

# NATURAL ENVIRONMENT



## NATURAL ENVIRONMENT



### Nature Conservation, Biodiversity and the Local Ecological Network

#### Why this policy is needed

- 9.1 An extensive, high quality natural environment is a key part of the environmental pillar of sustainable development. There are legal duties placed on Local Authorities with regards to biodiversity such as the duty contained within Section 40 of the Natural Environment and Rural Communities Act 2006 requiring all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving and enhancing biodiversity. The NPPF also amongst other things, sets out the framework for how Local Plans should protect and enhance biodiversity (chapter 15 of the NPPF).

Protecting and enhancing the natural environment can result in a variety of benefits such as:

- Allowing people to reconnect with nature and improving people's quality of life and mental well-being;
  - Supporting and improving biodiversity;
  - Protecting the Borough's landscape and cultural heritage which helps to create a sense of place and identity;
  - Protecting the Borough's water resources, such as groundwater reserves, springs and rivers;
  - Providing resilience to and mitigating the effects of climate change.
- 9.2 There are a variety of rich and unique habitats which are of high ecological value in and around the Borough some of which are protected by both international and national legislation. There is a hierarchy of designations which ranges from internationally protected sites through to national and locally protected sites.

#### International/ European Sites

- 9.3 The Solent is internationally important for its wildlife with over 90,000 waders and wildfowl and 10 to 30 per cent of the global population of Brent Geese. Four Special Protection Areas (SPAs) have been designated in the region to protect these important bird populations. These are Solent & Southampton Water, Portsmouth Harbour, Chichester and Langstone Harbours and Solent and Dorset Coast. The region is also home to a variety of important coastal habitats such as Atlantic Salt Meadows, Smooth and Small Cord-grass and Estuarine Mud Flats amongst others. Two Special Areas of Conservation (SACs) to protect these important habitats have also been designated in parts of the Solent. These are Solent Maritime and Solent and Isle of Wight Lagoons.
- 9.4 Additionally, the wetland areas of the Solent are designated under the Ramsar Convention for their international importance. These include Solent & Southampton Water, Portsmouth Harbour and Chichester and Langstone Harbours. Paragraph 176 of the NPPF states that Ramsar sites as well as any potential SPAs and possible SACs that are likely to be designated in future are afforded the same level of protection as designated SPAs and SACs under the NPPF. They should therefore be treated and included accordingly.





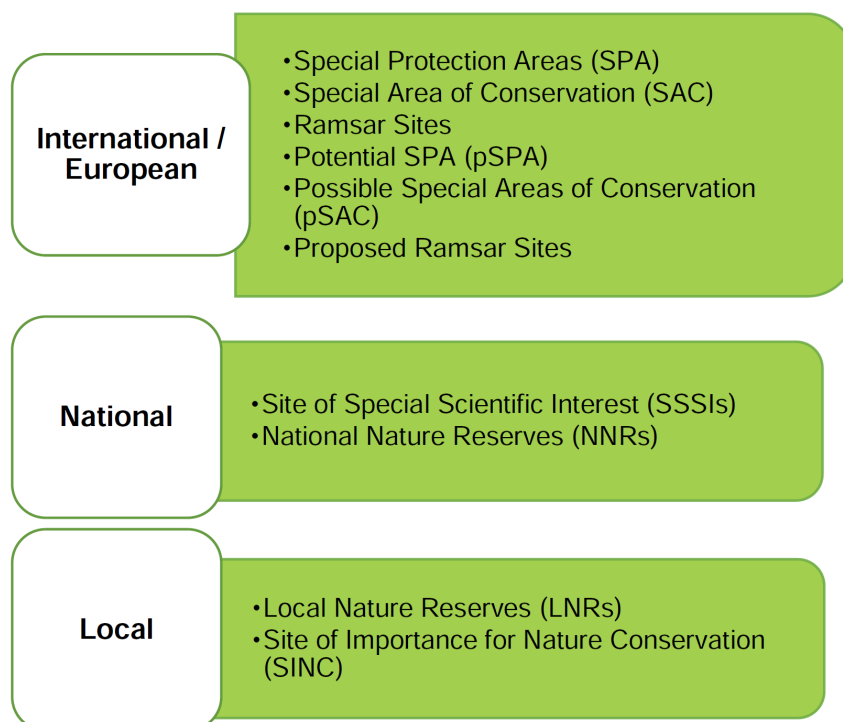
## National Sites

- 9.5 There are also a number of nationally designated sites within the Borough such as Special Sites for Scientific Interest (SSSI) which are also designated for their biodiversity or geodiversity values. National Nature Reserves also fall within this category, particularly as many are also SSSIs. Irreplaceable habitats such as areas of ancient woodland and ancient or veteran trees are also nationally designated features.

## Local Sites

- 9.6 Locally designated sites in Fareham include Sites of Importance for Nature Conservation (SINC) and Local Nature Reserves.

All designated areas are shown on the Policies map. The hierarchy of nature conservation designations is presented in Figure NE1 below:



**Figure 9.1: Hierarchy of UK Nature Conservation Designations**

- 9.7 Within the Borough, there are many other non-designated priority habitats and species identified within the UK Biodiversity Action Plan (BAP) which are of important ecological value and should also have proportionate protection. The non-designated habitats as well as the designated sites are shown on the Ecological Network Map for the Borough.
- 9.8 The statutory and non-statutory sites and habitats combined, act as coherent ecological corridors functioning as an integrated network of ecosystems making up the Ecological Network of the Borough. They also provide various social and economic benefits to the residents of Fareham and many help support the internationally designated sites.

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- 9.9 The protection, restoration and enhancement of designated sites and habitats and species that reside within them is important for maintaining a diverse Borough for residents to live in and halt the continued loss of biodiversity. Development that takes place in Fareham Borough is expected to make a positive contribution to the existing natural environment. It is considered that development which does not do this, contributes to the continuing decline of biodiversity and would therefore not constitute sustainable development.
- 9.10 Protected sites in general are under pressure from a variety of sources such as climate change, air quality and water resources as a result of development proposed in both the Borough and across South Hampshire. There is potential for these pressures to have significant effects on protected sites. Therefore, an assessment in accordance with the Habitats Regulations<sup>79</sup>, termed a Habitats Regulations Assessment (HRA), has been undertaken in respect of the Local Plan to ensure that the implementation of the Local Plan will not have an adverse effect on the integrity of these sites.

### **Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network**

**Development will be permitted where:**

- a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and
- b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and
- c) Proposals do not prejudice the Ecological Network or result in its fragmentation.

**Development within the Borough whose primary objective is to conserve and enhance biodiversity (including the Local Ecological Network), geodiversity and natural resources through restoration, re-creation or management will be supported.**

**How this policy works**

### **Protected Sites, Habitats and Species**

- 9.11 The amount of weight given to the protection of an area with biodiversity interests depends upon the hierarchy of nature conservation designations and the legislation through which the site is protected. Protection may apply to the habitat(s) or species concerned, or both. The Council will ensure that any development will be strictly controlled in areas of international, national and local importance following the hierarchy of nature conservation. In all cases except where imperative reasons of overriding public interests occur, there is an expectation that development will adhere to the principles of the mitigation hierarchy. This means, if a development has the potential to harm biodiversity directly or indirectly, the impact should be avoided (such as by finding an alternative site or through appropriate design). If harm cannot be avoided, then adequate mitigation, (or as a last resort) compensation amounting to the lifetime of the development should be arranged. This mitigation hierarchy is separate from any

<sup>79</sup> The Conservation of Habitats and Species Regulations 2017





consideration under the Conservation of Habitats and Species Regulations 2017. Development should demonstrate clearly that the mitigation hierarchy has been followed.

- 9.12 Development impacts directly or indirectly on International/European designated sites (SPAs, SACs, Ramsar, pSPAs, pSACs and pRamsar) are subject to stricter protection tests as set out in the Conservation of Habitats and Species Regulations 2017. Unless there are Imperative Reasons of Overriding Public Interest, the Council will only agree to the project after having ascertained that it will not adversely affect the integrity of these designated sites. This will be achieved through the Council as competent authority conducting an assessment in accordance with the relevant nature, wildlife and habitats legislation. This will determine if the project will have a likely significant effect on the sites, and if so, whether it can proceed with adequate measures in place to mitigate any of those effects so as to ensure no adverse effect on the integrity of those sites.
- 9.13 Three pathways have been identified where it is known that development is likely to have significant effects on the international and European designated sites. These particular pathways are covered under Policies NE3, NE4 and NE5.
- 9.14 Development on land within or outside a SSSI and which is likely to have an adverse effect on it (either individually or cumulatively) will not be permitted unless 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.
- 9.15 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 reasons of overriding public interests and a suitable compensation strategy.
- 9.16 Paragraph 179b of the NPPF states that Plans should promote the conservation and enhancement of priority habitats, ecological networks and the protection and recovery of priority species. Development proposals within the Borough are therefore expected to contribute to achieving this objective.

### Application Requirements

- 9.17 Planning applications for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity. Natural England provides guidance to applicants and Local Planning Authorities (LPA's) on what potential species/habitat surveys may need to be carried out and the relevant supporting ecological information that is required to accompany a planning application<sup>80</sup>. In addition, the Council has a list of Local Information Requirements which further supports when applicants should undertake an Ecological Assessment<sup>81</sup>.
- 9.18 Any assessment must highlight any impacts from development on the natural environment as well as demonstrating the mitigation hierarchy has been followed. This means impacts are at first avoided, then mitigated and as a last resort compensated.

<sup>80</sup> Natural England Protected Species: How to review planning applications- <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

<sup>81</sup> Fareham Borough Council, Local Information Requirements  
[http://www.fareham.gov.uk/planning/applications\\_and\\_advice/localrequireddocs.aspx](http://www.fareham.gov.uk/planning/applications_and_advice/localrequireddocs.aspx)

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The need for an assessment and its scope would be discussed at the pre-application stage. Any development proposals that require mitigation and/or compensation measures shall be accompanied by a costed management and maintenance plan for the lifetime of the development.

- 9.19 Data searches should be used to inform ecological assessments accompanying development proposals. These can be obtained from the Hampshire Biodiversity Information Centre.
- 9.20 Householder applications relating to roof materials or voids may impact upon roosting bats and nesting birds, whilst applications to trees and other vegetation will need to be mindful of impacting on nesting birds. Offences in respect of nesting/ roosting birds and bats are covered under the Wildlife and Countryside Act. 1981 (as amended).
- 9.21 It is important to note that whilst some sites may appear to have little or no ecological value through a desktop survey, the ecology of a site can be unpredictable and there may in fact be some value present on site. As such, the information about the site's ecological status could change through the lifetime of the planning process and further information and/or mitigation may be needed in order to determine the application and prevent ecological harm.

### The Local Ecological Network

- 9.22 The Mapping of the Local Ecological Network (LEN) has been undertaken by the Hampshire Biodiversity Information Centre on behalf of the Hampshire Local Nature Partnership. The mapping is available through a request to the Hampshire Biodiversity Information Centre.
- 9.23 The effect of the proposed development on components of the LEN must be assessed in terms of its proximity, the proposed end use and the impact of the proposed use on it. The impacts of any construction activity must also be considered.
- 9.24 There are several ways in which the impacts to the LEN can be mitigated and improvements to it achieved. Advice from an ecologist should be sought to ensure the appropriate mitigation/enhancement measures are provided. The LEN mapping contains an opportunity area layer which highlights those areas of the LEN which have the potential to be improved or managed in a way that can achieve measured biodiversity net gain. The Council has a commitment to securing net gain for biodiversity in line with national policy, this is covered in Policy NE2.
- 9.25 The Council will use planning conditions and/or obligations to secure appropriate enhancement and site management measures. Where impacts are unavoidable, mitigation and/or compensation measures will be required. Any development proposals that require mitigation and/or compensation measures shall be accompanied by a costed management and maintenance plan for the lifetime of the development.
- 9.26 Development which meets and contributes to the restoration, re-creation or management of the LEN will be supported. In addition to the LEN ecological opportunities mapping, the Council's Green Infrastructure Strategy also provides some opportunities for enhancements across the Borough.





- 9.27 Frequent updates to the LEN map will show where new connections have been made or where opportunity areas have been realised (and have turned from opportunity areas to statutory/non statutory habitats).

### Mandating Biodiversity Net Gain

#### Why this policy is needed

- 9.28 It is recognised that the Environment Act 2021 has only recently been enacted and the implementation of Biodiversity Net Gain is still subject to the Secretary of State enacting secondary legislation and could still be modified or repealed by Government. Despite this, paragraph 179b in the NPPF states that Plans should "identify and pursue opportunities for securing measurable net gains for biodiversity" which is what Policy NE2 seeks to achieve. The approach taken towards biodiversity net gain is based upon the emerging legislation contained within the Environment Act 2021, the commitments within the 25 Year Environment Plan<sup>82</sup> and the guidance contained within the National Planning Practice Guidance, Biodiversity Net Gain. Good Practice Principles for Development produced by The Chartered Institute of Ecology and Environmental Management<sup>83</sup> as well as the responses from Natural England to the various stages that led to the formulation of this Local Plan.
- 9.29 The Council will seek to halt the loss of biodiversity and provide net gains across the Borough. In line with the Environment Act 2021 and national policy the Council expects development proposals to achieve demonstrable net gains in biodiversity. This can be secured through incorporating and enhancing existing wildlife habitats into development and encouraging the inclusion of further biodiversity enhancements as part of the design. It is important to recognise that biodiversity net gain should be additional to any habitat creation required to mitigate or compensate for impacts particularly those involving irreplaceable habitats. Any mitigation and/or compensation requirements for international/European sites will be dealt with separately under either policy NE1 NE3, NE4 and NE5.
- 9.30 This policy does not apply to land contained within the Welborne Plan.

### Policy NE2: Biodiversity Net Gain

**The development of one or more dwelling or a new commercial/leisure building should provide at least 10% net gains for biodiversity from the existing baseline value of the site and should be maintained for a minimum of 30 years.**

#### How this policy works

- 9.31 Measures for biodiversity net gain can include but are not limited to, green walls/roofs and Sustainable Drainage Systems (SuDS), providing woodland, ponds, wildflower areas, nesting and roosting features. They can include new habitat or restoring/enhancing habitats and they could form part of a broader package of measures designed to improve or mitigate the wider impacts of development or help to deliver overall environmental gains. Almost any development can achieve some level of

<sup>82</sup> <https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>

<sup>83</sup> <https://cieem.net/wp-content/uploads/2019/02/C776a-Biodiversity-net-gain.-Good-practice-principles-for-development.-A-practical-guide-web.pdf>