

Eastleigh Borough Local Plan (2016-2036)

April 2022

General Approach

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

International Designations

- 2. Development which is likely (either individually or in combination with other developments) to adversely affect the integrity of an international or European nature conservation site will not be permitted subject only to imperative reasons of overriding public interest and securing any necessary compensatory measures in the absence of alternative solutions. A 'project level' Habitat Regulations Assessment will be required where there are likely significant effects or uncertainty. Any mitigation measures required to ensure no adverse impact must be implemented at the appropriate time.**
- 3. The Council will work with PfSH, Natural England, the Environment Agency and other wildlife organisations to develop and implement with developers a strategic approach to the protection and enhancement of international and European sites from the direct and indirect effects of development. Within Eastleigh Borough this will include:**
 - a. implementing:**
 - i. the Solent Recreation Mitigation Strategy (requiring contributions from residential developments within 5.6 kilometres of the Solent Special Protection Area to the Strategy); and**
 - ii. the interim and any future New Forest Recreation Mitigation Strategy if**

- required;
- or alternative agreed site specific measures to address recreational disturbance;
- b. preserving the water quality and flows within the Itchen and Hamble, Southampton Water and Solent;
- c. protecting the River Itchen SAC, in particular the maintenance and where appropriate restoration of habitats and qualifying species to favourable conservation status (as defined by article 1 of the Habitats Directive); and
- d. seek contributions towards measures set out in the Southern Damselfly Conservation Strategy (or other strategy) specifically to deliver biodiversity net gain.

National and Local Designations

4. Development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on a Site of Special Scientific Interest (SSSI), Site of Importance for Nature Conservation (SINC) or Local Nature Reserve (LNR) as shown on the policies map (or on a more recent plan provided by the Hampshire Biodiversity Information Centre) unless it can be demonstrated that:
 - a. there are no alternative solutions;
 - b. the adverse effects are unavoidable;
 - c. measures are taken to mitigate or, as a last resort, compensate for the adverse effects;
 - d. there is an overall biodiversity net gain; and
 - e. if there are any residual adverse effects which cannot be avoided, mitigated or compensated, the benefits of the development must clearly outweigh the adverse effects on the nature conservation value of the site and any broader impacts on national and local designations.

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

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

Irreplaceable habitats

6. Development will not be permitted if it results in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy

exists.

Buffers

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

Surveys

8. Development will not be permitted unless it can be demonstrated that:

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

International Nature Conservation Designations

5.61 The Borough contains parts of four European/international nature conservation sites as follows:

- River Itchen Special Area of Conservation (SAC);
- Solent Maritime Special Area of Conservation (SAC);
- Solent and Southampton Water Special Protection Area (SPA); and
- Solent and Southampton Water Ramsar site.

(The Solent Maritime SAC and the Solent and Southampton Water SPA and Ramsar site together comprise the Solent European marine sites).

5.62 In respect of the New Forest, the Council will continue to work together with partners to assess the impact of development proposals on protected areas and measures to mitigate any impacts as necessary. Eastleigh will also continue to work in partnership with New Forest District Council to help to deliver the Green Halo.

5.63 Under the E.U. Habitats Directive and the E.U. Birds Directive (as transposed into national law as the Habitat Regulations) and the Ramsar Convention the Council has a duty to give these areas the strongest protection against damaging development. If a development proposal is likely to have a significant effect on one of these sites, either alone or in combination with other projects, the Council will carry out an appropriate assessment to establish the implications of the scheme for the identified nature conservation interests of the site. The Council will seek to avoid any damage to the integrity of these areas and the species they support. This may entail the negotiation of mitigation measures or contributions to such measures from new development.

5.64 The Local Plan's habitat regulations assessment has identified circumstances in which mitigation measures will be required to ensure there is no adverse effect on international designations. Such measures must be implemented with the development. Developments

may also require project level HRAs to address their specific impacts.

- 5.65 Where mitigatory provision is needed, the over-riding principle is that as a minimum, no net loss should occur to biodiversity and a net gain should be secured where possible. This should factor in the uncertainty around achieving the requisite habitat quality and the loss of biodiversity value for the period before the requisite value has been attained for European sites. Compensatory provision can only be considered where there are no alternative solutions and if 'imperative reasons of overriding public interest' (IROPI) for the project to proceed can be demonstrated.
- 5.66 Through its Annual Monitoring Report the Council will monitor the effectiveness of the joint strategic approach to avoidance and mitigation of effects on European sites. It will respond to the findings of new evidence where necessary in order to preserve the integrity of European sites.

National and Local Nature Conservation Designations

- 5.67 There are five Sites of Special Scientific Interest (SSSIs) in the Borough at:

- Moorgreen Meadows;
- Lincegrove and Hacketts Marshes;
- Upper Hamble Estuary and Woods;
- Lee-on-the-Solent to Itchen Estuary; and
- River Itchen

These sites are of national importance and protected from damaging activities by the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.

- 5.68 In addition to the statutorily designated nature conservation sites there are others that are of local nature conservation value. Sites of Importance for Nature Conservation (SINC) are identified on the policies maps during the Local Plan process, and are monitored and reviewed frequently. On-going surveys can reveal new areas that warrant such protection. Policy DM11 will be applied to any new sites or extensions to existing sites until the policies maps can be updated in the next review of the Local Plan. Up-to-date information about SINC within the Borough should be sought from Hampshire Biodiversity Information Centre. The appropriate size of buffers free from development will be considered on a site by site basis and informed by the results of surveys undertaken for each proposed development.

- 5.69 Local Nature Reserves protect habitats of local significance. There are currently six Local Nature Reserves (LNR) in the Borough:

- Hocombe Mead Local Nature Reserve (Chandler's Ford);
- Mercury Marshes Local Nature Reserve (Bursledon);
- Hackett's Marsh Local Nature Reserve (Bursledon);
- Netley Common Local Nature Reserve (near Thornhill, Southampton);
- Westwood Woodland Park Local Nature Reserve (Netley Abbey); and
- Manor Farm Local Nature Reserve (Botley/Bursledon)

- 5.70 The Council will consider the designation of further Local Nature Reserves on sites in the

Borough in the Council's ownership or legal control if the land is already being managed as a nature reserve, and is of sufficient nature conservation interest to provide beneficial opportunities for environmental education/research and/or enjoyment by the public. Local Nature Reserves can also be designated by the County Council - also by town/parish Councils if powers are delegated to them for this purpose.

Other species and habitats

- 5.71 The protection of certain species, and often the habitat and other features that sustain them, is a legal obligation under the Habitats Regulations, the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and The Protection of Badgers Act 1992. The presence of such species is a material consideration in dealing with planning applications, and the Council will follow all Natural England guidance and standing advice or recognised best practice guidance. Where protected species could be present applicants will be required to undertake survey work, assessment and propose mitigation before their proposals can be considered.
- 5.72 Threatened habitats and species, known as Habitats and Species of Principal Importance (and also as priority habitats and species) have been identified within s41 lists within the Natural Environment and Rural Communities Act 2006. S40 states that Local Authorities and a number of other public bodies have a duty to conserve biodiversity and must have regard to these lists.
- 5.73 Habitats and features that are important for wildlife but outside designated nature conservation sites are also necessary to maintain the biodiversity of the Borough. The revised Eastleigh Borough Biodiversity Action Plan (July 2012⁴⁵) sets out ways in which the Borough's biodiversity can be conserved and enhanced, and defines Priority Biodiversity Areas and Priority Biodiversity Links. These are areas with the greatest concentrations of priority habitats and species or potential to enhance or restore priority habitats and links where there is opportunity to enhance, restore or create areas, corridors or stepping stones of habitat to facilitate the movement of priority species.
- 5.74 There are ten priority biodiversity areas in the Borough at: Flexford and Hocombe, Chilworth, Allbrook, Lakeside and Fleming Park, Itchen Valley, Wyvern, Stoke Park, Moorgreen, Netley and Bursledon Commons, Solent Coast, Hamble Estuary and Ford Lake. Priority biodiversity links have been defined at the Hampshire Corporate Business Park (Chandler's Ford), Monks Brook, the M3 and M27 corridors, all the rail corridors, Bowlake (Bishopstoke), Knowle Park (Fair Oak), Chalcroft (Horton Heath), Moorgreen Stream (West End), Cricket Ground (adjoining the Ageas Bowl), Wildern (Hedge End), Marks Farm (Botley), Old Netley, Tickleford Gully (Netley), and Hamble Airfield.
- 5.75 The local ecological network comprises the international, national and locally designated sites of importance for biodiversity, land functionally linked to these designations, local nature reserves, ancient woodland and veteran trees, protected and notable species and their habitats, sites identified for habitat restoration and/or the creation of compensatory measures for the adverse effects on biodiversity, appropriate buffer zones, and wildlife corridors that connect the above features (for example important hedgerows and watercourses). Planning applications should be supported by an adequate and proportionate assessment of their effect on the network, and by mitigation or compensation and biodiversity net gain proposals as required.

⁴⁵ The revised Eastleigh Biodiversity Action Plan updated in July 2012 can be seen at: www.eastleigh.gov.uk/biodiversity

- 5.76 In accordance with the Biodiversity Action Plan 2012-2022 and the NPPF, the Council will through the planning process (including financial contributions through CIL or other mechanisms) secure the enhancement of existing and the creation of new areas of nature conservation value- for example as part of landscape schemes, environmental improvements and countryside management schemes associated with new development. Such enhancement and creation of biodiversity interest will be sought particularly within the Eastleigh Biodiversity Priority Areas and Priority Links. The Council will also have regard to opportunities to manage wetland habitats in ways that assist delivery of the Environment Agency's River Basin Management Plan⁴⁶.
- 5.77 All applications affecting greenfield sites or known biodiversity interests should be accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP), agreed by the Council Ecologist at an early stage in the planning process. This will demonstrate how the proposal delivers a net gain in biodiversity.
- 5.78 Other policies in this Local Plan, for example those seeking to limit the use of the private car, and those relating to climate change and sustainable drainage will also assist with the mitigation of impacts on biodiversity interests.

Policy DM12, Heritage Assets

- 1. Development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset, and sustains and enhances its special character and qualities. The more important the asset, the greater the weight that should be accorded to this criterion. Permission for development which results in substantial harm to, or loss of, designated assets of the highest significance will be wholly exceptional. Development which involves the demolition or destruction of any part of other heritage assets will not be permitted unless its removal or replacement would enhance or better reveal the significance of the asset. In these circumstances, the developer will be required to record and advance understanding of the significance of any heritage assets to be lost, in a manner appropriate to their importance and the impact, and to make this evidence publicly accessible.**
 - a. Development that affects an archaeological site either above or below ground that is already identified or discovered through development proposals will only be permitted provided:**
 - i. if the remains cannot be preserved in situ, the clear and convincing overriding public benefits of the development that cannot be achieved by any other means is sufficient to outweigh the value of the remains; and**
 - ii. prior to the commencement of the development, provision has been made for a programme of archaeological investigation and recording and for this evidence to be made publicly accessible;**
 - b. It achieves a high standard of design which respects and complements the character and qualities of the heritage asset(s);**
 - c. Where necessary, it secures the long-term future maintenance and management of the asset;**
 - d. Where possible, it enables public enjoyment and interpretation of the**

⁴⁶<https://www.gov.uk/government/collections/river-basin-management-plans-2015#south-east-river-basin-district-rbmp:-2015>