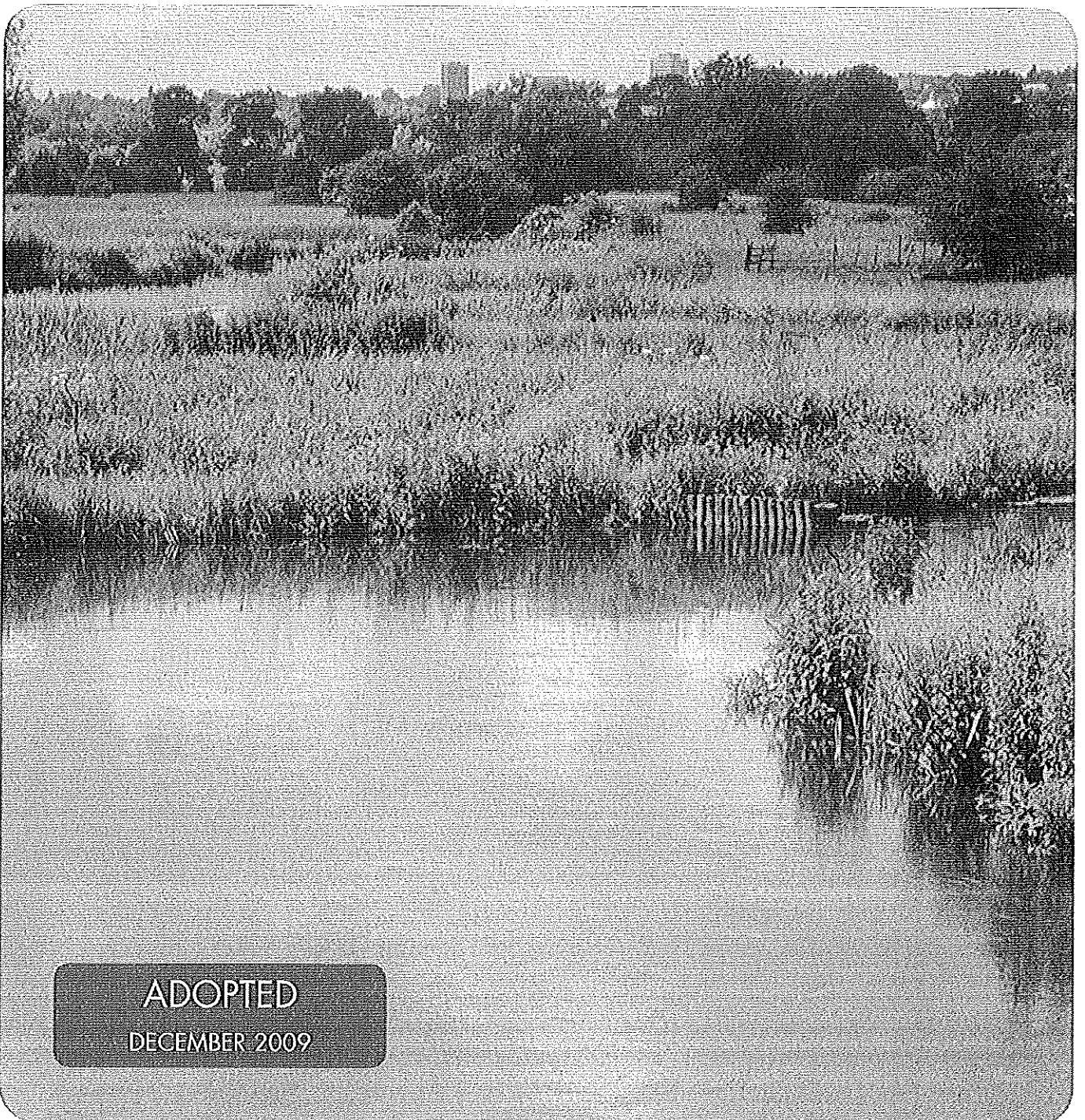


Biodiversity

Supplementary Planning Document



ADOPTED
DECEMBER 2009

Preface

Title of SPD

Biodiversity SPD

Subject

The Biodiversity SPD is intended to provide additional guidance on the legal and policy basis for the saved nature conservation policies within the adopted Eastleigh Borough Local Plan Review (2001-2011), and on the interpretation of these policies. It forms part of the statutory Local Development Framework for Eastleigh Borough. To provide additional guidance supplementary to the South East Plan, and the Council's Local Development Framework.

Adoption

The SPD was published in draft in October 2009 for a six-week period of public consultation, subsequently extended by a further week. During that time 24 representations were received. In response to these, a number of minor changes were made to the text of the document. The SPD was adopted by Eastleigh Borough Council's Cabinet on 10 December 2009

Evidence

The evidence base for this SPD was drawn from international and national conservation guidance and local information.

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Chapter 1 - Introduction: The Purpose and Status of this Supplementary Planning Document

Purpose of this guidance

- 1.1 This Supplementary Planning Document (SPD) seeks to provide additional guidance on the legal and policy basis for the Nature Conservation chapter and its policies within the Eastleigh Borough Local Plan Review (2001-2011). It details the procedures, information and proposals that the Council will expect to see incorporated into development applications which have the potential to affect nature conservation interests in the borough.
- 1.2 The SPD will form part of the statutory Local Development Framework (LDF) for Eastleigh Borough. When work on the remainder of the LDF is complete, the SPD will be reviewed again to bring it into line with new biodiversity policies.

Definition of Biodiversity

- 1.3 Biodiversity is the variety of life on earth, and includes all species of plants and animals and the natural systems that support them¹

Definition of Geodiversity

- 1.4 Geodiversity is the variety of rocks, minerals, soils and landscape, together with the natural processes which form them. Geodiversity provides the framework for life on earth so underpins biodiversity with soil the link between them².

Importance of Biodiversity and Geodiversity

- 1.5 Biodiversity enhances the areas in which we live and work. The presence of wildlife can contribute to people's sense of well-being and provide a better quality of life.
- 1.6 Conservation of biodiversity is vital to secure a healthy environment to support human life such as clean water and air, fertile soil in which to grow food, materials for shelter and clothing, and fuel for warmth. It is also vital in our response to climate change³.
- 1.7 Developments which take into account the role and value of biodiversity can support economic diversification and contribute to delivering high quality environments throughout the borough. The planning system has a significant part to play delivering these objectives.

1 Guidance for Local Authorities on implementing the biodiversity duty (p3, DEFRA 2007)

2 UK Regionally Important Geological/ geomorphological Sites (RIGS) leaflet

3 Guidance for Local Authorities on implementing the biodiversity duty (p3, DEFRA 2007)

Chapter 2 - The Borough's Biodiversity and Geodiversity

The Borough's Biodiversity

- 2.1 Eastleigh Borough and surrounding areas support a wide variety of wildlife-rich habitats. These include ancient semi-natural woodland and semi-improved grasslands, along with rivers, wetland and coastal systems which support a wide range of flora and fauna including a many different mammals, birds, insects and plants.
- 2.2 Over the past 200 years, the land use of the borough has changed dramatically. Many of our wildlife-rich natural habitats have been lost, decreased in size or become fragmented. It is estimated that about 100 species are thought to have become extinct in Hampshire in the last century. In the borough itself, historical records show that there used to be a greater abundance of species and habitats than those present today⁴.

International and European Sites

- 2.3 There are four international and European statutory nature conservation sites in the borough. These sites can be found on the Local Plan proposals map. They are designated by Natural England and may be subject to change through their statutory powers:

River Itchen Special Area of Conservation (SAC)
Solent Maritime Special Area of Conservation (SAC)
Solent & Southampton Water Special Protection Area (SPA)
Solent & Southampton Water Ramsar Site

- 2.4 These sites are considered to be of international importance for nature conservation and are strictly protected from damaging activities under the provisions of the Conservation (Natural Habitats &c) Regulations 1994 (as amended), more commonly known as 'the Habitats Regulations'.

Sites of Special Scientific Interest (SSSI)

- 2.5 There are currently five statutory SSSIs in the borough which can be found on the Local Plan proposals map. They are designated by Natural England and may be subject to change through their statutory powers:

Moorgreen Meadows SSSI (West End)
The River Itchen SSSI (Itchen Valley corridor)
Lincegrove to Hacketts Marsh SSSI (River Hamble)
Upper Hamble Estuary and Woods SSSI (River Hamble)
Lee-on-The-Solent to Itchen Estuary SSSI (Solent Coast)

⁴ 'Wild About Eastleigh - a Biodiversity Action Plan for the Borough' (Eastleigh Borough Council, May 2002), which is also known as the Eastleigh BAP

- 2.6 These sites are considered to be of national importance for nature conservation and are protected from damaging activities under the provisions of the Wildlife and Countryside Act 1981(as amended) and the Countryside and Rights of Way Act 2000.

Local Sites

- 2.7 There are two types of Local Wildlife Sites in the borough:

Sites of Importance for Nature Conservation (SINCs)

- 2.8 Sites which are important for nature conservation at the county and borough level are called Sites of Importance for Nature Conservation (SINCs). Many support UK Biodiversity Action Plan priority habitats and species. These sites are not statutorily protected.
- 2.9 SINCs are identified following established criteria and in this borough generally fall into one of the following categories:
- i. ancient semi-natural woodland & pasture woodland
 - ii. semi & unimproved grasslands
 - iii. relic heathland
 - iv. coast and estuary
 - v. wetland and open water
 - vi. support priority species
 - vii. support geodiversity features
- The SINC designation is applied to all sites which meet the selection criteria.
- 2.10 Proposed SINCs⁵ are identified by the Hampshire Biodiversity Information Centre (HBIC) and submitted to a Local Sites Panel for ratification in accordance with the Local Sites Guidance issued by DEFRA in 2006, which this Council recognises. The Panel is convened by HBIC under the Hampshire Biodiversity Action Plan Partnership Steering Group and comprises representatives from Natural England, Hampshire and Isle of Wight Wildlife Trust and Hampshire County Council Ecology Group.
- 2.11 There are currently approximately 140 SINCs within the borough. Up to date information on these sites and their boundaries is provided by HBIC on behalf of the Council. A current list of SINCs is provided in Appendix A.
- 2.12 The SINCs identified on the proposal maps of the adopted Local Plan Review 2001-2011 were based on ecological survey data available in 2003. Further survey work and reviews carried out since then have identified:
- i. additional sites which meet SINC selection criteria
 - ii. boundary amendments for previously identified SINCs
- 2.13 Whilst it is not possible to amend the adopted Local Plan Review 2001-11 proposals map, identified proposed changes to SINCs are published annually as part of the Council's Annual Monitoring Report.

5 Also includes any proposed amended or deleted SINCs

Local Nature Reserves (LNRs)

- 2.14 Natural England encourages local authorities to formally designate appropriate sites as 'Local Nature Reserves' under section 21 of the National Parks and Access to the Countryside Act 1949. LNRs are not just of local importance; many include designated SSSIs which are of national importance, and they can also include UK BAP Priority Habitats which are listed as being of Principal Importance in England, and are also of more than local importance.
- 2.15 A Local Nature Reserve designation demonstrates a commitment by the local authority to manage land for biodiversity, protect it from inappropriate development and provide opportunities for local people to study and enjoy wildlife.
- 2.16 There are currently six Local Nature Reserves (LNRs) in the borough:

Hocombe Mead LNR (Chandler's Ford)
Mercury Marshes LNR (Bursledon)
Hackett's Marsh LNR (Bursledon)
Netley Common LNR (near Thornhill)
Westwood LNR (Netley Abbey)
Manor Farm LNR (Botley/ Bursledon)

Management and Ownership of Sites

- 2.17 With the exception of Local Nature Reserves; the various designated sites throughout the borough are owned by private individuals and the public sector. Local Nature Reserves are held within public ownership.
- 2.18 Responsibility for managing the sites rests with the owners. The level of management will vary depending on the level of designation for the site and legislative responsibilities.

Protected Species

- 2.19 The borough contains a wide variety of species which receive protection under domestic or European legislation. The protection could be partial (prohibiting sale, for example) or full, in which case the disturbance, killing or injuring of just one of the species, or interfering with its habitat, could constitute an offence.
- 2.20 Appendix A of the Eastleigh Biodiversity Action Plan lists some of the species found in the borough which are protected by legislation, and details the protection afforded to them⁶.
- 2.21 Protected species within the borough include:

6 Protected species legislation is frequently subject to review and amendment. Up to date information can be found on the Joint Nature Conservation Committee (JNCC) website at www.jncc.gov.uk

- reptiles such as slow-worm, common lizard, grass snake and adder
- amphibians such as great crested newt
- mammals such as otter, watervole, dormice, badgers and bats
- birds such as barn owl and kingfisher
- insects such as southern damselfly

2.22 The list of species in the Eastleigh Biodiversity Action Plan is not exhaustive. This is because species distributions change and records may not exist for certain time periods and/or areas of the borough if no one has looked for them. Information on species in the borough can be requested from the Hampshire Biodiversity Information Centre (HBIC) at www3.hants.gov.uk/biodiversity/hbic which holds records submitted for the borough.

Priority Habitats and Species

2.23 Habitats and features which are important for wildlife, but which are outside designated nature conservation sites and not protected by legislation, are also necessary to maintain the biodiversity of the borough.

2.24 A list of habitats and species which are of principal biodiversity importance in England is published by the Secretary of State as a requirement of Section 41 of the Natural Environment and Rural Communities Act (NERC) in 2007. This list contains 65 habitats and 1150 species which have been listed as priorities for conservation action under the UK Biodiversity Action Plan (UK BAP) www.ukbap.org.uk. These are reflected in the South East Regional Biodiversity Strategy prepared by the South East England Biodiversity Forum⁷ (see para. 3.7 below). The Hampshire Biodiversity Action Plan prepared by Hampshire County Council identifies those of importance in the county and includes Action Plans for their conservation and management (see para. 3.8 below). The Eastleigh Biodiversity Action Plan identifies those within the borough (see paras. 3.52-3.54 below).

2.25 Many of the UK priority habitats and species occur within the borough. They are often linked to the habitat categories for Local Sites designations listed in paragraph 2.9, but may occur outside defined wildlife sites. Examples include ancient hedgerows and old ponds. In addition, the borough also contains many aged or 'veteran' trees which are valuable for biodiversity in their own right, hosting a huge variety of insect and associated species.

Biodiversity Priority Areas

2.26 Seven 'Priority Biodiversity Areas' (see map at Appendix B) have been identified within the Eastleigh Biodiversity Action Plan (see paras. 3.52-3.54 below). These areas were identified because they contain a high concentration of priority habitats and species and provide a focus for conservation action to be targeted to achieve high levels of biodiversity gain. These gains can be achieved through

⁷ The South East Biodiversity Forum is an independent advisory group made up of statutory bodies, local authorities and non-governmental organisations. It identifies, advises, encourages and responds to biodiversity challenges in the South East

the implementation of an action plan which has been produced for each Priority Area. These action plans have been developed from the relevant Hampshire BAP Habitat and Species Action Plans.

Biodiversity Opportunity Areas

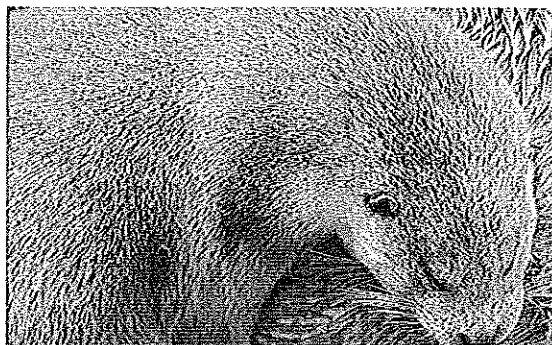
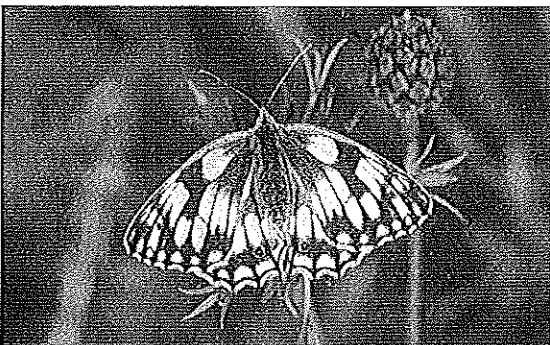
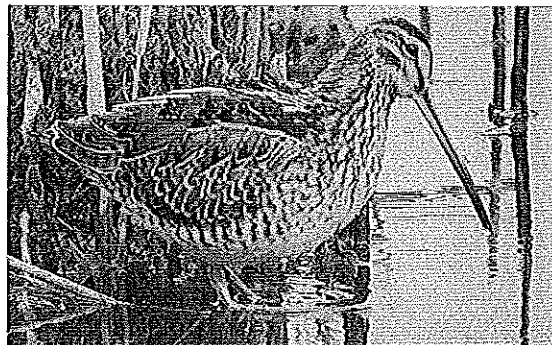
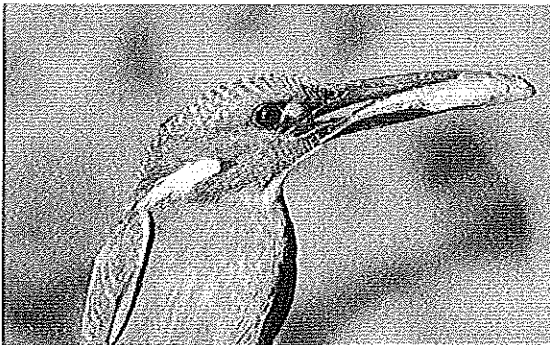
2.27 The South East Biodiversity Strategy prepared by the South East Biodiversity Forum has identified a number of Regional Biodiversity Opportunity Areas which are priorities for the restoration and creation of Biodiversity Action Plan (BAP) habitats in the South East of England. The purpose of Regional BOAs is to guide support for land management. Those within Eastleigh Borough are shown in Appendix C – they overlap with the Priority Biodiversity Areas identified in the Eastleigh BAP. The Strategy can be viewed at www.sebiodiversity.org.uk.

2.28 The Council will welcome proposals which will help conserve and enhance these priority areas, habitats and species.

The Borough's Geodiversity

2.29 The borough contains several river valley systems which have shaped its landscape over time. These include the River Itchen and River Hamble catchments. Activity along these waterways can sometimes expose unusual valley formations and fossil beds.

2.30 Parts of the borough's coastline are recognised for their national geological and geomorphological importance due to the soft cliffs and the fossil beds they contain. Parts of Lee-on-The-Solent to Itchen Estuary SSSI are designated for these interest features.



Chapter 3 - Legislation and Policy context

- 3.1 There is a wide variety of legislation and policy provision relating to biodiversity and geological conservation from an international to a local level – see list in Appendix D. The key legislation includes the Wildlife and Countryside Act 1981, the Environment Act 1990, the Protection of Badgers Act 1991, the Conservation (Natural Habitats &c) Regulations 1994 (as amended) (the Habitats Regulations), the Countryside & Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006. Key policies are summarised in the following sections.

International and European policies & guidance

- 3.2 International and European designations comprise Ramsar sites, Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). Ramsar sites relate to wetlands of international importance especially as wildfowl habitat and arise from a convention held at Ramsar in Iran in 1971. SPAs arise from the 1979 European Directive on the Conservation of Wild Birds (Directive 79/409/EEC), and protect certain listed rare and vulnerable species and migratory birds. SPAs are closely related to Ramsar sites. SACs arise from the 1992 European Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (Directive 92/43/EEC, the Habitats Directive), which provides for the creation of a network of protected areas across the EU. This is given effect in the UK by the Conservation (Natural Habitats & c) Regulations 1994 as amended, known as the Habitats Regulations which also give effect to the protection of specific European protected species provided by the Habitats Directive.

National policies & guidance

- 3.3 Planning Policy Statement 9: 'Biodiversity and Geological Conservation', its accompanying Guide to Good Practice and Circular 06/05 'Biodiversity and Geological conservation – statutory obligations and their impact within the planning system' set out the government's objectives and policies for conserving and enhancing biological diversity and how this can be achieved.
- 3.4 Planning Policy Statement 1: 'Delivering Sustainable Development' requires development plan policies to take account of environmental issues including the conservation and enhancement of wildlife species and habitats and the promotion of biodiversity (para. 20). The PPS1 supplement on climate change identifies the conservation and enhancement of biodiversity as a key objective (para. 9), indicating that in selecting sites for development, account should be taken of effects on biodiversity, and opportunities for biodiversity enhancement through the provision of open space and other green infrastructure (para. 24).
- 3.5 Planning Policy Statement 3: Housing also recognises the importance of biodiversity; providing for retention or re-establishment of biodiversity in residential environments (para. 16), and requiring biodiversity to be taken into account in identifying sites and locations for housing (para. 38).

Regional and County policies & guidance

- 3.6 The South East Plan (May 2009) replaces Regional Planning Guidance 9 (RPG9) and the Hampshire County Structure Plan. The South East Plan sets out the spatial planning framework for the South East up to 2026. The Plan includes policies for protecting and enhancing biodiversity, including a requirement to identify areas of opportunity for biodiversity improvement e.g. through habitat restoration and recreation. Policy NRM5 refers to conservation and improvement of biodiversity and policy CC8 looks at the enhancement of biodiversity and the environment through the provision of green infrastructure.
- 3.7 The South East England Biodiversity Forum has developed a South East Biodiversity Strategy. The strategy aims to provide a framework for the delivery of biodiversity targets within the region and integral to this is the implementation of a landscape scale approach to conservation. The strategy also aims to provide guidance on where the largest potential gains in biodiversity can be made within the region, and has identified a number of Biodiversity Opportunity Areas which are priorities for the restoration and creation of Biodiversity Action Plan (BAP) habitats in the South East of England. Four of these occur within this borough (see Appendix C). The Strategy can be viewed at www.sebiodiversity.org.uk.
- 3.8 Hampshire County Council has prepared the Hampshire Biodiversity Action Plan in partnership with a variety of authorities and organisations including Eastleigh Borough Council. The Hampshire BAP includes Action Plans for priority habitats and species in the county, and has provided a basis for the identification of Priority Biodiversity Areas within the borough (see Appendix B) and action plans for these. It can be viewed at www.hampshirebiodiversity.org.uk.

Local policies and guidance

Eastleigh Borough Local Plan Review (2001-2011)

- 3.9 The Eastleigh Borough Local Plan Review (2001-2011) was adopted in May 2006 and the majority of its nature conservation policies have been saved under the terms of the Planning and Compulsory Purchase Act 2004 and a Secretary of State Direction dated 14 May 2009. The Borough Council recognises that there is a wide variety of nature conservation interests within the borough which need to be retained and enhanced. Further guidance on the policies within the Local Plan is given below.
- 3.10 The following paragraphs address in turn each of the nature conservation policies within the adopted Eastleigh Borough Local Plan Review. Chapter 4 outlines the processes and procedures applicants need to go through to ensure biodiversity is addressed within any planning application. Additional information not contained within the Local Plan Review has been inserted to provide clarification on certain matters.

- 3.11 The table in Appendix E provides further information on designated sites in the borough. The table is a reference tool describing the different designation types and their status.

International and European Sites (Ramsar, SPA, SAC)

Local Plan Review 2001-2011 Policy 21.NC:

This policy was not saved because its provisions are covered by national and international policies and legislation in PPS9, the Conservation (Natural Habitats & c) Regulations 1994 (as amended) and the Habitats Directive.

- 3.12 Land use plans, policies, programmes and developments which may affect a site of international or European nature conservation importance (SPA, Ramsar or SAC) will be subject to the most rigorous examination in consultation with Natural England and other relevant authorities following the requirements set out in the Conservation (Natural Habitats & c) Regulations 1994 (as amended) ('the Habitats Regulations').
- 3.13 Development sites may be located some distance from an international/ European site but may still have a detrimental impact on the site and will need to go through a Habitats Regulations Assessment. Natural England should be consulted at the earliest stages of a planning application where it is possible that a development may have significant effects on an international or European site.
- 3.14 If the Council considers that there is likely to be a significant effect on an international or European site (either alone or in combination with other plans or projects), the Council will undertake an Appropriate Assessment, which is part of the Habitats Regulations Assessment, on the implications for the site in view of that site's conservation objectives. The developer is required to provide the Council with the necessary information in order to undertake an Appropriate Assessment and determine the application.
- 3.15 Where there is potential for a development to cause harm to a site of international or European nature conservation importance the applicant must submit appropriate biodiversity surveys, impact assessment and mitigation proposals to enable the Council to determine a planning application. Further guidance on this is provided in Chapter 4.
- 3.16 Where development is proposed, the Council will consider applying planning conditions or legal obligations to secure the integrity of the international or European site from any adverse impacts arising from the development.
- 3.17 If it cannot be demonstrated that the application will not adversely affect an international or European site, including the tests set out in paragraph 3.21 below, then the application will be refused, unless there are no alternative solutions and the development has to be carried out for imperative reasons of over-riding public interest as set out in Regulation 49 of the Habitats Regulations. In such cases compensatory habitat will be required in accordance with Regulation 53.

Sites of Special Scientific Interest (SSSI)

Local Plan Review 2001-2011 Policy 22.NC:

Development which is likely to have a direct or indirect adverse affect on a Site of Special Scientific Interest will not be permitted, unless the Borough Council is satisfied that the reasons for the development clearly outweigh the harm to the nature conservation value of the site.

- 3.18 Natural England should be consulted at the earliest stages of a planning application where it is possible that a development may have an adverse effect on an SSSI.
- 3.19 Where there is potential for a development to cause harm to a SSSI the applicant must submit appropriate biodiversity surveys, impact assessment and mitigation proposals to enable the Council to determine a planning application.
- 3.20 Development sites may be located some distance from a SSSI but may still have a detrimental impact on the site. Further guidance on this is provided in Chapter 4.
- 3.21 If it cannot be demonstrated that the application will not adversely affect an SSSI then the application will be refused. After consultation with Natural England, exceptions will only be made if it can be demonstrated that:
- i there are no alternative solutions, and
 - ii the reasons for the development clearly outweigh the nature conservation value of the site.
- 3.22 Where development is proposed, the Council will consider applying planning conditions or legal obligations to secure the protection, conservation and enhancement of the SSSI from any harmful impacts arising from the development.

Sites of Importance for Nature Conservation (SINCs)

Local Plan Review 2001-11 Policy 23.NC:

Development which is likely to have a direct or indirect adverse affect on a Site of Importance for Nature Conservation (SINC) will not be permitted, unless it can be demonstrated to the satisfaction of the Borough Council that the benefits of the development clearly outweigh the need to safeguard the nature conservation value of the site. If development is to be permitted, the Council will require appropriate measures to be taken to mitigate for the adverse effects on the SINC.

- 3.23 SINCs are protected through the planning system and are not designated through legislation. Further information on how SINCs are designated is in paragraphs 2.8-2.13.
- 3.24 Where there is potential for a development to cause harm to a SINC the

applicant must submit adequate biodiversity surveys, impact assessment and mitigation proposals to enable the Council to determine a planning application. Development sites may be located some distance from a SINC but may still have a detrimental impact on the site. Further guidance on this is provided in Chapter 4.

- 3.25 Development which adversely affects the interest features of the SINC will not normally be permitted.
- 3.26 Where development is proposed, the Council will consider applying planning conditions or legal obligations to secure the protection, conservation and enhancement of the SINC to mitigate any harmful impacts arising from the development.

Protected Species

Local Plan Review 2001-11: Policy 24.NC: Development and protected species

This policy was not saved because its provisions are covered by other legislation.

- 3.27 In accordance with PPS9, the presence of a protected species is a material consideration in the assessment of a planning application.
- 3.28 The Council will advise on any application which is likely to affect a protected species, consulting with Natural England as required.
- 3.29 Where there is potential for a development to cause harm to a protected species the applicant must submit adequate biodiversity surveys, impact assessment and mitigation proposals to enable the Council to determine a planning application. Further guidance on this is provided in Chapter 4.
- 3.30 If a development is likely to adversely affect a European protected species, under the Habitats Regulations the planning authority can only permit development if:
 - i. the development is of overriding public interest or for public health and safety;
 - ii. there is no satisfactory alternative; and
 - iii. the favourable conservation status of the species in their natural range can be maintained.
- 3.31 Where development occurs, the Council will consider applying planning conditions or legal obligations to secure the protection, conservation and enhancement of protected species from any harmful impacts arising from the development.
- 3.32 In accordance with PPS9 this local planning authority will refuse permission where:
 - i. harm to European species or their habitats would result; and/or

- ii. harm would result to nationally protected species and adequate mitigation/compensation cannot be provided.

Priority Habitats and Species

Local Plan Review 2001-11: Policy 25.NC:

Development which will adversely affect a habitat or feature of importance for wild fauna and flora will not be permitted, unless it can be demonstrated to the satisfaction of the Council that:

- (i) the benefits of the development outweigh the adverse impacts;
- (ii) the adverse impacts are unavoidable, and
- (iii) appropriate measures are taken which would mitigate or compensate for any adverse impact.

- 3.33 Where there is potential for a development to cause harm to priority habitats or species the applicant must submit adequate biodiversity surveys, impact assessment and mitigation proposals to enable the Council to determine a planning application. Further guidance on this is provided in Chapter 4.
- 3.34 Where development is proposed, the Council will consider applying planning conditions or legal obligations to secure the protection, conservation and enhancement of priority habitats or species to minimise any harmful impacts arising from the development.
- 3.35 Where damage cannot be avoided the Council will require compensatory measures to be provided as part of the development.
- 3.36 The Council will welcome proposals which will help conserve habitats and species of principal biodiversity importance listed under Section 41 of the Natural Environment and Rural Communities Act 2006 and the UK and Eastleigh Biodiversity Action Plans.
- 3.37 The borough contains many aged or 'veteran' trees which are valuable for biodiversity. In accordance with PPS9 their loss should be avoided.

Habitat networks and enhancements

Local Plan Review 2001-11: Policy 26.NC:

Development proposals will be required to include measures to enhance the value of features and habitats of nature conservation importance where reasonable opportunities exist in connection with the development.

- 3.38 Opportunities to integrate habitat networks within developments and to provide connections between sites of biodiversity importance will be encouraged. These networks will strengthen habitat and species' resilience to the effects of climate change. Fragmentation and isolation of habitats should therefore be avoided.

- 3.39 Particular attention will be given to opportunities for the enhancement of river and stream channels and corridors and other locally important habitats identified within the Eastleigh BAP where they are associated with or linked to development. Reference should be made to habitat networks and proposed enhancements of these features will be addressed in more detail in the green infrastructure work within the core strategy and supporting documents.
- 3.40 Development proposals provide many opportunities for building in beneficial biodiversity features as part of good design. Enhancements which would be welcomed include:
- Bat/bird boxes
 - Habitat management proposals
 - Use of native species in landscape schemes
 - Green roofs and walls designed specifically for nature conservation
 - De-culverting watercourses and removing engineering structures from watercourses
- 3.41 Potential enhancements and improvements for the natural environment through development are looked at in more detail in Chapter 5.

Local Nature Reserves (LNRs)

Local Plan Review 2001-11: Policy 27.NC:

Development that would prevent the designation of Local Nature Reserves at the following locations will be refused:

- i Flexford & Ramalley Copse
- ii Hamble Common
- iii Itchen Valley Country Park
- iv Moorgreen Meadows
- v Netley Common ♦
- vi Upper Hamble Country Park ♦ ♦
- vii Westwood Woodland Park ♦
- viii Wyvern Meadow

♦ These sites were designated as LNRs by Hampshire County Council in 2009

♦ The site is called 'Manor Farm Country Park'

- 3.42 Local Nature Reserves are statutory designations and have a fundamental role to play in meeting overall national biodiversity targets.
- 3.43 Development which reduces the extent, quality and ability to manage biodiversity features on these sites, or which prevent the study or enjoyment of wildlife at these sites, will be refused.
- 3.44 Local authorities own and manage a number of other sites throughout the borough for nature conservation purposes and to provide quality environments for local people. Developments which would enable local authorities to designate

Local Nature Reserves on appropriate sites would be welcomed.

Planning Obligations

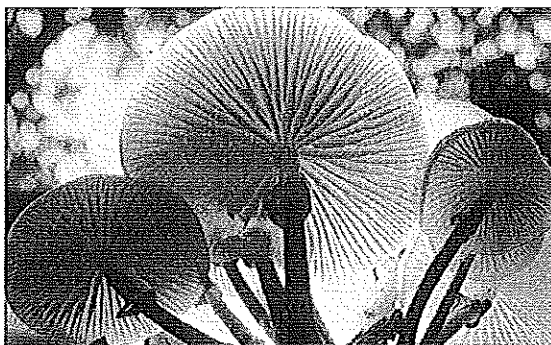
- 3.45 It is recognised that development can bring positive benefits to the borough, but it can also add to pressure on existing infrastructure and the environment. Policy 191.IN of the local plan, as amplified by the Planning Obligations Supplementary Planning Document adopted 2008, indicates the circumstances in which contributions are likely to be required from developers to mitigate such pressures.
- 3.46 In some cases, as mitigation or compensation for the impact of a development, the Council may use planning obligations to secure the enhancement and appropriate long-term management of a site or feature of value for biodiversity which is in the ownership or control of the applicant. This may be achieved by transfer of an area of land on site or nearby to the ownership of an organisation which can carry out such management, though this will not always be the case.
- 3.47 It is Council policy that normally only such land/ sites which are of strategic importance within the borough (with a European or national designation, or which could enlarge or form part of a major green infrastructure asset) would be transferred to the Borough Council. Other land/ sites of local importance (SINCs and other natural greenspace) may be transferred to town or parish councils. It should not be assumed that a land transfer will take place, and developers' contributions will be required to fund management work, so in all cases the agreement of the relevant organisation should be sought very early in the planning process, ideally at pre-application stage.
- 3.48 If transfer of a site or feature of biodiversity importance to another organisation cannot be agreed, it may have to be retained by the applicant and appropriate management will be secured as a planning obligation.
- 3.49 In situations where opportunities for mitigation or compensation are not reasonably available on-site or nearby on land in the ownership or control of the applicant, developers' contributions will be expected to be provided for other relevant biodiversity projects. These will be negotiated separately for each development proposal. This SPD and the Eastleigh BAP will assist in providing guidance to direct such contributions.
- 3.50 This approach accords with government guidance in the PPS9 Guide to Good Practice. Paragraph 5.22 states that 'It would be good practice to address biodiversity and geological conservation as completely as possible in the design of the development approved. However, it will often be necessary to secure further matters through the imposition of conditions and/or obligations.'

Environmentally Sustainable Development Supplementary Planning Document (SPD)

- 3.51 This SPD was adopted by the Borough Council in March 2009. A key aim of the SPD is enhancing local biodiversity and improving green infrastructure in the borough. A number of essential requirements for development are set out within this document and many of these directly or indirectly impact on the biodiversity of the borough, in particular W1, W2 and W3 which set out the essential requirements for water and GI1 and GI2 which set out the essential requirements for green infrastructure. This SPD can be found at: www.eastleigh.gov.uk/ebc-4060.

The Eastleigh Biodiversity Action Plan (Eastleigh BAP)

- 3.52 To guide the conservation and enhancement of the borough's biodiversity the Council published 'Wild About Eastleigh - a biodiversity action plan for the Borough' in May 2002 (the Eastleigh BAP). It was developed by a partnership of organisations including Eastleigh Borough Council, Natural England, the Environment Agency, the Hampshire & Isle of Wight Wildlife Trust and Eastleigh District Association of Parish & Town Councils and provides a framework to conserve and enhance biodiversity in the borough, in support of the UK Government's biodiversity process.
- 3.53 The document acknowledges the important role development has in contributing to biodiversity objectives and provides greater detail as to the characteristics of the borough's biodiversity and the opportunities that are available to enhance it. It identifies ecological issues, natural character, habitats and species that are important locally and may be used to influence the design of a development.
- 3.54 Paragraph 2.14 of the Eastleigh Borough Local Plan Review 2001-2011 states that 'Where appropriate, the document (Eastleigh BAP) will be a material consideration in the assessment of planning applications'. Development proposals should therefore contribute to the objectives of the Eastleigh BAP where appropriate.



Chapter 4 - Biodiversity Information and Impact Assessments Required to Support Planning Proposals

General Requirements

- 4.1 Where there is potential for a proposed development to cause harm to internationally, nationally or locally designated nature conservation sites, protected or priority habitats or species, or features of geodiversity interest, the applicant must undertake an impact assessment to a nationally accepted standard⁸.
- 4.2 The likelihood that biodiversity features will be affected by development proposals should be established before a planning application is submitted, and the relevant information supplied at application stage. Guidance on the level and standard of biodiversity information is provided below.
- 4.3 Applicants are advised to seek specialist expertise and to discuss their proposals with the Council's Biodiversity Officer and Development Control unit at an early stage in the design process.

Biodiversity Checklist

- a) A Biodiversity Checklist has been introduced by the Council to assist applicants when submitting a planning application. This checklist firstly sets out the level of biodiversity information required by the Local authority to validate the planning application and secondly sets out the standards of biodiversity survey and reporting to enable the planning application to be determined.
 - b) Applicants are strongly advised to use the biodiversity checklist, which can be found on the Council's website: www.eastleigh.gov.uk/ebc-1583. The Checklist should be completed and submitted with the planning application along with any supporting information identified, such as impact assessments.
- 4.4 The key requirement for an impact assessment is to ensure that potential impacts are properly considered during the design process. All impact assessments should include the following information in a report:
- a) Details of the proposal
 - b) Details of the biodiversity/geodiversity value of the site
 - c) Impact assessment
 - d) Mitigation strategy
 - e) Details of how mitigation measures will be implemented
 - f) Details of a monitoring programme to measure the effectiveness of mitigation measures

⁸ 'Guidelines for Ecological Impact Assessment in the United Kingdom' by the Institute of Ecology and Environmental Management (2006) is recommended. 'Developing Naturally: a Handbook for Incorporating the Natural Environment into Planning and Development' by Michael Oxford (2000) and 'Biodiversity by Design' by the Royal Town Planning Institute (2004) may also be useful.

- 4.5 It is common for studies in a number of technical disciplines to be required in support of a planning application, e.g. arboricultural or visual impact surveys. Recommendations from individual experts must be compatible with one another and with the development proposals themselves. Any contradictions should be properly resolved before the design of development is finalised and the planning application is submitted.
- 4.6 PPS9 requires that planning proposals should avoid significant biodiversity and geodiversity impacts, and include proposals to enhance the natural environment. The Council will require such enhancements wherever possible.
- 4.7 Where there is potential for a development to cause harm to biodiversity or geodiversity features the applicant must submit appropriate surveys, impact assessment and mitigation proposals to enable the Council to determine a planning application.
- 4.8 Where development occurs, the Council will consider applying planning conditions or legal obligations to secure the protection, conservation and enhancement of biodiversity and geodiversity features from any harmful impacts arising from the development.
- 4.9 In particular, the Council will ensure that long term favourable management proposals and the monitoring of habitats and species mitigation measures are secured in appropriate situations through the use of planning conditions and obligations. The outcome of such monitoring will be made available and used to inform future negotiations.

The Importance of Surveys

- 4.10 Surveys are required to provide a scientific basis to:
- a) assess the impact of a proposed development on the natural environment;
 - b) demonstrate to the Council that the impacts of proposed development on the natural environment have been properly considered;
 - c) consider alternatives and whether the impact of the proposal can be avoided, mitigated or whether compensatory measures are required;
 - d) determine whether there are opportunities for enhancement of biodiversity;
 - e) determine whether protected species licences from Natural England need to be applied for. More detail on this can be found in paragraph 3.30;
 - f) determine whether an Appropriate Assessment under the Habitats Regulations is required.

Note: where feasible, post-construction monitoring should be carried out, and conditions may be imposed to require such monitoring.

Desktop Study

- 4.11 A desktop study which assembles existing data for the site and its surroundings is recommended. The Hampshire Biodiversity Information Centre (HBIC) holds

information on Hampshire's wildlife and natural environment. A data request should be made to obtain relevant information to inform a planning proposal.

- 4.12 A desktop study should include consultations with appropriate organisations and relevant conservation bodies to help identify key issues and potential impacts.

Field Surveys

- 4.13 An initial 'walkover' survey will provide an early examination of the physical characteristics of the site, the potential nature conservation interest and likely impacts of development together with the options for their elimination, mitigation or compensation.
- 4.14 Following completion of the biodiversity checklist and an initial 'walkover' survey of the site, more detailed survey work may be required and should be programmed into the planning application preparation process at an early stage to avoid delays.
- 4.15 It is essential that where the need for further survey work is identified, the additional survey is undertaken at an appropriate time of the year prior to the submission of the planning application. Failure to undertake this additional survey work is likely to result in the refusal of the application. Advice on timing of surveys is given at Appendix G.
- 4.16 Where a European Protected Species is present or can reasonably be expected, paragraph 98 of Circular 06/2005 states that "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". Natural England therefore advises local planning authorities to direct developers to commission an ecological survey of the proposal site 'prior' to determination of an application so this material consideration is fully addressed in making a decision.
- 4.17 It is the responsibility of the developer to provide this information to enable the Council's ecologist and Natural England to make a substantive response and for the local planning authority to fully assess the proposal. Circular 06/2005 states that the 21 day consultation period for statutory consultees will not start until receipt of adequate information to make a substantive response.

Field Survey Standards

- 4.18 There is published advice for the survey of many habitats and species – see for example Institute of Economy and Environmental Management (IEEM) guidance - <http://www.ieem.net/surveymethods.asp>. Applicants should refer to and follow the relevant good practice guidance where this exists.
- 4.19 The results of survey work should be presented clearly and unambiguously in full. Analysis of data should be fully explained together with a justification of the conclusions reached.

- 4.20 All surveys should identify the personnel responsible for the survey with details of relevant experience, qualifications and any necessary licences. It is the responsibility of these persons to ensure the survey methodology selected is fit for its purpose and provides adequate information to justify the design of development proposals.

Sharing Data

- 4.21 Survey data submitted with planning applications should be copied to the Hampshire Biodiversity Information Centre (HBIC) to ensure that knowledge of the site's natural environment value is not lost. The Council will encourage HBIC and local interest groups to access all data in the public domain.

Additional Requirements

- 4.22 Some planning proposals may meet certain legislative criteria which require more rigorous assessments as set out in legislation. These are described further below:

Environmental Impact Assessment (EIA)

- 4.23 Development may come within the scope of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Any proposed developments described in Schedule 1 of the Regulations will require an Environmental Impact Assessment (EIA) while those described on Schedule 2 may require an EIA. Projects of a type listed in Schedule 2 of the Regulations will be 'screened' by the Council to determine whether a formal EIA is required. Further information can be found at:
www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/

Chapter 5 - Other Biodiversity Considerations

- 5.1 It is recognised that development can contribute positively to the biodiversity and geodiversity of the borough, through its enhancement, protection and management. This chapter outlines the potential benefits that development can bring to the borough. This objective is underpinned by the policies within the Local Plan Review discussed in Chapter 3.
- 5.2 Development can bring opportunities for biodiversity enhancement in many forms primarily through good design and management. There are a variety of ways of achieving these benefits depending on the size and location of the development.
- 5.3 It is important to acknowledge the importance of nature conservation considerations at the very earliest stages of development planning and throughout the design and construction phases of the proposals. Enhancements can be achieved through recognition and reflection of surrounding areas, e.g. through creating links to avoid fragmenting habitats or, if the site is heavily urbanised, through creating new habitat with the provision of landscaping and green infrastructure. This is discussed in more detail below.

Development Landscape Schemes

- 5.4 The landscape within a development plays an important role in how people perceive their environment and the composition of it can affect how natural systems develop. New landscape schemes should seek to enhance opportunities for increased biodiversity/geodiversity or reinforce those that already exist in the area.
- 5.5 Any new landscape proposals should be informed by the Landscape Assessment for Eastleigh Borough and use the character areas and landscape types it contains. The assessment gives advice for which areas are to be protected, preserved or enhanced; landscape proposals should be guided by these key aims.
- 5.6 It should be noted that the use of berry bearing plants in landscaping schemes near the airport must accord with BAA guidance 'potential bird hazards from amenity landscaping and building design'. This can be viewed on the CAA web site at: www.caa.co.uk/srg/aerodrome.

Green Infrastructure

- 5.7 Green infrastructure (GI) comprises networks of green space within and outside the built up areas which can cross administrative boundaries. Types of GI can include:
- Public open space – playing fields, parks, gardens
 - Green wedges, country parks, countryside
 - River valleys, coast, ponds

- Green routes, footpaths, cycleways, bridleways
 - Linked habitats, nature conservation sites and biodiversity networks
- 5.8 The South East Plan includes policy CC8 'Green Infrastructure'. This requires local authorities and partners to work together to provide and manage GI networks in order to deliver the widest range of linked environmental and social benefits that will underpin individual and community health and wellbeing. The Partnership for Urban South Hampshire (PUSH) is producing a Green Infrastructure Strategy for the south Hampshire sub-region.
- 5.9 The purposes of GI are to achieve linked environmental and social benefits, including:
- Biodiversity
 - Landscape protection
 - Water management
 - Social and cultural benefits
 - Resilience to the effects of climate change
- 5.10 Its essential features are connectedness, accessibility and multi-functionality, and focus on widest range of quality of life issues. Existing local plan policies require developers to ensure their development contributes to the provision and enhancement of certain forms of green infrastructure, e.g. through the provision of open space, landscape planting and footpath/ cycleway links to and between areas of open space.
- 5.11 New green infrastructure policies and further guidance for Eastleigh Borough are being produced through the Core Strategy and its supporting documents, which will be informed by the PUSH Green Infrastructure Strategy.

Climate Change

- 5.12 It is recognised that climate change is increasingly impacting on the environment and the provision of green spaces can help to mitigate and adapt to this impact in a number of ways. This can include a cooling effect in urban areas and creating corridors and spaces for the migration of species and habitat migration/expansion. The Council's policies and guidance on how development can work towards reducing the impact of climate change is set out in the Council's Environmentally Sustainable Development SPD - see paragraph 3.51 above.

Non-native Species

- 5.13 Non-native species have been introduced to England over thousands of years. Sometimes this has been deliberate, for social or economic reasons such as forestry, agriculture and horticulture. Sometimes, however, the introduction occurs by accident.
- 5.14 Most non-native species are harmless and only a small proportion become 'invasive' and cause problems to our biodiversity and ecosystems. Invasive non-

native plant and animal species can threaten biodiversity as they can negatively impact on native species, or cause damage to the environment, the economy, our health and the way we live.

5.15 Invasive plant species are a particular problem in the borough as they often regenerate from small fragments, and can spread rapidly becoming completely dominant. Examples include:

- Invasive plant species of ponds and wetland systems such as:
 - o New Zealand Stonecrop (*Crassula helmsii*)
 - o Parrot's feather (*Myriophyllum aquaticum*)
 - o Himalayan balsam (*Impatiens glandulifera*)
- Japanese Knotweed - this can result in structural damage to development sites and buildings over the long term. Sections 33 and 34 of the Environment Protection Act 1990 and Section of the Wildlife & Countryside Act 1981 (as amended) require its appropriate management (clearance) and disposal. Where this plant is present on a site, applicants will be required to submit an appropriate and detailed method statement, referring to the Environment Agency's 'Code of Practice for the Management, Destruction and disposal of Japanese Knotweed' prior to the commencement of development. The development must then proceed in accordance with this method statement.