

**3 MANCHESTER ROAD, NETLEY ABBEY,
HAMPSHIRE**

ECOLOGICAL IMPACT ASSESSMENT

Final Document (Revision 2)

March 2023

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

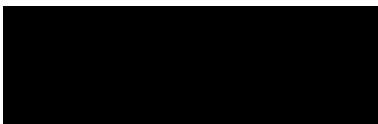
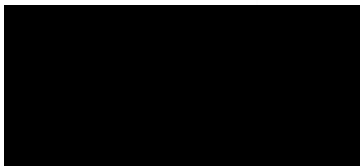
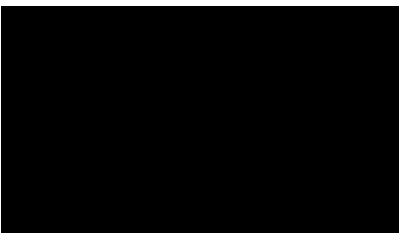
ECOSA, Ten Hogs House, Manor Farm Offices, Flexford Road, North Baddesley, Hampshire, SO52 9DF
Tel: 02380 261065 Email: info@ecosa.co.uk Web: www.ecosa.co.uk

Registered Office: 3-4 Eastwood Court, Romsey, Hampshire, SO51 8JJ Registered in England No: 6129868
Ecological Survey & Assessment Limited is a Trinity Consultants Company



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Author:	 Hugh Turner MSc MCIEEM Senior Ecologist
Checked by:	 Richard Chilcott MSc MCIEEM Principal Ecologist
Reviewed by:	 Simon Colenutt BSc (Hons) MCIEEM CEnv Managing Principal Ecologist

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HAMPSHIRE**

ECOLOGICAL IMPACT ASSESSMENT

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EXECUTIVE SUMMARY

Ecological Survey and Assessment Ltd (ECOSA) have been appointed by Mr and Mrs Caulkin to undertake an Ecological Impact Assessment to support a planning application for the reconstruction of sea defences at 3 Manchester Road, Netley Abbey. The site is located on the outskirts of Netley Abbey, Hampshire and comprises a sea cliff and existing sea defences. The proposals entail the reconstruction of the existing sea defences.

The main findings of the Ecological Impact Assessment are:

- The site lies adjacent to the Solent and Southampton Water Ramsar site and SPA and the Dorset and Solent Coast SPA.
- The site comprises scattered scrub set at the top of the cliff.
- The site has suitability to support badger, breeding birds, notable invertebrates and European hedgehog. Habitats adjacent to and/or nearby the site have suitability to support wintering birds.
- Identified impacts as a result of the proposals include disturbance to bird species that are qualifying features of nearby designated sites, pollution impacts to designated sites, loss of nesting bird, invertebrate and European hedgehog habitats and harm and/or disturbance to nesting birds and European hedgehog.
- Proposed mitigation and compensation measures include sensitive timing of works, production of a CEMP, removal of vegetation by hand tools outside of the breeding bird season, precautionary method of works during vegetation clearance and provision of bird nesting habitats.
- Enhancement measures include filling new gabion baskets with loose fill material to create suitable cavities for invertebrate species
- 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 Mr and Mrs Caulkin to undertake an Ecological Impact Assessment to support a planning application for the restoration of sea defences at 3 Manchester Road, Netley Abbey, Hampshire, SO31 5DB (hereafter referred to as the site).

1.2 The Site

The site is located in Netley Abbey, Hampshire, centred on National Grid Reference (NGR) SU 4542 0845 (**Map 1**).

The site comprises the cliffside at the end of the rear garden of 3 Manchester Road, where the property meets the beachfront. The site is bounded by the beach to the south-west, residential gardens to the north-west and south-east and the wider 3a Manchester Road property to the north-east.

In the wider area, the landscape is dominated by residential development to the north-east, large woodland blocks to the north-west and south-east and the Solent, located approximately 15 metres to the south-west 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 May and June 2022. 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 effects¹ on ecological features and 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;

¹ 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.

- To set out measures to avoid, mitigate and compensate for significant ecological effects in accordance with the 'mitigation hierarchy'²; and
- To outline opportunities for enhancement in order to achieve a net gain for biodiversity.

1.4 Site Proposals

The site proposals entail the stripping of the cliffside vegetation, reprofiling of the cliffside and repair works and reconstruction of the sea defences.

The Ecological Impact Assessment is based on the proposals plan produced by Cowan Consultancy, dated February 2022 (Drawing No. 445472/301P8) (**Appendix 1**).

Planning permission is being sought during 2022 with construction proposed to commence between March and September 2023.

² 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 habitats³, including ancient woodland⁴. Where loss to irreplaceable

³ 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.*"

⁴ 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 25th 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 Influence⁵), 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

3.4.1 Biological Records Centre

Hampshire Biodiversity Information Centre (HBIC) was consulted on 20th May 2022 for the following data:

- Records of non-statutory designated sites (Sites of Importance for Nature Conservation (SINCs)) within one kilometre of the site boundary. See **Appendix 2** for details;
- Records of legally protected and notable species (flora and fauna) within one kilometre of the site boundary, including priority species and Species of Principal Importance (**Appendix 4**); and

⁵ 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.

- Records of bats within two kilometres of the site boundary. Bat species are highly mobile and therefore the search radius is increased for this species group.

3.4.2 Multi-Agency Geographic Information for the Countryside

The Multi-Agency Geographic Information for the Countryside (MAGIC) (DEFRA, 2022) database was reviewed on 15th June 2022 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 appropriate statutory designated sites which need consideration in terms of potential in-direct effects and which support particularly mobile species⁶. 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.

3.4.3 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

⁶ 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.

suitability to support, protected and notable species as recommended by CIEEM (CIEEM, 2017).

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)⁷. 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 vegetation type was compiled and any invasive species⁸ 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.

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 5**.

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.

⁷ The standard JNCC Phase 1 habitat survey methodology involves the production of a Phase 1 map showing the location and extent of habitat types, however, given the limited size and complexity of the site surveyed a Phase 1 habitat map has not been produced in this instance.

⁸ 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.

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 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 3.4.3), 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) species⁹, 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 Hugh Turner, Senior Ecologist of ECOSA on 15th June 2022. The weather conditions were dry with approximately 60-70% cloud cover, an ambient temperature of 14°C and a moderate breeze.

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

⁹ 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.

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.

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

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 31st May 2022.

4.2 Statutory and Non-statutory Designated Sites

Details of designated sites are provided in the paragraphs below.

4.2.1 Statutory Designated Sites

There are five statutory designated sites of nature conservation interest situated within one kilometre of the site boundary. These are:

- Solent and Southampton Water (Ramsar site) – Adjacent to the south-west of the site and designated for supporting notable intertidal and coastal habitats, wintering bird populations, invertebrate assemblages and Red Data Book plant species.
- Solent and Southampton Water (SPA) – Adjacent to the south-west of the site and designated for supporting notable wintering populations of brent goose, Eurasian teal, ringed plover and black-tailed godwit and notable breeding populations of sandwich tern *Sterna sandvicensis*, roseate tern *Sterna sandvicensis*, common tern *Sterna hirundo* and little tern *Sternula albifrons*;
- Solent and Dorset Coast (SPA) – Located 15 metres to the south-west of the site and designated for supporting notable breeding populations of sandwich tern, common tern and little tern;
- Lee-on-the Solent to Itchen Estuary (SSSI) – Adjacent to the south-west of the site and designated for supporting notable intertidal habitats, important assemblages of waterfowl and waders and notable coastal plants;
- Westwood Woodland Park (LNR) – Located 780 metres north of the site and designated for supporting ancient woodland habitats, notable invertebrate assemblages and higher plant species.

In addition to these designated sites, there are five areas associated with the Solent Waders and Brent Goose Strategy located within one kilometre of the site (Whitfield, 2020). These areas have been included in the assessment as they can support species that are qualifying features of the Solent and Southampton Water Ramsar site and SPA. Therefore, impacts to the supporting sites may have further impacts to the

Solent and Southampton Water Ramsar site and SPA. The areas are the E04 Core Area¹⁰, which lies approximately 470 metres south-east, the E02 Secondary Support Area¹¹, which lies approximately 220 metres north-west of the site and the E01, E03 and E17 Low Use Sites¹² which lie approximately 520 metres north-west, adjacent to the south-west and 450 metres to the south-east respectively (Whitfield, 2020). Area E03 adjacent to the site, has a max count of 35 individuals of wader and/or waterfowl using the site.

Further details of the statutory designations listed above are provided in **Appendix 3**.

4.2.2 Non-Statutory Designated Sites

There are eight non-statutory designated sites of nature conservation interest situated within one kilometre of the site boundary. These are:

- Netley to Hamble Shore (SINC) – Located adjacent to the site to the south-west and designated for supporting notable semi-natural coastal and estuarine habitats.
- Netley Lodge (SINC) – Located approximately 450 metres to the south-east and designated for supporting semi-natural ancient woodland and wet woodland and notable wetland habitats;
- West Wood, Hound (SINC) – Located approximately 780 metres to the north and designated for supporting semi-natural ancient woodland;
- Weston Greenway (SINC) – Located approximately 780 metres to the north-west and designated for supporting semi-natural ancient woodland, areas which retain significant elements of ancient woodland and wet woodland;
- West Wood Grange Field (SINC) – Located approximately 820 metres to the north and designated for supporting grasslands which have become impoverished through inappropriate management, but which retain sufficient elements of relic unimproved grassland to enable recovery¹³ and for being of importance to the local community;
- Weston Shore (South-East) (SINC) – Located approximately 850 metres to the north-west of the site and designated for supporting semi-natural coastal and estuarine habitats;

¹⁰ All sites that were identified as having a network value and/or sites that have a max count of bird use of 1000 or more, and/or the max score in 3 metrics (7): GB Importance, SPA Importance and SPA Assemblage

¹¹ Sites that score 1-2 and/or have max counts of 100 plus birds for any species

¹² Sites that have records of birds but in low numbers (total score 0)

- West Wood Central Grassland (SINC) – Located approximately 960 metres to the north and designated for supporting grasslands which have become impoverished through inappropriate management, but which retain sufficient elements of relic unimproved grassland to enable recovery¹³;
- Weston Shore (SINC) – Located approximately 995 metres to the north-west of the site and designated for supporting wet woodlands and semi-natural coastal and estuarine habitats and regularly supporting a significant population of divided sedge *Carex divisa*.

Further information on sites designated for nature conservation are provided in **Appendix 3**.

4.3 Habitats

4.3.1 Desktop Study Results

Consultation with HBIC produced records of vegetated coastal shingle, a Habitat of Principal Importance, adjacent to the site. The desktop study also returned records of 30 notable plant species. Of these English scurvygrass *Cochlearia anglica* is considered the most likely to occur on site but was not recorded during the survey.

4.3.2 Field Survey Results

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

The top of the cliffside has been colonised by a bramble *Rubus fruticosus* aggregate dominated scrub with some oak *Quercus* species and sycamore *Acer pseudoplatanus* saplings present and a ground covering of ivy *Hedera helix* and bamboo *Bambusoideae* species (**Figure 1**). The bramble was less than 0.5 metres high at the time of the survey. The cliffside itself supports a steep bank and is approximately 8 metres high from the beach to the top.

¹³ This is no longer a valid SINC criteria but is being retained on existing SINC's until they can be re-evaluated



Figure 1: Scrub covered sea cliff, photograph taken from bottom of the cliff

Other Habitats

Other habitats on site include the existing gabion sea defences. The surrounding habitats include the well mown amenity grassland garden and ornamental planting within the wider 3a Manchester Road property and adjacent properties, gorse scrub adjacent to the south-east of the site and the unvegetated beach at the bottom of the gabions and cliff.

Summary

The site supports common and widespread vegetation species with little ecological value.

4.4 Notable and Legally Protected Species

4.4.1 Bats

Desktop Study Results

Consultation with HBIC produced records of at least nine species of bats within the desktop study area including serotine *Eptesicus serotinus*, *Myotis* bat species¹⁴, Daubenton's bat *Myotis daubentonii*, whiskered/Brandt's bat *Myotis brandtii/mystacinus*, Natterer's bat *Myotis nattereri*, noctule *Nyctalus noctula*, common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and brown long-eared bat *Plecotus auritus*.

Tree Assessment

The tree species recorded on site were saplings and are therefore too immature to support potential bat roosting features. Therefore, the site is considered to have

¹⁴ There are seven species of *Myotis* bats in Britain. *Myotis* bats are very difficult to identify specifically, this can generally only be done by examination of physical features and Phylogenetic Analysis Identification of bat droppings. Many of these bats are common and will utilise buildings for roosting often occupying small and inaccessible voids. For the purpose of this report all species shall be referred to as *Myotis* bats unless a specific identification has been possible.

negligible suitability for tree roosting bats and they are not considered any further in this report.

Foraging and Commuting Habitat

The scrub habitats on site provide some foraging and commuting opportunities for bats and are connected to off-site habitats via adjacent scrub and garden habitats. Overall the site is assessed as having moderate suitability to support foraging and commuting bats.

4.4.2 Otter

Desktop Study Results

Consultation with HBIC produced no records of otter *Lutra lutra* within the desktop study area, however, this does not confirm the absence of the species in the local area.

Field Survey Results

While the site is adjacent to the Solent which otter may commute through, the site itself provides limited cover for otter holts or sheltering. Therefore, the habitat on site is considered unsuitable for otter and therefore the species is not considered further in this report.

4.4.3 Badger

Desktop Study Results

Consultation with HBIC produced no recent records of badger *Meles meles* within the desktop study area, with the only record dated in 1984.

Field Survey Results

No evidence of badger was recorded on site during the survey. The habitat on site provides suitability for sett building badger, however it is limited in extent and more suitable habitats with greater foraging opportunities are present nearby. Overall the site is assessed as having suitability for badger.

4.4.4 Hazel Dormouse

Desktop Study Results

Consultation with HBIC produced no records of hazel dormouse *Muscardinus avellanarius* within the desktop study area, however, this does not confirm the absence of the species in the local area.

Field Survey Results

The scrub habitats on site is limited in extent and close to the ground, offering limited cover and food sources for hazel dormouse. The site has some connectivity to adjacent

scrub habitats but these areas are isolated from any suitable woodland or hedgerow habitats. The habitat on site is unsuitable for hazel dormouse and therefore the species is not considered further in this report.

4.4.5 Water Vole

Desktop Study Results

Consultation with HBIC produced no records of water vole *Arvicola amphibius* within the desktop study area, however, this does not confirm the absence of the species in the local area.

Field Survey Results

The site does not support any suitable riparian habitats for water vole, with the nearest likely suitable waterbodies located over 500 metres to the north and south of the site. The habitat on site is unsuitable for water vole and therefore the species is not considered further in this report.

4.4.6 Birds

Desktop Study Results

Consultation with HBIC produced records of 100 species of birds within the desktop study area, including 45 red-listed species¹⁵. Many of the records are associated with species that are part of the qualifying features for the Solent and Southampton Water Ramsar site and SPA, the Solent and Dorset Coast SPA and the Lee-on-the-Solent Estuary SSSI (see Paragraph 4.2.1)

Field Survey Results

The scrub habitats on site provide nesting opportunities for breeding birds. While the site is limited in extent and would not support notable assemblages of wintering birds, the adjacent mudflat and intertidal habitats and habitats in the wider area have suitability to support overwintering waders and waterfowl.

4.4.7 Reptiles

Desktop Study Results

Consultation with HBIC produced two records of slow-worm *Anguis fragilis* and one record of common lizard *Zootoca vivipara* reptiles within the desktop study area. The nearest and most recent record of slow-worm is located approximately 330 metres to

¹⁵The UK's birds are split in to three categories of conservation importance - red, amber and green. Red is the highest conservation priority, with species needing urgent action. Amber is the next most critical group, followed by green. Red List criteria include species which are: globally threatened; have been subject to historical population decline in UK during 1800–1995; are in severe (at least 50%) decline in UK breeding population over last 25 years, or longer-term period, or; subject to severe (at least 50%) contraction of UK breeding range over last 25 years, or longer-term period.

the east of the site and is from 2005. The common lizard record is from 2004 and is located approximately 840 metres to the north-east of the site.

Field Survey Results

While the scrub habitats provide some hibernation and sheltering potential for reptiles, the surrounding habitats are well managed, with the adjacent grassland habitats being mown regularly and supporting a short sward of grass, and do not provide foraging or basking opportunities for reptiles, isolating the habitats on site. The habitat on site is unsuitable for reptiles and therefore this species group is not considered further in this report.

4.4.8 Great Crested Newt

Desktop Study Results

Consultation with HBIC produced no records of great crested newt *Triturus cristatus* within the desktop study area, however, this does not confirm the absence of the species in the local area.

A review of aerial photography and OS mapping revealed no suitable waterbodies for breeding great crested within 500 metres of the site.

Field Survey Results

There are no waterbodies on site and therefore no opportunities for breeding great crested newt. While the scrub habitats on site provide some sheltering opportunities for great crested newt, the surrounding habitats are well managed and do not provide any foraging or commuting opportunities for great crested newt in their terrestrial phase. Therefore it is assessed that, in combination with the lack of breeding opportunities, The habitat on site is unsuitable for great crested newt and therefore the species is not considered further in this report.

4.4.9 Invertebrates

Desktop Study Results

Consultation with HBIC produced records of a number of invertebrate species including six arachnid *Araneae* species, two cockroach *Blattaria* species, 14 beetle *Coleoptera* species, Lesne's earwig *Forficula lesnei*, three true bug *Hemiptera* species, 11 sawflies, wasps, ants and/or bees *Hymenoptera* species, 48 butterfly and/or moth *Lepidoptera* species, common darter *Sympetrum striolatum* and wood cricket *Nemobius sylvestris* within the desktop study area. Of these, a number of species have been recorded within Netley Cliffs, approximately 30 metres to the north-west of the site and could occur on site including *Strophosoma faber*, *Andrena trimmerana*, *Aporus unicolor*, *Crossocerus distinguendus*, *Philanthus Triangulum* and *Sphecodes crassus*.

Field Survey Results

While the habitats on site provide opportunities for individual cliff dwelling and sand dwelling invertebrates, including those recorded within the desktop study as being present within 30 metres of the site, it is limited in extent and is unlikely to support significant assemblages of invertebrates. Overall, the site is assessed as having suitability for individual notable invertebrates.

4.4.10 Other Relevant Species

Desktop Study Results

Consultation with HBIC produced 14 records of European hedgehog *Erinaceus europaeus* and one record of common toad *Bufo bufo* other notable species within the desktop study area. The nearest and most recent record of European hedgehog is from 2020 and located approximately 145 metres to the east of the site. The record for common toad is from 2003 and located approximately 530 metres to the north-west of the site.

Field Survey Results

The site provides some sheltering habitats for European hedgehog and there are nearby foraging opportunities in the form of surrounding gardens, however the lack of breeding ponds nearby make the site unsuitable for common toad.

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:

- The site is located adjacent to the Solent and Southampton Water Ramsar site and SPA, 15 metres from the Solent and Dorset Coast SPA and within one kilometre of the Lee-on-the-Solent Estuary SSSI and Westwood Woodland LNR. The site is also adjacent to the Netley to Hamble Shore SINC with another seven SINC present within one kilometre of the site;
- The site has suitability for foraging and commuting bats;
- The site has suitability for badger;
- The site has suitability for breeding birds;
- The site lies adjacent to habitats with suitability for notable wintering birds;
- The site has suitability for individual notable species; and
- The site has 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 hierarchy¹⁶ 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 the stripping of the existing vegetation, reprofiling of the cliffside and repair and reconstruction of the sea defences to prevent erosion.

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 Designated Sites

5.3.1 Potential Impacts and Effects

The proposals for the site do not involve the direct disturbance of the Solent and Southampton Water Ramsar site and SPA, the Solent and Dorset Coast SPA or the Netley to Hamble Shore SINC. However, the reconstruction of the sea defences on site could result in indirect impacts to these designated sites arising as a result of construction activities through visual and noise disturbance to wintering birds and pollution events. Reconstruction works could result in indirect impacts on support areas E01, E02, E03, E04 and E17 identified within the Solent Waders and Brent Goose Strategy through noise and dust disturbance (Whitfield, 2020).

5.3.2 Mitigation and Compensation Measures

A Construction Environmental Management Plan (CEMP) will be prepared and implemented as part of the construction phase of the scheme to ensure no indirect impacts on the Solent and Southampton Water Ramsar site and SPA or the Solent and

¹⁶ 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'.

Dorset Coast SPA. This will include guidance on reducing the risk of pollution incidents during construction in accordance with current best practice guidelines including the provision of spill kits and the appropriate storage of materials and machinery away from the watercourse. No storage of materials will be allowed adjacent to the Solent and Southampton Water Ramsar site and SPA.

The works will take place outside of the wintering bird period (October to March, inclusive) to avoid impacts to bird species that are associated with support areas of the Solent and Southampton Water Ramsar site and SPA.

5.3.3 Enhancement

No enhancement measures are proposed with regards to designated sites.

5.4 Habitats

5.4.1 Potential Impacts and Effects

The proposals will result in the loss of approximately 30 square metres of dense scrub habitat.

5.4.2 Mitigation and Compensation Measures

To compensate for the loss of vegetation, new planting will be created within an area of bare ground within the wider property ownership. The planting will cover approximately 21 square metres and will comprise species appropriate for the location as well as providing habitats invertebrates and mammals, including sea aster *Aster tripolium*, sea campion *Silene maritima*, sea-kale *Crambe maritima*, thrift *Armeria maritima*, sea pea *Lathyrus japonicus*, sea club rush *Bolboschoenus maritimus*, grey club rush *Schoenoplectus tabernaemontani*, English scurvy grass *Cochlearia anglica*, golden samphire *Inula crithmoides*, rock samphire *Crithmum maritimum* and yellow horned poppy *Glaucium flavum*.

5.4.3 Enhancement

No enhancement measures are proposed with regards to habitats.

5.5 Bats

5.5.1 Potential Impacts and Effects

The proposals will result in the loss of a small amount of suitable foraging and commuting habitats, however as this will not create any habitat fragmentation this is considered to be insignificant.

5.5.2 Mitigation and Compensation Measures

No mitigation or compensation measures are proposed with regards to bats.

5.5.3 Enhancement

No enhancement measures are proposed with regards to bats.

5.6 Badger

5.6.1 Potential Impacts and Effects

Badger could be harmed in their setts disturbed during vegetation stripping, if they were to colonise the site before works began.

Badger are protected from killing and injury, and their setts protected from damage and interference, under the Protection of Badgers Act 1992. Refer to **Appendix 3** for details.

5.6.2 Mitigation and Compensation Measures

An updating badger survey will be carried out three months prior to works beginning to check for signs of colonising badger.

5.6.3 Enhancement

No enhancement measures are proposed with regards to badger.

5.7 Birds

5.7.1 Potential Impacts and Effects

The proposals will result in the loss of suitable breeding bird habitats. Breeding birds may be harmed and/or disturbed if vegetation clearance works are carried out during the breeding bird season (March to August, inclusive). Intertidal waders and waterfowl species, associated with nearby designated sites, may be disturbed during works through visual and noise disturbance and pollution events.

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.

5.7.2 Mitigation and Compensation Measures

Vegetation will be cut to ground level outside of the breeding bird season. To avoid disturbances to wintering birds, the vegetation clearance will be carried out using hand tools only. If this is not possible, an ecologist will be present immediately prior to clearance to check or vegetation. Active nests will be left with an undisturbed five to ten metre buffer until chicks have fledged and/or the nest is no longer in use, which may cause a delay to the proposed works.

The mitigation measures proposed in Paragraph 5.3.2 will prevent disturbances and pollution events to bird species associated with nearby designated sites.

As a measure of compensation, one WoodStone Alicante Bird Box (or a bird box of similar design) will be installed on a suitable tree within the 3 Manchester Road property.

5.7.3 Enhancement

No enhancement measures are proposed with regards to breeding birds.

5.8 Invertebrates

5.8.1 Potential Impacts and Effects

The proposals will result in the temporary loss of suitable invertebrate habitats during stripping works, however as this is unlikely to affect notable assemblages this impact is considered to be of negligible significance.

5.8.2 Mitigation and Compensation Measures

Removal of scrub vegetation will expose more areas of cliffside and sand providing more suitable colonising opportunities for cliff dwelling and sand burrowing invertebrate species including trimmer's mining bee, *Aporus unicolor*, *Crossocerus distinguendus*, bee wolf and swollen-thighed blood bee.

5.8.3 Enhancement

New gabion baskets will be filled with loose material, creating cavities to support sheltering and hibernating invertebrate species.

5.9 Other Relevant Species

5.9.1 Potential Impacts and Effects

European hedgehog may be harmed during vegetation clearance works.

5.9.2 Mitigation and Compensation Measures

Scrub habitats will be checked prior to clearance for sheltering European hedgehog. Any European hedgehog found will be allowed to disperse of its own free will before vegetation is cut to ground level.

5.9.3 Enhancement

No enhancement measures are proposed with regards to European hedgehog.

5.10 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.

6.0 CONCLUSIONS

6.1 Conclusion

The site lies adjacent to the Solent and Southampton Water Ramsar site and SPA and the Dorset and Solent Coast SPA and has suitability for foraging and commuting bats, badger, breeding birds, invertebrates and European hedgehog. Adverse impacts on these ecological features have been identified and appropriate mitigation measures proposed, including sensitive timing of works, production of a CEMP, new planting and provision of a nest box for birds. Post-development, no residual or cumulative impacts are anticipated. The site will be enhanced for invertebrates through the installation of loose fill material gabion baskets. As such it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including Policies S9, DM10 and DM11 of the Local Plan and the NPPF (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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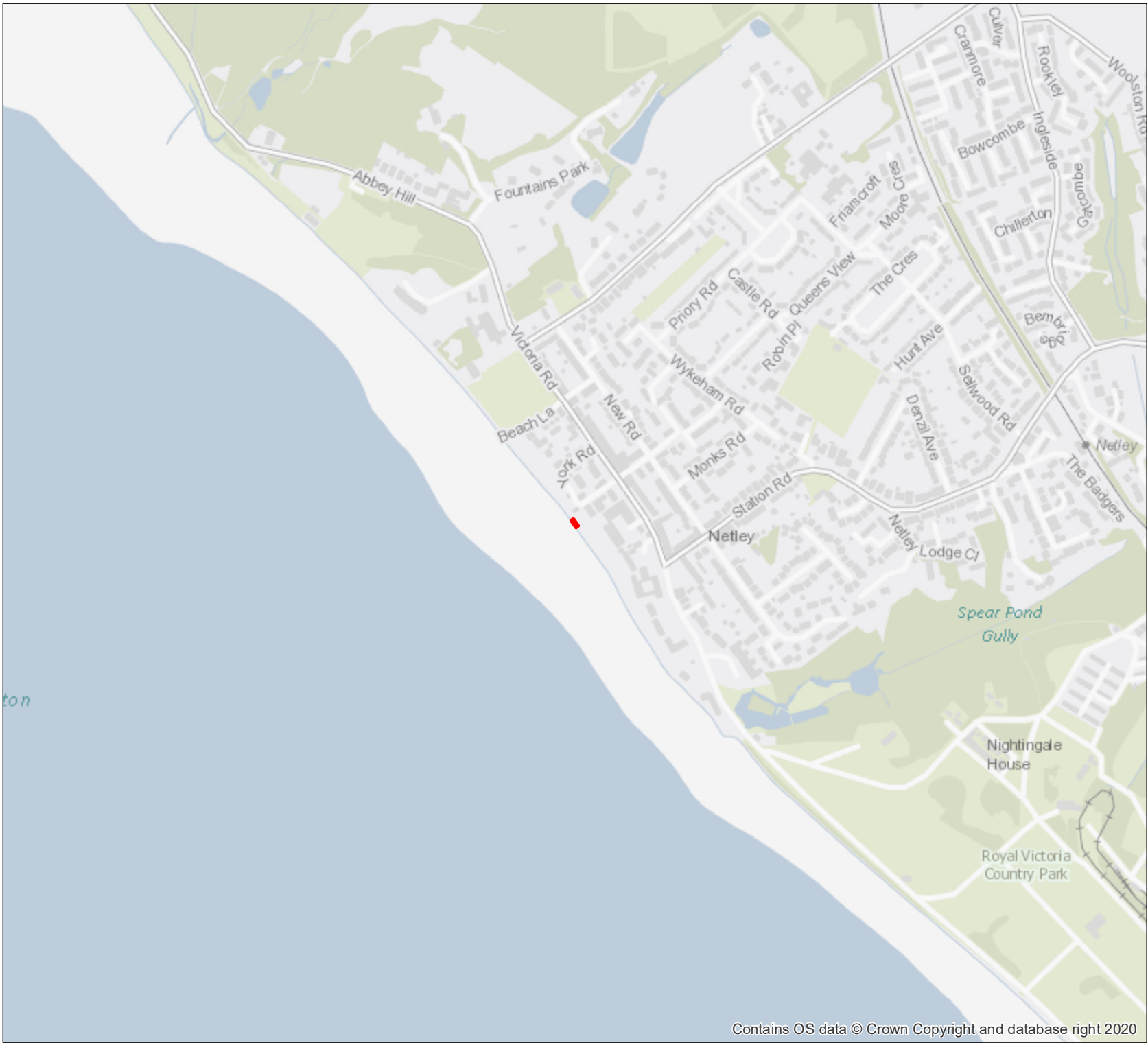
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Map 1 Site Location Plan



**3 MANCHESTER ROAD, NETLEY
ABBAY, HAMPSHIRE**

ECOLOGICAL IMPACT ASSESSMENT

Map 1 - Site Location Plan

Client:	Mr and Mrs Caulkin
Date:	July 2022
Status:	Final

KEY

Site Boundary



Scale at A4: 1:10,000

0 100 200 400 Metres

N

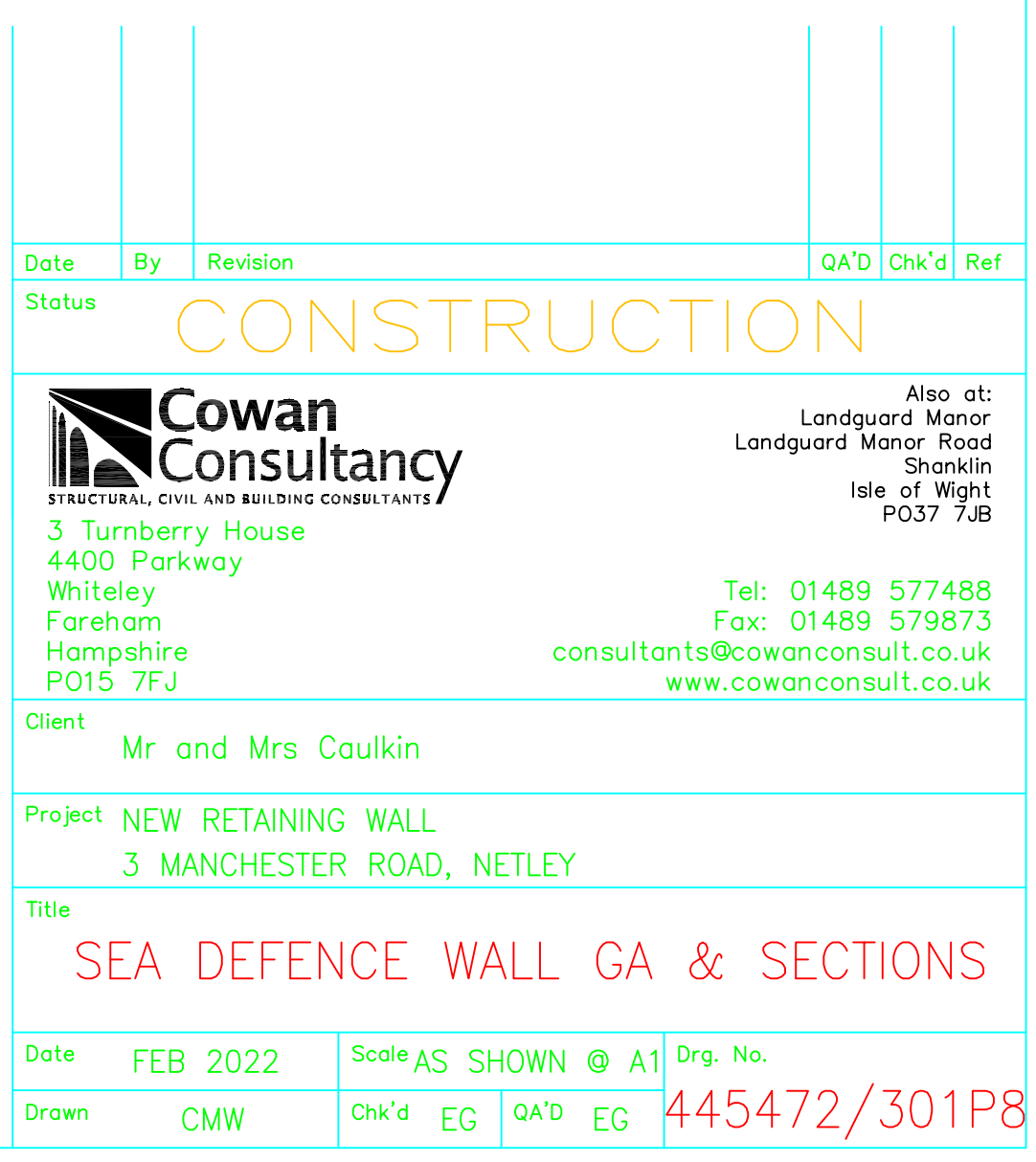
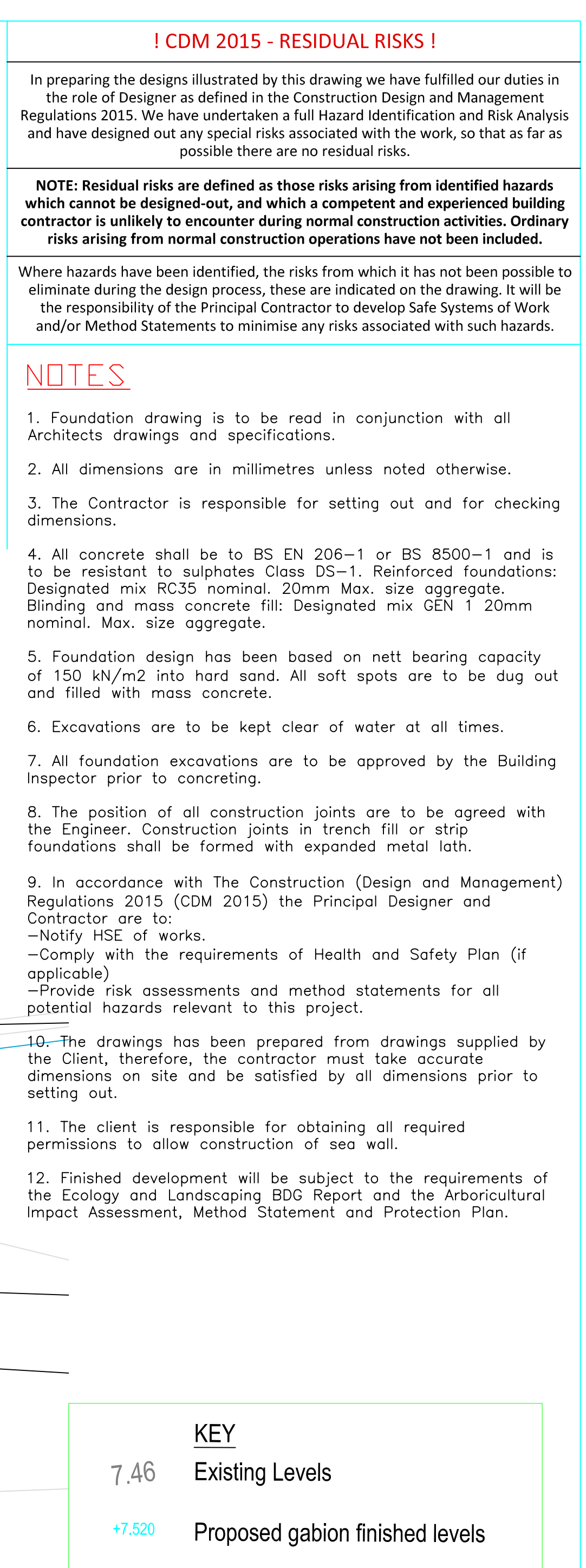
Prepared by: EV	Date: 260722
Last amended by: N/A	Date: N/A

ECOSA
Ecological Survey & Assessment
A Trinity Consultants Company

ECOSA Ltd., Ten Hogs House, Manor Farm Offices,
Flexford Road, North Baddesley, Hampshire SO52 9DF
Telephone: 02380 261065 Email: info@ecosa.co.uk
Web: www.ecosa.co.uk

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Appendix 1 Site Proposals



DO NOT SCALE THIS DRAWING

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.

Non-Statutory Sites

Locally Designated Sites

In addition to statutory designations, local authorities often designate sites of nature conservation importance at the local level. Such designations are named differently by each local authority and may be referred to as Local Wildlife Sites (LWS), Sites of Importance for Nature Conservation (SINC) or Sites of Nature Conservation Importance (SNCI), amongst others. The exact level of protection afforded to these sites varies and is normally defined through local planning policy.

Appendix 3 Statutory Designated Sites within the Desktop Study Area

Details of statutory designated sites within the desktop study area, as listed in Paragraph 4.2.1, are provided in **Table 1**.

Table 1: Statutory Designated Sites Located Within the Desktop Study Area

Site Name	Solent and Southampton Water
Site Designation	Ramsar site
Approximate Relative Location	Adjacent to the south-west
Reasons for Designation:	
This site has met: Ramsar criterion 1 - The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs. Ramsar criterion 2 - The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site. Ramsar criterion 5 - Assemblages of international importance. Species with peak counts in winter: 51343 waterfowl (5 year peak mean 1998/99-2002/2003) Ramsar criterion 6 – species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation) with peak counts in spring/autumn: - Ringed plover <i>Charadrius hiaticula</i>, Europe/Northwest Africa 397 individuals, representing an average of 1.2% of the GB population (5 year peak mean 1998/9-2002/3). Species with peak counts in winter: - Dark-bellied brent goose <i>Branta bernicla bernicla</i>, 6456 individuals, representing an average of 3% of the population (5 year peak mean 1998/9-2002/3). - Eurasian teal <i>Anas crecca</i>, NW Europe 5514 individuals, representing an average of 1.3% of the population (5 year peak mean 1998/9-2002/3). - Black-tailed godwit <i>Limosa limosa islandica</i>, Iceland/W Europe 1240 individuals, representing an average of 3.5% of the population (5 year peak mean 1998/9-2002/3).	
Site Name	Solent and Southampton Water
Site Designation	SPA

Approximate Relative Location	Adjacent to the south-west
Reasons for Designation:	
Qualifying Features: A046a <i>Branta bernicla bernicla</i>; Dark-bellied brent goose (Non-breeding) A052 <i>Anas crecca</i>; Eurasian teal (Non-breeding) A137 <i>Charadrius hiaticula</i>; Ringed plover (Non-breeding) A156 <i>Limosa limosa islandica</i>; Black-tailed godwit (Non-breeding) A176 <i>Larus melanocephalus</i>; Mediterranean gull (Breeding) A191 <i>Sterna sandvicensis</i>; Sandwich tern (Breeding) A192 <i>Sterna dougallii</i>; Roseate tern (Breeding) A193 <i>Sterna hirundo</i>; Common tern (Breeding) A195 <i>Sterna albifrons</i>; Little tern (Breeding) Waterbird assemblage	

Site Name	Solent to Dorset Coast
Site Designation	SPA
Approximate Relative Location	15 metres to the south-west
Reasons for Designation:	
Qualifying Features: A191 <i>Sterna sandvicensis</i>; Sandwich tern (Breeding) A193 <i>Sterna hirundo</i>; Common tern (Breeding) A195 <i>Sternula albifrons</i>; Little tern (Breeding)	

Site Name	Lee-on-the Solent to Itchen
Site Designation	SSSI
Approximate Relative Location	Adjacent to the south-west
Reasons for Designation:	
The site comprises extensive intertidal muds with a littoral fringe of vegetated shingle, saltmarsh, reedbed, marshy grasslands and deciduous woodland on alluvium, valley gravels (Hamble Common), and Bracklesham Beds (Hook Links). The site is an integral part of Southampton Water which is of international importance for over-wintering dark-bellied brent geese <i>Branta bernicla</i>, and of national importance for three species of wildfowl and five species of wader. The SSSI supports an outstanding assemblage of nationally scarce coastal plants.	

Site Name	Westwood Woodland Park
Site Designation	LNR
Approximate Relative Location	780 metres to the north
Reasons for Designation:	

Designated for supporting ancient woodland habitats, notable invertebrate assemblages, hazel dormouse and higher plant species.

Appendix 4 Relevant Legislation

Badger

The Protection of Badgers Act 1992 consolidates previous legislation (including the Badgers Acts 1973 and 1991 Badgers (Further Protection) Act 1991). It makes it an offence to:

- Kill, injure or take a badger;
- Attempt to kill, injure or take a badger; or
- To damage or interfere with a sett.

The 1992 Act defines a badger sett as 'any structure or place which displays signs indicating current use by a badger'.

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.

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 5 Appraisal Criteria for Bats

The criteria used to assess the suitability of foraging/commuting habitat for bats is based on industry guidelines and outlined in **Table 2**¹⁷.

Table 2: Criteria used to Assess Suitability of Foraging/Commuting Habitat for Bats

Suitability	Commuting and foraging habitats
High	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. 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. Site is close to and connected to known roosts.
Moderate	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. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
Low	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). Suitable, but isolated, habitat that could be used by small numbers of foraging bats such as a lone tree or a patch of scrub.
Negligible	Negligible habitat features on site likely to be used by commuting or foraging bats.

¹⁷ Table adapted from (Collins, 2016)