



ecosupport

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27th February, 2026

RE: Preliminary Ecological Appraisal, Land adjacent to The Roll Call, Netley, SO31 5FJ

Background

This report acts to provide details on the current ecological baseline and any potential constraints and proposed mitigation to support the permission in principle for the application for the land adjacent to The Roll Call, Netley. The proposals entail the construction of a single dwelling.

Site Description and Location

The site is located adjacent to a building known as The Roll Call, Woolston Road, Netley Abbey, Southampton, SO31 5FJ (centred on OS grid reference: SU 46502 09340). The site itself is a field that was used as car storage (**Fig.1**). The site is bound by Woolston Road to the southwest, agricultural land from the west to northeast and the site associated with The Roll Call to the east and southeast. The wider environment consists of the suburban area of Netley, which consists of residential properties to the south and west and open fields to the north and east of the site, connecting to the urban expanse of the City of Southampton.

Figure 1. Approximate redline boundary of the site (Google Maps, 2026).



METHODOLOGY

Desk Study

Designated Sites

A search for designated sites within 1 km of the site was undertaken using freely available resources. In addition, a search was undertaken for any priority habitats on or nearby the site.

Waterbodies

Any ponds located within 250m of the proposed development were searched for using Ordnance Survey maps and available aerial images.

Field Survey

Habitats

A site walkover was carried out by Katalin Balázs BSc (Hons) MSc ACIEEM and Milo Henderson BSc (Hons) MRes on the 18th of February 2026 during suitable weather conditions to assess the site for ecological impacts and constraints that may arise as part of the proposed development. Habitats on site pre-development were identified in accordance with the categories specified for a UK Habitats survey, using Habitat Definitions Version 2.0 (UKHab Ltd., 2023).

Badgers

During the walkover the site was thoroughly searched for evidence of use by Badgers (*Meles meles*), with the specific aim of identifying the presence and location of any setts. In accordance with the *Badgers and Development: A Guide to Best Practice and Licensing* (Natural England, 2011) guidance, the survey accounted for 30m from the site's boundary (observed where possible i.e., does not conflict with private dwellings). Evidence of Badgers could include latrines, dung pits, feeding remains and foraging evidence, trails and setts.

Bats

A preliminary roost assessment of the two buildings on site was undertaken in February 2026 by Katalin Balázs BSc (Hons) MSc ACIEEM. This followed BCT (Collins (ed) 2023) best practice survey guidelines searching for any PRFs / evidence of bat occupation and assigning a roost potential assessment as outlined in **Table 1** below.

Table 1. Guidelines for assessing the potential suitability of a built structure for roosting bats (reproduced from BCT (Collins (ed) 2023).

Suitability	Description of Roosting Habitats
Negligible	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ² and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e., unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats ³).
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions ² and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ² and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g., maternity or classic cool/stable hibernation site.
2 For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance. 3 Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2016 and Jansen et al., 2022). Common pipistrelle swarming has been observed in the UK (Bell, 2022 and Tomlinson, 2020) and winter hibernation of numbers of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust, 2018). This phenomenon requires some research in the UK, but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.	

Limitations

Although the survey was undertaken outside the optimum timing for the identification of botanical interest species, it was considered that the majority of species present could be suitably identified; this was therefore not considered to represent a significant limitation to the overall assessment. This survey does not constitute a full site assessment for invasive species, such as Japanese Knotweed (*Reynoutria japonica*), but these were noted if found.

ECOLOGICAL BASELINE

Desk Study

Designated Sites

Using freely available resources, the following sites are located within 1km of the site boundary:

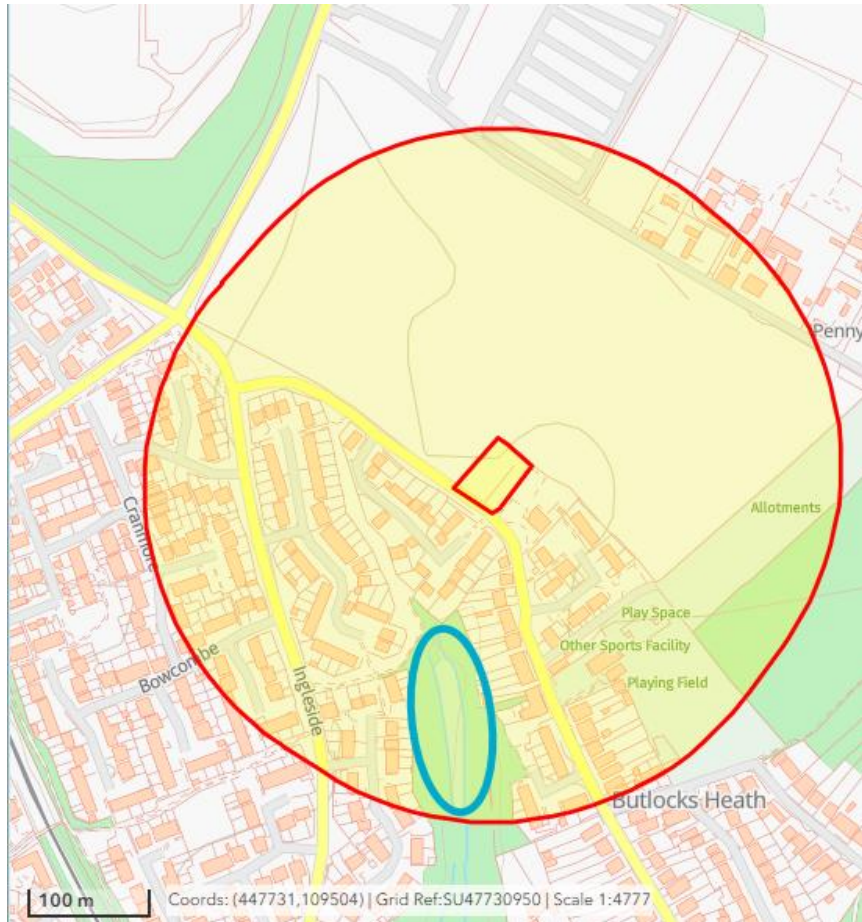
- West Woodland Park LNR (approximately 440.10m west of the site).

Notwithstanding this, the site is located within the recreational zone of influence (Zoi) 13.8 km buffer for the New Forest SPA, SAC and Ramsar (located 5.75km SW) and the recreational Zoi 5.6km buffer for the Solent & Southampton Water SPA & Ramsar (located 1.38km SW). In addition, the site lies within the nutrient impact area for the Solent designated sites.

Waterbodies

Using freely available online resources, one waterbody was identified within 250m of the site, a culvert known as Spear Pond Gully (**Fig 3**).

Figure 3. View of the waterbodies within 250m of the site (highlighted in blue).



Habitats

The vegetation within the site has been described below using the UK Habs Habitat Definitions Version 2.0 (UKHab Ltd., 2023). This was chosen as an additional habitat categorisation system as it fits within the Statutory Biodiversity Metric calculation. The below species noted should not be considered an exhaustive list and instead refer to dominant, characteristic and other noteworthy species associated with each community within the survey area. The habitat types on site, as shown in **Appendix 1** comprise:

- Modified grassland (g4) - Tall forbs (16)
- Bramble scrub (h3d)
- Mixed scrub (h3h) - Line of trees (33)
- Buildings (u1b5)

Modified grassland (g4) – Tall forbs (16)

The majority of the site was modified grassland (**Fig.4**). The grassland habitat was noted to support a forb density consistently 4-5 species / m², with species noted including: Perennial Rye Grass (*Lolium perenne*), Cocksfoot Grass (*Dactylis glomerata*), Creeping Buttercup (*Ranunculus repens*), Dandelion (*Taraxacum spp.*), Ribwort Plantain (*Plantago lanceolata*), Greater Plantain (*Plantago major*) Dock (*Rumex spp.*), Red Clover (*Trifolium pratense*), Vetch (*Vicia spp.*), Yarrow (*Anchillea millefolium*), Cleavers (*Galium aparine*), Thistle (*Cirsium spp.*), Lords and Ladies (*Arum maculatum*), Dead nettle (*Lamium maculatum*), Doves foot Cranesbill (*Geranium molle*), Mouse-ear Chickweed (*Cerastium fontanum*). In the southwestern parcel of the site there were also tall forbs, species identified were Nettle and Dock (**Fig.5**).

Figure 4. Modified Grassland on site (Taken February 2026).



Figure 5. Tall Forbs on site (Taken February 2026).



Bramble scrub (h3d)

In the southwestern parcel and scattered around the site there was bramble (*Rubus fruticosus*) (**Fig.7**).

Figure 6. Bramble scrub on site (Taken February 2026).



Mixed scrub (h3h) – Line of trees (33)

Around all boundaries of the site there was mixed scrub with species identified as Holly (*Ilex aquifolium*) and Bramble. The trees around the site were all Pedunculate Oak (*Quercus robur*) (**Fig.8**).

Figure 8. Mixed scrub and line of trees present on site (Taken February 2026).



Buildings (u1b5)

On site there were 2 buildings. One was a shed made entirely of metal (**Fig.9**), and the other was a shed made of a wooden frame and metal (**Fig.10**).

Figure 9. Metal shed on site (Taken February 2026).



Figure 10. Wooden framed shed on site (Taken February 2026).



Bats

Pre-existing data

Using freely available resources, 5 Bat EPSLs were identified within 2km of the site boundary, 4 were for Common Pipistrelle (*Pipistrellus pipistrellus*) and 1 was for Brown Long Eared (*Plecotus auritus*). The closest being approximately 440m east of the site boundary.

Buildings

Both buildings on site offer unsuitable features for roosting bats; they both appear to be permanently open at one end which would allow light to enter during the day. Both also consist of one layer of metal which limits crevices and cracks for bats to roost and acts as a poor thermal insulator allowing temperature fluxes. Due to the lack of suitable roosting features conditions, it is considered that both buildings offer **negligible roosting potential** for bats.

Foraging and Commuting Bats

The grassland, trees and scrub provide suitable habitat and foraging opportunities. Based on the nature of the habitats on-site, the site is considered to be of **low potential** for foraging and commuting bats with far more suitable habitat located in the wider landscape, with the boundaries being retained in their current state.

Badgers & Other Terrestrial Mammals

Pre-existing data

Using freely available resources, there were no records of badgers within 1km of the site boundary.

Site Assessment

During the walkover, no Badger setts or evidence of Badgers was noted on site. The site comprises suitable habitat to support both commuting and foraging Badger. Due to the connectivity of the site to suitable habitat in the surrounding landscape, the site is considered to provide **low potential** for foraging and commuting Badgers and other terrestrial mammals.

Reptiles

Pre-existing data

Using freely available resources, the only reptile recorded within 1km of the site boundary was the Slow Worm (*Anguis fragilis*).

Site Assessment

The areas of modified grassland have tussock patches, there is also coverage of bramble scrub, which is suitable habitat for common reptiles (Edgar *et al.*, 2010), therefore it supports the structural and heterogeneity needed for foraging and commuting reptiles, which require a varied sward height and structured grassland to thrive. Beyond the site, the habitat has mixed suitability. To the north and west there are open fields with scrub patches, providing good habitat for reptiles, however to the south and east there are sealed surfaces, roads and residential properties which are

considered unsuitable for reptiles. A reptile survey was undertaken in 2017 with no reptiles found. Taking all this into consideration there is **low potential** for common reptile species to be present on-site.

Great Crested Newts

Waterbodies

One waterbody was identified within 250m of the site boundary (**Fig.3**). The Spear Pond gully was located roughly 111m southwest of the site.

Pre-existing data

Using publicly accessible databases, there are no records of GCN licence applications within 500m of the site (which would be the cut off point for dispersal between ponds).

Site Assessment

The site comprises largely of grassland and scrub which offers some potential to support terrestrial GCN. However, there are no ponds on-site which confirms there is a **negligible potential** for aquatic life GCN. The waterbody identified southwest of the site is flowing with part of it being a culvert (**Fig.11**). Where the gully resurfaces there are no areas where a pond or small pool have been created and the gully has a continuous low flow. There are also considerable barriers for a GCN to gain access to the site, notably a main road but also residential areas with nearly the entire 110m distance to the site consisting of built area comprising houses, road and maintained gardens. Considering the lack of records, lack of suitable habitat on site, poor suitability of the waterbody, poor connectivity and barriers to dispersal present, the site is considered to offer **negligible potential** for GCN.

Figure 11. Spear Pond gully, found within 250m of the site boundary (Taken February 2026).



Hazel Dormice

Pre-existing data

Using freely available resources there are no records of Dormice or Dormice EPSLs within 1km of the site boundary.

Site Assessment

There is no hedgerow present on site. There is however scrub which could provide habitat to dormice on site, but the scrub is not connected to any wider habitat that could be suitable for Hazel Dormice, meaning the site is isolated from any suitable habitat within the surrounding environment. As such, the site is considered to offer ***negligible potential*** to support Hazel Dormice.

Breeding and Nesting Birds

Pre-existing data

Using freely available data sources, 6,911 records representing 97 bird species were identified within 1 km of the site boundary.

Site Assessment

There is suitable habitat for breeding and nesting birds around the boundary of the site and within the bramble scrub in the southern parcel. As such, the site is considered to provide habitats of ***moderate potential*** to breeding and nesting birds.

LIKELY IMPACTS IN THE ABSENCE OF MITIGATION

Site Preparation and Construction

Impacts to Habitats

The proposed development will predominantly involve the loss of modified grassland and bramble scrub considered to be of value at the **site level** of significance. Therefore, in the absence of mitigation, the loss of habitat would have a **minor adverse impact** to habitats of **site** value.

Impacts to Wildlife

Bats

Both buildings were noted to be of **negligible potential** for roosting bats. Consequently, it is unlikely that construction works would result in the destruction of bat roosts and death of bats, if present. In the absence of mitigation, **an adverse impact is possible** (scale would be determined by the nature of bat roosts present and the species).

Badgers

The proposed works may involve groundworks and the creation of some excavations. This may lead to the potential of Badgers, becoming trapped or injured during the works. Therefore, in the absence of mitigation **an adverse impact is possible** at the **local level**.

Reptiles

The proposed works will involve the removal of the grassland and the bramble scrub through the centre. This could result in disturbance, harm or even death of reptile species. Therefore, in absence of mitigation an **adverse impact is possible** at the **site level** of significance.

Breeding and Nesting Birds

The scrub proposed to be removed offers favourable nesting opportunities, and if the works are undertaken during bird nesting season (March – September) this could result in the disturbance to or destruction of bird's nests. Removal of suitable nesting habitat during this period could lead to the disturbance, harm or even death of any nesting birds, if present. Therefore, in the absence of mitigation, it is considered that the works will result in a **potential adverse impact** at the **site level** of significance.

Site Operation

Impacts to Nocturnal Wildlife

The development may result in an increase in lighting within the general area from external lighting associated with the development. This can affect the behaviour, particularly foraging, of nocturnal wildlife such as Badgers and bats. Therefore, **an adverse impact is possible** at a likely **local level**.

Impact to designated sites

Due to a net addition of accommodation units on site, the development will result in an increase in nitrogen input into the wastewater treatment works, which is within a watershed draining into the Solent which has the potential to

deteriorate designated sites. In addition, the site is within the recreational ZOI for the Solent & Southampton Water SPA. Therefore, an ***adverse impact is certain*** on the Solent and Southampton Water SPA, a site of ***international significance***.

The site is located within the recreational ZOI for New Forest SAC & SPA. The proposals involve a development of 1 dwelling and therefore will result in possible increased visitor pressure to the designated sites. Therefore, there will be ***an adverse impact to features of international value***.

Recommendations

The below sections outline a number of recommendations and proposed mitigation and compensation measures that are appropriate and proportionate. In addition to this, measures are outlined to protect the existing features of value and provide enhancements post-development.

Protection of Retained Habitats

The scrub and trees proposed to be retained will be protected from damage during the works. They will be fenced using Heras fencing or similar to prevent damage from machinery. Where mature trees are present, they will be protected using standard arboricultural tree protection measures which include protection of the canopy and preventing root compaction. This will also protect any species that may inhabit the scrub or trees such as nesting birds, should they be present.

Bats

As both buildings on site offer negligible roosting potential and the habitats that offer foraging and roosting opportunities are being retained, no further survey work is required.

Sensitive Lighting for Nocturnal Species

Lighting During Construction

In order to avoid any disturbance to bats (and other potential nocturnal wildlife) construction works should be limited to daylight hours and should not be undertaken 30 minutes prior to dusk through to dawn. All lighting should be sensitive to the use of the site by nocturnal wildlife, for example by including low-level downward-facing / hooded lights that are sensor-operated where possible.

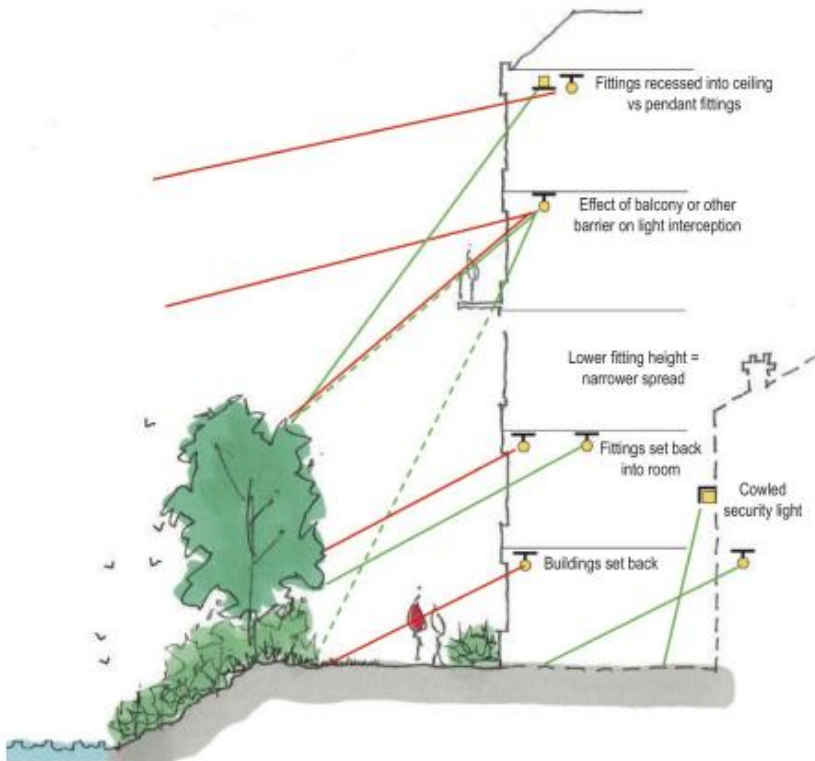
Lighting During Operation

It is uncertain on whether any lighting will be used within the proposed development. However, it is likely it will be required during the darker months. It is recommended that any lighting complies with the following the newly published *Guidance Note 08/23 Bats and Artificial Lighting at night* (ILP / BCT, 2023) produced via a collaboration between the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), which outlines the latest recommendations to minimise the impacts of increased artificial lighting on bats. The key recommendations within this document have been outlined below and will be implemented as far as is practicable:

'Light sources, lamps, LEDs and their fittings come in a myriad of different specifications which a lighting professional can help to select. However, the following should be considered when choosing luminaires and their potential impact on Key Habitats and features:

- All luminaires will lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used*
- LED luminaires will be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability*
- A warm white light source (2700Kelvin or lower) will be adopted to reduce blue light component*
- Light sources will feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012)*
- Internal luminaires can be recessed (as opposed to using a pendant fitting - See **Fig 12**) where installed in proximity to windows to reduce glare and light spill*
- Waymarking inground markers (low output with cowls or similar to minimise upward light spill) to delineate path edges (see Case Study 1)*
- Column heights will be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards*
- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01*
- Luminaires will always be mounted horizontally, with no light output above 90° and/or no upward tilt*
- Where appropriate, external security lighting will be set on motion sensors and set to as short a possible a timer as the risk assessment will allow. For most general residential purposes, a 1 or 2 minute timer is likely to be appropriate*
- Use of a Central Management System (CMS) with additional web-enabled devices to light on demand Use of motion sensors for local authority street lighting may not be feasible unless the authority has the potential for smart metering through a CMS*
- The use of bollard or low-level downward-directional luminaires is strongly discouraged. This is due to a considerable range of issues, such as unacceptable glare, poor illumination efficiency, unacceptable upward light output, increased upward light scatter from surfaces and poor facial recognition which makes them unsuitable for most sites. Therefore, they should only be considered in specific cases where the lighting professional and project manager are able to resolve these issues. See Case Study 6*
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely'*

Figure 12. Internal lighting mitigation options (ILP 2023).



Badgers

During the construction phase, any open excavations left overnight will either be covered to prevent commuting Badgers and other terrestrial mammals falling in or escape ladders will be used to prevent them from becoming trapped. Any open pipework will be checked and then capped nightly.

Reptiles

The site was considered to hold low potential for reptiles and amphibians. As such the following precautionary method statement will be adopted prior to any works commencing:

1 – Toolbox talk

Before any works commence, a suitably qualified ecologist must brief all site operatives. This briefing must include details of the legal protection of amphibians and reptiles, all precautionary steps that must be taken during the proposed works, an annotated key detailing the appearance, characteristics and optimal habitat of amphibians and reptiles as well as what actions need to be taken in the unlikely case a GCN is found on site.

2 – Sensitive habitat removal

The day prior to ground works commencing, all suitable vegetation on site in the area of which the proposed development will take place will be cut to a height of 20cm under the supervision of an ecologist. This must be done directionally towards the boundaries of the site to encourage reptiles / GCN to passively disperse. The ecologist on site

will then hand search any denser areas of cover such as leaf litter and potential refugia (i.e., deadwood, rubble) where these areas are to be directly impacted upon.

Next day, an ecologist will undertake a fingertip search of the remaining stalks prior to clearance to ground level. Where amphibians or reptiles are found, they will be moved to the retained habitats. All vegetation on site must be kept managed during the development to ensure that reptiles don't establish whilst works take place.

NB. In the unlikely instance that a GCN is found during any works, all works must immediately stop and the project ecologist must be informed. Natural England will then need to be consulted.

Breeding and Nesting Birds

In order to avoid disturbance of breeding and nesting birds or damage to their nests, any works to the trees/scrub on site will avoid bird nesting season (typically March – August, dependent on weather). If this is not possible, the areas will be thoroughly checked by an ecologist immediately prior to works. If any active nests are found, they should be left undisturbed with a suitable buffer within which works cannot take place (ca. 5m) until nestlings have fledged.

Biodiversity Net Gain & Enhancement Features

It is understood that the application falls under the 'Self Build/Custom Build' exemption. As such, mandatory Biodiversity Net Gain is not required. With the recommendations for enhancement below, it is considered the site will provide a sufficient net gain in biodiversity.

Bat and Bird Features

To act as a biodiversity enhancement, 1 No Ibstock bat brick (**Fig.13**) will be integrated within the external brick work. These features are entirely self-contained and available in a variety of different colours to match different construction materials. They should ideally be placed on an elevation which will benefit from some degree of sunlight exposure and be located away from windows.

Figure 13. Ibstock bat brick 'B' which will be integrated into the new building.



Additionally, the new building will incorporate 2 No swift bricks, as swifts are social breeders and benefit from nesting in small colonies. The Ibstock 'Eco Home for Swifts' brick, or a similar integrated brick, will be installed (**Fig 14**) as it is a discreet and attractive box ideal for new dwellings. The box should be installed under the eaves or in high walls in shaded areas out of direct sunlight and away from windows. The installation of such boxes has also been shown to be beneficial for House Sparrows (*Passer domesticus*) which are a nationally declining species.

Figure 14. Ibstock Eco home for swifts that are recommended to be incorporated into the newly built dwellings.



To enhance the site for woodland and garden birds, 1 No bird box will also be installed on the retained boundary trees, preferably to the west or north of the site. Vivara Pro Seville 32mm WoodStone Nest Boxes will be installed (**Fig 15**). Woodstone does not rot and encloses birds from predators, whilst allowing a consistent temperature to be kept within the nest box. The box must be implemented at a height of 3m. Entrance holes should be directed away from direct sunlight, preferably towards the north and east to also avoid driving rain, whilst providing an unobstructed flight line to and from the boxes during the Autumn. This bird box can be found at: <https://www.nhbs.com/search?q=bird+box&qtvview=214365>.

Figure 15. Recommended Vivara Pro Seville 32mm WoodStone Nest Box (NHBS 2025)



To enhance the site for bats, 1 No 2F Schwegler Bat Box with Double Front Panel (or similar) will be installed of one of the large, retained trees (**Fig.16**). The second inner wooden panel creates a cavity wall, providing suitable roosting locations for bats that commonly inhabit crevices. This box is constructed of woodcrete, which does not rot, leak or crack and is breathable, whilst maintaining a stable temperature within the box. Rough surfaces are also present, which can be used by bats for climbing and clinging onto. The box must be placed at a height between 3m and 6m in a position which receives sunlight, but that is away from artificial light. This bat box can be found at: <https://www.nhbs.com/2f-schwegler-bat-box-with-double-front-panel>.

Figure 16. 2F Schwegler Bat Box with Double Front Panel to be installed (NHBS, 2025).



New Forest Recreational Impacts

The Local Plan requires mitigation for potential recreational impacts to The New Forest SPA and SAC for development within the district. As this development is under 50 new dwellings this mitigation can be provided financially. This contribution will go towards the provision of new green spaces and the enhancement of existing green spaces and walking routes, including long-term maintenance and management costs. The rolling supply of projects will be maintained by the Council.

Solent Recreational Impacts

The site lies within the vicinity the Solent & Southampton SPA. In order to mitigate for the likely increases in residential pressure upon this SPA, due to the high densities of wildfowl and waders for which the area is predominantly protected, the Solent Recreation Mitigation Strategy (SRMS) (Bird Aware Solent, 2017) has been introduced in collaboration with Natural England, comprising a partnership of all local councils. Mitigation will be a financial compensation at the rates set by Bird Aware Solent.

Nitrogen mitigation in The Solent

The site is likely to result in an increase in nitrogen run-off to the Solent through added waste to the wastewater treatment works due to the net addition of accommodation units on site. Natural England has laid out guidance for calculating and mitigating any increased nitrogen from new development (Natural England, 2022). A nitrogen budget calculation will be completed to measure the amount of increased nitrogen from the development and mitigation will be required to offset this.

Conclusion

This PEA acts to provide details on the current ecological baseline and any potential constraints and proposed mitigation to support the planning in principal application for the land adjacent to The Roll Call, Netley. The site has been noted to offer potential to support commuting and foraging Badger, and breeding and nesting birds. Mitigation and recommendations were considered necessary have been outlined within this PEA to ensure proposed development does not result in an adverse impact to habitats and protected species, as well as provision of enhancement features for biodiversity.

Kind regards,

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Assistant Project Ecologist

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LEGISLATION

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats and Species Regulations 2017 transposes the EU Habitats Directive (Council Directive 92/43/EEC) into UK domestic law. It provides protection for sites and species deemed to be of conservation importance across Europe. It is an offence to deliberately capture, kill or injure species listed in Schedule 2 or to damage or destroy their breeding sites or shelter. It is also illegal to deliberately disturb these species in such a way that is likely to significantly impact on the local distribution or abundance or affect their ability to survive, breed and rear or nurture their young.

The Conservation of Habitats and Species Regulations 2019 (EU Exit) makes changes to the three existing instruments which transpose the Habitats and Wild Birds Directives so that they continue to work (are operable) upon the UK's exit from the European Union (EU). These include The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017. This instrument also amends section 27 of the Wildlife and Countryside Act 1981 to ensure existing protections continue. The intention is to ensure habitat and species protection and standards as set out under the Nature Directives are implemented in the same way or an equivalent way when the UK exits the EU.

In order for activities that would be likely to result in a breach of species protection under the regulations to legally take place, a European Protected Species (EPS) licence must first be obtained from Natural England.

The Wildlife and Countryside Act (1981) (as amended)

This is the primary piece of legislation by which biodiversity is protected within the UK. Protected fauna and flora are listed under Schedules 1, 5 and 8 of the Act. They include all species of bats, making it an offence to intentionally or recklessly disturb any bat whilst it is occupying a roost or to intentionally or recklessly obstruct access to a bat roost. Similarly, this Act makes it an offence to kill or injure any species of British reptiles and also makes it an offence to intentionally kill, injure or take any wild bird or to take, damage or destroy their eggs and nests (whilst in use or being built).

The Wildlife & Countryside Act (1981) states that it is an offence to 'plant or otherwise cause to grow in the wild' any plant listed in Schedule 9 part II of the Act. This list over 30 plants including Japanese Knotweed (*Fallopia japonica*), Giant Hogweed (*Heracleum mantegazzianum*) and Parrot's Feather (*Myriophyllum aquaticum*).

The Countryside and Rights of Way Act (2000)

This Act strengthens the Wildlife & Countryside Act by the addition of "reckless" offences in certain circumstances, such as where there is the likelihood of protected species being present. The Act places a duty on Government Ministers and Departments to conserve biological diversity and provides police with stronger powers relating to wildlife crimes.

Natural Environment and Rural Communities Act (2006)

The Natural Environment and Rural Communities (NERC) Act 2006 requires that public bodies have due regard to the conservation of biodiversity. This means that Planning authorities must consider biodiversity when planning or undertaking activities. Section 41 of the Act lists species found in England which were identified as requiring action under the UK Biodiversity Action Plan and which continue to be regarded as conservation priorities under the *UK Post – 2010 Biodiversity Framework*.

Protection of Badgers Act

The Protection of Badgers Act (1992) relates to the welfare of Badgers (*Meles meles*) as opposed to nature conservation considerations. The Act prevents:

- The wilful killing, injury, ill treatment or taking of Badgers and / or
- Interference with a Badger sett
- Damaging or destroying all or part of a sett
- Causing a dog to enter a sett and
- Disturbing a Badger while it is occupying a sett

Provisions are included within the Act to allow for the lawful licensing of certain activities that would otherwise constitute an offence under the Act.

The Environment Act (2021)

The Environment Act 2021 is the UK's new legislation for environmental protection in the UK, which includes protection of water quality, clean air, and biodiversity among other key protections. This Act provides the government power to set targets to reach long-term aims relating to the environment, which will be periodically reviewed and updated. This legislation also establishes a new environmental watchdog organisation, the Office for Environmental Protection (OEP), which will hold the government accountable on environmental issues.

Part 6 of The Environment Act relates to nature and biodiversity. This section makes provision for biodiversity net gain to be a condition of planning permission in England and a requirement for nationally significant infrastructure projects. Biodiversity net gain will require maintenance for a period of at least 30 years after the completion of enhancement works to be achieved.

The legislation also includes updates to existing environmental legislation, such as the NERC Act 2006, to strengthen biodiversity enhancement rather than just conservation and includes a requirement for local, or relevant, authorities to publish biodiversity reports. Further, The Environment Act places a requirement on responsible authorities to prepare local nature recovery strategies, which will outline nature conservation sites and priorities and opportunities for recovering or enhancing biodiversity within the local area. Within England, the legislation also provides Natural

England with the power to publish ‘species conservation strategies’ and ‘protected site strategies’ to identify activities that may affect a species or site’s status and outline their opinions on measures that would be appropriate to avoid, mitigate or compensate any adverse impacts.

National Policy

The National Planning Policy Framework (NPPF) (2024) sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Chapter 15 ‘Conserving and enhancing the natural environment’ states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity, the wider benefits from natural capital and ecosystem services, and minimising impacts on and providing net gains for biodiversity including by incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

The NPPF states that plans should distinguish between the hierarchy of international, national and locally designated sites and land should be allocated with the least environmental or amenity value and take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure for the enhancement of natural capital at a catchment or landscape scale.

To protect and enhance biodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gains for biodiversity.

The NPPF states determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Potential SPAs and possible SACs, listed or proposed Ramsar sites and sites required as compensatory measures for the previous should be given the same protection as habitats sites.

Local – Eastleigh Borough Council

The Eastleigh Borough Local Plan 2016 – 2036 has a number of policies relating to ecology with the relevant ones listed below;

‘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;

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.'*

