

Edwina Mountbatten House

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Ecological Appraisal

Planning Issues

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EXECUTIVE SUMMARY

Contents	Summary
Site Location	The site is located on Broadwater Road, Romsey, Hampshire and is centred at Ordnance Survey National Grid Reference SU 35482 21007.
Proposals	The development proposals include the construction of a residential care home with associated car parking and landscaping. The redevelopment will include the demolition of the existing residential care home.
Scope of this Survey(s)	This report provides the results of a UK Habitat Classification System (UK Hab) survey of the site, and an assessment of its potential to support protected and notable species. Recommendations for further survey are made where required, as well as preliminary suggestions for avoidance, mitigation and compensation measures. All recommendations are made in line with, and with reference to, relevant legislation and local and national planning policy.
Results and Evaluation	<p>Much of the site comprises the existing residential care home, associated hardstanding and small areas of grassland and ornamental planting. A hedgerow runs along the eastern site boundary and two mature whitebeams are located within the site.</p> <p>The site has the potential to support populations of roosting bats and nesting birds. Habitat immediately south of the site boundary has the potential to support riparian mammals. Further surveys are recommended in order to inform mitigation and compensation strategies to allow proposals to proceed.</p>
Recommendations	<p>The following additional survey and assessment have been recommended:</p> <ul style="list-style-type: none"> A nutrient balancing assessment to assess the effect of the development and propose mitigation should a net increase in nutrient be calculated as result of the proposals, Contributions to the Solent Recreation Mitigation Strategy, A report to inform Habitats Regulations Assessment, A BNG assessment should also be completed to ensure the proposals achieve a net gain in biodiversity once constructed, Assessment of the adjacent river and riparian habitat for presence of protected species; Bat emergence/return surveys of the existing residential care home, Any clearance to nesting habitat including buildings and trees would need to occur outside of nesting bird season (which is mid-March-September inclusive) or be preceded by a nesting bird survey carried out by an ecologist; and A CEMP detailing off-site habitat protection during construction.
Conclusion	On completion of further surveys to inform mitigation and compensation strategies, and provided the recommendations within this report are adopted, it is anticipated that a design could be brought forward for this site that would

	be compliant with current local and national biodiversity planning policy as well as legislation.
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1.0 INTRODUCTION

1.1 BACKGROUND

Tetra Tech was commissioned by Planning Issues on 17th April 2023 to undertake a Preliminary Ecological Appraisal (PEA) of Edwina Mountbatten House, hereafter referred to as “the site”.

This report has been prepared by Project Ecologist, Ben Cooke, BSc MSc.

1.2 SITE DESCRIPTION

The site is located on Broadwater Road, Romsey, Hampshire and is centred at Ordnance Survey National Grid Reference SU 35482 21007 (Figure 1). It comprises a derelict residential care home with associated outbuildings, car park and gardens with ornamental planting and water fountain.

1.3 DEVELOPMENT PROPOSALS

The development proposals include the construction of a residential care home with associated car parking and landscaping. The redevelopment will include the demolition of the existing residential care home.

1.4 PURPOSE OF REPORT

The purpose of this report is to:

Undertake a desk study to obtain existing information on statutory and non-statutory sites of nature conservation interest and relevant records of protected/notable species within the site and its zone of influence

Present the results of an UK Habitat Classification System Survey, involving a walkover of the site to record habitat types and dominant vegetation, including any invasive species, and; evidence of protected fauna or habitats capable of supporting such species

Evaluate potential ecological receptors on site and within the zone of influence; identify any constraints to the sites development and make any recommendations for further surveys, mitigation or enhancement.

The details of this report will remain valid for a period of eighteen months from the date of the survey, after which the validity of this assessment should be reviewed to determine whether further updates are necessary. The recommendations within this report should be reviewed (and reassessed if necessary) should there be any changes to the red line boundary or development proposals which this report was based on.

Scientific names are provided at the first mention of each species and common names (where appropriate) are then used throughout the rest of the report for ease of reading.

2.0 METHODOLOGY

2.1 HISTORIC SURVEYS

Tetra Tech is not aware of any previous ecological assessments conducted at the site.

2.2 DESK STUDY

The desktop study comprised two elements:

A data search obtained from Hampshire Biodiversity Information Centre (HBIC) on 27th April 2023; and

Online element including a search using :Multi Agency Geographic Information for the Countryside (MAGIC) (<https://magic.defra.gov.uk>) website and Ordnance Survey (OS) and Aerial Imagery (<https://www.bing.com/maps>).

The geographical extent of the search area was related to the significance of sites and species and potential zones of influence. For this site the following search areas were considered appropriate:

10 km for sites of International Importance (e.g., Special Areas of Conservation (SAC), Special Protection Area (SPA), Ramsar sites);

2 km for sites of National or Regional Importance (e.g., Sites of Special Scientific Interest (SSSI), protected or otherwise notable species and non-statutory designated sites of County Importance (e.g., Local Wildlife Sites (LWS));

2 km for biological records, and

1 km for ancient woodland and mapped priority habitats.

The data search did not cover Tree Preservation Orders (TPOs); or Conservation Areas designated for their special architectural and historic interest.

2.3 FIELD SURVEYS

The following methodologies have been used to identify the ecological receptors present on or near the site and which are relevant to the proposed development. Survey extended beyond the site to 50 m where accessible.

2.3.1 Habitats

An Ecological Survey was undertaken on the site on 28th April 2023 by Tetra Tech Project Ecologist, Ben Cooke, BSc MSc. The weather conditions were cloudy with sunny spells, a gentle breeze and a temperature of approximately 17°C.

The vegetation and broad habitat types within the site were recorded following the UK Habitat Classification System categories (Butcher et al, 2020), with the sites suitability to support notable flora assessed according to the Chartered Institute of Ecology and Environmental Management guidelines (CIEEM, 2017). Dominant plant species were recorded for each habitat present using standard nomenclature (Stace, 2019).

2.3.2 Protected and Notable Species

The site was inspected for evidence of, and its potential to support, protected or notable species, especially those listed under the Schedule 2 of the Habitat Regulations 2017 (as amended), Schedule 5 of the Wildlife and Countryside Act (W&CA) 1981 (as amended), the Countryside Rights of Way (CROW) Act 2000, those given extra protection under the Natural Environment and Rural Communities (NERC) Act 2006, and species included in the Hampshire LBAP.

The presence of some species was determined using standard best practice guidance and are listed below.

Badger

The site was surveyed for evidence of badger *Meles meles* or other badger activity such as paths, latrines or signs of foraging. Methodologies used and any setts recorded were classified according to published criteria (Harris, Cresswell, & Jefferies, 1989).

Hazel Dormouse

The site was surveyed for its suitability to support hazel dormouse *Muscardinus avellanarius* based on best practice guidance (Bright, Morris, & Mitchell-Jones, 2006).

Otter

The site was assessed for its suitability to support otter *Lutra lutra* using standing Government advice (Chanin, 2003).

Bats

Roosting Bats – Buildings / Structures / Trees

Any suitable buildings, structures or trees on site were assessed from the ground for their suitability to support breeding, resting and hibernating bats using survey methods based on the BCT *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Collins, 2016) – hereafter referred to as the ‘BCT Guidelines’.

Foraging / Commuting Bats

Potential habitat for foraging and commuting bats were assessed on site according to the BCT Guidelines.

Birds

Bird Species identified at the time of survey were noted and nesting birds recorded as seen. An assessment of habitats was undertaken to determine the likely value to breeding and foraging birds.

Great Crested Newt & Common Amphibians

The site was appraised for its suitability to support great crested newt *Triturus cristatus* based on guidance outlined in the Herpetofauna Workers’ Manual (Gent & Gibson, 2003) and the *Great Crested Newt Conservation Handbook* (Langton, Beckett, & Foster, 2001). This appraisal also considered waterbodies within 500m of the site and their potential to be used for breeding newts. Each pond was assessed using the Habitat Suitability Index (HSI) (Oldham, Keeble, Swan, & Jeffcote, 2000) which assigns a value to the pond calculated from 10 pre-identified features. The HSI value gives a correlation of likely use by GCN and below 0.46 the waterbody is considered to have less likelihood of GCN presence however this metric is a

guide and should be assessed on a site-by-site basis as waterbodies with low HSI have been known to support GCN.

Habitat suitability and evidence of other common amphibians was recorded on site where relevant.

Reptiles

The site was appraised for its suitability to support reptiles using guidance outlined in the Herpetofauna Workers' Manual (Gent & Gibson, 2003).

Invertebrates

The site habitats were appraised for suitability to support assemblages of invertebrates and commented on in the report as appropriate.

Other Species

The site was also appraised for its suitability to support other protected or notable fauna with regard to the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and BS42020:2013 Biodiversity – Code of Practice for Planning and Development (BSI, 2013). Evidence of any current or historical presence of such species was recorded.

Invasive Species

Evidence of species listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended, were recorded as seen.

Scoped Out

The following species have been scoped out from this report,

- Badger ,
- Hazel dormouse,
- GCN and common amphibians; and
- Reptiles .

The site is located at the southern extent of the Romsey urban area. Rural habitat within the surrounding area is available only to the south. The site is disconnected from this suitable habitat by the Romsey Bypass Road (A27). As much of the site is a derelict care home and associated infrastructure (car park, footpaths etc), the area of extent suitable habitat for these species is minimal and restricted to the margins

2.4 LIMITATIONS

Due to access restrictions of nearby private properties, a full 50 m buffer-search beyond the site was not possible. This is not considered to be a significant limitation to the appraisal of the sites use by badgers, since no evidence of badger activity (latrines, snuffle pits) were identified on the site and the limited suitable habitat present . Access to the stream to the south of the site was not possible and the stream and adjacent habitat have not been fully surveyed as such the presence of protected and legally controlled species cannot be entirely excluded.

The mature trees, scrub and stream located off-site to the south could not be accessed at the time of the survey due to the same access restrictions. Pre-liminary recommendations have been made to protect

this habitat during construction, however the habitat has not been surveyed. Any absence of desk study records cannot be relied upon to infer absence of a species/habitat as the absence of records may be a result of under-recording within the given search area.

To determine presence or likely absence of protected species usually requires multiple visits at suitable times of the year. This survey focuses on assessing the potential of the site to support species of note, which are considered to be of principal importance for the conservation of biodiversity with reference to those given protection under UK or European wildlife legislation, from only a single visit. This report cannot, therefore, be considered a comprehensive assessment of the ecological interest of the site. However, it does provide an assessment of the ecological interest present on the day the site was visited and highlights areas where further survey work may be recommended.

3.0 RESULTS & EVALUATION

3.1 PROTECTED SITES

European and National designated sites identified within 10 km of the proposed development are presented in Table 1 with the designation, qualifying features and proximity from the development site also indicated. In addition to the below, 14 Sites of Nature Conservation Interest (SINC's) were returned within 2km, the nearest of which being Fishlake & Ashley Meadows located 1.09km north of site.

Table 1. Statutory and non-statutory designated sites identified during the desk study

Site Name	Designation	Distance and direction from Site	Reasons for designation
Emer Bog	SAC	3.4 km, E	<p>Emer Bog is designated for its Annex I habitats transition mires and quaking bogs.</p> <p>Emer Bog lies in a wet infilled hollow on the developed eastern hinterland of the New Forest. Apart from scattered willow <i>Salix</i> scrub, it is largely open, and dominated by bottle sedge <i>Carex rostrata</i> and marsh cinquefoil <i>Potentilla palustris</i>, with frequent common cottongrass <i>Eriophorum angustifolium</i>, and occasional pools with bogbean <i>Menyanthes trifoliata</i>. White sedge <i>Carex curta</i> and the bog-mosses <i>Sphagnum fimbriatum</i> and <i>S. squarrosum</i> become common at the edge of the bog, with the rushes <i>Juncus effusus</i> and <i>J. acutiflorus</i>. There are also patches of common reed <i>Phragmites australis</i>. The basin is surrounded by more mature willow <i>Salix</i> woodland and open heathland.</p>
The New Forest	SAC	5.7 km, SW	<p>Annex I habitats that are a primary reason for selection of this site:</p> <p>Oligotrophic waters containing very few minerals of sandy plains <i>Littorelletalia uniflorae</i>.</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and / or of the <i>Isoëto-Nanojuncetea</i>.</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i>.</p> <p>European dry heaths.</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils <i>Molinion caeruleae</i>.</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i>.</p> <p>Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrublayer <i>Quercion roboretraeae</i> or <i>Ilici-Fagenion</i>.</p> <p><i>Asperulo-Fagetum</i> beech forests.</p> <p>Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains.</p> <p>Bog woodland (Priority feature).</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> <i>Aln o-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i> (Priority feature).</p>

			<p>Atlantic acidophilous beech forests with Ilex and sometimes also <i>Taxus</i> in the shrub layer <i>Quercion robur-petraeae</i> or <i>Ilici-Fagenion</i>.</p> <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <p>Transition mires and quaking bogs. Alkaline fens.</p> <p>Annex II species that are a primary reason for selection of this site:</p> <p>Southern damselfly <i>Coenagrion mercurial</i>. Stag beetle <i>Lucanus cervus</i>.</p> <p>Annex II species present as a qualifying feature, but not a primary reason for site selection</p> <p>GCN.</p>
Solent Maritime	SAC	6.2 km, SSE	<p>The Solent Maritime SAC is a complex site encompassing a major estuarine system on the south coast of England. The Solent and its inlets are unique in Britain and Europe for their unusual tidal regime, including double tides and long periods of tidal stand at high and low tide. As a result, the Solent Maritime SAC is a unique suite of functionally linked estuaries and dynamic marine and estuarine habitats.</p>
Mottisfont Bats	SAC	6.7 km, NW	<p>The Mottisfont Bats SAC is a complex of woodlands designated for its important maternity roost of the rare barbastelle bat <i>Barbastella barbastellus</i>. It is one of only six known maternity roosts in the UK and the only one in Hampshire. A further eight species of bats have also been recorded within the woodlands.</p>
Solent & Southampton Water	SPA	5.5 km, S	<p>A site supporting populations of birds during both breeding season and over winter, including common, little and sandwich terns <i>Sterna</i> spp. The site also regularly supports at least 20,000 waterfowl making it a wetland of international importance.</p>
New Forest	SPA	6.2 km, SW	<p>Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p>During the breeding season;</p> <p>Dartford warbler <i>Sylvia undata</i>, 538 pairs representing at least 33.6% of the breeding population in Great Britain. Honey buzzard <i>Pernis apivorus</i>, 2 pairs representing at least 10.0% of the breeding population in Great Britain. Nightjar <i>Caprimulgus europaeus</i>, 300 pairs representing at least 8.8% of the breeding population in Great Britain. Woodlark <i>Lullula arborea</i>, 184 pairs representing at least 12.3% of the breeding population in Great Britain (Count as at 1997).</p> <p>Over winter;</p>

			Hen harrier <i>Circus cyaneus</i> , 15 individuals representing at least 2.0% of the wintering population in Great Britain.
Solent & Southampton Water	Ramsar	5.4 km, S	Estuaries and adjacent coastal habitats supporting internationally important numbers of wintering waterfowl including ringed plover <i>Charadrius hiaticula</i> , teal <i>Anas crecca</i> and dark-bellied brent goose <i>Branta bernicla bernicla</i> . The site is also important breeding ground for gulls and terns and support a very diverse assemblage of rare invertebrates and plants.
New Forest	Ramsar	6.2 km, SW	<p>The site comprises of valley mires, fens and wet heath within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. Other wetland habitats include numerous ponds including several ephemeral ponds and a network of small streams.</p> <p>The plant communities in the numerous valleys and mires show considerable variation. In the most nutrient-poor zones, Sphagnum bog-mosses, cross-leaved heath, bog asphodel, common cotton grass and similar species predominate. In more enriched conditions the communities are more fen-like.</p>
River Test	SSSI	0.47 km, W	<p>The River Test is a classic chalk stream. It is one of the most species-rich lowland rivers in England. The Test supports a high diversity of invertebrate species and is especially rich in aquatic molluscs.</p> <p>Traditional water meadow management fell into disuse during this century and their unimproved flood pasture swards, together with the swamp and fen vegetation which developed on them, are still present in those meadows which have not been converted for modern intensive grassland or arable production. Areas of riparian vegetation including reed fen and wet woodland are a frequent feature in the upper half of the Test Valley. The Test is more species rich than most other lowland rivers, with the most diverse communities being found in the lower reaches where the substrate is more varied.</p> <p>Over 100 species of flowering plant, moss and liverwort have been recorded along its channel and banks. Over 232 invertebrate taxa (species and groups of species) have been recorded from the River Test. The main groups represented are Oligochaete worms, Crustaceans (e.g., the very abundant shrimp <i>Gammarus pulex</i>), Diptera (flies) and Neuroptera (alderflies, lacewings etc.) Ephemeroptera (mayflies) are a major element of the fauna with 21 species from 6 families represented. The Test and its adjoining vegetation provides valuable habitat for wetland birds. The diverse range of characteristic riverine species breeding in the site includes almost ubiquitous kingfisher <i>Alcedo atthis</i>, grey wagtail <i>Motacilla cinerea</i> and little grebe <i>Tachybaptus ruficollis</i>.</p>

			<p>In its range of species, the fish fauna of the Test is typical of lowland chalk-rivers, though the community has been modified by introductions of rainbow trout, grayling and hatchery-reared brown trout, and the removal of other species. In the uppermost reaches of the Test system native populations of brown trout <i>Salmo trutta</i> are believed to persist, and strong populations of bullhead <i>Cottius gobbo</i> and brook lamprey <i>Lampetra planeri</i> are notable elements of the natural fish fauna. The river's runs of salmon <i>Salmo salar</i> fluctuate markedly.</p> <p>Otters <i>Lutra lutra</i> have been reported from certain parts of the site, but the Test no longer has an established population. Water voles <i>Arvicola terrestris</i> are common in places, but their numbers are thought to have declined as has been noted elsewhere in Britain.</p>
Baddlesley Common and Emer Bog	SSSI	3.4 km, E	<p>The site comprises an extensive valley bog together with associated damp acidic grassland, heathland and developing woodland over Bracklesham Beds in the Hampshire Basin.</p> <p>Emer Bog is an excellent example of an ungrazed valley bog with a rich flora and fauna which includes most typical bog species. The main elements of the bog vegetation include tall stands of Reed <i>Phragmites australis</i> and a shorter mixed association of sedges (especially White Sedge <i>Carex curta</i>, Bottle Sedge <i>C. rostrata</i> and Star Sedge <i>C. echinata</i>), with notable quantities of Marsh Cinquefoil <i>Potentilla palustris</i> and Bog Bean <i>Menyanthes trifoliata</i>, together with Marsh Violet <i>Viola palustris</i> and Southern Marsh Orchid <i>Dactylorhiza praetermissa</i>. The bog grades downstream into mature alder carr and upstream into heathland, heavily invaded, and partly planted, with pine, birch and scrub. The invertebrate fauna of the bog and heath is of considerable interest and very large numbers of moths have been recorded. To the south and west of Emer Bog, the site includes remnants of former common land, now acidic grassland dominated by Purple Moor-grass <i>Molinia caerulea</i>, but with a rich flora, including Petty Whin <i>Genista anglica</i>, Dwarf Gorse <i>Ulex minor</i>, Meadow Thistle <i>Cirsium dissectum</i> and Cross-leaved Heath <i>Erica tetralix</i>.</p>
Lower Test Valley	SSSI	5.6 km, SSE	<p>The site comprises the upper estuary of the River Test and consists of one of the most extensive reed <i>Phragmites spp.</i> beds on the south coast. The site is also of importance for wetland breeding birds and as a breeding site for waders and ducks.</p>
Dunbridge Pit	SSSI	5.9 km, NW	<p>The site provides exposures in terrace gravel of the River Test.</p>
The New Forest	SSSI	6.2 km, SW	<p>The site is designated for the presence of heath and wetland which support a variety of nationally rare and / or scarce flora and fauna.</p>
Trodds Copse	SSSI	6.2 km, ENE	<p>The site comprises ancient semi-natural woodland, unimproved meadows and flushes. The woodlands support a</p>

			diverse range of invertebrate fauna including notable species such as <i>Volucella inflata</i> and <i>Criorhina asilica</i> .
Ratlake Meadows	SSSI	6.4 km, NE	An area of agriculturally unimproved meadows on acid-to-neutral soils in the Hampshire Basin. The meadows are known to support a population of rare long-winged conehead <i>Conocephalus discolor</i> .
Mottisfont Bats	SSSI	6.7 km, NW	The site comprises woodland around Mottisfont which is known to support a maternity colony of barbastelle bats.
Eiling and Bury Marshes	SSSI	7.6 km, SSE	The site comprises two saltmarshes and their intervening intertidal mudflats at the head of Southampton Water. Eiling Great Marsh is a grazed saltmarsh while Bury Marsh remains ungrazed. As the estuary is nationally important for wader populations, the saltmarshes and associated mudflats are considered to provide feeding and roosting areas for waders, ducks and grey herons <i>Ardea cinerea</i> .
Southampton Common	SSSI	8.1 km, SE	The site comprises a large part of Southampton Common and the waterbodies located within supports the three native species of newt (including one of the largest populations of GCN in Britain) in addition to common frog <i>Rana temporaria</i> and toad <i>Bufo bufo</i> .
Landford Heath	SSSI	9.2 km, SSW	The site is an area of botanically diverse wet heath, mire and acid grassland in the south-eastern corner of Wiltshire
Fletchwood Meadows	SSSI	9.4 km, SSW	A series of unimproved, predominantly dry meadows on the Bartley Water. The site represent one of the richest meadow sites in the county with over 200 flowering species. Due to habitat loss several of these species are now scarce or of local importance.
Brickworth Down and Dean Hill	SSSI	9.5 km, NW	The site occupies a large north facing scarp of Upper Chalk to the southwest of Salisbury. It comprises high quality chalk grassland with nationally restricted plant and invertebrate species. In addition to an extensive area of juniper scrub and the largest yew woodland in Wiltshire and Hampshire.
Whiteparish Common	SSSI	9.6 km, WNW	The site comprises an extensive area of ancient semi-natural woodland. Predominantly a beech woodland with pentaplicate oaks and ash, it supports uncommon species of butterfly including purple emperor <i>Apatura iris</i> , white admiral <i>Limenitis camilla</i> , silver-washed fritillary <i>Argynnis paphia</i> and pearl-bordered fritillary <i>Boloria euphrosyne</i> .
Landford Bog	SSSI	9.8 km, SSW	This site is one of the few Wiltshire remnants of the internationally rare habitats of lowland bog and heath. The site is known to support adder, common lizard and frog in addition to invertebrates including the uncommon, keeled skimmer dragonfly <i>Orthetrum coerulescens</i> and the spider <i>Araneus quadratus</i> .

Tadburn Meadows	LNR	1.2 km, ENE	Tadburn Meadows plays host to a mosaic of habitats so formed due to the varying hydrology of the wet valley bottom and dry valley sides. The fast-flowing Tadburn stream runs through the site and is surrounded by wet willow and alder dominated woodland. Meadows can also be found South of the Tadburn stream. The reserve is home to many of the country's best loved species from the green woodpecker and kingfisher, to water voles and common spotted orchids.
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Ancient Woodland and Priority Habitats

There were no parcels of ancient woodland located within a 1 km radius of the site.

Three priority habitats were identified within a 1 km radius of the site; deciduous woodland, coastal and floodplain grazing marsh and good quality semi-improved grassland (non-priority). All of these priority habitats were located off-site. All of these priority habitats were separated from the site by urban development however the closet parcel of deciduous woodland was located approximately 30 m to the south of the site.

3.2 HABITATS

The following habitats have been identified on site through our assessment, a UK Hab. map can be found in Figure 2, with detailed Target Notes and Photographic Plates included in Appendix B, as appropriate.

In addition to the on-site habitats listed below, an area of mature trees, scrub and a stream were present along the boundary between the site and the A27 to the south. These were not directly surveyed due to access constraints, however recommendations to protect them during construction have been made in section 4 below.

Table 2. Habitats

Habitat	Result	Importance assessment
Tree (Secondary code – 1170)	Two mature whitebeams <i>Sorbus aria</i> (TN2 and TN3) were located within the site; one within the amenity grassland at the northern extent of the site and a second within the internal courtyard in the centre of the site.	This habitat is likely of local ecological importance and has the potential to support protected species, discussed further in section 3.3 below.
r1 – Standing open water and canals, oligotrophic	An ornamental pond was located within the centre of the residential care home's courtyard. The waterbody lacked aquatic vegetation (TN4) and was considered to have very limited suitability for wildlife.	The habitat is likely of negligible ecological importance .
g4 – Modified grassland	Sections of managed grassland were situated to the north, east and south of the main building. The areas all appear to have been regularly mown in the recent past. Species included daisy <i>Bellis perennis</i> , creeping buttercup <i>Ranunculus repens</i> , perennial rye-grass <i>Lolium perenne</i> , meadow foxtail <i>Alopecurus pratensis</i> and doves-foot cranesbill <i>Germanium molle</i> .	The habitat is likely of negligible ecological importance .

Habitat	Result	Importance assessment
u1b6 – Other developed land, Secondary code – 1160 (Introduced shrub)	Narrow strips approximately 0.5 m in width ran along the much of the periphery of the derelict care home within the site (TN6). The flora within these planted margins consisted predominately of non-native species including Spanish bluebells <i>Hyacinthoides hispanica</i> , buddleia <i>Buddleja</i> spp., and downy clematis <i>Clematis macropetala</i> .	The habitat is likely of negligible ecological importance .
h2 – Hedgerow	A single species-poor hedgerow was located along the eastern boundary of the site. The hedgerow was dominated by hawthorn <i>Crataegus monogyna</i> with bramble <i>Rubus fruticosus</i> and the occasional sycamore <i>Acer pseudoplatanus</i> sapling (TN1).	This habitat is likely of local ecological importance and has the potential to support protected species, discussed further in section 3.3 below.
u1b5 – buildings	A derelict two-storey residential care home with associated outbuildings, all of brick construction (TN7). The existing care home had a tiled pitched roof with the outbuildings having flat felted roofs. There were numerous features across the building including hanging, lifted, broken and missing tiles were located across the roof and the cladded sections of the building. In addition, there were with sections of missing mortar throughout the brickwork.	This habitat is likely of negligible ecological importance however has the potential to support protected species, discussed further in section 3.3 below.
u1b – developed land; sealed surface	Much of the site comprised of hardstanding including a car park and walkways (TN8).	This habitat is likely of negligible ecological importance .

3.3 PROTECTED AND NOTABLE SPECIES

Data purchased from the HBIC confirmed the presence of a number of protected and notable species within 2 km of the site. Relevant data are discussed in Table 3 below.

Protected and notable species identified as a receptor for the site are detailed in Table 3. For species with legal protection arising from persecution, such as badgers, some details are purposefully omitted, but can be provided on request to inform the masterplan.

Table 3. Species

Species	Legal protection	Result	Importance assessment
Bats	Conservation of Habitats and Species Regulations 2017 Schedule 2; Wildlife and Countryside Act 1981 (as amended) Schedules 5 & 6; Natural Environment and Rural Communities 2006 Section 41.	<p>HBIC returned 311 records from up to 16 species of bat within a 2 km radius of the site. Bat species recorded within the search radius includes,</p> <p>Bats <i>Chiroptera</i> spp. Bechstein's bat <i>Myotis</i> Brown long-eared bat <i>Plecotus auritus</i> Common pipistrelle <i>Pipistrellus pipistrellus</i> Daubenton's bat <i>Myotis daubentonii</i> Greater horseshoe bat <i>Rhinolophus ferrumequinum</i> Lesser noctule <i>Nyctalus lesleri</i> Long-eared bat species <i>Plecotus</i>spp. Myotis bat species <i>Myotis</i>spp. Nathusius' bat <i>Pipistrellus nathusii</i> Natterer's bat <i>Myotis nattereri</i> Noctule bat <i>Nyctalus noctula</i> Pipistrelle bat species <i>Pipistrellus</i>spp. Serotine <i>Eptesicus serotinus</i> Soprano pipistrelle <i>Pipistrellus pygmaeus</i> Western barbastelle <i>Barbastella barbastellus</i> Whiskered bat <i>Myotis mystacinus</i>, and Whiskered / Brandt's bat <i>Myotis brandtii</i></p> <p>A record of brown long-eared were recorded within the site although the OS grid reference for this recorded was a six-figure (SU3554210) and therefore the record has potential to be situated within the local area.</p>	Unknown – the site has the potential to support roosting bats and further surveys are recommended.

Species	Legal protection	Result	Importance assessment
		<p><u>Foraging and commuting</u></p> <p>The habitats on site are largely unsuitable for foraging and commuting bats, with a short section of hedgerow providing linear features to support these behaviours. Furthermore, the site and surrounding areas are considered to be well-lit at night given the urban location. It is therefore considered that the site offers negligible suitability for foraging and commuting bats.</p> <p><u>Roosting - Trees</u></p> <p>The two mature whitebeams were assessed for their suitability to support a bat roost. Potential suitable roosting features in these trees, such as cavities or splits, were not recorded and therefore both were considered to have negligible suitability in accordance with guidelines (Collins, 2016).</p> <p><u>Roosting – Buildings</u></p> <p>The existing residential car home on site were assessed for their suitability to support a bat roost. The building was assessed as providing high suitability for roosting bats.</p>	
Birds	Wildlife and Countryside Act 1981 (as amended).	<p>HBC returned 1714 records of 122 bird species within a 2 km radius of the site. Most of these records were of waterfowl and waders associated with the Solent. The closest record was observed was a red kite <i>Milvus milvus</i> 0.17 km, NW of the site, though it should be noted that this record is considered highly likely to be of a bird in flight over the area.</p> <p>As the existing residential care home is derelict all obvious points of access to the interior of the building for nesting birds have been sealed and therefore offers limited opportunity. While the pitched roof of the main building is considered unsuitable for nesting birds, the flat roofs of the associated outbuildings may be utilised by nesting gull species. The hedgerow and trees on site have suitability to be used by nesting birds.</p>	Local importance – the site supports common species. Habitat is of poor quality to support notable species.
Otter and water vole	Conservation of Habitats and Species Regulations 2017 Schedule 2; Wildlife and Countryside Act 1981 (as	HBC returned records of otter within 500m of the site. Whilst the site itself has limited suitability to support otter <i>Lutra lutra</i> and water vole <i>Arvicola amphibius</i> , the off site riparian habitat could support the protected species and further survey would be required to confirm likely absence/presence.	Unknown – boundary habitats have the potential to support otter and / water vole. Further survey is recommended.

Species	Legal protection	Result	Importance assessment
	amended) Schedules 5 & 6; Natural Environment and Rural Communities 2006 Section 41.		
Terrestrial Invertebrates	Some invertebrates are protected under Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981 (as amended). Many invertebrates are also listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006).	The data search returned records of 277 invertebrate species listed under Section 41 of the NERC Act (2006). Of these, three were protected under Annex II of the Conservation of Habitats and Species Regulations; stag beetle <i>Lucanus cervus</i> , marsh fritillary <i>Euphydryas aurinia</i> and Jersey tiger <i>Euplagia quadripunctaria</i> . Given proximity of the site from the coast and the area of grassland present within the site it is unlikely that the species above species would be present. In addition, the lack of deadwood within the site is detrimental for stag beetle as their larvae rely on buried or partially buried dead wood to feed. Although adults may use the hedgerow to commute and shelter. The hardstanding on site is of negligible quality for invertebrates. There is potential for limited numbers of common invertebrates to use the areas of ornamental planting and grassland to forage.	Local importance – the site likely supports common species. Habitat is of poor quality to support notable species.
Invasive species	Wildlife and Countryside Act 1981 (as amended) Schedule 9; Environmental Protection Act 1990.	Records for 14 species of non-native species as listed under Schedule 9, Part II of the W&CA were returned within the data search. The closest record was of Himalayan balsam <i>Impatiens glandulifera</i> located within the Tadburn Stream approximately 0.07 km SW of the site. No non-native species were recorded within the site.	Negligible importance

4.0 RECOMMENDATIONS

4.1 MITIGATION AND FURTHER SURVEY

All of the works outlined below in Table 4 should be assumed as likely requirements for the pre-planning stage to inform a planning application, unless otherwise stated.

Table 4. Mitigation and Further Survey / Assessment

Ecological Receptor	Further survey / Assessment	Mitigation required	Opportunity for enhancement
Designated sites	<p>The closest European designated site is Emer Bog SAC located 3.4 km, E. Given the distance from this site and others, and the is a lack of both habitat and hydrological connections, direct and indirect effects are considered unlikely.</p> <p>The site is within the Solent Nutrient Neutrality Catchment Area designated by Natural England in their latest advice note (Natural England, 2022). The development will result in an increase in population on the site, a Nutrient Assessment is therefore required.</p> <p>There is also the potential for effects arising from the operational phase of the development proposals to cause an increase in recreational pressure at Solent and Southampton Water SPA. This is based on the zone of influence for this pathway being 5.6 km in accordance with the Solent Recreation Mitigation Strategy (Bird Aware Solent, 2017).</p> <p>In order to meet legal requirement set out in The Conservation of Habitats and Species</p>	Requirement for mitigation will be highlighted in HRA . Potentially including mitigation for increased nutrient loading and mitigation for the effect of increased recreational pressure	N/A

	Regulations, 2017 (as amended) and policy requirements under Policy E5: Biodiversity (through which the Council will seek to avoid any net loss of biodiversity as a result of new development). Further assessment including a Habitats Regulations Assessment will be required.		
Habitats	<p>The majority habitat on site is hardstanding which has no ecological value. Other habitats on site are considered to be of limited ecological value.</p> <p>Nevertheless, it is recommended that a Biodiversity Net Gain (BNG) assessment is undertaken to demonstrate that the biodiversity value of the site is safeguarded post-development.</p>	<p>Specific mitigation measures will be determined by the results of the BNG assessment; however, these are likely to include habitat improvement measures, habitat creation, and like-for-like replacement planting of native species that are to be removed to facilitate the proposals.</p> <p>Tree protection measures in line with BS 5837 'Trees in Relation to Design, Demolition and Construction' should be implemented during construction to protect the mature trees off-site to the south. A Construction and Environmental Management Plan (CEMP) should also be produced detailing ways in which construction will avoid impacts to the stream to the south.</p>	To be determined by the BNG assessment but could include planting of a greater diversity of habitats composed of native species.
Bats	<p>Emergence / return surveys are recommended on the existing residential care home which has high potential for roosting bats. Three emergence/return surveys (comprising at least a dusk and a pre-dawn survey) are therefore required between May and August.</p> <p>Activity surveys are not recommended due to the scale of hardstanding and lighting on site</p>	To be determined by the results of the survey. If bats are confirmed to be roosting on site, and in accordance with mitigation hierarchy, the roosting feature should be retained. Where this is not feasible, mitigation measures could include seasonal restrictions to works. Finally, where the above is not possible,	Targeted enhancements will be determined by the results of the bat surveys.

	which creates an unsuitable condition for foraging and commuting bats.	compensation measures such as providing new roosts would be required. A European Protected Species Licence (EPSL) will be required to permit the loss of any roosts. An avoidance, mitigation and compensation strategy would need to be designed so that the integrity of the population would not be affected by the proposals. This is likely to include a sensitive lighting strategy preserving the treeline to the south of site as a dark corridor for commuting nocturnal wildlife.	
Birds	No further surveys required.	The site has the potential to support common garden birds and gull species. All birds and their nests are legally protected from destruction, therefore any clearance to nesting habitat or building roofs would need to occur outside of nesting bird season (which is mid-March-September inclusive) or be preceded by a nesting bird survey carried out by an ecologist. If nests, are identified, an appropriate buffer zone will be established around it and no works may continue until the nest has fledged.	The inclusion of bird nesting boxes installed within and / or on the proposed residential care home will enhance the site for nesting birds. Three clusters of five swift bricks are recommended to be installed on the southern and western elevations.
Invertebrates	N/A	N/A	The sowing of a wildflower mix appropriate to the soil type of the site should be sown within proposed grassland areas within the site to increase floral diversity and forging opportunities for invertebrates.
Otter and Water vole	Further survey of the stream south of the site is recommended to determine the likely	To be determined by the results of the survey.	To be determined by the results of the survey.

	presence / absence of otter and water vole from the vicinity of the proposals.		
Invasive species	N/A	If any invasive non-native species are identified within the site during future works, advice is to be from a specialist contractor regarding removal at the earliest opportunity.	N/A

5.0 CONCLUSIONS

The site lies within the Solent Nutrient Neutrality Catchment Area, and within 5.6km of the Solent Recreation Mitigation Strategy. A nutrient balancing assessment will need to be completed to demonstrate that the proposals will be nutrient neutral and not adversely affect the Solent sites. Additionally, the site lies within 5.6km of the Solent habitats sites, all applications for new homes that fall within this area are required to make a financial contribution to the Solent Recreation Mitigation Strategy. Habitats on site are of limited (local) conservation importance, the site has the potential to support roosting bats and nesting birds which are legally protected species.

Key recommendations of the report are;

- A nutrient balancing assessment to assess the effect of the development and propose mitigation should a net increase in nutrient be calculated as result of the proposals,
- Contributions to the Solent Recreation Mitigation Strategy,
- A report to inform Habitats Regulations Assessment,
- A BNG assessment should also be completed to ensure the proposals achieve a net gain in biodiversity once constructed,
- Assessment of the adjacent river and riparian habitat for presence of protected species;
- Bat emergence/return surveys of the existing residential care home,
- Any clearance to nesting habitat including buildings and trees would need to occur outside of nesting bird season (which is mid-March-September inclusive) or be preceded by a nesting bird survey carried out by an ecologist;
- A CEMP detailing off-site habitat protection during construction; and
- The proposed site could be enhanced for wildlife by sowing wildflower seeds in grassland vegetation and installing bird boxes in trees or on new buildings on site.

Provided the measures within this report for further survey and mitigation can be adopted, it is anticipated that a design could be brought forward for this site that would be compliant with current local and national biodiversity planning policy.

REFERENCES

- Bird Aware Solent. (2017). *Solent Recreation Mitigation Strategy*. Solent Recreation Mitigation Partnership.
- Bright, Morris, & Mitchell-Jones. (2006). *The dormouse conservation handbook* (2nd ed.). Peterborough: English Nature.
- BSI. (2013). *BS 42020—a code of practice for biodiversity in planning and development*. London: BSI Group. Retrieved from <https://www.bsigroup.com/LocalFiles/en-GB/biodiversity/BS-42020-Smart-Guide.pdf>
- Butcher et al. (2020). *UK Habitat Classification - Habitat Definitions V1.1*.
- Chanin. (2003). *Monitoring the Otter Lutra lutra. Conserving Natura 2000 Rivers Monitoring Series No 10*. Peterborough: English Nature.
- CIEEM. (2017). *Guidelines for Preliminary Ecological Appraisal* (2nd ed.). Winchester: CIEEM.
- Collins. (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd ed.). London: The Bat Conservation Trust.
- Gent, & Gibson. (2003). *Herpetofauna Workers' Manual*. Peterborough: JNCC.
- Harris, Cresswell, & Jefferies. (1989). *Surveying badgers. An occasional publication of the mammal society—No. 9*. London: Mammal Society.
- JNCC. (2016). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*. Peterborough: JNCC.
- Langton, Beckett, & Foster. (2001). *Great Crested Newt Conservation Handbook*. Halesworth: Froglife.
- Oldham, Keeble, Swan, & Jeffcote. (2000). Evaluating the Suitability of Habitat for the Great Crested Newt (*Triturus cristatus*). *Herpetological Journal*, 10 (4), 143-155.
- Stace. (2019). *New Flora of the British Isles* (4th ed.). Suffolk: C&M Floristics Middlewood Green.

FIGURES

Figure 1 – Site Location Plan

Figure 2 – UK Habitat Classification Map



Site Location Plan

Edwina Mountbatten House

F

Planning Issues

Legend

Site boundary

Notes:

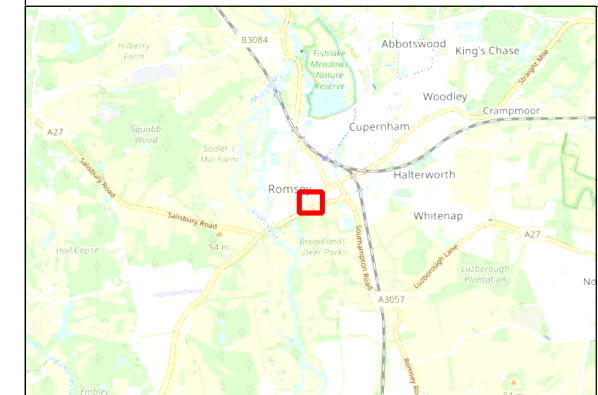
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 Checked by:
 Office: Southampton

Figure No. 1
 Revision No. A
 25 April 2023

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 Scale 1:1,000 @A3

British National Grid
 NGR: 435485E 121013N

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Habitat Map

Edwina Mountbatten House



Planning Issues

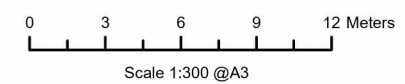
Legend

- Site boundary
- g4 - modified grassland
- r1 - standing open water and canals
- u1b - developed land, sealed surface
- u1b5 - buildings
- u1b6 - other developed land
- h2 - hedgerow
- Trees
- UK Habs Target Notes

Notes:

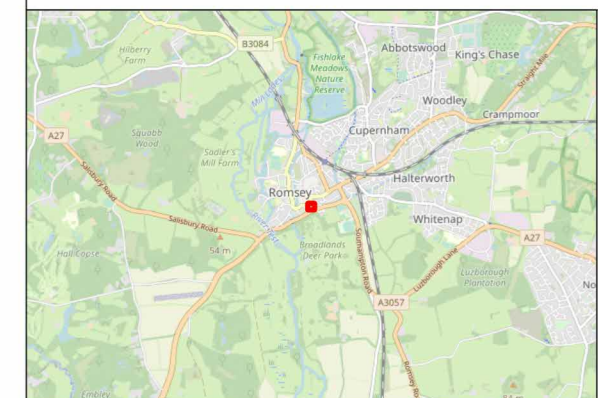
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 Checked by: BC
 Office: Southampton

Figure No. 2
 Revision No. A
 18 May 2023



British National Grid
 NGR: 435479E 121009N

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APPENDICES

APPENDIX A: REPORT CONDITIONS

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The report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections'. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times. No investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather-related conditions. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions. The “shelf life” of the Report will be determined by a number of factors including; its original purpose, the Client’s instructions, passage of time, advances in technology and techniques, changes in legislation etc. and therefore may require future re-assessment.




The whole of the report must be read as other sections of the report may contain information which puts into context the findings in any executive summary.




Tetra Tech reserves the right to share this Report and any related materials, surveys, drawings and/or documents at any time with the relevant Local Ecological Records Centre (LREC), any relevant statutory body or any equivalent organisation as Tetra Tech may reasonably require from time-to-time.



The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Tetra Tech accept no liability for issues with performance arising from such factors.

APPENDIX B: TARGET NOTES & SURVEY DATA

Target Notes

Target Note	Description	Photographic Plates
TN1	<p>Hedgerow – A hedgerow located along the eastern site boundary. Species included – Hawthorn <i>Crataegus monogyna</i> Bramble <i>Rubus fruticosus</i>, and Sycamore <i>Acer pseudoplatanus</i></p>	
TN2	<p>Tree – Mature whitebeam <i>Sorbus aria</i> situated within the northern extent of the residential care home's courtyard.</p>	
TN3	<p>Tree – Mature whitebeam situated within the area of grassland to the north of the residential care home.</p>	

<p>TN4</p>	<p>Standing open water and canals, oligotrophic - An ornamental pond with a fountain situated within the centre of the residential care home's courtyard.</p>	
<p>TN5</p>	<p>Modified grassland – Sections of managed grassland were situated to the north, east and south of the main building. Species included – Daisy <i>Bellis perennis</i>, Creeping buttercup <i>Ranunculus repens</i> Perennial rye-grass <i>Lolium perenne</i> Yarrow <i>Achillea millefolium</i> Dandelion <i>Taraxacum officinale</i> Red dead nettle <i>Lamium purpureum</i> Cleavers <i>Galium aparine</i> Ribwort plantain <i>Plantago lanceolata</i> Meadow foxtail <i>Alopecurus pratensis</i>, and Doves-foot cranesbill <i>Germanium molle</i>.</p>	
<p>TN6</p>	<p>Other developed land, Secondary code – 1160 (Introduced shrub) – Narrow strips of ornamental planting ran along the much of the periphery of the derelict care home within the site. Species included – Spanish bluebells <i>Hyacinthoides hispanica</i> Common lilac <i>Syringa vulgaris</i> Wood forget-me-not <i>Myosotis sylvatica</i> Buddleia <i>Buddleja</i> spp; and Downy clematis <i>Clematis macropetala</i>.</p>	

TN7	<p>Building –</p> <p>A derelict two-storey residential care home with associated outbuildings, all of brick construction. The existing care home had a tiled pitched roof with the outbuildings having flat felted roofs.</p>	
TN8	<p>Developed land; sealed surface –</p> <p>Much of the site comprised of hardstanding including a car park and walkways</p>	

APPENDIX C: KEY LEGISLATION

Conservation of Habitats and Species Regulations 2017 (as amended)

Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I or II of the Habitats Directive respectively) to the European Commission. These sites, if ratified by Ministers, are then designated as Special Protection Areas (SPAs) within six years. Public bodies must also help preserve, maintain and re-establish habitats for wild birds.

The 2018 amendments mainly related to the impact of the *People Over Wind* decision and some implications arising for neighbourhood plan development and a range of other planning tools including Local Development Orders and Permission in Principle – see here for full details:
<https://www.legislation.gov.uk/ukSI/2018/1307/note/made>

The 2019 amendments related to the EU exit. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. – see here for full details:

<https://www.legislation.gov.uk/ukdsi/2019/978011176573>

The Regulations make it an offence to deliberately capture, kill, disturb or trade in the animals listed in Schedule 2, or pick, uproot, destroy, or trade in the plants listed in Schedule 5.

Wildlife & Countryside Act 1981 (as amended)

This is the principal mechanism for the legislative protection of wildlife in the UK. This legislation is the chief means by which the 'Bern Convention' and the Birds Directive are implemented in the UK. Since it was first introduced, the Act has been amended several times.

The Act makes it an offence to (with exception to species listed in Schedule 2) intentionally:

- kill, injure, or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use; or
- take or destroy an egg of any wild bird.

Or to intentionally do the following to a wild bird listed in Schedule 1:

- disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird.

In addition, the Act makes it an offence (subject to exceptions) to:

- intentionally or recklessly kill, injure or take any wild animal listed on Schedule 5;
 - interfere with places used for shelter or protection, or intentionally disturbing animals occupying such places; and
- The Act also prohibits certain methods of killing, injuring, or taking wild animals.

Finally, the Act also makes it an offence (subject to exceptions) to: intentionally pick, uproot or destroy any wild plant listed in Schedule 8, or any seed or spore attached to any such wild plant; unless an authorised person, intentionally uproot any wild plant not included in Schedule 8; or sell, offer or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

Following all amendments to the Act, Schedule 5 'Animals which are Protected' contains a total of 154 species of animal, including several mammals, reptiles, amphibians, fish and invertebrates. Schedule 8 'Plants which are Protected' of the Act, contains 185 species, including higher plants, bryophytes and fungi and lichens. A comprehensive and up-to-date list of these species can be obtained from the JNCC website.

Part 14 of the Act makes unlawful to plant or otherwise cause to grow in the wild any plant which is listed in Part II of Schedule 9.

It is recommended that plant material of these species is disposed of as bio-hazardous waste, and these plants should not be used in planting schemes.

Environment Protection Act 1990

The Act imposes a classification of soil and other waste containing viable propagules of invasive non-native plant species as controlled waste. This has been applied to Japanese Knotweed *Reynoutria japonica*, with the result that waste containing this species must be disposed of in accordance with the duty of care set out in section 34 of the Act.

Protection of Badgers Act 1992

The main legislation protecting badgers in England and Wales is the Protection of Badgers Act 1992 (the 1992 Act). Under the 1992 Act it is an offence to: wilfully kill, injure, take or attempt to kill, injure or take a badger; dig for a badger; interfere with a badger sett by, damaging a sett or any part thereof, destroying a sett, obstructing access to a sett, causing a dog to enter a sett or disturbing a badger while occupying a sett. The 1992 Act defines a badger sett as: "any structure or place which displays signs indicating current use by a badger".

Natural Environment and Rural Communities Act 2006

Section 41 (S41) of this Act requires the Secretary of State to publish a list (in consultation with Natural England) of Habitats and Species which are of Principal Importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as public bodies including local and regional authorities, in implementing their duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal (e.g. planning) functions. The S41 list includes 65 Habitats of Principal Importance and 1,150 Species of Principal Importance.

Hedgerow Regulations 1997

The Hedgerow Regulations were made under Section 97 of the Environment Act 1995 and came into force in 1997. They introduced new arrangements for local planning authorities in England and Wales to protect important hedgerows in the countryside, by controlling their removal through a system of notification. Important hedgerows are defined by complex assessment criteria, which draw on biodiversity features, historical context and the landscape value of the hedgerow.

Birds of Conservation Concern

This is a review of the status of all birds occurring regularly in the United Kingdom. It is regularly updated and is prepared by leading bird conservation organisations, including the British Trust for Ornithology (BTO), Joint Nature Conservation Committee (JNCC) and The Royal Society for the Protection of Birds (RSPB).

The latest report was produced in 2021 (Eaton *et al*, 2021) and identified 70 red list species, 103 amber species, and 72 green species. The criteria are complex, but generally:

Red list species are those that have shown a decline of the breeding population, non-breeding population or breeding range of more than 50% in the last 25 years.

Amber list species are those that have shown a decline of the breeding population, non-breeding population or breeding range of between 25% and 50% in the last 25 years. Species that have a UK breeding population of less than 300 or a non-breeding population of less than 900 individuals are also included, together with those whose 50% of the population is localised in 10 sites or fewer and those whose 20% of the European population is found in the UK.

Green list species are all regularly occurring species that do not qualify under any of the red or amber criteria are green listed.

Global IUCN Red List

The International Union for Conservation of Nature (IUCN) Threatened Species was devised to provide a list of those species that are most at risk of becoming extinct globally. It provides taxonomic, conservation status and distribution information about threatened taxa around the globe.

The system catalogues threatened species into groups of varying levels of threat, which are: Extinct (EX), Extinct in the Wild (EW), Critically Endangered (CE), Endangered (EN), Vulnerable (VU), Near Threatened (NT), Least Concern (LC), Data Deficient (DD), Not Evaluated (NE). Criteria for designation into each of the categories is complex, and consider several principles.

Local Biodiversity Action Plan (LBAP)

Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level), and are usually drawn up by a consortium of local Government organisations and conservation charities.

Some LBAP's may also include Habitat Action Plans (HAP) and/or Species Action Plans (SAP), which are used to guide and inform the local decision making process.

Wild Mammals (Protection) Act 1996

This Act offers protection to all wild species of mammals, irrespective of other legislation, and focussed on animal welfare, rather than conservation.

Unless covered by one of the exceptions, a person is guilty of an offence if he mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, drags or asphyxiates any wild mammal with intent to inflict unnecessary suffering.

Its application is typically restricted to preventing deliberate harm to wildlife (in general) during construction works etc.

National Planning Policy Framework

National Planning Policy Framework (NPPF) is the top tier of planning policy. The Framework provides guidance to local authorities and other agencies on planning policy and the operation of the planning system. Section 15 relates to 'Conserving and enhancing the natural environment'.

Relevant policies in relation to planning application include Paragraphs:

"174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services—including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

179. To protect and enhance biodiversity and geodiversity, plans should: a) 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 b) 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.

180. When 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 Site of Special Scientific Interest, 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 Sites of Special Scientific Interest; 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; and 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." –see here for full details:

<https://www.gov.uk/guidance/national-planning-policy-framework>

The Test Valley Borough Council Adopted Local Plan 2011-2029

Policy E5: Biodiversity through which the Council will seek to avoid any net loss of biodiversity as a result of new development

Policy E5 states that:

"Development in the Borough that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.

Development that is likely to result in a significant effect, either alone or in combination, on an international or European nature conservation designation, or a site proposed for such designation, will need to satisfy the requirements of the Habitat Regulations.

Development likely to result in the loss, deterioration, or harm to habitats or species of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted unless:

- a) the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
- b) it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
- c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against, or, as a last resort, compensate for the adverse effects likely to result from development.

The habitats and species of importance to biodiversity and sites of geological interest considered in relation to points a) to c) comprise:

Sites of Special Scientific Interest (SSSIs);

legally protected species;

Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs);

priority habitats and species listed in the national and local Biodiversity Action Plans;

habitats and species of principal importance for the conservation of biodiversity in England100;

trees, woodlands, ancient woodland (including semi-natural and replanted woodland), aged and veteran trees, and hedgerows; and

features of the landscape that function as 'stepping stones' or form part of a wider network of sites by virtue of their coherent ecological structure or function or are of importance for the migration, dispersal and genetic exchange of wild species.

The level of protection and mitigation should be proportionate to the status of the habitat or species and its importance individually and as part of a wider network."

Related to Policy E5 is Policy E6 on Green Infrastructure which states that development will be permitted provided that:

- "a) it protects, conserves and where possible, enhances the Borough's Green Infrastructure network.
- b) it avoids the loss, fragmentation, severance, or a negative impact on the function of the Green Infrastructure network.
- c) mitigation is provided where there would be an adverse impact on the Green Infrastructure network; and
- d) where it is necessary for development to take place on identified areas of Green Infrastructure an appropriate replacement is provided."