identified as being of Principal Important in England for the conservation biodiversity under Section 41 (S41) of the NERC Act 2006¹⁴. This list of species includes species found in England which have been identified as requiring action under the UK Biodiversity Action Plan 2007 (plus the Hen Harrier¹⁵). While these species may not be legally protected there is a clear responsibility on planning authorities to further their conservation. These species can be a material consideration in development control decisions and so developers are advised to take reasonable measures to avoid or mitigate impacts to prevent the net loss of these species and habitats and to enhance them where possible. Additional guidance to developers is typically provided in level planning policies.

Invasive Non-Native Species

There are a number of species not ordinarily resident to the UK. Those which pose a significant threat to our ecology and economy are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)¹⁶. For an offence to be committed, a species must be released or allowed to escape into the wild. For example, if a plant listed on Schedule 9 is not adequately controlled by a land owner, once they are aware that it is present, and the species is allowed to spread onto adjoining areas, then this could constitute an offence.

¹⁴ The S41 List of Species & Habitats of Principal Importance in England is available from: <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

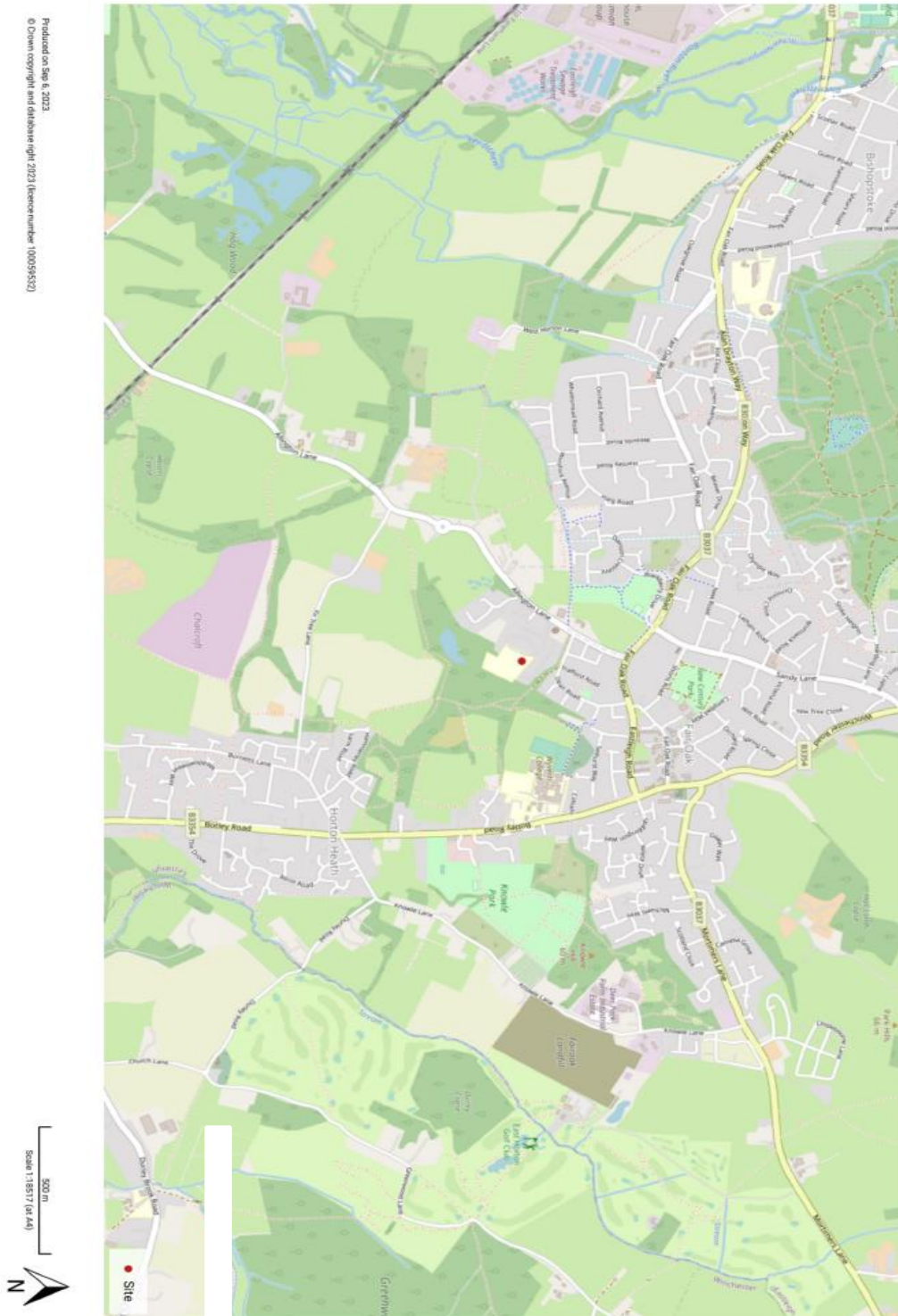
¹⁵ The Hen Harrier has also been included on the List because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England.

¹⁶ The Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010 No. 609 Article 2. Available from: <http://www.legislation.gov.uk/uksi/2010/609/article/2/made>

Appendix 3

Maps of the Site

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Map 1: Site location (landapp 2023)

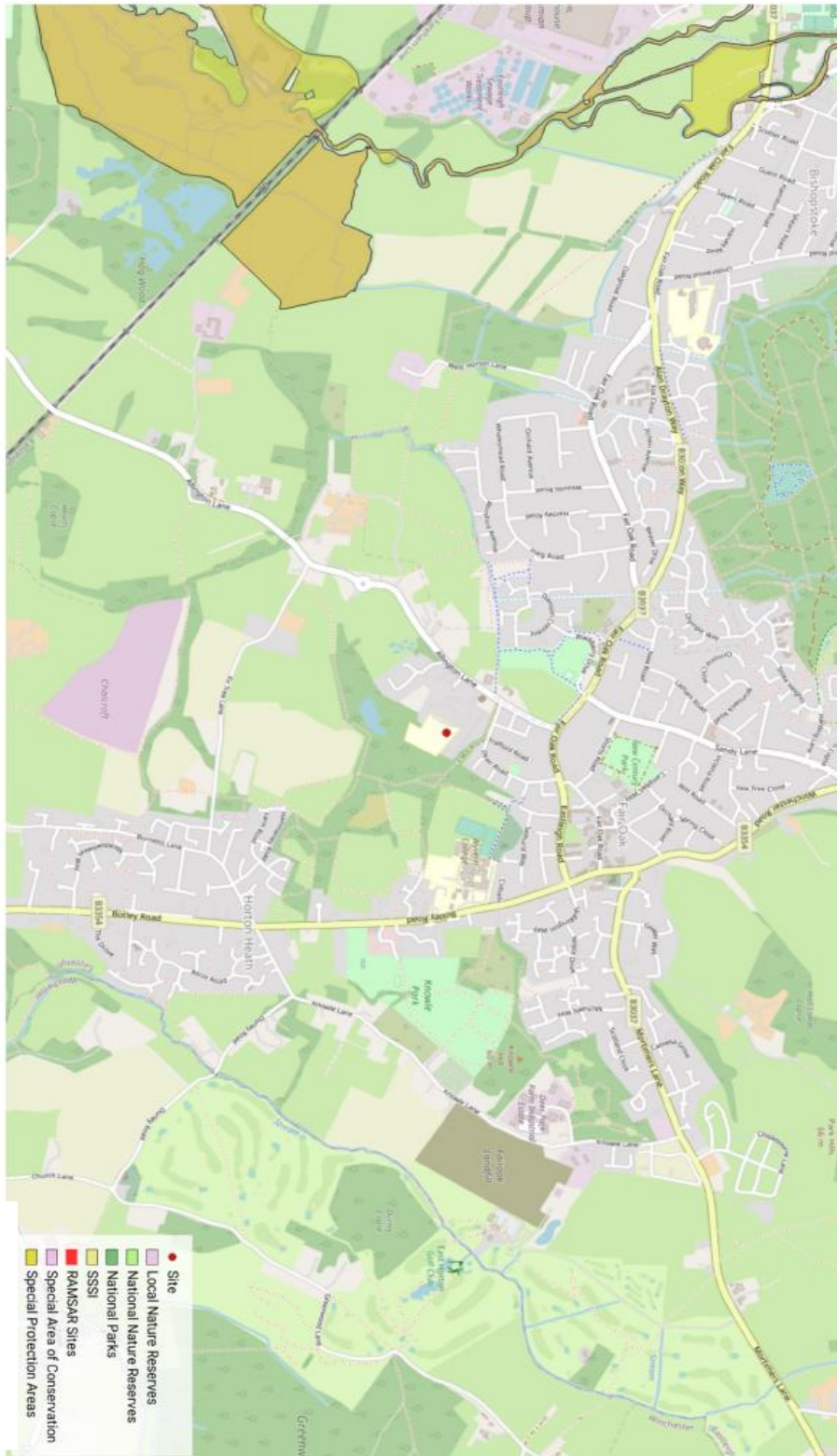


Location





Designated Sites



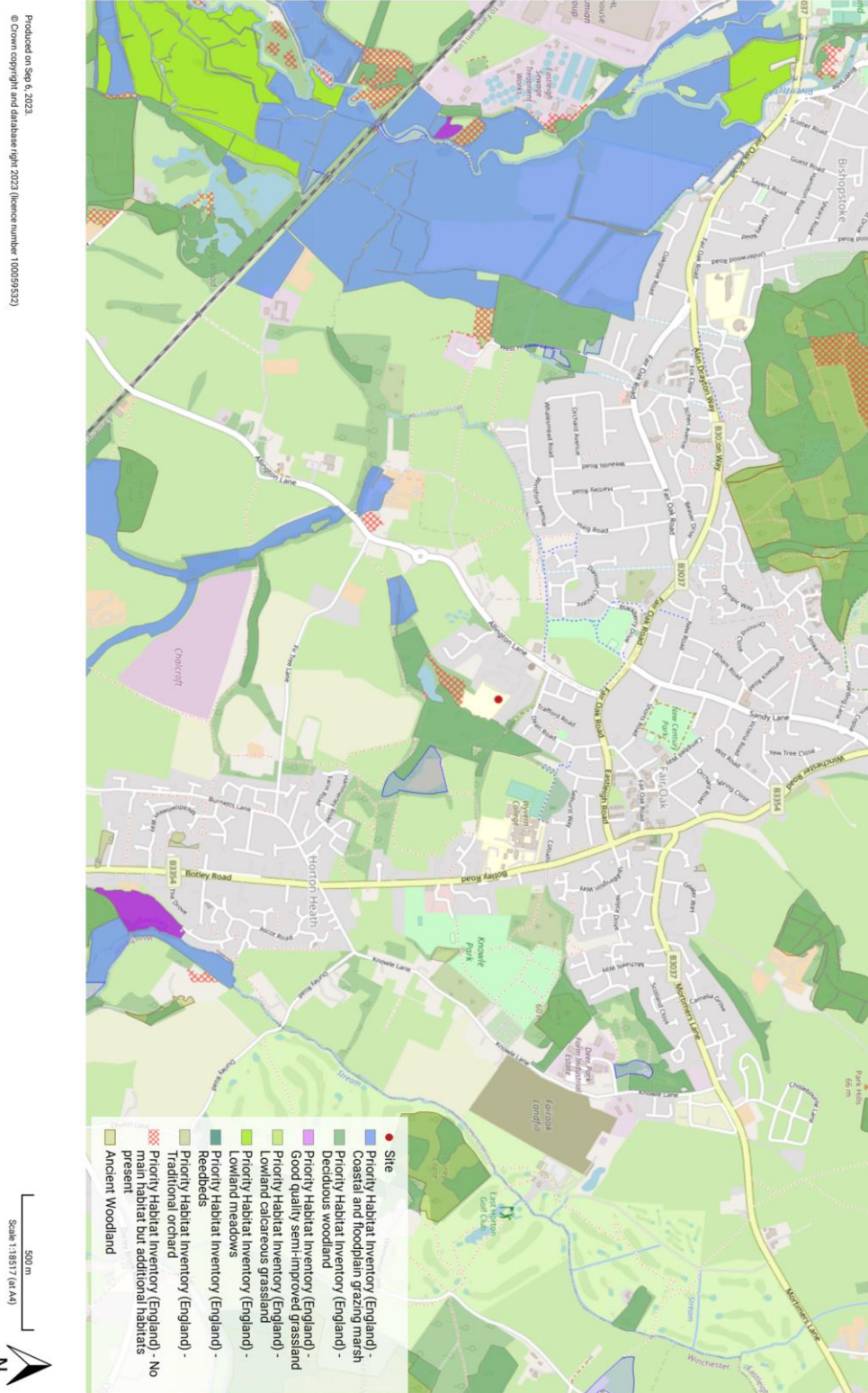
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Map 2: Designated Sites (landapp 2023)

Vesper Conservation & Ecology Limited
Director: Robert West. Company Secretary: Stephanie West.
Registered in England No. 09643480
Registered office: 2 Wessex Business Park, Colden Common, Winchester, SO21 1WP



Priority Habitats



Map 3: Priority Habitats (landapp 2023)

Vesper Conservation & Ecology Limited
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Picture 1: Sparrow terrace box (other types are available)



Picture 2: Bat boxes (other types are available)

Grassland Creation Steps

Ground Preparation

Endeavour to select ground that is not highly fertile and does not have a problem with perennial weeds. Good preparation is essential to success so aim to control weeds and produce a good quality seed bed before sowing.

To prepare a seed bed first remove weeds using repeated cultivation. Then plough or dig to bury the surface vegetation, harrow or rake to produce a medium tilth, and roll, or tread, to produce a firm surface.

Sowing

Seed is best sown in the autumn or spring but can be sown at other times of the year if there is sufficient warmth and moisture. The seed must be surface sown and can be applied by machine or broadcast by hand. To get an even distribution and avoid running out divide the seed into two or more parts and sow in overlapping sections. Do not incorporate or cover the seed, but firm in with a roll, or by treading, to give good soil/seed contact.

First Year Management

Most of the sown meadow species are perennial and are slow to establish. Soon after sowing there will be a flush of annual weeds, arising from the soil seed bank. These weeds can look unsightly, but they will offer shelter to the sown seedlings, are great for bugs, and they will die before the year is out. So resist cutting the annual weeds until mid to late summer, especially if the mixture contains Yellow Rattle, or has been sown with a nurse of cornfield annuals. Then cut, remove and compost. Early August is a good time. This will reveal the young meadow, which can then be kept short by grazing or mowing through to the end of March of the following year. Dig out any residual perennial weeds such as docks.

Management Once Established

In the second and subsequent years EM2 sowings can be managed in a number of ways which, in association with soil fertility, will determine the character of the grassland. The best results are usually obtained by traditional meadow management based around a main summer hay cut in combination with autumn and possibly spring mowing or grazing.

Meadow grassland is not cut or grazed from spring through to late July/August to give the sown species an opportunity to flower. After flowering in July or August take a 'hay cut': cut back with a scythe, petrol strimmer or tractor mower to c 50mm. Leave the 'hay' to dry and shed seed for 1-7 days then remove from site.



Picture 1: Looking west into the site.



Picture 2: Building A will be removed during the works



Picture 3: Showing the Hedgerow with trees that will be removed.



Picture 4: Showing the trees to be removed on the northern boundary.



Survey and report by: Vesper Conservation & Ecology

Report produced by Robert West Ba (Hons), PGDip, MCIEEM