



Report	Biodiversity Mitigation & Enhancement Plan
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1.0 INTRODUCTION

1.1 Brief

Arc Biodiversity & Climate Ltd have been commissioned to produce this Biodiversity Mitigation & Enhancement Plan (BMEP) to satisfy Condition 3 of planning application 19/01255/FUL for the development of 5 holiday lets. The condition states:

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Biodiversity Mitigation and Enhancement Plan (BMEP) to ensure suitable mitigation and enhancement measures to protect the Upper Hamstead Plantation Site of Importance to Nature Conservation (SINC) are secured. The BMEP shall include details of how the following measures will be secured and a timeframe for their implementation;

- *No construction within or adjacent to the woodland habitat, a marked 10m buffer from the woodland edge will show areas to be avoided.*
- *Appropriate machinery to avoid excessive noise from construction.*
- *No night working.*
- *External lighting to be ground level down lighters only.*
- *Site management to support habitat regeneration and growth on site.*
- *Measures to ensure that the development does not impact on the SINC through increased pressure from the visitors (for example accessing the woodland for firewood), such as through provision of maps on out of bounds areas and fencing to prevent access to the woodland.*

1.2 Aim

The aim of this report is to ensure the proposals will protect the nearby SINC and protected species and habitats and will result in a net gain for biodiversity.

1.3 Ecological Baseline Summary

An Ecological Statement was prepared by Arc in July 2020. The site is largely amenity grassland and was not considered to be of high value for biodiversity but sensitive measures were recommended to protect the adjacent SINC habitat and species that may use it. These have been included within this report, which provides greater detail on these measures.

2.0 LEGISLATION AND POLICY

2.1 Legislation

2.1.1 *The Conservation of Habitats and Species Regulations (2017) (as amended)*

The Conservation of Habitats and Species Regulations 2017 transposes the EU Habitats Directive (Council Directive 92/43/EEC) into UK domestic law. It provides protection for sites and species deemed to be of conservation importance across Europe. It is an offence to deliberately capture, kill or injure species listed in Schedule 2 or to damage or destroy their breeding sites or shelter. It is also illegal to deliberately disturb these species in such a way that is likely to significantly impact on the local distribution or abundance or affect their ability to survive, breed and rear or nurture their young.

The Conservation of Habitats and Species Regulations 2019 (EU Exit) makes changes to the three existing instruments which transpose the Habitats and Wild Birds Directives so that they continue to work (are operable) upon the UK's exit from the European Union (EU). These include The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017. This instrument also amends section 27 of the Wildlife and Countryside Act 1981 to ensure existing protections continue. The intention is to ensure habitat and species protection and standards as set out under the Nature Directives are implemented in the same way or an equivalent way when the UK exits the EU.

In order for activities that would be likely to result in a breach of species protection under the regulations to legally take place, a European Protected Species (EPS) licence must first be obtained from Natural England.

2.1.2 *The Wildlife and Countryside Act (1981) (as amended)*

This is the primary piece of legislation by which biodiversity is protected within the UK. Protected fauna and flora are listed under Schedules 1, 5 and 8 of the Act. They include all species of bats, making it an offence to intentionally or recklessly disturb any bat whilst it is occupying a roost or to intentionally or recklessly obstruct access to a bat roost. Similarly, this Act makes it an offence to kill or injure any species of British reptiles and also makes it an offence to intentionally kill, injure or take any wild bird or to take, damage or destroy their eggs and nests (whilst in use or being built).

The Wildlife & Countryside Act (1981) states that it is an offence to 'plant or otherwise cause to grow in the wild' any plant listed in Schedule 9 part II of the Act. This list over 30 plants including Japanese Knotweed (*Fallopia japonica*), Giant Hogweed (*Heracleum mantegazzianum*) and Parrot's Feather (*Myriophyllum aquaticum*).

2.1.3 *The Countryside and Rights of Way Act (2000)*

This Act strengthens the Wildlife & Countryside Act by the addition of "reckless" offences in certain circumstances, such as where there is the likelihood of protected species being

present. The Act places a duty on Government Ministers and Departments to conserve biological diversity and provides police with stronger powers relating to wildlife crimes.

2.1.4 Natural Environment and Rural Communities Act (2006)

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 requires that public bodies must have due regard to the conservation of biodiversity with a particular regard to species and habitats considered to be of greatest conservation importance. This means that Planning authorities must consider biodiversity and the list of species and habitats of importance when planning or undertaking activities.

Section 41 of the Act lists species and habitats found in England which are considered to be priority species and were identified as requiring action under the UK Biodiversity Action Plan. The latest update to the list of Section 41 habitats of principal importance under the *UK Post – 2010 Biodiversity Framework* includes 56 listed habitats including arable field margins, traditional orchards, hedgerows and several specific habitats within the categories of coastal, grassland, freshwater, inland rock, marine, wetland and woodland. The latest update to the list of Section 41 species of principal importance was in May 2014 and now includes a list of 943 species covering a range of species including vertebrates, terrestrial and marine invertebrates, plants and fungi.

2.2 Policy

2.2.1 National Policy

Section 15 of the National Planning Policy Framework (NPPF, 2021) 'Conserving and enhancing the natural environment' states that planning policies and decisions should contribute to and enhance the natural environment. They should do this by protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks.

The plan states to protect and enhance biodiversity plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks. This includes the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them. Plans should identify the protection and recovery of priority species and opportunities for securing measurable net gains for biodiversity.

When determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- 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;

- 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
- 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.

2.2.2 Local Policy

Policies SP5 and DM12 in the Isle of Wight Core Strategy (2012) sets out the council's strategy for the island relating to the environment and biodiversity.

SP5 Environment:

The Council will support proposals that protect, conserve and/or enhance the Island's natural and historic environments. All development proposals will be expected to take account of the environmental capacity of an area to accommodate new development and, where appropriate and practicable, to contribute to environmental conservation and enhancement.

Development proposals will be expected to protect the integrity of international, national and local designations, enhance their features of interest wherever possible, and respond to the emerging evidence from the Solent Disturbance and Mitigation Project. Habitats important to the biodiversity of the Island will be protected in accordance with the following hierarchy of nature conservation designations:

- (i) International – Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites;*
- (ii) National – Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR);*
- (iii) Local – Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above.*

The Council will identify and manage an accessible network of connected and multifunctional open spaces that covers the Island through the preparation of a Green Infrastructure Strategy Supplementary Planning Document. This will be the way in which the Council will identify appropriate levels of mitigation associated with development proposals as well as provide opportunities to enhance and increase the coverage and connectivity and multifunctionality of the Island's GI network.

Development that has a demonstrable adverse impact on the Island's natural, historic and built environments should be avoided. In order to conserve and enhance the quality of the natural environment, the Council will regularly review existing SINC's. As a result of this process, some boundary changes will be proposed and some new SINC's will be brought forward.

The Council will support proposals that positively conserve and enhance the special character of the Island's historic and built environments. Development that has an adverse impact on the Island's historic and built environments should be avoided. All development proposals will be expected to demonstrate how they have taken into account the historic and built environment.

In order to conserve and enhance the quality of the built and historic environment, the Council will continue to undertake Conservation Area Appraisals to identify the potential for new conservation areas, undertaken reviews of existing conservation areas and develop Conservation Area Management Plans. As a result of this process, some boundary changes will be proposed and some new conservation areas will be brought forward.

As well, Policy DM12 states the local council's strategy for Landscape, Seascape, Biodiversity and Geodiversity:

The Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island. Development proposals will be expected to:

- 1. Protect the integrity of international, national and local designations relating to landscape, seascape, biodiversity and geodiversity and the reasons for these designations and the weight given to them and enhance their features of interest wherever possible.*
- 2. Ensure new development avoids both direct and indirect adverse effects upon the integrity of designated sites and, if necessary, provides appropriate mitigation measures.*
- 3. Promote the maintenance and enhancement of the links between designated sites, especially through the provision of, and/or enhancement to, Green Infrastructure and appropriate local designations.*
- 4. Reflect the aims and objectives of the AONB Management Plan, the Council's Landscape Character Assessment, Historic Landscape Characterisation and any further relevant landscape assessment.*
- 5. Positively contribute to meeting the aims and objectives of the Isle of Wight's Local Biodiversity Action Plan and Local Geodiversity Action Plan.*
- 6. Minimise the threats and promote the opportunities arising from climate change on the Island's landscape, seascape, biodiversity and geodiversity.*

In addition to these policies in the Core Strategy, a supplementary Isle of Wight Biodiversity Action Plan was produced. This comprises a series of Habitat Action Plans, which sets out specific actions and objectives to protect important areas of biodiversity. The Biodiversity Action Plan covers: Maritime Cliffs and Slopes, Grazing and Grassland Management, Calcareous Grassland, Heathland and Acid Grassland, Lowland Meadows, Wetlands, Priorities for Woodland Biodiversity, Woodland, Red Squirrels, Farmland, Solent Coastal habitat, Community Biodiversity and Woodland Bat Species. These documents are considered working documents and are regularly reviewed and updated to reflect the most up-to-date strategies and status.

3.0 BIODIVERSITY MITIGATION & ENHANCEMENTS

The full plan of mitigation and enhancements can be seen in **Appendix 1**. The mitigation and enhancement details are detailed below.

3.1 Protection of SINC

The existing Upper Hamstead Plantation SINC is present to the south of the site. This will be protected during both the construction and operational phases of the development by fencing.

3.1.1 Protective fencing during construction

Temporary protective fencing barrier, such as heras fencing, will be used during the construction phase (**Fig 1**). This will be installed prior to the commencement of any major groundworks or large construction machinery on site and it will mark a minimum 10m boundary from the existing SINC. Temporary signs will be placed on the heras fencing marking it as “Biodiversity Zone, No Entry” or similar. The location of the fencing to be installed can be seen in the plan in **Appendix 1**. No fencing is required within the pond, which forms a natural boundary for construction. All construction personnel will be informed about the sensitive nature of the SINC as part of their induction. No large machinery will be permitted to enter the fenced area within 10m of the SINC and no materials will be stored in the fenced area to ensure the protection of the SINC. Sensitive construction measures will also be used as detailed in **Section 3.2**.

Should the client wish to install the permanent fencing (see **Section 3.1.2**) prior to installation of the temporary protective fencing, this can proceed using small machinery can carried out with minimal disturbance. Since the purpose of this permanent fencing is to protect the woodland over the long-term this does not require the temporary protective fencing to be in place. In addition, sensitive vegetation management may be required along the southern ditch line to maintain adequate drainage within the buffer area and/or for installation of the permanent fencing. If required, this will be carried out sensitively using hand machinery (such as strimmer or brushcutter).

Figure 1. Example of heras fencing to be used.



3.1.2 Permanent protective fencing during site operation

Prior to occupation of the holiday lets, permanent fencing will be installed around the edge of the woodland to prevent recreational impacts on the SINC from visitors. Stock fencing and/or barbed wire fencing will be used. Permanent signage will be installed at strategic locations along the fencing identifying it as a protected area and prohibiting entry to the woodland (**Fig 2**). The location of the permanent fencing can be seen in the plan in **Appendix 2**. This fenceline will allow a buffer from the woodland for enhancement as detailed below.

Figure 2. Example of signage to be installed along the fencing



3.2 Sensitive Construction Measures

3.2.1 Lighting and night working during construction

In order to avoid any disturbance to bats (and other potential nocturnal wildlife that may be using the adjacent SINC) construction works will be limited to daylight hours and will not be undertaken 30 minutes prior to dusk through to 30 minutes after dawn. No external lighting will be used within the site during this period during construction.

3.2.2 Noise measures

To prevent excess noise during construction, general sensitive measures will be used:

- All machinery will be regularly inspected and in good working condition
- Simultaneous use of loud machinery will be avoided where possible to reduce cumulative noise impacts
- Maintenance and servicing of equipment and vehicles in accordance to manufacturers recommendations especially for noise mitigation components e.g. retaining silencers and mufflers supplied with construction equipment.
- Materials handled with care and heavy materials such as scaffolding and steelwork will be placed rather than dropped
- Shut down all plant and equipment in intermittent use between work periods or throttled down to minimum idling speed

- Machinery size / specification will be selected suitable to the work being carried out (i.e. smaller machines will be selected where possible relative to the work being carried out to avoid unnecessary extra noise)
- Works compound will be established near the existing buildings further from the woodland edge

3.3 Habitat Management & Operational Measures

The following measures will be carried out post-construction to create new habitats, enhance the site and prevent impacts during the operational phase.

3.3.1 SINC Plantation edge

The area outside of the stock fencing will have reduced management. Initially no management will be carried out in this area to allow the woodland edge to naturally colonise and spread, creating a natural woodland edge habitat. This will help protect the existing SINC habitat and provide a natural noise and light barrier and provide additional habitat area for wildlife. It is not considered any management will be required for several years.

Management will be considered when scrub or vegetation nears encroaching on the fenceline. To ensure the fenceline remains clear and in good condition, vegetation may be cleared back slightly during winter months (outside of bird nesting season) to contain the habitat within the buffer area just outside the fence.

3.3.2 Grassland edge

Within the site (i.e. inside the fencing), a buffer of grassland will be managed as meadow grassland to allow it to diversify the structure present and provide a matrix of habitats with the adjacent buffer and woodland SINC to benefit biodiversity. The grassland from the stock fence up to 10m buffer from the SINC will be left uncut to allow it to grow longer and create a tussocky structure. This will create new habitat for various species. In addition, this will help keep guests from practicing recreational activities within 10m of the SINC. If preferred, this area can also be seeded with a native wildflower mix to provide additional species diversity and aesthetic value.

The grassland edge will be managed with an annual cut in late August or September. If preferred, a late winter or early spring cut can also be carried out to reduce any winter weeds prior to the main growing season.

3.3.3 Sensitive lighting

Sensitive lighting will be used within the site to prevent light spill and any indirect impacts on nocturnal species. For lighting footpaths, only ground level down lighters (such as those shown in **Fig 3**) will be used. Only necessary lighting will be used (i.e. where required for safety).

Figure 3. Example of ground level down lighters



4.0 CONCLUSION

The measures outlined within this report will ensure the protection of the nearby SINC and any protected species that may be using it during both site construction and operation. If the measures in this report are adhered to, it is considered there will be no adverse impacts on designated sites, valuable habitats or protected species and the proposed development will result in increased biodiversity through the included enhanced habitats.

5.0 REFERENCES

ARC (2020). Pennethorne Park Farm Ecological Statement re Light and Noise Controls. 15th July 2020.

HMSO (1989) *Wildlife and Countryside Act* (amended). HMSO, London.

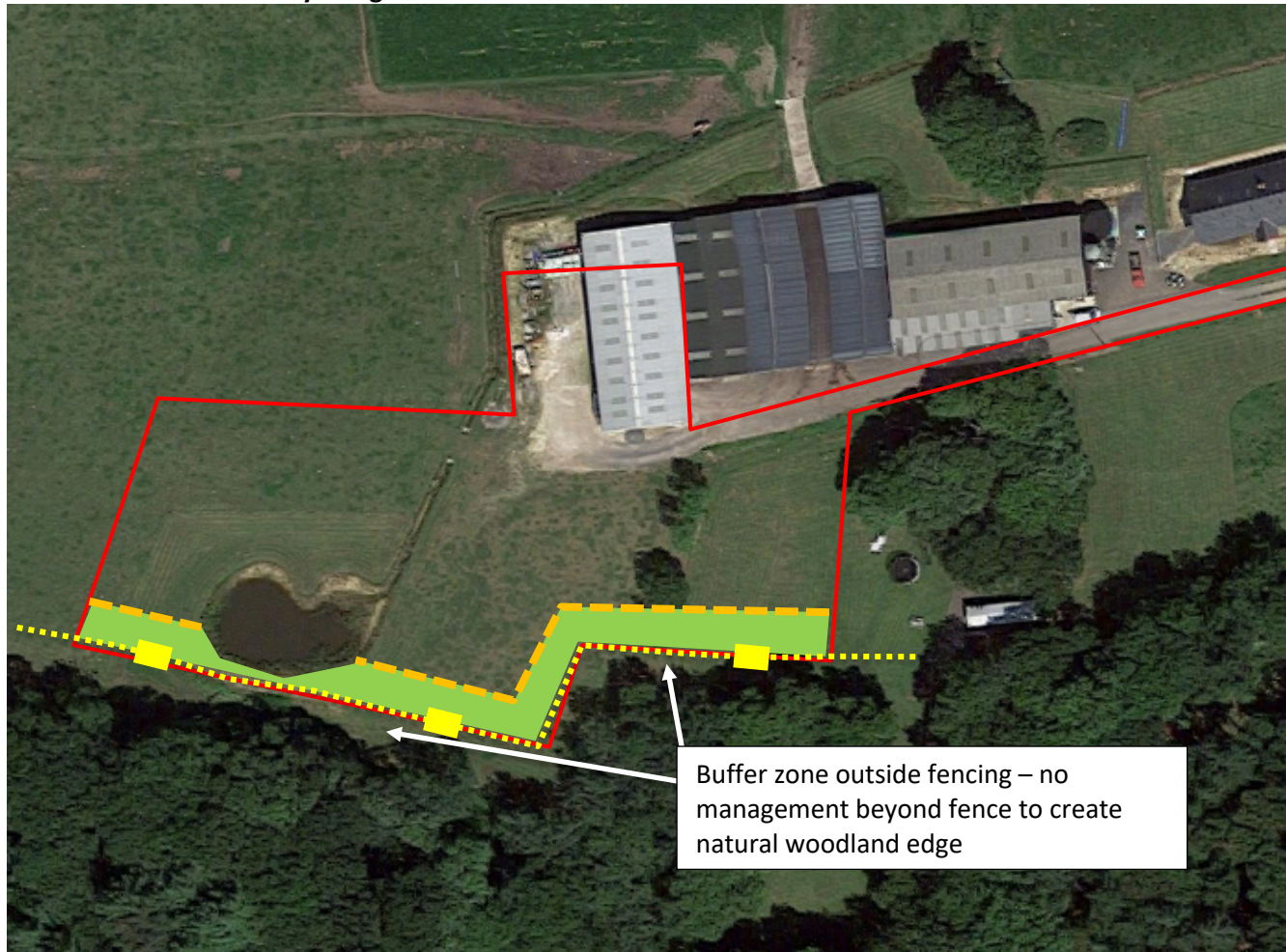
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APPENDIX 1 – Biodiversity Mitigation and Enhancement Plan



Key

-  Site boundary
-  Protective heras fencing (during construction)
-  Permanent stock fencing
-  Signage to inform guests of restricted access
-  Grassland edge buffer