

safeguard the intrinsic nature conservation value of SSSIs. Where development is permitted the Local Planning Authority will use conditions or planning obligations to ensure appropriate measures are taken to mitigate for any adverse impacts that are likely to occur with compensatory measures only used as a last resort.

POLICY LP43: LOCALLY DESIGNATED NATURE CONSERVATION SITES

- 1. Locally designated sites such as Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves will be appropriately protected and opportunities will be taken to enhance them.**
- 2. Planning permission will not be granted on locally designated sites unless it can be clearly demonstrated that the benefits of the proposal outweigh the need to protect the nature conservation value of the site.**
- 3. In exceptional circumstances where development is permitted the Local Planning Authority will ensure that any adverse impacts are appropriately mitigated for, with compensatory measures only used as a last resort.**

EXPLANATION OF POLICY LP43

- 12.79 The Sites of Importance for Nature Conservation (SINCS) are identified by the Hampshire Biodiversity Information Centre following an ecological assessment and are considered by the Local Sites Panel. The panel comprises representatives from Natural England, Hampshire County Council and the Hampshire and Isle of Wight Wildlife Trust for ratification, in accordance with local sites guidance²³⁴ issued by DEFRA in 2006. These sites are shown on the Policies Map. It is acknowledged that following the adoption of the Local Plan further sites may be identified as SINCS. These additional sites will also be covered by Policy LP43. A list of all the sites including those added after the Local Plan is adopted can be found on the Council's website together with the list of qualifying criteria²³⁵.
- 12.80 The Borough has two Local Nature Reserves (LNRs): the Wildgrounds (also a SSSI) and the West of the River Reserves. Both sites are located in the Alver Valley and are owned and managed by the Borough Council. LNRs are a statutory designation made by local authorities under section 21 of the National Parks and Countryside Act 1949 (as amended by the Local Government Act 1972).
- 12.81 All these designated sites form an important network of habitats which support a range of species. The Borough Council will continue to protect them and encourage and support opportunities to enhance them, including the establishment of buffer areas around them. The Borough Council will resist any development proposals which would adversely affect these locally designated sites unless the benefits of the proposal outweigh the significance of the site. Where there is a risk of damage to a designated site, the Local

²³⁴ <http://www3.hants.gov.uk/biodiversity/hampshire/sincs/important-sites-sinc-criteria.htm>

²³⁵ <http://www.gosport.gov.uk/sections/your-council/council-services/planning-section/nature-conservation/local-sites/>

Planning Authority will impose planning conditions or require a Section 106 Agreement in order to secure measures that overcome any potential impacts. Such measures could include the long term management of the site, restriction of operations or the provision of nature conservation features to compensate for any such features lost when development takes place to ensure that there is no net loss in overall biodiversity.

POLICY LP44: PROTECTING SPECIES AND OTHER FEATURES OF NATURE CONSERVATION IMPORTANCE

- 1. Planning permission will not be granted on a site that would have an adverse impact on a protected species or its habitat unless it can be clearly demonstrated that there is an overriding need for the development that outweighs the significance of the nature conservation feature. In such instances, the planning authority will impose conditions on the planning permission or require a planning obligation to:**
 - a) facilitate the survival of individual members of the species;**
 - b) reduce disturbance to a minimum;**
 - c) provide alternative habitats to sustain at least the current levels of population of the species; and**
 - d) take opportunities to enhance their habitat.**
- 2. Development proposals should ensure that habitats and species on the UK List of Priority Habitats and Species and included within Hampshire Biodiversity Action Plans are protected and populations strengthened.**
- 3 Planning permission will not be granted for development which would adversely affect, directly or indirectly, features of nature conservation importance unless it can be demonstrated that the justification for the development outweighs their importance for nature conservation or amenity value.**
- 4 Appropriate management of these features will be secured by the imposition of planning conditions and by entering management agreements with landowners where appropriate. Where such features are lost as part of a development proposal, the Borough Council will use conditions and/or planning obligations to ensure no net loss of biodiversity.**

EXPLANATION OF POLICY LP44

Protected Species and their habitats (Point 1 of policy LP44)

- 12.82 Development proposals should be aiming to achieve a net gain in biodiversity as set out in Policy LP41. There are numerous sites which are likely to contain animal and plant species which are protected by law. These species are principally identified under the Habitats Regulations 2010, the Wildlife and Countryside Act 1981 and other Acts which protect particular species, such as the Protection of Badgers Act 1992. All local authorities have a statutory obligation to conserve biodiversity under the Natural Environment and Rural Communities (NERC) Act 2006. The duty encourages local authorities to maximise opportunities for conserving and enhancing the natural environment.