

## **Policy E5: Biodiversity**

**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<sup>1</sup>.**

**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<sup>2</sup>;**
- habitats and species of principal importance for the conservation of biodiversity in England<sup>3</sup>;**
- 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.**

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1 Sections 61 and 62 of the Conservation of Habitats and Species Regulations 2010 and subsequent amendments.

2 This includes the Hampshire Biodiversity Action Plan and Test Valley Biodiversity Action Plan

3 See Sections 40 and 41 of the Natural Environment and Rural Communities Act 2006 (the NERC Act)

**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.**

- 7.32 Test Valley supports a range of biodiversity assets, including internationally and nationally important wildlife areas as well as those of local significance. It has a variety of habitats and is home to a number of rare and declining species.
- 7.33 The Council will seek to avoid any net loss of biodiversity across the Borough and will pursue opportunities to enhance the environment in line with the objectives of the Natural Environment White Paper 'The Natural Choice'<sup>4</sup>. It will also be important to ensure that regard is given to the implications of a changing climate, to ensure that habitats are protected and enhanced to support their resilience to such changes.
- 7.34 Sites designated for international or European importance (or those proposed for designation) receive the highest level of protection for their ecological value – these comprise Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. It may be necessary for project level assessments through the Habitat Regulations<sup>5</sup> to be undertaken where there is a likelihood of significant effects<sup>6</sup>, either alone or in combination, on these designations to ensure that they will not be adversely affected by any development proposals on their own or cumulatively. Proposal likely to result in an adverse effect, after taking account of avoidance and mitigation measures, will not be permitted.
- 7.35 The sites of international or European importance within Test Valley (either wholly or in part) are:
- Emer Bog SAC
  - Mottisfont Bats SAC
  - New Forest SAC, SPA and Ramsar site
  - Porton Down SPA
  - Salisbury Plain SAC and SPA
  - Solent and Southampton Water SPA and Ramsar site
  - Solent Maritime SAC

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4 The Natural Choice: Securing the Value of Nature, HM Government, 2011

5 The Conservation of Habitats & Species Regulations, 2010 SI No. 490 and subsequent amendments

6 This includes direct and indirect effects, including proposals beyond the designations. For example off-site effects on foraging habitat within 7.5km of Mottisfont Bats SAC and the area identified within the discharge constraint zone for Emer Bog

- 7.36 The Council is committed to working with other local authorities and groups to develop and implement a strategic approach to protecting international and European sites from the effects of development, including recreational disturbance and air pollution. This may include a range of mitigation, access management and monitoring measures, including for the New Forest and Solent designations.
- 7.37 To minimise the impact of the increased population the Council proposes to bring forward new opportunities for informal recreation. Specific proposals have been identified as part of the development set out in Policies COM3 and COM4. In addition the Council will seek contributions from development towards a range of mitigation measures including securing access to new areas of land. In assessing the scale of the contributions the Council has calculated a need of 8Ha per 1,000 population in order to provide sufficient attractive, high quality alternative land as an alternative to the sensitive ecological areas. Contributions will also be secured towards monitoring the effectiveness of mitigation measures.
- 7.38 The Council has commenced work with neighbouring authorities and statutory bodies on preparing a long term approach for mitigating the recreational pressures on the New Forest ecological designations. In the short term the Council has approved the New Forest Interim Mitigation Framework 2014<sup>7</sup>
- 7.39 The Council has been working with a range of partners as part of the Solent Disturbance and Mitigation Project (SDMP), which has been set up to assess the likely impact from existing and future recreation pressure on the Solent SPA designations. The Council has approved an interim mitigation package<sup>8</sup> and is continuing to support the preparation of a full mitigation package.
- 7.40 Changes in air quality can affect international and European designated habitats. Proposals that have the potential to impact on air quality in such a way as to adversely affect these designations will need to identify mitigation measures. For example where it is evidenced that the increase in traffic movements will have an impact on air quality the promotion of more sustainable modes of travel will be sought. The Council will consider how best to monitor changes in air quality with partners in areas adjoining European sites likely to be affected by additional development.

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<sup>7</sup> For a net gain in dwellings within 13.6km of the New Forest SPA

<sup>8</sup> For net gains in dwellings within 5.6km of the Solent and Southampton Water SPA.

- 7.41 The Borough also contains a wealth of habitats and species of national to local importance which are set out within the policy. Development that has the potential to harm these biodiversity assets and sites of geological interest will not be permitted unless the circumstances set out within the policy apply. Details of the national designations can be obtained from Natural England. Information on Local Nature Reserves can be obtained from the Council. Details of the Sites of Importance for Nature Conservation within the Borough can be obtained from Hampshire Biodiversity Information Centre.
- 7.42 For development that affects these features and assets the three tests set out within the policy will need to be satisfied. The level of protection given to such features will be proportionate to their status and importance both individually and as part of a wider network. Figure 2 sets out the approach to criterion c) within the policy. The Council will use planning conditions and/or agreements to secure measures including financial contributions to ensure that biodiversity conservation and geological interests are protected.
- 7.43 The Council will encourage the sympathetic management of existing wildlife sites and the restoration and enhancement of priority habitats, particularly where it would extend or link existing wildlife sites or support the targets within the local Biodiversity Action Plans. This may include projects within Biodiversity Opportunity Areas (BOAs), the Green Infrastructure Strategy and in the future potentially through Nature Improvement Areas (NIAs). In addition, opportunities to incorporate biodiversity in and around developments will be encouraged.

*Figure 2: Approach to Avoidance, Mitigation and Compensation*



