

STATEMENT OF WITNESS
(Civil Procedure Rules 25.3(2))

STATEMENT OF Ian Barker, Ecologist, New Forest National Park Authority

Age of witness (if over 18, enter "over 18"): ...Over 18

This statement (2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am employed as an Ecologist by the New Forest National Park Authority (the 'NPA'). This witness statement is made in relation to land at Lot 2, Petlake Farm, Ringwood Road, Bartley, Southampton SO40 7LA, known as 'Terry's Patch'.

On Wednesday 9 December 2020 I was contacted by Rosalind Alderman of the New Forest National Park Authority requesting ecological information pertaining to the context of works that had been undertaken to woodland at the property 'Terry's Patch', and seeking my professional opinion as to the potential ecological significance of them.

Following the request, I utilised a number of available and authoritative desktop resources which are commonly utilised by ecological professionals.

MAGIC Mapping

The MAGIC website [MAGIC \(defra.gov.uk\)](http://magic.defra.gov.uk) provides geographic information about the natural environment from across government. It classifies the woodland of the site as comprising a priority habitat, namely broadleaved deciduous woodland. UK BAP priority habitats were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP 1994).

More recently the UK BAP priorities have informed statutory lists of habitats in England which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity (as required by Section 41 The Natural Environment and Rural Communities (NERC) Act 2006). There is therefore evidence that woodland of the site comprises of a habitat of principal importance for biodiversity.

Section 40 of the NERC Act is commonly known as the biodiversity duty. It requires that any public authority "must ... have regard ... to the purpose of conserving biodiversity". It goes on to state that "Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat". Section 41 of the Act requires the Secretary of State to publish a list of species and habitats which are of "principal importance" for the purpose of conserving biodiversity.

It is pertinent to highlight an associated joint Defra/Natural England Explanatory note which states ' *The Section 41 list will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006 "to have regard" to the conservation of biodiversity in England, when carrying out their normal functions. In particular:*

Regional Planning Bodies and Local Planning Authorities will use it to identify the species and habitats that should be afforded priority when applying the requirements of Planning Policy Statement 9 (PPS9) to maintain, restore and enhance species and habitats.

Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under PPS the aim of planning decisions should be to avoid harm to all biodiversity.

All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.

Local Biological Records

The local biological records centre for the area of interest is the Hampshire Biodiversity Information Centre (HBIC). The Authority has access to its mapping and records and works in partnership with them and other stakeholders such as Natural England and the Hampshire Wildlife Trust to jointly identify and designate Local Wildlife Sites, known locally as Sites of Interest for Nature Conservation (SINC).

As well as assessing those records available to the Authority at this time through general data downloads provided by HBIC, following receipt of the enquiry I have requested further analysis by HBIC of local records. The Authority will therefore be able to provide an update if there are any additional significant data findings in due course.

The woodland at the property of 'Terry's Patch' adjoins a Local Wildlife Site known as Reformatory Copse (and including Marley Copse) to its north east edge. The reasons for designation of those includes the presence of semi-natural ancient woodland habitat. It is possible a similar level of ecological interest could occur within the property itself. The richness of the surrounding landscape is further illustrated by the presence of 10 Local Wildlife sites within 1Km including the ancient woodlands of Jacobs Copse and Mumms Copse within 200m to the west of 'Terry's Patch'. The New Forest Site of Special Scientific Interest (SSSI) and European designated Special Area of Conservation (SAC) and Special Protection Area for Birds (SPA) all lie within 1.5Km of the site.

Biological records in the surrounding 2 Km area indicate presence of at least 5 species of bat including Western barbastelle, a woodland bat considered to be of high conservation concern and the subject of it's own Special Area of Conservation within 9Km. According to data searches associated with nearby proposals, over 25 bird species of special conservation concern have been recorded within 2Km, and in addition, specially protected species such as Goshawk and Red kite which utilise woodlands have been recorded within 2 Km. There are nearby records for protected mammals including badger and hedgehog which would be likely to utilise the habitat of the property in question. There are bodies of water in the locality and the potential for the presence of amphibians, including those which are the subject of legal protection (e.g. great crested newt) cannot be ruled at this time until appropriate surveys have been undertaken.

Ecological networks

The woodland of the property is identified in ecological network mapping produced by HBIC (Mapping the Hampshire Ecological Network on behalf of the Local Nature

Partnership Version 3 HBIC (March 2020)) The property is identified as a core non-statutory component of the network. Such areas are afforded weight within Para 170 and 174 of National Planning Policy Framework (NPPF) due to their intrinsic value for biodiversity as well as their role in providing wildlife corridors and stepping stones. NPPF states such areas should be safeguarded and planning decisions promote their conservation, restoration and enhancement.

I also note that the stream adjoining to the west of the property forms part of the ecological network and could be adversely affected by inappropriate land management interventions.

Summary of ecological context and likely effects of works

The property in question comprises lowland deciduous broadleaved woodland habitat identified by government as being of principal importance for biodiversity. It sits in a varied and rich landscape of other important biodiversity sites (e.g. Local Wildlife Sites) including ancient woodland which it adjoins. As such it serves an important role as part of the ecological network of the area, increasing the size of important habitats, enhancing its ecological connectivity, reducing edge effects as well as supporting intrinsic biodiversity interest in its own right.

Given the likely presence of protected species and those of importance for the conservation of biodiversity in the area, it is likely to play a role in their movements across the landscape, as well as providing potential foraging and resting areas. This may be of particular importance to species such as bats who use landscape features for navigation, and who are sensitive to changes and gaps created by the loss of features. The impacts on other species which are sensitive to woodland fragmentation such as the hazel dormouse, are uncertain due to the difficulties in surveys for the species. Whilst there are no local records, in my experience the lack of systematic recording in the New Forest means there is insufficient evidence to preclude potential presence of this European protected species at this time.

Changes to the structure of the tree and shrub cover will remove nesting places and potential places of rest for species such as bats and birds, also making the woodland more open and less sheltered from wind and temperature variation, which can lead to changes in species community composition. Loss of established features such as trees are not easily replaced in the short term and their loss now means habitat features that develop over time such as crevices, lichen flora and deadwood are compromised for the future.

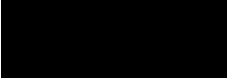
However, the biodiversity value of woodland habitat stems not only from its tree cover, but also its soils and ground flora which develop particular characteristic over time and which are intrinsically linked to the woodland habitat as a whole. Ground disturbance is likely to result in direct losses as well as creating bare ground and favouring of early successional widespread plant species as opposed to those requiring stable soil conditions where interspecific competition is reduced.

Without more in-depth and specialist ecological survey work it is difficult to draw firmer conclusions as to the specific nature of loss of ecological function or species impact. Survey work that has informed information sources to date will have been necessarily limited in extent by access and approach. Natural England's Ancient Woodland Inventory

for instance only identifies sites over 2 Ha in size and so smaller strips of woodland are often not mapped despite comprising of ancient woodland soils and ground flora.

Given the potential lineage to freshwater receptors to the west that are sensitive to pollution and sediment, works that result in such risks by nature of use of inappropriate use of machinery, creation of bare ground and vehicle tracking are also to be avoided.

Given my understanding of the area and its context from desktop review, as well as the local area during over 13 years as the ecologist for the New Forest National Park, it is my professional view that works to the property have the potential to cause significant harm to the environment in the light of the sensitivity of the ecological receptors, their potential intrinsic importance, and role in contributing the ecological network of the area as well, as the likelihood of presence of protected and important species in the surrounding area.

Signed:  (witness)

Date: 9/12/2020.....

(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.

Signed: **Date:**)