

2 NATURE CONSERVATION (NC)

NATURE CONSERVATION CONTEXT

There is a wide variety of nature conservation interests within the Borough, from those which are afforded statutory protection to habitats, features and species in non-statutory sites. The retention and where appropriate enhancement of the Borough's ecological diversity is an important objective as it improves the quality of life for everyone who lives and works in the Borough.

In particular the following links with other local plan policies should be considered:

- CO policies: countryside
- BE policies: general design
- T policies: impact of transportation proposals
- H policies: impact of housing proposals
- E policies: impact of employment proposals, boatyards
- R and OS policies: impact of leisure proposals, noisy sports, open space
- ES policies: noise, lighting, flood risk, trees

Nature Conservation Objectives

- 2.1 The Council recognises that the natural heritage of the Borough is an integral part of sustainable development and must be conserved and enhanced for the benefit of this and future generations. In particular the Council aims to:
- identify, protect and enhance areas of nature conservation importance.
 - promote and enhance bio-diversity, as an important component of sustainable development.
- 2.2 Nature conservation requires the protection, enhancement and appropriate management of entire habitats as well as individual species. Certain habitats and species are protected by law and it is the duty of the Borough Council to ensure that these are conserved. Other sites, habitats and species, whilst not of the same European or national importance, are nevertheless of importance in the county and local context and contribute to the biodiversity of the Borough. It is important to conserve our natural heritage not only for its own sake but also so that it can be enjoyed and studied.

- 2.3 In August 2005, Planning Policy Statement 9 on 'Biodiversity and Geological Conservation' was published. The PPS requires that local plans should identify relevant international, national and local nature conservation interests. They should ensure that the protection and enhancement of those interests is properly provided for.

European Nature Conservation Designations

- 2.4 There are four European nature conservation sites in the Borough:

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

These sites are considered to be of European importance for nature conservation and are strictly protected from damaging activities under the provisions of the Conservation (Natural Habitats) Regulations 1994.

- 2.5 Development which may affect a European site will be subject to the most rigorous examination in consultation with English Nature and other relevant authorities following the requirements set out in Regulation 48 of the Conservation (Natural Habitats) Regulations 1994, the Habitats Directive, paragraph 48.
- 2.6 If it is considered that there is likely to be a significant effect on a European site (either alone or in combination with other plans or projects), the Council will undertake an appropriate assessment of the implications for the site in view of that site's conservation objectives.

21.NC Development which is likely to adversely affect the integrity of a European nature conservation site will not be permitted.

Sites of Special Scientific Interest

- 2.7 There are currently five SSSI's in the Plan area at Moorgreen Meadows, along the River Itchen, Lincegrove and Hacketts Marshes, Upper Hamble Estuary and Woods, and along the coast of Southampton Water and the Hamble River. These sites are considered to be of national importance for nature conservation and are protected from damaging activities under the provisions of the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.
- 2.8 If, after consultation, any proposals are considered to have an adverse effect on an SSSI it must be demonstrated, to the satisfaction of the Council and English Nature that:
- i) there are no alternative solutions and

- ii) the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the national network of such sites, for the development to be permitted.

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

Sites of Importance for Nature Conservation

- 2.9 In addition to statutory designated sites, there are a number of other sites whose nature conservation importance has been identified. These sites are of importance for nature conservation at the County and Borough level.
- 2.10 These Sites of Importance for Nature Conservation (SINCs) are designated following established criteria and generally fall into one of the following categories:
 - i. ancient semi-natural woodland;
 - ii. old unimproved grasslands;
 - iii. remnant heathland;
 - iv. wetland; or
 - v. coasts and estuaries.

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

Protected Species

- 2.11 The protection of certain species is a legal obligation under the EC Habitats and Species Directive 92/43 EEC, the Wildlife and Countryside Act 1981 and The Protection of Badgers Act 1992. In many cases, it is not only the species itself that is protected but also features and habitats that sustain the species. The presence of a protected species is a material consideration in the assessment of a

planning application. The Council will consult with English Nature on any application which is likely to affect a protected species and where necessary, applicants will be required to undertake any survey work prior to a planning application being considered.

24.NC Development will not be permitted where it would adversely affect species or habitats which are protected by legislation, unless appropriate measures are proposed which would acceptably mitigate the impact on those species.

Biodiversity

- 2.12 Habitats and features that are important for wildlife but which are outside designated nature conservation sites, are also necessary to maintain the biodiversity of the Borough. The enhancement of the wildlife network within the Borough is desirable and should be achieved by the inclusion of sympathetic measures and features in the layouts of development proposals.
- 2.13 The Borough Council published 'Wild about Eastleigh - a biodiversity action plan for the Borough' in May 2002. The document assesses the biodiversity of the Borough and identifies priority habitats and species, as well as establishing 7 priority areas where action is to be targeted.
- 2.14 The over-riding objective of the action plan is to set out ways in which the Borough's biodiversity can be conserved and enhanced. Where appropriate, the document will be a material consideration in the assessment of planning applications.

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

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

- 2.15 Opportunities to provide appropriate connections between sites/areas covered by the other policies in this chapter will be encouraged and particular attention will be given to opportunities for the enhancement of river channels where they are associated with or linked to development sites.

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

Local Nature Reserves

2.16 The Borough Council and the County Council own and manage a number of sites throughout the Borough for nature conservation purposes and to provide quality environments for local people. English Nature encourages local authorities to formally designate appropriate sites as 'Local Nature Reserves' thereby demonstrating a commitment to manage the land for biodiversity, to protect it from inappropriate development and to provide opportunities for local people to study and enjoy it.

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

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