



BREEDING BIRDS AT FORT CUMBERLAND, EASTNEY, PORTSMOUTH

A REVIEW OF THE NEED FOR A BREEDING BIRD SURVEY
IN CONNECTION WITH QINETIQ FRASER
RESIDENTIAL DEVELOPMENT

JANUARY 2009



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A review of the need for a breeding bird survey
in connection with QinetiQ Fraser Residential Development

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Front cover picture looking into the western side of the planning application site from Fort Cumberland SINC.



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Abbreviations

EclA	Ecological Impact Assessment
EIA	Environmental Impact Assessment
ES	Environmental Statement
HBIC	Hampshire Biodiversity Information Centre
HOS	Hampshire Ornithological Society
PCC	Portsmouth City Council
SINC	Site of Importance for Nature Conservation
RSPB	Royal Society for the Protection of Birds



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Executive Summary

- E1.1** In December 2008, UE Associates Ltd (UE-A) was appointed by Portsmouth City Council (PCC) to review the ecological significance of new biological records for Dartford warbler at the Fort Cumberland Site of Importance for Nature Conservation (SINC) in relation to a planning application for residential development immediately adjacent to the site.
- E1.2** UE-A has reviewed ecological assessment information submitted with the planning application and have also reviewed available biological records for birds at the Fort Cumberland SINC which have been supplied by the Hampshire Biodiversity Information Centre. Records supplied by the Hampshire Ornithological Society have also been reviewed. The site was visited in December 2008 to see the area first hand. During this visit various bird observations were made, including the presence of Dartford warbler and stonechat. Bird records indicate that the Dartford warbler has been recorded at the Fort Cumberland SINC since 1995; breeding is possible but not confirmed.
- E1.3** Biological records also show that these species and other birds regularly use the site. From a wildlife legislation, planning policy and development control point of view, it is important to determine whether or not these same species or other birds use the land within the red line of the planning application or would be affected, due to their possible close proximity to the planning application site by either the construction or operation of the proposed development.
- E1.4** The Dartford warbler is an Annex 1 species on the EU Directive on the Conservation of Wild Birds (79/409/EEC) and therefore protected by Article 3.2(b) of the Directive which relates to protecting these birds within Special Protection Areas as well as outside of them (which is the case here). All birds are protected by the Wildlife and Countryside Act 1981 during the breeding season. The Dartford warbler is also on Schedule 1 of the same Act which affords it special protection.
- E1.5** PCC is in the process of considering whether or not planning permission should be granted at this site, and if it is permitted, what type of planning gain might be likely and similarly what adverse effects might arise. In the case of breeding birds at the Fort Cumberland SINC it is very difficult to consider how the planning application might affect these species, which records show are likely to be present in close proximity to the planning application site, since there is no breeding bird survey data (undertaken during the breeding bird season) on which to make an assessment of presence or breeding. It is considered that without this information the applicant's proposed nature conservation strategy cannot have accounted for (or chosen to ignore) the presence (or otherwise) of breeding birds which might include the Dartford warbler, black redstart and stonechat.
- E1.6** It should be remembered that the purpose of the bird survey is to help with the planning decision-making and also any mitigation plans that might be deemed necessary or appropriate as part of any planning permission. At the present time, whilst the EIA states that clearance of habitat within the site will take place outside of the breeding bird season (March-August) it

appears that the Dartford warbler may be present all year round at this site. The proposed mitigation makes no specific plans for this species of international importance. It would be contrary to the precautionary principle to proceed with a planning decision without the requisite data to inform that decision. Similarly, mitigation strategies should not be drawn up without appropriate baseline information against which impact assessment can be made.

- E1.7** UE-A therefore recommends that a breeding bird survey be undertaken to establish which birds may or may not be affected by any stage of the proposed development, should permission be granted. The information yielded from this exercise should be used to revisit impact assessment and prepare any relevant mitigation strategy, if appropriate. It is also worth bearing in mind the fact that this planning application was submitted in 2005 drawing on a two hour survey undertaken in July 2004. More than four years have now passed in which time various ecological changes might have occurred which could affect the original impact assessment findings.

1 Introduction

1.1 Introduction

This report is a review of a specific matter in relation to breeding birds and a planning application at Fort Cumberland, Eastney, Portsmouth. It has been prepared on behalf of Portsmouth City Council (PCC) by UE Associates Ltd (UE-A).

1.2 Background

In December 2008, UE-A was appointed by PCC to review the following circumstances at Fort Cumberland, Eastney, Southsea:

1. That a planning application has been submitted, by QinetiQ, with an Environmental Statement prepared by Scott Wilson that does not include a breeding bird survey; and
2. That a dead Dartford warbler *Sylvia undata* was found approximately 200 metres away from the western edge of the planning application boundary.

UE-A has been instructed to review whether or not the breeding bird information submitted in the Environmental Statement (ES) as part of the planning application provides enough information on which to make a decision, bearing in mind the new records. And secondly, given the record of the dead bird, should a breeding bird survey now be undertaken to help inform the planning decision-making for this planning application?

1.3 Aspects of the review

The report contains two distinct aspects:

- ▶ A review of biological records relating to the presence of Dartford warbler at the Fort Cumberland Site of Importance for Nature Conservation (SINC) including other breeding bird records of nature conservation interest at or near to the site; and
- ▶ Review of best practice with regard to breeding bird surveys, protected bird species and the approach taken with regard to breeding birds in the EIA process which supports the planning application.

1.4 Limitations

This report is concerned with the coverage of breeding birds in the planning application submission for residential development at the QinetiQ Fraser site at Eastney, Portsmouth. The report does not represent a legal interpretation of the integrity of the EIA processes that have been followed in connection with the planning application. Nor does it cover any other

ecological matters such as reptiles or over-wintering, shore-dwelling birds. It does not consider the Appropriate Assessment report which was also prepared and submitted by the applicant. Whilst a casual observation of bird species was made at Fort Cumberland during a site visit on December 17th 2008 by the author, no inspection of the site's interior was made other than from the locked access point at the western end of the planning application site (at the eastern end of the access road).

1.5 Structure of this report

For ease of navigation, the rest of this report is structured according to the chapters in table 1.1.

Table 1.1: Guide to chapter content in this report.

Chapter	Coverage
2	This chapter provides background information to breeding birds at the site (Fort Cumberland SINC) according to existing biological records.
3	This chapter considers best practice for surveying breeding birds and reviews the ecological assessment process which has been applied in the ES nature conservation chapter. It also considers how the EIA scoping report addressed the issue of breeding birds. It recommends that a breeding bird survey be undertaken.
4	This chapter provides conclusions about how a breeding bird survey is important to decision-making in the case of this planning application.

2 Review of Bird Records at Fort Cumberland

2.1 Introduction

The premise for examining the bird records at Fort Cumberland SINC is that it is directly adjacent to the planning application site. Given the mobility of birds it worth taking the precautionary assumption that some birds may use land within the red line boundary to build their nests, lay their eggs and/or feed and shelter.

2.2 Fort Cumberland SINC

According to the SINC site summary for 'Land North and West of Fort Cumberland' (HBIC, 2007) the site is a large area of coastal grassland located in urban Portsmouth with overall plant species diversity of well over a hundred species (see Figure 2.1).

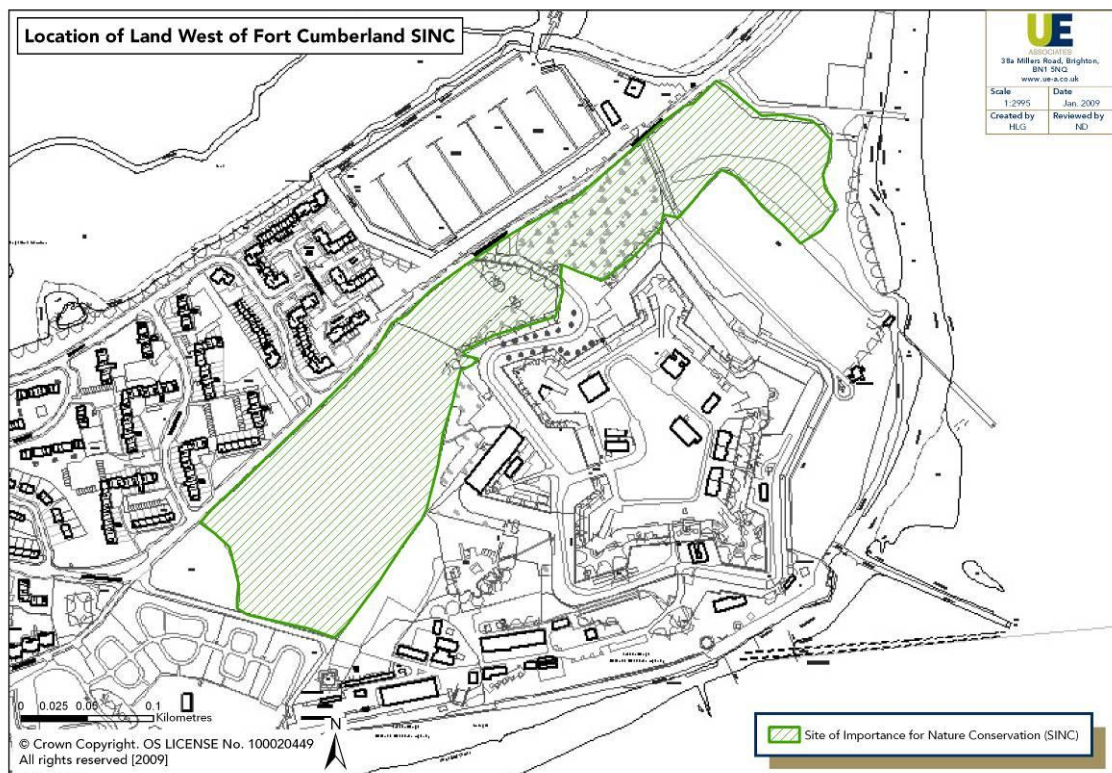


Figure 2.1: Location of Fort Cumberland SINC.

The site was visited by UE-A on 17th December, 2008. Neil Davidson and Helen Goddard walked around the western part of the SINC and observed any birds present. It should be noted that this was not a specific bird survey as such but rather a visit to collect photographic information, consider what changes might have occurred since 2005 (when the application was submitted) and consider spatial implications of the proximity of suitable breeding bird habitat

to the red line boundary. No inspection of the inside of the site was made other than peering in from the western edge.

Photographs in **Appendix A** illustrate the way in which the characteristic coastal heath habitat with gorse and acid grassland runs right up to the western boundary of the planning application site and seemingly within the top north west corner of the planning application site boundary.

Figure 2.2 illustrates the location of the planning application site when compared to the western end of the Fort Cumberland SINC. This figure also shows casual observations of bird species made during the site visit in December 2008. During the visit Dartford warbler and stonechat were observed as well as other passerines. All sightings of these two species were close to the red line boundary. It should be noted that winter sightings do not mean that a particular species of bird is a resident breeder. Local migrations often take place in British winters. This said, there is a record base to suggest that the Dartford warbler is possibly resident. The question for PCC is whereabouts does it breed and if it does breed at this site, what effects might the building of the proposed residential development at QinetiQ Fraser have on this bird?

2.3 Bird Records

As part of this assignment, UE-A has discussed the Fort Cumberland SINC site with the RSPB and Hampshire Ornithological Society (HOC). UE-A has also been supplied with records from the Hampshire Biodiversity Information Centre (HBIC) and the HOC. It is understood that HOC supply records to HBIC. Both organisations were contacted to pick up any records in transit. Results from both organisations, although duplicate, show consistency of data.

Appendix B lists records for Dartford warbler from HBIC. **Appendix C** lists bird sightings at the Fort Cumberland SINC from HOC. There are several records concerning Dartford warbler from in and around the site. Other species of nature conservation interest amongst the records at the Fort Cumberland SINC or nearby sites include black redstart *Phoenicurus ochruros* and stonechat *Saxicola torquata*. Like the Dartford warbler, these two species are of nature conservation interest. They are included below to provide examples of possible breeding bird species that should be carefully considered as part of the planning considerations. Only a full breeding bird survey would provide the necessary information to do this. These three species are not exclusive but representative of reasons to conduct a breeding bird survey.

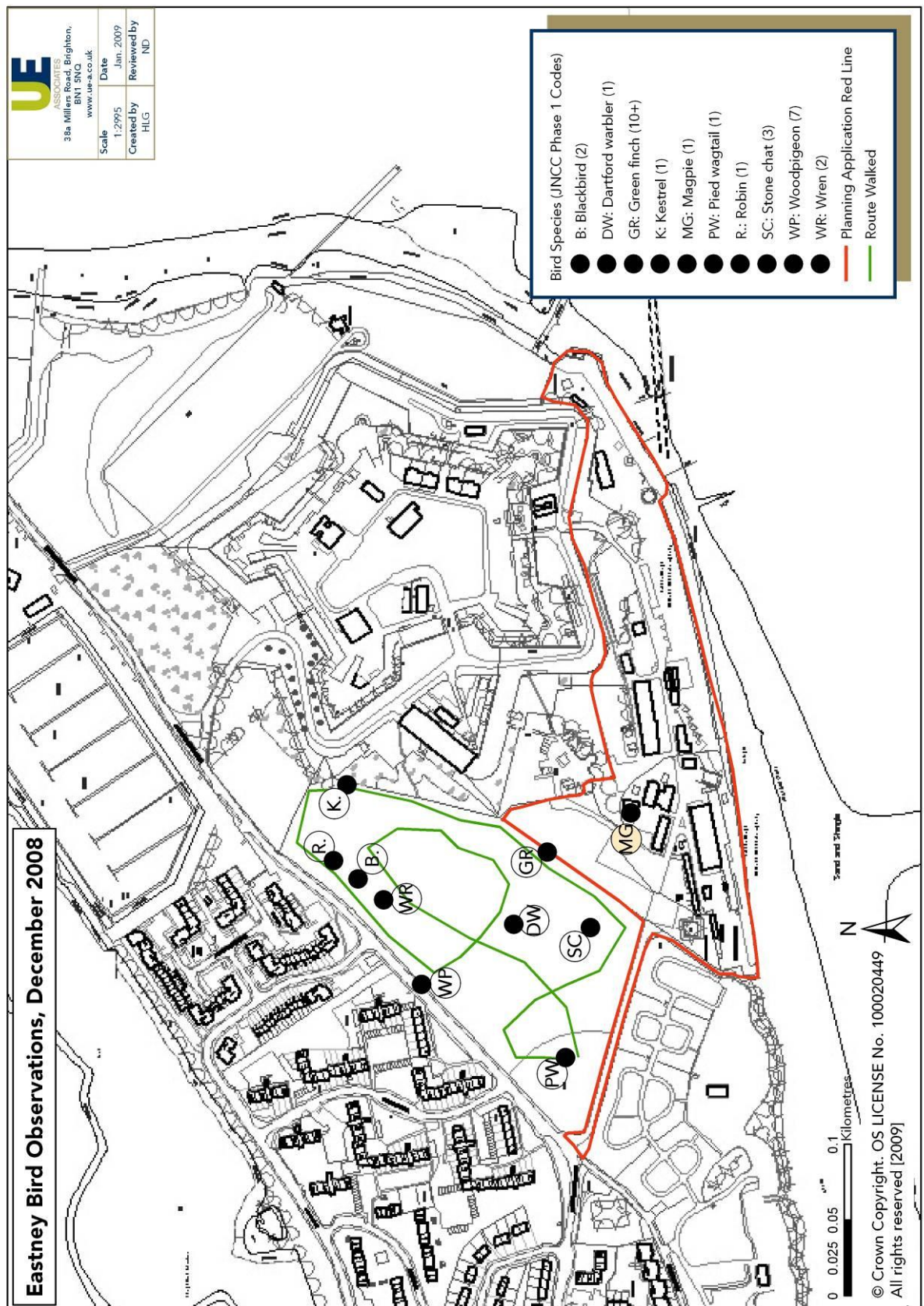


Figure 2.2: Planning Application red line and bird observations made 17th December 2008.

2.3.1 Dartford warbler

This small, dark, long-tailed warbler is resident in the UK and has suffered in the past from severe winters. Its population crashed to a few pairs in the 1960s, since when it has gradually recovered, increasing in both numbers and range. It is still regarded as an Amber List species on the RSPB's birds of conservation concern lists. It will perch on top of a gorse stem to sing, but is often seen as a small flying shape bobbing between bushesⁱ. It is an Annex 1 species in the EU Directive the Conservation of Wild Birds (79/409/EEC) and also features on Schedule 1 of the Wildlife and Countryside Act 1981.

Dartford Warblers breed in a wide variety of low scrub habitats and Atlantic heathlands often with heather *Calluna vulgaris* and especially Gorse *Ulex* spp. Large areas of heathland typically hold higher densities of breeding birds than fragmented and isolated habitats, with up to 10-15 pairs/km² present in the best areas. Territories containing Gorse *Ulex* spp. tend to be more productive (Catchpole & Phillips, 1992), most likely due to the greater abundance of invertebrate prey and increased shelter during the winter. Birds generally remain on the breeding grounds throughout the year, although there is a partial migration of adults, notably in October. Such movements are more pronounced in years of high productivity (Bibby, 1979)ⁱⁱ.

2.3.2 Black Redstart

Like the Dartford warbler, the black redstart is on Schedule 1 of the Wildlife and Countryside Act. The species is rare in the UK but where present is often found on brownfield sites and will nest on buildings. Nearby foraging areas will often be characterised by coarse rough grassland, sometimes with stony patches. Similarly it likes areas where there are numerous midges to eat. Records from HOC have recorded this species in the vicinity (see **Appendix C**). Similarly, HBIC note records for the black redstart within 2km from the planning application site. No confirmation is given for breeding but it is a possibility. Breeding records in this part of the country i.e. south Hampshire do exist (Lindsay McCulloch – Planning Ecologist at Southampton Ecologist – pers com, 15th August 2008).

Lack of access to the private land at this brownfield site could mean that normal surveying intensity would be much lower than say the SINC site which is open to the public.

2.3.3 Stonechat

Like both the Dartford warbler and black redstart, the stonechat is an Amber Listed species identified by the RSPB on its list of species of conservation concern. It inhabits heaths, conifer plantations or coastal sites, especially in southern and western counties. Whilst it has less legislative protection than the other two birds, it is nevertheless an example of a bird of nature conservation significance that should be considered in terms of impact assessment and mitigation proposals to perhaps enhance the habitat type that supports this bird.

ⁱ Information sourced in part from www.rspb.co.uk; visited 15th January 2009.

ⁱⁱ Information sourced in part, including the Bibby reference, from www.jncc.gov.uk; visited 15th January 2009.

3 Ecological Assessment of Birds within the Environmental Statement

3.1 Surveying Breeding Birds

A 'full breeding bird survey' has no common methodological format except to say that a full breeding bird survey normally implies that at least three, ideally six, dawn chorus surveys or sometimes evening (dusk) surveys will be carried out. Records of singing birds will be collected, often by walking a transect. Bibby *et al* (2000) provide comprehensive coverage of the various bird census techniques that are used to survey birds.

3.2 EIA Review

Birds are addressed in the EIA process as part of the requirement to consider effects on flora and fauna (see Annex IV of the EU EIA Directive 97/11/EC). The process of EIA for this application has included preparation of a scoping report (Scott Wilson, December, 2004) and an environmental statement (Scott Wilson, April, 2005).

It is not the purpose of this report to examine or review the reasons as to why a breeding bird survey has not been carried out. There were requests from stakeholders (RSPB, February 2005) at the time, and PCC will clearly have its own reasons for making the scoping opinion that it did (PCC, April 2005). Instead, this chapter focuses on best practice for ecological impact assessment.

Guidance on the ecological impact assessment process is well documented in the IEEM Guidelines for Ecological Impact Assessment in the UK (IEEM, 2006). As this document was published after the preparation of the ES, it would be inappropriate to compare the two. However, one key aspect of the IEEM Guidance is at the Scoping Stage, where there is a strong recommendation that existing survey information, including biological records, is reviewed as part of the process. The guidance recommends that the role of the applicant's ecologist is to:

- ▶ Obtain information about the project from the proponent or their engineers/designers;
- ▶ Identify project activities likely to cause ecological damage, stress or disturbance. Obtain any available information about their spatial extent, timing, frequency and duration;

-
- ▶ Concurrently, identify opportunities for enhancing biodiversity and delivering biodiversity objectives;
 - ▶ Identify stakeholders, consultees and all ecologists who should be involved and establish a consultation strategy;
 - ▶ Produce a scoping report as a basis for further consultation with the competent authority, statutory consultees and others involved in the consultation strategy; and
 - ▶ Refine the scope of the assessment based on feedback on the scoping report. Continue to refine the scope - scoping out potential impacts that are no longer considered likely to be significant and addressing newly identified impacts that are likely to be significant. The final scope provides the terms of reference for the remainder of the EclA.

Whilst correspondingly, it is the role of stakeholders to:

- ▶ Identify relevant legislation, regulations and policies and review their requirements. This may include the need for a licence before some activities can go ahead;
- ▶ Develop an understanding of the ecological context based on existing ecological information, data gathering, literature searches, site visits and any baseline studies already carried out;
- ▶ Determine a threshold for selecting ecological features to be included in the assessment, based on their value;
- ▶ Identify those ecological resources reaching the threshold value which could be affected by the project;
- ▶ Identify the factors affecting the integrity of the relevant ecosystems and the conservation status of relevant habitats and species;
- ▶ Identify ecological features likely to be significantly affected and therefore requiring further study and explain the selection criteria used;
- ▶ Consider potential sources of cumulative effects;
- ▶ Consider alternatives including the best environmental option;

- ▶ Agree details of proposed survey/research methodologies. Confirm the study area and the criteria that will be used to assess its nature conservation value; and
- ▶ Consider potential mitigation/enhancement or compensation opportunities.

Seemingly, the issue of breeding birds was known at the time but perhaps the full extent of records was, for some reason, unavailable. As these records are now well known, the need for a breeding bird survey is, in the opinion of UE-A, much clearer.

3.3 Breeding birds in the Scoping Report

The purpose *inter alia* of a scoping report is to consider the information concerning location, characteristics and likely impacts on the various topics listed in Annex IV of the EIA Directive (which include fauna) and to decide what to include (scope in) as part of the assessment and what to exclude (scope out).

The scoping report, when considering the 'preliminary identification of the impacts and mitigation', recorded that:

'The potential adverse ecological impacts of any development within the site boundary itself consist of loss of breeding bird and reptile habitat and loss of patches of coastal grassland'. Para 5.70, page 25, Scoping Report (Scott Wilson, 2004).

In the impact summary table of the scoping report (impact no. 7.2, page 41), it is suggested that the level of importance for breeding birds is 'District', the nature of impact is 'Long Term', and the significance will be 'Low'.

To mitigate this effect the same report suggests that: ***Clearance of scrub [takes place] outside bird breeding season'*** (impact no. 7.2, page 41).

PCC confirmed that ecology should be included within the ES on the basis of the scoping report. The scoping report mentions breeding birds and refers to a breeding bird habitat evaluation (July, 2004) but does not make the recommendation for a breeding bird survey as part of the EIA (see para 5.75, page 26).

The grounds for taking this line in the EIA Scoping Opinion (dated 20th April, 2005) was based on advice from various stakeholders. Stakeholders opinions were not however always the same. In the scoping report, biological records and ecological information is mostly referred to in the context of ecological surveys which have been carried out in the months between July and September 2004. There is no mention of the nearby internationally important Dartford warbler (breeding or otherwise).

3.4 Breeding birds in the ES

The nature conservation chapter of the ES addresses breeding birds by drawing on the same 27th July 2004 habitat suitability survey cited in the scoping report. Table 3.1 provides a summary of information in relation to birds at the site; para 7.8, refers explicitly to bird survey coverage.

Table 3.1: Summary of ecological impact assessment findings in the ES in relation to breeding birds.

Aspect of ecological impact assessment	Location in ES	Relevance to breeding birds
General Potential Impacts	Page 1	A summary table states that potential impacts will include: <ul style="list-style-type: none"> <input type="checkbox"/> Permanent and temporary landtake (loss of habitats); <input type="checkbox"/> Noise, vibration and visual disturbance during site preparation and operational stages; <input type="checkbox"/> Pollution; <input type="checkbox"/> Dust deposition from site preparation and construction; <input type="checkbox"/> Lighting; and <input type="checkbox"/> Beneficial impact from creation of a large new habitat.
Methodology	Table 7.1	The July survey is used as the main methodology for assessing breeding bird implications at the site.
Breeding Bird Habitat Evaluation	Para 7.8	<i>"A breeding bird survey with habitat mapping was carried out on 27 July 2004 between 0700hrs-0900hrs. As the survey was outside the main breeding bird season it was too late to conduct a full breeding birds survey. Consequently, the survey aimed to detect second broods and map potential breeding habitat".</i>
Baseline Information	Table 7.5	HBIC and RSPB records feature in this table.
	7.33	The possible presence of nearby Dartford warbler is acknowledged via an English Heritage report (2003).
	Table	Fort Cumberland is recognised as a SINC and the

	7.7	features for its designation by HBIC are listed. These do not include Dartford warbler but do acknowledge the important social value of this site.
	7.47	<i>"Much of the site is unsuitable for breeding bird use".</i>
	7.48	<i>"Small areas of bramble scrub and shrubs were recorded as potential breeding habitat . During the survey, a singing male Linnet Carduelis cannabina was recorded in a single Sycamore Acer pseudoplatanus. An area of dense bramble scrub with a single horse-chestnut Aesculus hippocastanum and Italian alder Alnus cordata (Note 2) could be a likely breeding locality for small passerines".</i>
	7.50	<i>"Overall the site is assessed to be of parish to negligible importance for breeding birds".</i>
Constraints	7.69	<i>"Most of the field surveys were carried out during July and August 2004. This was too late in the year to carry out a full breeding birds survey and with respect to both plants and invertebrates, it is probable that additional species of note would have been identified during surveys earlier in the year. Assumptions have therefore been made about the potential for additional species to occur on-site and the levels of significance of any effects therefore encompass a range where appropriate".</i>
Predicted Impacts	Table 7.10	<i>"The construction impact summary table notes that some birds are sensitive to visual disturbance (in construction usually in combination with noise disturbance)".</i>
	7.80	<i>"A small area (approximately 710m²) of Land around Fort Cumberland SINC would be lost to construction of the access road to the site. This would comprise a thin strip of disturbed land along the existing access road that forms the southern boundary of the SINC. No fragmentation of the site would therefore be associated with the landtake. None of the uncommon species for which the site was designated have been recorded within the zone of landtake. The loss of this area is therefore not a significant effect".</i>
	7.81	<i>"With no controls on demolition and construction, there is a risk of pollution of the SINC immediately</i>

		<i>adjacent to the works by dust and run-off. This is not assessed as giving rise to a significant effect”.</i>
	7.95	<i>“Increased recreational use of this area of rough grassland is likely, following occupation of the site. The site is currently heavily used by dog-walkers and children, and the predicted increase in use is not anticipated to result in a significant adverse effect”.</i>
	Table 7.12	Impacts on breeding birds are identified as being at parish/negligible level and not significant.
Mitigation	7.109	<i>“Although the loss of the small amount of potential breeding bird habitat on site is not regarded as a significant adverse effect, the destruction of occupied nests or disturbance of nesting birds is an offence under The Wildlife and Countryside Act 1981. Clearance of those parts of the site that constitute potential breeding bird habitat would be timed to occur outside the main bird breeding season (taken as 1 March to 31 August, inclusive). Any unavoidable works programmed to occur during the bird breeding season would be preceded by a careful search for bird nests by a qualified ecologist”.</i>
Limitations	7.114	<i>“Most of the field surveys were carried out during July and August 2004. It is probable that additional species of note would have been identified during surveys earlier in the year. Assumptions have therefore been made about the potential for additional species to occur on-site and the levels of significance of any effects therefore encompass a range where appropriate. It is considered that the baseline data collected were adequate to ensure that no significant effects have been overlooked”.</i>

Depending on the findings, a breeding bird survey may mean that the findings above stay exactly the same. However, if protected birds such as the Dartford warbler or black redstart were found to be present, then these findings would need to be assessed and mitigated accordingly.

The potential presence of Dartford warbler and of black redstart (see bird records in **Appendix B and C** of this report) cannot be fully considered simply from drawing on the 2 hour breeding bird habitat suitability survey. What is more, the date of this survey is over four years ago which means that there is a strong chance that the ecology survey data (including the appropriate assessment) is now out of date. On this basis, a breeding bird survey would be appropriate.

3.5 Other legislative considerations

Notwithstanding the EIA legislation surrounding this planning application, there is also the consideration of other legislative aspects which are significant, including the Birds Directive and the Wildlife and Countryside Act 1981. In particular, they are important when considering that the last time any information was used in the consideration of this planning application was 2005. This applies to all aspects of nature conservation, not just the fact that a 'full' breeding bird survey was not undertaken. There may be several changes to the habitats and biodiversity at the site.

The legal implications of EIA procedure are set out clearly in the IEEM guidance on nature conservation and include a case study concerning the legal case between *Regina v Cornwall County Council ex parte Jill Hardy* (2001). The following is an extract from the guidance:

"The legal implications arising out of an EclA [Ecological Impact Assessment] should be made explicit and where an EclA is undertaken as part of an EIA, it is also subject to the relevant EIA Regulations.

The competent authority must obtain all the information needed to assess and evaluate the likely significant environmental effects of a project before it reaches its decision regarding the grant of consent. For EIA development, it has been confirmed in a recent judgement (see Box 1) that the competent authority cannot adopt a 'wait and see' approach or impose a condition requesting further work to identify the likely environmental impacts after permission has been granted. It is therefore crucial that all information relevant to describing likely significant ecological impacts is collected prior to the submission of an ES.

Where the competent authority considers that the information is insufficient it has the power to request further information, or evidence to verify the information already provided. Working closely with the decision-maker, statutory bodies and other consultees during the assessment process should help reduce the likelihood of the competent authority needing to exercise this power.

Box 1: R v Cornwall County Council ex parte Jill Hardy (2001)

Planning permission was granted for a project for which the applicant prepared an ES under the EIA Regulations. Although it was known that the site could support bats and that the project was likely to have a negative impact on any bats that were present, the applicant did not investigate their presence. The planning authority, advised by English Nature, attached a condition to the planning permission requiring the applicant to carry out a survey to establish whether bats were present prior to commencing development. However, the Court held that the presence of bats could result in there being a significant effect and hence that information about bats should have been included in the ES, in order to comply with the EIA Regulations (Regulation 3(2)). The planning permission was quashed (the reason being the failure to investigate a likely significant effect rather than the fact that a legally protected species was present *per se*).

Given the comments regarding constraints and limitations in ES paras 7.69 and 7.114 respectively, the above information and experience in Cornwall has similar, if not identical, parallels. On this basis, as well as the other reasons cited elsewhere in this report, a breeding bird survey is recommended in accordance with the methodology suggested in **section 3.6** below.

Whilst we are able to cite relevant legal contexts, PCC should take independent legal advice on the strict interpretation of this matter.

3.6 Recommendation for a breeding bird survey

In the case of this planning application it would be worth considering, in consultation with for example Natural England and the RSPB, how many visits would be appropriate. UE-A would recommend that perhaps one every four weeks be undertaken between 1st March and the 31st of July or August. The land within the red line boundary should be included as well as western part of the Fort Cumberland SINC i.e. the area closest to the redline boundary on the western edge of the planning application site boundary.

4 Conclusion

4.1 Conclusion

Having visited the Fort Cumberland SINC, UE-A consider the site to be an important local nature conservation site. These comments are made in the context of Portsmouth as a whole, which, when viewed in terms of its local nature conservation resource can be described as relatively impoverishedⁱⁱⁱ. For example there are no Local Nature Reserves within the city boundary. Despite the European designated sites which partially surround the island, sites within and across Portsea Island are few and far between due in large part to the considerable urban mass which has its roots in a strong industrial and naval heritage. The site is important ecologically and has social value to the people who live nearby.

Full surveys would help confirm the importance of this site for breeding birds. A breeding bird survey should be conducted for the following reasons:

1. Dartford warblers may or may not use the proposed development site to build their nest, lay eggs, and to forage and shelter. PCC should be satisfied that it has a full understanding of the breeding bird baseline.
2. The Birds Directive (Article 3.2(b)) recognises that all species listed in Annex 1 are to be protected 'inside and outside the protected zones' against harm i.e. it is not relevant that the bird is not found occurring in a Special Protection Area in this particular case.
3. From an EIA perspective, depending on the findings of a breeding bird survey, the mitigation strategy may or may not change from its current recommendations.
4. Bird records suggest that there are a range of birds to be found at the Fort Cumberland site, some of which may or may not breed and use the area as a key part of their habitat requirements within the red line of the proposed development site. Specifically there are records that were not raised in the scoping report which are relevant to supporting a breeding bird survey: the black redstart (which has been recorded in a vicinity of less than 2km from the application site and is a Wildlife and Countryside Act Schedule 1 species, and the stonechat which is on the Amber List of the birds of nature conservation concern list (RSPB, 2002) are two such species.

The existing mitigation proposals within the ES may prove to be appropriate for the site, if PCC is minded to grant permission but they have been drawn up without the knowledge of a full breeding bird survey. On this basis the situation creates 'procedural discomfort' in the sense that by making the assumptions that the EIA authors have made, it is clear that the

ⁱⁱⁱ www.natureonthemap.co.uk; accessed 15th January 2009

potential presence of breeding Dartford warblers or other birds has not been taken into account. This applies to other birds of nature conservation importance.

The close proximity of the planning application site to possible breeding bird habitat (especially for the Dartford warbler, see Figure 2.2) means that if any work as part of the development (i.e. not just scrub clearance) takes place during the breeding season, PCC needs to be confident, as the competent authority, that the Wildlife and Countryside Act as well as other wildlife legislation is not compromised. The best way to achieve this is to not make any planning decisions unless information from a full breeding bird survey is available.

References

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Appendix A: Photographs



Plate 1: Looking due south, the boundary of the red line can be seen in the form of the fence. The radar tower and the existing QinetiQ two storey buildings can be seen to the left of the picture.



Plate 2: Looking out from the edge of the redline boundary across the gorse and acid grassland which provides suitable habitat for Dartford warbler and stonechat.

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Appendix B: Bird Records from HBIC

Number of records of the Dartford Warbler within search area	398
Time period	1995 to 2007
Search zone	The search area extends 2km from the Planning Application Site at Fort Cumberland
Number of records for Fort Cumbernauld	14

Taxon	Vernacular	Site	Grid ref.	No.	Date	Comment
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ683991	1	06-Mar-05	HOS(402908) Status(M) Source(Hos Recorder)
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	13-Nov-05	HOS(413049) Status(M) Source(Hos Recorder)
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	18-Nov-05	HOS(413050) Status(M) Source(Hos Recorder)
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	15-Dec-05	HOS(413051) Status(M) Source(Hos Recorder)
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	15-Mar-06	HOS(441647) Source(Hos Recorder) sg, but not found again
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	24-Mar-06	HOS(524891) Source(Hos Recorder) singing male in open area
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	12-Nov-04	HOS(387244) Source(Hos Recorder)
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	02-Feb-07	HOS(576160)
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	12-Aug-07	HOS(576161)
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	19-Aug-07	HOS(576162)
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	3	03-Nov-07	HOS(534401) two together in dog-walking area and one inside Fort Cumb fence
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6899	1	21-Apr-07	HOS(544103)
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6799	2	29-Apr-07	HOS(575749) pair
Sylvia undata	Dartford Warbler	Lh Fort Cumberland	SZ6799	1	24-Jul-07	HOS(575750)

Appendix C: Bird Records from HOC

In total there are 80 bird records for the Fort Cumberland SINC site.

The records for the Black Redstart, Dartford Warbler and Stonechat are as follows:

Species	Site	Grid Ref	First date	No.	Notes
Black Redstart	Lh Fort Cumberland	SZ6899	21/11/1992	1	
Black Redstart	Lh Fort Cumberland	SZ6899	21/11/1992	1	
Black Redstart	Lh Fort Cumberland	SZ6899	16/12/1992	1	
Black Redstart	Lh Fort Cumberland	SZ6899	04/01/1993	2	
Black Redstart	Lh Fort Cumberland	SZ6899	21/02/1993	1	Fem
Black Redstart	Lh Fort Cumberland	SZ6899	25/02/1998	1	Female
Black Redstart	Lh Fort Cumberland	SZ6899	03/11/2001	1	fem/imm
Black Redstart	Lh Fort Cumberland	SZ6899	30/11/2003	2	m + f
Black Redstart	Lh Fort Cumberland	SZ6899	18/10/2004	1	Male
Black Redstart	Lh Fort Cumberland	SZ6899	29/10/2004	1	Female
Black Redstart	Lh Fort Cumberland	SZ6899	13/11/2005	1	f/imm
Black Redstart	Lh Fort Cumberland	SZ6899	18/11/2005	2	male + f/imm
Black Redstart	Lh Fort Cumberland	SZ6899	12/11/2006	1	Male
Black Redstart	Lh Fort Cumberland	SZ6899	16/11/2006	1	south east fence
Black Redstart	Lh Fort Cumberland	SZ6899	03/11/2007	1	inside fenced off area ie the fort
Black Redstart	Lh Fort Cumberland	SZ6899	12/11/2007	1	female-type on fort
Dartford Warbler	Lh Fort Cumberland	SZ6899	21/11/1992	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	21/11/1992	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	21/11/1992	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	12/11/2004	1	
Dartford Warbler	Lh Fort Cumberland	SZ683991	06/03/2005	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	13/11/2005	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	18/11/2005	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	15/12/2005	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	15/03/2006	1	sg, but not found again
Dartford Warbler	Lh Fort Cumberland	SZ6899	24/03/2006	1	singing male in open area
Dartford Warbler	Lh Fort Cumberland	SZ6899	02/02/2007	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	21/04/2007	1	
Dartford Warbler	Lh Fort Cumberland	SZ6799	29/04/2007	2	Pair
Dartford Warbler	Lh Fort Cumberland	SZ6799	24/07/2007	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	12/08/2007	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	19/08/2007	1	
Dartford Warbler	Lh Fort Cumberland	SZ6899	03/11/2007	3	two together in dog-walking area and one inside Fort Cumb fence
Stonechat	Lh Fort Cumberland	SZ6899	01/11/1996	1	Female
Stonechat	Lh Fort Cumberland	SZ6899	19/02/1997	1	
Stonechat	Lh Fort Cumberland	SZ6899	09/12/2000	1	
Stonechat	Lh Fort Cumberland	SZ6899	31/03/2005	1	Male
Stonechat	Lh Fort Cumberland	SZ6899	13/11/2005	4	2 prs
Stonechat	Lh Fort Cumberland	SZ6899	18/11/2005	6	3 prs
Stonechat	Lh Fort Cumberland	SZ6899	15/12/2005	4	2 prs
Stonechat	Lh Fort Cumberland	SZ6899	22/09/2006	6	
Stonechat	Lh Fort Cumberland	SZ6899	03/11/2006	6	3 prs
Stonechat	Lh Fort Cumberland	SZ6899	12/11/2006	5	
Stonechat	Lh Fort Cumberland	SZ6899	09/12/2006	1	
Stonechat	Lh Fort Cumberland	SZ6899	21/04/2007	2	Pair
Stonechat	Lh Fort Cumberland	SZ6899	01/06/2007	1	pr raised 1+ yg
Stonechat	Lh Fort Cumberland	SZ6899	22/10/2007	1	Male
Stonechat	Lh Fort Cumberland	SZ6899	03/11/2007	6	3 pairs

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