

K4 Keppel
Daedalus Park
Daedalus Drive
Lee on the Solent
PO13 9FX

5th December 2023

Dear Alison Crooks,

RE: SDNP/20/01337/FUL Reinstatement of Land at Bere Farm using imported soils, with reforestation of woodland and associated deer fencing.

Background

Ecosupport were notified that Portsmouth Water had to replace the mains water pipe at the Soberton site due to a water leak, which had caused subsidence. A new easement of 8m each side the mains pipeline is now in place. This means that no construction can be undertaken within this easement corridor. Therefore, the construction of ponds cannot be undertaken.

As a result, Ecosupport undertook a site visit in November 2023 to assess the current site and to provide recommendations where applicable.

Previous Survey work

The undisturbed grassland along the western edge of the site provided suitable habitat for reptiles. Reptile presence was therefore assumed and a presence/likely absence survey not required prior to commencement of works. Instead, reptile mitigation, habitat manipulation and enhancements were carried out to prevent harm to reptiles. This strategy was considered to be a proportionate approach given the nature of the area of main impact (sub-optimal habitat) and the area to be retained and enhanced (western boundary area).

Current status of the site

Unfortunately, the works required to remediate the pipe collapse have taken place within the reptile area (Fig 1) (please find letter attached from Portsmouth Water). It is not possible to ascertain whether any reptiles were harmed and/or killed during the works however the habitat is now no longer suitable.

Figure 1. Location of reptile area under approved scheme.



On arrival to site, it was noted that the areas outside of the area of impact of the pipe works were as expected and had been retained (Fig 2). This is where tree planting will take place.

Figure 2. Habitat adjacent to area of impact – woodland to be created.



A network of ditches have been installed to capture the surface water (Fig 3) and the entire area consisted of bare ground as is no longer fit for purpose as an area of reptile habitat (Fig 4). NB the mature trees had been protected and retained (as visible in Fig 4).

Figure 3. Location of ditches (pink arrows).

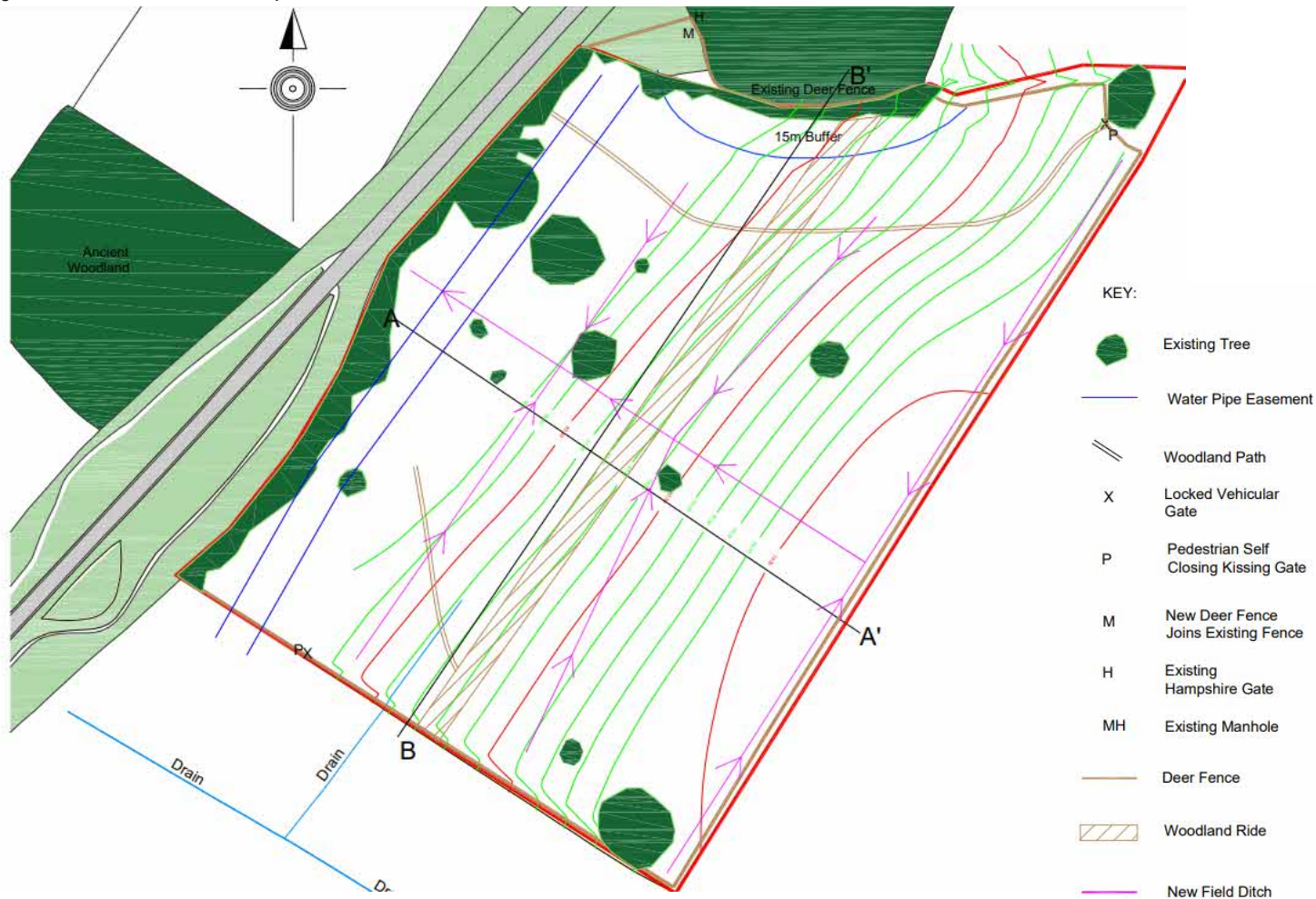
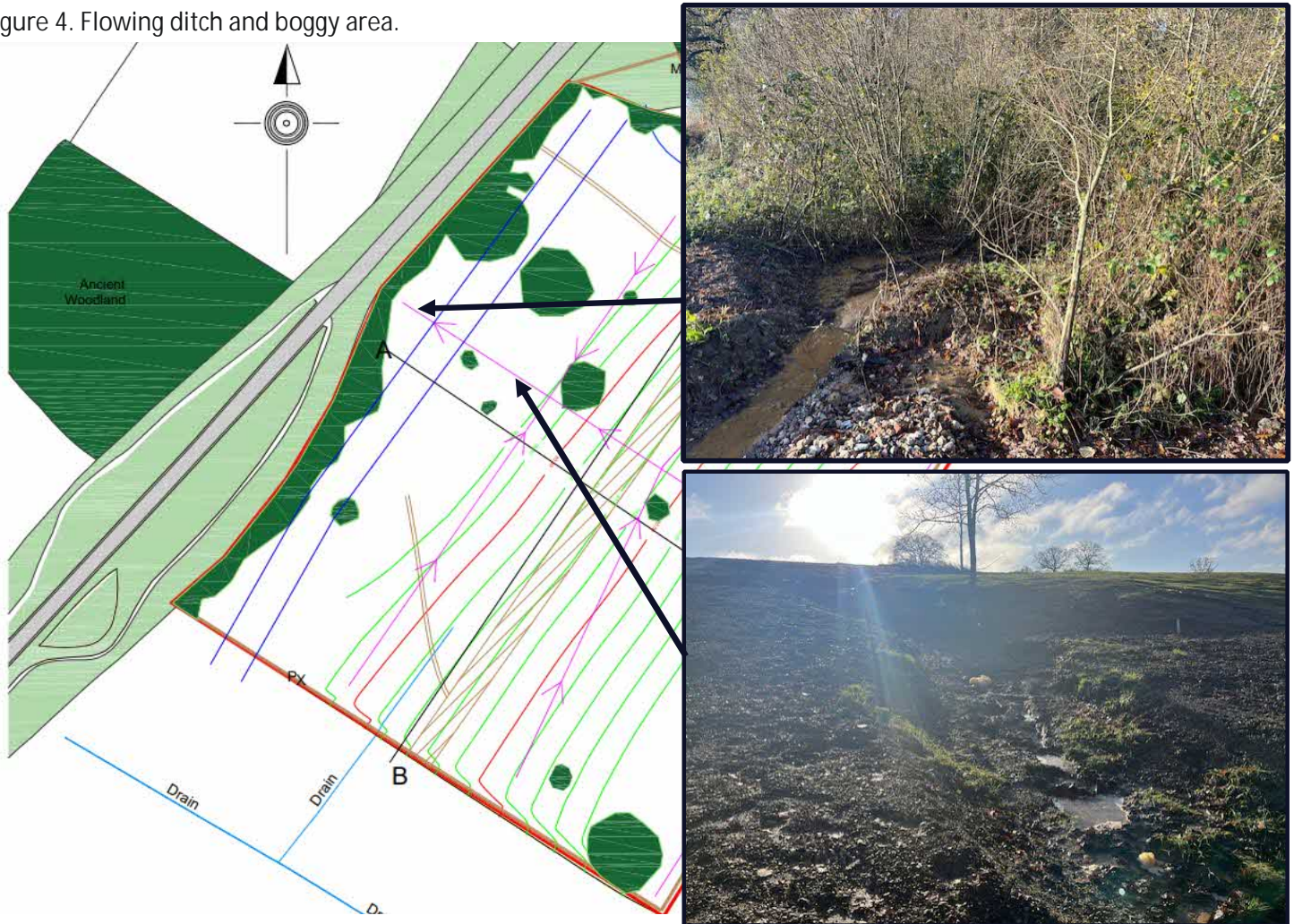


Figure 4. Current state of 'reptile area'.



Despite the destruction of the grassland habitat, it is considered the ditch network provides an opportunity to act as an Ecological enhancement. One of the ditches was flowing whilst on site and as a result a boggy area was recorded (Fig 4). Communication with site staff suggested this will likely be the case year-round as a result this wetland habitat is likely to remain and provide valuable habitat for potential amphibians and encourage an increased assemblage in invertebrates to enhance the site for foraging mammals (including bats).

Figure 4. Flowing ditch and boggy area.



In line with the original Ecological Mitigation, Compensation and Enhancement strategy, three brush piles were recorded (Fig 5) however it was noted that none of the other Ecological Enhancements (i.e. bird boxes, bat boxes) have been erected on site.

Figure 5. Brush piles on site as required.



Assessing the Impact of the Loss of Ponds

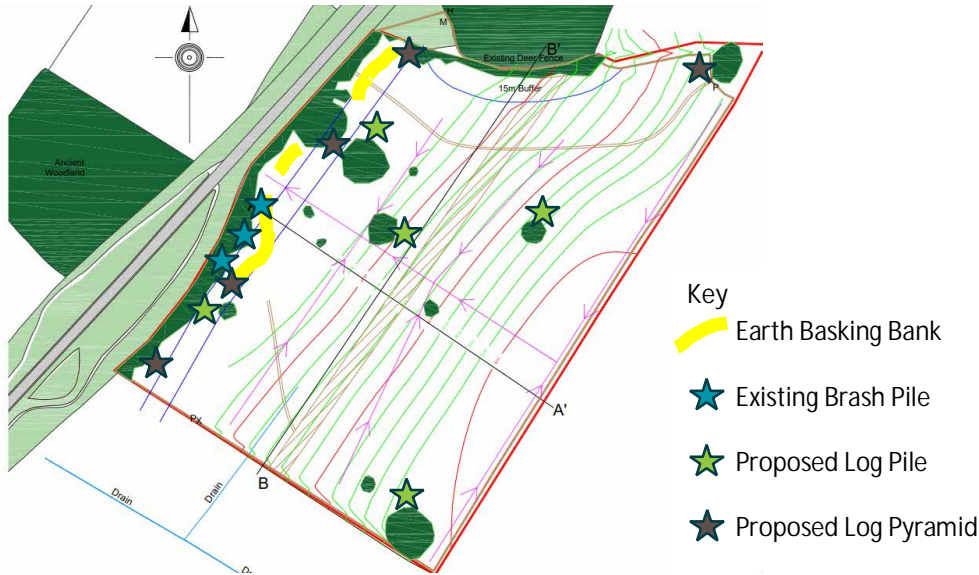
The three attenuation ponds within the western section of the land were not only proposed to increase biodiversity but also to limit changes to rainwater flow rate to the neighbouring ancient woodland. Instead of this, the ditches have been created to manage the water on site. It is considered this will control the surface water that would have otherwise potentially impacted the woodland. It is considered that, although the surface area of standing water has decreased, this habitat will still be present (Fig 4) and thus the potential for associated wildlife is still applicable.

Remediation works

Basking banks – Some spoil resulting from excavations will be used to create rough earth bunds along the southern boundary approximately 0.5m-1m in height (Fig 6). These will provide basking areas for reptiles and will also act as a further barrier to any run-off from the eastern side of the site, slowing water movement to the neighbouring woodlands. These will fall within the easement area however no excavation will be required.

Wood piles – 10 piles will be constructed on site to provide shelter and hibernation opportunities for a range of wildlife (reptiles, amphibians and small mammals), as well as attracting invertebrates. Locally sourced oak and beech logs will be used, as well as locally sourced brush. Two types of habitat pile will be constructed (five of each); invertebrate log ‘pyramids’ and log piles. Please note whilst on site some dead wood was recorded, this should be retained and incorporated into one of these features.

Figure 6. Works to enhance the site for reptiles.



Grassland Creation – Once all works have been completed on site (during winter 2023/24) the disturbed area will be subject to habitat creation. A mixture such as Emorsgate EM2 – General Purpose Meadow Mixture is recommended.

Other habitat creation (as per BEMP)

Approximately 2200 trees and 250 woody shrubs will be planted to reinstate two copses (along with deer proof fencing around the entire site to help the trees establish)

Buffer area will be seeded with an enhanced autumn sown wild bird seed mix (KEAUT1). This seed mix contains barley, fodder radish, kale, perennial chicory, Vittasso brown mustard and triticale providing nesting cover and winter availability of seed for farmland birds.

Outstanding Enhancements

All enhancements previously stipulated will be introduced on site. This includes erecting a Barn Owl box and four bird nest boxes on retained mature trees on site.

Management

Farmland mix

The farmland mix will be subject to annual management. The buffer will be left until the 1st of March before cutting. However, to ensure there is enough growth before the bird nesting season, a light harrow will be undertaken around mid-February (weather dependent) to ensure enough spring growth.

Annual management will include light harrow disturbance and will be on a 5-year rotation so that differing plants and mosaic habitats can provide differing food resources in terms of invertebrates and opportunities to promote annual agricultural weeds (Table 1). An increase in invertebrate assemblage during the summer months will also provide food for birds such as Yellowhammers, as well as improving the overall biodiversity of the buffer strip. Table 1 details the management plan which will be implemented on site.

Table 1 Buffer strip management: 5-year rotation

Year	Management Technique
Year 1	Initial seeding of KEAUT1 bird seed mix along the 5m buffer strip
Year 2	Light harrowing of 30% of the entire area (mid-February, weather dependent)
Year 3	Light harrowing of another 30% of unharrowed vegetation (mid-February, weather dependent)
Year 4	Final harrowing of the last 30% of unharrowed vegetation (mid-February, weather dependent)
Year 5	Re-seed with KEAUT1 bird seed mix and repeat 5-year rotation process

Grassland

Cutting the grassland and removing the clippings retains low nutrient levels in the soil and suppresses coarse grasses promoting wildflowers. Grassland which is consistently cut late in the season, in August and September, year on year reduces species diversity. To maintain maximum diversity and flowering interest the development buffers should be managed in sections at different times from late June to the end of August. Varying the mowing times from year to year is the best way to maintain a diverse balanced sward.

A breakdown of the management is provided in Table 3 attached.

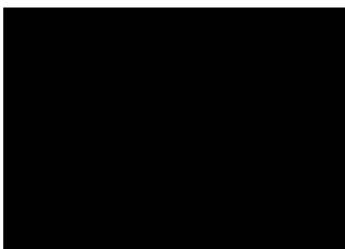
Compliance Check

As stipulated within the BEMP annual compliance checks by an ecologist will be undertaken for the first 5 years.

Conclusion

The updating site visit has confirmed that the site is currently not suitable for reptiles. This document outlines how such habitat will be reinstated and managed. It is considered that although the loss of ponds is disappointing, there is still open water on site (ditches and boggy area). Once all habitat creation has taken place it is considered the site will be of significant ecological value. It is considered the compliance checks will be extremely important to ensure all remaining works are undertaken appropriately.

I hope this provides reassurance but if you have any further questions, please feel free to contact me.



Appendix 1

LEGISLATION

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019)

This instrument 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.

This 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.

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.

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 art II of the Act. This list over 30 plants including Japanese Knotweed (*Fallopia japonica*), Giant Hogweed (*Heracleum mantegazzianum*) and Parrots Feather (*Myriophyllum aquaticum*).

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.

Natural Environment and Rural Communities Act (2006)

The Natural Environment and Rural Communities (NERC) Act 2006 requires that public bodies have due regard to the conservation of biodiversity. This means that Planning authorities must consider biodiversity when planning or undertaking activities. Section 41 of the Act lists species found in England which were identified as requiring action

under the UK Biodiversity Action Plan and which continue to be regarded as conservation priorities under the UK Post – 2010 Biodiversity Framework.

Protection of Badgers Act

The Protection of Badgers Act (1992) relates to the welfare of Badgers (*Meles meles*) as opposed to nature conservation considerations. The Act prevents:

- The wilful killing, injury, ill treatment or taking of Badgers and / or
- Interference with a Badger sett
- Damaging or destroying all or part of a sett
- Causing a dog to enter a set and
- Disturbing a Badger while it is occupying a sett

Provisions are included within the Act to allow for the lawful licensing of certain activities that would otherwise constitute an offence under the Act.

PLANNING POLICY

The development would seek to comply with relevant Planning Policy at a local, regional and national level.

The National Planning Policy Framework (NPPF) (2023) sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Chapter 15 ‘Conserving and enhancing the natural environment’ states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity, the wider benefits from natural capital and ecosystem services, minimising impacts on and providing net gains for biodiversity.

The NPPF states that plans should distinguish between the hierarchy of international, national and locally designated sites and that the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

To protect and enhance biodiversity plans should:

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 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.

The NPPF states 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 SSSI, 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 SSSI;
- 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;
- 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.

Table 2. Timetable of works (updated Table 3 from BEMP).

Activity	December 2023 – February 2024	March – April 2024
Construction of earth banking banks (CONTRACTORS)	■	
Construction of habitat piles (ECOLOGIST/CONTRACTORS)	■	
Erect bird and bat boxes (ECOLOGIST/CONTRACTORS)	■	
Planting of new woodland (LANDOWNER)	■	■
Sowing of eastern 5m buffer strip with wild bird seed mix (KEAUT1) (CONTRACTORS)		■
Sowing of wildflower meadow (disturbed area previously referred to a reptile area) (CONTRACTORS).		■

Table 3. Management plan (indicative timescale).

Activity	March 2024 – March 2029	May – October 2024	Feb 2025	June 2025	September 2025	Feb 2026	July 2026	Feb 2027	August 2027	June 2028	Oct-Nov 2028	In perpetuity
Check tree plantings and replace failed specimens (LANDOWNER)												
Mow newly created wildflower meadow (mowing throughout the first year to minimise competition and weed seed production to help meadow establish).												
Light harrowing of 30% of the eastern buffer strip (LANDOWNER)												
Cut wildflower meadow (LANDOWNER)												
Light harrowing of the last 30% of the eastern buffer strip (LANDOWNER)												
Cut Wildflower meadow (LANDOWNER)												
Light harrowing of the last 30% of the eastern buffer strip (LANDOWNER)												
Cut Wildflower meadow (LANDOWNER)												
Cut Wildflower meadow (LANDOWNER)												

<p>Re-seeding of eastern buffer strip with KEAUT1 wild bird seed mix (LANDOWNER)</p>												
<p>Continuing management of eastern buffer strip on 5-year rotation, as above (LANDOWNER)</p>												
<p>To maintain maximum diversity and flowering interest the wildflower meadow will be cut at different times from late June to the end of August. Varying the mowing times from year to year is the best way to maintain a diverse balanced sward (LANDOWNER)</p>												

