

# **Planning and Rights of Way Panel**

## **ADDITIONAL INFORMATION**

Tuesday, 12th March, 2019  
at 6.00 pm

### **ADDITIONAL INFORMATION RELATED TO THE LISTED REPORTS**

#### **Contacts**

Ed Grimshaw  
Democratic Support Officer  
Tel: 023 8083 2390  
Email: [ed.grimshaw@southampton.gov.uk](mailto:ed.grimshaw@southampton.gov.uk)

## **ADDITIONAL INFORMATION**

### **5 MARLHILL COPSE FELLING LICENCE AND APPLICATION FOR WORKS SUBJECT TO A TREE PRESERVATION ORDER. (Pages 1 - 16)**

- Additional submission of legal questions
- Ecologist report supplied by Marlhill copse
- Felling Licence application
- Felling Licence Application Plan
- TPO for access
- Planning ecologist reponse

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

# Agenda Item 5

## ADDITIONAL SUBMISSION FROM GARETH NARBED

Point 46 of the Report of The Head of Transactions and Universal Services appears to be the crucial point. The central legal question which I urge you to help clarify:

- Is there a clear legal duty on the airport to remove obstacles?

[explanation and background to the question: There appears to be a legal duty (an obligation) on the airport to be aware of obstacles : The table of coordinates and map provided by the airport constitute a record of awareness (Appendix 2). There also seems to be a duty to manage obstacles. However 'manage' could be interpreted as 'avoid'. This is what aeroplanes are currently doing. Therefore it can be argued that the airport is meeting its obligations and is not legally required to do any more. To re-phrase question 1: Is the airport obliged to remove obstacles from protruding within its protected surfaces?]

The airport describes the primary legislation as the Civil Aviation Act 1982. There is a section missing in the paragraph quoted in SIAL's submission which should be quoted in full to the panel in order to explain my argument. As you are aware, Section 46 of this Act is about the Secretary of State having powers to exercise control over land in the interest of civil aviation.

Point 2 a: (the part omitted in the airport's quote): directions may be given for requiring the total or partial demolition of any building or structure within the area to which the order relates.

Point 2 b: directions may be given for restricting the height of trees upon any land within the area, or for requiring any tree upon any such land to be cut down or reduced in height.

2a and 2b need to be presented together because they are specified obstacles. This is important in that buildings and trees are therefore equated in the legislation. Therefore the same regard should be paid to both as obstacles. This is relevant in that the PROW panel should treat the demolition of a tree with the same level of scrutiny and concern that they would give to the demolition of a building.

EU Commission Regulation 139/2014 is presented as evidence.

This legislation is described as requiring the airport to manage all obstacles impacting on its protected surfaces. A word search of the whole document returns no instances of the words 'tree' and 'trees'. The word 'height' is used only once in a way other than in relationship to aircraft altitude and this instance relates to constructions. The legislation appears not to confer any additional powers to remove obstacles than those discussed above and similarly does not differentiate between trees and other obstacles.]

I also urge the panel to examine carefully the content and duration of the felling licence application (five years). It should also be brought to the attention of the panel that the airport has declared publicly that the 27 large pines (specified for felling as part of Phase 1 of the Forestry Commission's felling licence) are not currently at an unsafe height.

I contend there is currently good and sufficient reason to support the panel in rejecting the officer's view in point 46 of his report. If the panel is minded to accept point 46, they should do so only after the receipt of expert legal advice.

I hope that this is helpful to the panel's deliberations.

This page is intentionally left blank

# **Basic Ecological Survey and Assessment**

## **at Marlhill Copse, Townhill Park**

**March 2019**

Re: Planning Application 19/00006/TPO

## **REPORT**

**Commissioned by local resident G.Narbed**

**Philip Budd** BSc (Hons) Countryside and Wildlife Management

Freelance Ecologist with 21 years experience

Chair and Recording Officer of Southampton Natural History Society

Vice-chair of Friends of Peartree Green

**7<sup>th</sup> March 2019**

## **Contents**

Declaration	3
Summary	4
Introduction	5
Findings from the visit and other evidence	7
Concluding Remarks	10
Appendix 1	11
Appendix 2	12

## **Declaration**

I am an independent, Freelance Ecological Consultant with 21 years experience and an interest outside of work in the conservation of habitats and their Biodiversity.

I have no professional connection with the following organisations:

- Southampton International Airport (hitherto Southampton Airport)
- Forestry Commission
- Southampton City Council

I am also not part of any public or pressure group associated with Marlhill Copse, its access, it's amenities or its wildlife interest.

I am not part of any political party or organisation and I am not, and never have been, a councillor.

I live within the Southampton City Boundary but more than 2km away from Marlhill Copse therefore I will not be affected in any direct way by the proposed works there.

This report, the findings and any opinions expressed are totally independent and based purely on my knowledge, experience and direct observations at Marlhill Copse.

A handwritten signature in black ink, appearing to read "P.A. Budd". The signature is written in a cursive style with a horizontal line underneath it.

## Summary

Marlhill Copse is an area of mixed woodland and arboretum lying on a north-facing scarp within the Southampton City Boundary. The OS grid reference is approximately SU449154. Most of it is

secondary woodland, although some parts may be ancient, and the woodland is not a S.S.S.I (Site of Special Scientific Interest). Marlhill Copse is protected by the Tree Preservation Order (Townhill Park – Cutbush) 1956.

In 2018 Southampton Airport purchased the woodland known as Marlhill Copse from a private owner. Southampton Airport subsequently acquired a felling licence from the Forestry Commission and in January 2019 made a planning application (19/00006/TPO) to Southampton City Council to carry out operations on some trees within Marlhill Copse so as to conform to the aviation safety requirements of the following:

- ICAO (Convention on International Civil Aviation)
- Civil Aviation Act 1982 (UK legislation)
- EASA Commission Regulation (EU) no139/2014

There are various phases to the proposed operation but Phase One of the works is to be conducted as soon as possible and involves felling 27 trees along either side of a permissive path and within the flight corridors south of Southampton Airport. Further works may take place in the future involving the removal of the crowns of some tall trees. These works would be carried out for aviation safety reasons.

Interested parties, especially local residents, are understandably concerned about the nature and scale of the works; the potential impact on wildlife at the previously relatively undisturbed site and also the timing of the works with respect to the life cycles of various species of wildlife that may be present at Marlhill Copse.

Since a decision by the Southampton City Council to grant the works, or otherwise, is expected at a meeting of the Planning Rights of Way Panel at 6pm on Tuesday 12th March. (Reference: [Southampton.gov.uk/moderngov/ieList.Documents.aspx](http://Southampton.gov.uk/moderngov/ieList.Documents.aspx)) time is very short to submit papers.

Given the above circumstances it was felt necessary for myself to meet the representative of the concerned local residents, Mr Gareth Narbed, at Marlhill Copse as quickly as possible so that I could view the site in preparation for this report. A continuation of permissive access on private land was assumed for this visit, therefore it was not thought necessary to seek permission for access. Details of this visit are described below.

## Introduction

Mr Narbed and I visited Marlhill Copse between 10.30am and 1pm on Friday 1st March. The main purpose of the visit was to identify the 27 trees that are due to be felled as part of Phase

One of the proposed operations. These trees were listed on a photocopied sheet provided by Mr Narbed which showed the latitude and longitude of the locations of the trees as well as the species. These latitudes and longitudes are given in appendix 1 (below).

We walked the length of the permissive track from River Walk to the Gregg School boundary and both sides of the track including the bank and down slope for about 20 metres. I confirmed, or otherwise, the identity of the trees and measured their location as a 10-figure OS grid reference using a hand-held Garmin GPS devise to an accuracy of within 3 metres. The results of these measurements is summarised in table 1 (below). We also observed most of the many other trees that were marked (on the their trunks).

Trees due to felled at Marlhill Copse in 2019				
Northing	Easting	OS Grid Ref	Species	Notes
50.935957	-1.362255	SU4491315375	Western Red Cedar	
50.935957	-1.362255	SU4491415385	English Oak	
50.935957	-1.362255	SU4491115375	Sycamore	
50.935957	-1.362255	Not recorded	Sycamore	
50.935889	-1.362265	SU4490815372	Monterey Pine	
50.935977	-1.362455	SU4489015380	Monterey Pine	
50.936150	-1.362548	SU4487415384	Corsican Pine	
50.936255	-1.362671	SU4488215389	Turkey Oak	
50.936175	-1.362770	SU4485915386	Monterey Pine*	
50.936070	-1.362866	SU4484915385	Monterey Pine*	
50.936131	-1.363021	SU4483515389	Scots Pine*	
50.936189	-1.363081	SU4485915405	Turkey Oak	
50.936310	-1.363153	SU4484415403	Douglas Fir	Actually Sitka Spruce
50.936310	-1.363153	SU4484415403	Sitka Spruce	
50.936152	-1.363575	SU4478015405	Sycamore	
50.936152	-1.363575	SU4478015404	Sycamore	
50.936152	-1.363575	Not recorded	Sycamore	
50.936152	-1.363575	Not recorded	Larch	
50.936162	-1.363841	SU4475615404	Monterey Pine**	
50.936204	-1.364294	SU4475115407	Monterey Pine**	
50.936207	-1.364409	SU4474915403	Corsican Pine**	
50.936211	-1.364495	SU4474515400	Corsican Pine	
50.936211	-1.364495	Not recorded	Corsican Pine	
50.936211	-1.364495	Not recorded	Corsican Pine	
50.936107	-1.364639	SU4474115400	Monterey Pine	Actually Corsican Pine
50.935179	-1.364642	SU4473515399	Monterey Pine	
50.935179	-1.364642	SU4465715347	London Plane	Leaning over path

\*Active Badger sett under these trees

\*\*Trees actually rooted in adjacent gardens so OS Grid Ref not precise

Various other sources of data were available to Mr Garbed and I, as follows:

- A plan was available to Mr Narbed showing the boundary of the area owned by Southampton Airport and also the boundary of the 5.28ha area covered by the felling licence and the 0.1325ha area selected as marked thinning sample plot. See appendix 1.
- I produced a list of species recorded at Marlhill Copse and available on the Mapmate® species records database of the Southampton Natural History Society. See appendix 2.
- A short video was produced by Southampton Airport where a spokesman named Dan explains the works to be undertaken at Marlhill and the reasons for doing so. This video was very much aimed at justifying the works for public consumption. The video is available on YouTube at [www.youtube.com/watch?v=C5bcpUiM5bA](https://www.youtube.com/watch?v=C5bcpUiM5bA)
- Information available, obtained through research, with regard to the age of the woodland at Marlhill Copse and it's ecological conservation status.

## **Findings from the visit and other evidence**

## **1. Tree survey**

It proved to be very difficult to identify the exact 27 trees that were due to felled because:

- so many trees were marked in a similar way that there was no way to distinguish between trees that are to be felled, the trees that may have their crowns reduced and trees that are to be untouched but just located and recorded as part of a Woodland Management Plan.
- to add to the confusion the marker inks used were of different colours. According to information obtained by Mr Narbed these different colours are not significant.
- there appeared to be some misidentification's of trees, for example one of the Corsican Pines *Pinus nigra subsp. maritima* was clearly misidentified as Monterey Pine *Pinus radiata*. Also two conifers very close together were identified as Sitka Spruce *Picea sitchensis* and Douglas Fir *Pseudotsuga menziesii* when in fact both proved to be Sitka Spruce. I couldn't find any Douglas Fir in the area.

In the time available I managed to record the OS grid references of 22 trees that were thought to be on the list of those to be felled, although in three cases the trees were located in private gardens just outside the boundary and the grid reference of these are shown in italics in table 1.

An active Badger sett with clear signs of activity in the last 5-10 days at three entrances was evident. These Badgers are likely to be increasing their activity as the season progresses.

All of the tree species are non-native to the UK apart from the one English Oak *Quercus robur* on the list and the great majority of the other marked trees not due to be felled appear to be Sycamore *Acer pseudoplatanus*. The felling or crown reduction of non-native tree species is less significant from an ecological point of view than doing so to native species. I would question the felling of the English Oak, this being one of the most valuable trees for UK wildlife and I think that it would be more appropriate to consider a crown reduction of this tree depending on its height.

## **2. Plan of Marlhill Copse Operations**

The plan provided to me by Mr Narbed (appendix 1) very clearly shows the relevant ownership and felling licence boundaries. The sample felling plot appears to contain small trees of relatively young age and low importance ecologically. It was easy to identify these boundaries on the site visit of 1st March 2019. This map appears in appendix 1.

## **3. Species Recorded List**

This is the list in appendix 2 and provides evidence of the species diversity of Marlhill Copse. Many of the species found here are associated with damp and cool woodland habitats. There is certainly a rich diversity of birds, certain invertebrate groups, ferns, woodland flowering plants and fungi within the area. Care should be taken not to fell so many trees that there is too much light reaching the woodland floor.

Of particular note *Portevinia maculata*, a species of hoverfly associated with the bulbs of Ramsons (=Broad-leaved Garlic) *Allium ursinum*, occurs at Marlhill Copse in large numbers in May and is not known to occur anywhere else in Southampton. The presence of Badgers is already mentioned above. During the visit on 1st March 2019 a birdwatcher that we met mentioned that Kingfisher nested in the wood last year. There is also at least one Wildlife and Countryside Act Schedule 9 invasive alien plant in the wood, this is the American Skunk Cabbage *Lysichiton americanus*. There is a legal obligation for any landowner to remove this plant.

## 4. Youtube Video

The main points in this video (not necessarily in the order of the video) and my comments (in italics) where relevant are as follows:

- *Marlhill Copse is north of Townhill Park and not south of it as stated in the video.*
- The tree works are intended to comply with European airport safety legislation
- 27 trees are to be felled and, in addition, some crown reductions of trees on the lower slopes of the woodland. *There was no further information in the video on how many trees will be affected or which ones may have their crowns reduced.*
- Most of the marked trees will not be affected by the works but have been marked to provide data in support of a Woodland Management Plan. *This appears to be good news.*
- There is no possibility of Marlhill Copse being developed. *This is good news.*
- The woodland is recognised as ancient woodland. *There is some evidence that supports this statement (see item 5. Age and Conservation Status).*
- A transit-size vehicle will be used in the proposed tree-felling operations. *Fortunately the access to Marlhill Copse is good and so this should limit any collateral damage caused by the works.*
- *No information about what is happening to the timber. Hopefully most of it will be recovered from site and processed elsewhere but may also an opportunity to create some dead wood habitat as mitigation.*
- If necessary the works will be delayed or brought forward so that they can be timed to coincide with seasons when there is less impact on wildlife. *This is extremely important and I am pleased that this is acknowledged in the video. Furthermore it is likely that the correct timing of the works may be a legal requirement under the Wildlife and Countryside Act 1981 provisions for breeding birds i.e. that it is unlawful to 'Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.'(reference: <https://www.rspb.org.uk/birds-and-wildlife/advice/wildlife-and-the-law/wildlife-and-countryside-act/>). Felling works in spring or summer would also affect the Badger population and many species of insects and other invertebrates. Tree felling activities should take place outside the bird breeding season i.e. from September to March.*

## **5. Age and ecological conservation status**

I have found that Marlhill Copse has no current statutory ecological protection at or above the level of S.S.S.I (Site of Special Scientific Interest), however it is adjacent to the Itchen Valley Special Area of Conservation (S.A.C.) and only separated from it by the A27 road (reference: [magic.defra.gov.uk/MagicMap.aspx](http://magic.defra.gov.uk/MagicMap.aspx)). In the short time available to prepare this report I have been unable to establish whether or not Southampton City Council have designated Marlhill Copse a S.I.N.C. (Site of Interest for Nature Conservation). In my opinion the habitat and ecological interest at Marlhill Copse would certainly justify S.I.N.C status.

Reference to the Southampton (Online) Sheet 315 Ordnance Survey One-Inch-to-the-Mile (1895) map (reference: [www.oldmapsonline.org/en/Hampshire](http://www.oldmapsonline.org/en/Hampshire)) shows that there was woodland along the south of the stream and open land north of it suggesting that a large part of Marlhill Copse is at least 125 years old. This is to be expected as I estimated that the Corsican Pines and Monterey Pines were planted at least 125 to 150 years ago and several other trees look to be a similar age or even a little older than that. Reference to Cory's England, Wales and Scotland Sheet 15-16 map (1794) (reference: [www.oldmapsonline.org/en/Hampshire](http://www.oldmapsonline.org/en/Hampshire)) shows that there is a large block of broadleaved woodland in the West End area with the western limit close to the current location of the Haskins Garden Centre and that most of Marlhill Copse was open land then. There is a part of Marlhill Copse that could be more ancient i.e. in continuous existence since at least before 1700. This is a narrow strip of Alder *Alnus glutinosa* woodland along the stream. Such a strip of woodland is indicated on the Milne map of Hampshire dated 1791 ([www.geog.port.ac.uk/webmap/hantsmap/milne1/mln43f.htm](http://www.geog.port.ac.uk/webmap/hantsmap/milne1/mln43f.htm)) but is not clear on Cory's 1794 map. No older maps could be found that were sufficiently detailed or accurate to contribute to provide further evidence of the age of Marlhill Copse. It is important to note that although most of Marlhill Copse is probably not ancient a timespan of 150 years is more than enough time for a rich diversity of species to build up.

## **Concluding Remarks**

### **Summary**

- Southampton Airport now owns Marlhill Copse and have acquired a felling licence for 13 acres (5.28ha) of the woodland
- Southampton Airport are in the process of applying to Southampton City Council to carry out tree felling work on aviation safety grounds as Marlhill Copse is covered by a TPO (Tree Preservation Order) dated 1956.
- Southampton City Council are due to make a decision on this application on 12th March 2019 (*previous applications for tree felling at Marlhill Copse were rejected in 1983 and 2003 G.Narbed per comm.*)
- Local residents have objected to the proposed works and as a result I was commissioned by Mr Gareth Narbed to carry out an ecological assessment and produce this report.
- I carried out one site visit on 1st March 2019 and considered various sources of data and evidence so as to inform this report.

### **Recommendations:**

- I recommend that Phase One of the tree felling is carried out as planned if permission for it is granted by Southampton City Council. Clearly the aviation safety interests are important and have been demonstrated.
- It is very important that the tree felling works are not carried out during the main bird breeding season as birds may nesting any of the trees particularly the conifers.
- The best option, if the tree felling is undertaken, is to wait until September to March to carry out these works. I would strongly advise against conducting any of this work in spring 2019 because there is unlikely to be enough time to complete the works and clear up afterwards before birds start breeding. Since 2019 is an advanced spring following a mild winter birds could already be starting to nest.
- All operations carried out in spring or the autumn months should take place no earlier than 2 hours after sunrise and no later than 2 hours before sunset to minimise disturbance to the Badgers. From November to February this consideration is probably not relevant.
- I recommend that the English Oak has its crown reduced only and not felled.
- Mitigation such as the creation of dead wood habitat should be considered as there will be large volume of timber should these tree felling works be undertaken.
- Further management plans beyond Phase One are unclear and, in the event of further public concern, I would certainly be open to conducting further assessments if requested to do so.

## **Appendix 1**



## Appendix 2

## Sheet1

**Marlhill Copse records - SNHS database (unsorted)**

<b>Taxon</b>	<b>Vernacular</b>	<b>Gridref</b>	<b>Date</b>	<b>Recorder</b>	<b>Stage</b>
<i>Abortiporus biennis</i>	FUNGUS	SU449154	02/10/03	Philip Budd	Not recorded
<i>Acanthosoma haemorrhoidale</i>	Hawthorn Shieldbug	SU451153	02/09/10	Philip Budd	Nymph
<i>Adalia decempunctata</i>	10-spot Ladybird	SU450154	05/04/05	Philip Budd	Adult
<i>Aelia acuminata</i>	Bishop's Mitre Shieldbug	SU451153	12/06/06	Philip Budd	Adult
<i>Aelia acuminata</i>	Bishop's Mitre Shieldbug	SU450155	12/06/06	Philip Budd	Not recorded
<i>Aeshna cyanea</i>	Southern Hawker	SU451153	02/09/10	Philip Budd	Adult
<i>Allium neapolitanum</i>	Neapolitan Garlic	SU449153	10/05/18	Philip Budd	Not recorded
<i>Anatis ocellata</i>	Eyed Ladybird	SU450154	05/04/05	Philip Budd	Adult
<i>Aphidecta obliteratea</i>	Larch Ladybird	SU450154	05/04/05	Philip Budd	Adult
<i>Arbutus unedo</i>	Strawberry-tree	SU450154	30/05/11	Philip Budd	Not recorded
<i>Aspitates ochrearia</i>	Yellow Belle	SU451153	02/09/10	Philip Budd	Larval
<i>Atractotomus mali</i>	LEMMERMANN BUG	SU451153	12/06/06	Philip Budd	Adult
<i>Autographa gamma</i>	Silver Y	SU451153	12/06/06	Philip Budd	Adult
<i>Botryobasidium aureum</i>	FUNGUS	SU449154	02/10/03	Philip Budd	Not recorded
<i>Calocybe gambosa</i>	FUNGUS	SU449154	12/06/14	anon	Not recorded
<i>Calvia quattuordecimguttata</i>	Cream-spot Ladybird	SU450154	05/04/05	Philip Budd	Adult
<i>Celastrina argiolus</i>	Holly Blue	SU450154	10/05/18	Philip Budd	Adult
<i>Celastrus orbiculatus</i>	Staff-vine	SU450154	30/05/11	Philip Budd	Not recorded
<i>Ceraleptus lividus</i>	Slender-horned Leatherbug	SU451153	12/06/06	Philip Budd	Adult
<i>Ceraleptus lividus</i>	Slender-horned Leatherbug	SU451153	12/06/06	Philip Budd	Not recorded
<i>Chorthippus albomarginatus</i>	Lesser Marsh Grasshopper	SU451153	02/09/10	Philip Budd	Adult
<i>Clitocybe nebularis</i>	FUNGUS	SU450155	20/11/14	Philip Budd	Not recorded
<i>Cochlicopa lubrica</i>	Slippery Moss Snail	SU451153	02/09/10	Philip Budd	Adult
<i>Conocephalus discolor</i>	Long-winged Conehead	SU451153	02/09/10	Philip Budd	Adult
<i>Coreus marginatus</i>	Dock Bug	SU451153	12/06/06	Philip Budd	Adult
<i>Coreus marginatus</i>	Dock Bug	SU451153	02/09/10	Philip Budd	Adult
<i>Coreus marginatus</i>	Dock Bug	SU450155	12/06/06	Philip Budd	Not recorded
<i>Cycloca conica</i>	SPINETL	SU450154	05/04/05	Philip Budd	Adult
<i>Cyphostethus tristriatus</i>	Juniper Shieldbug	SU450154	05/04/05	Philip Budd	Adult
<i>Cyphostethus tristriatus</i>	Juniper Shieldbug	SU450155	05/04/05	Philip Budd	Adult
<i>Dendrocopos major</i>	Great Spotted Woodpecker	SU450154	30/05/11	Philip Budd	Adult
<i>Dolycoris baccarum</i>	Hairy Shieldbug	SU451153	12/06/06	Philip Budd	Adult
<i>Dolycoris baccarum</i>	Hairy Shieldbug	SU450155	12/06/06	Philip Budd	Not recorded
<i>Elasmostethus interstinctus</i>	Birch Shieldbug	SU450154	05/04/05	Philip Budd	Adult
<i>Elasmostethus interstinctus</i>	Birch Shieldbug	SU450155	05/04/05	Philip Budd	Adult
<i>Elasmucha grisea</i>	Parent Bug	SU450154	05/04/05	Philip Budd	Adult
<i>Elasmucha grisea</i>	Parent Bug	SU450155	05/04/05	Philip Budd	Adult
<i>Epistrophella elegans</i>	a hoverfly	SU451153	26/05/13	Philip Budd	Adult
<i>Euclidia glyphica</i>	Burnet Companion	SU451153	12/06/06	Philip Budd	Adult
<i>Eurygaster testudinaria</i>	Tortoise Shieldbug	SU451153	12/06/06	Philip Budd	Adult
<i>Eurygaster testudinaria</i>	Tortoise Shieldbug	SU450155	12/06/06	Philip Budd	Not recorded
<i>Exochomus quadripustulatus</i>	Pine Ladybird	SU450154	05/04/05	Philip Budd	Adult
<i>Gonocerus acuteangulatus</i>	Box Bug	SU451153	02/09/10	Philip Budd	Adult
<i>Halysidota sedecimguttata</i>	Orange Ladybird	SU450154	05/04/05	Philip Budd	Adult
<i>Harmonia axyridis</i>	Harlequin Ladybird	SU450154	26/05/13	Philip Budd	Adult
<i>Helophilus pendulus</i>	a hoverfly	SU450154	26/05/13	Philip Budd	Adult
<i>Himacerus boops</i>	HEMIPERENN BUG	SU451153	02/09/10	Philip Budd	Adult
<i>Kalmia latifolia</i>	Mountain-laurel	SU450154	30/05/11	Philip Budd	Not recorded
<i>Kleidocerys resedae</i>	HEMIPERENN BUG	SU450154	05/04/05	Philip Budd	Adult
<i>Leptophyes punctatissima</i>	Speckled Bush Cricket	SU451153	02/09/10	Philip Budd	Adult
<i>Leptopterna dolabrata</i>	HEMIPERENN BUG	SU451153	12/06/06	Philip Budd	Adult

Page 1

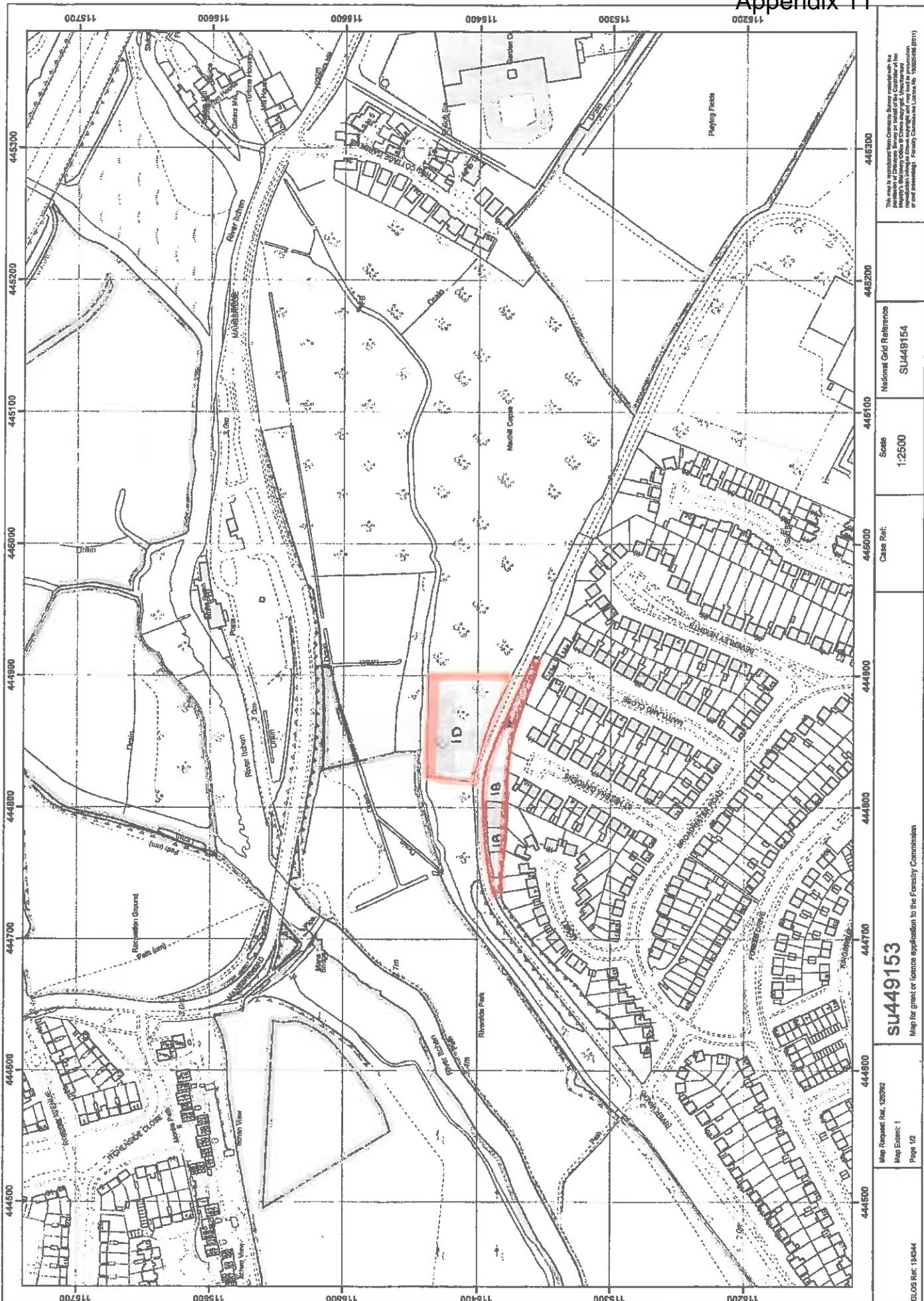
Sheet1

<i>Lophocolea bidentata</i>	Bifid Crestwort	SU449154	05/04/05 Philip Budd	Not recorded
<i>Lysichiton americanus</i>	American Skunk-cabbage	SU450154	30/05/11 Philip Budd	Not recorded
<i>Malachius bipustulatus</i>	Malachite Beetle	SU451153	12/06/06 Philip Budd	Adult
<i>Matteuccia struthiopteris</i>	Ostrich Fern	SU450154	30/05/11 Philip Budd	Not recorded
<i>Myathropa florea</i>	a hoverfly	SU451153	26/05/13 Philip Budd	Adult
<i>Mycena seynesi</i>	FUNGUS	SU450155	20/11/14 Philip Budd	Not recorded
<i>Nomada flava</i>	a cuckoo bee	SU450154	26/05/13 Philip Budd	Adult
<i>Ochsenheimeria taurella</i>	a moth	SU451153	02/09/10 Philip Budd	Adult
<i>Ocypterus olens</i>	Devil's Coach-horse	SU449154	27/07/93 Goodall	Adult
<i>Oedemera nobilis</i>	Swollen-thighed Beetle	SU451153	12/06/06 Philip Budd	Adult
<i>Omocestus viridulus</i>	Common Green Grasshopper	SU451153	02/09/10 Philip Budd	Adult
<i>Orthodontium lineare</i>	Cape Thread-moss	SU449154	05/04/05 Philip Budd	Not recorded
<i>Oudemansiella mucida</i>	FUNGUS	SU449154	02/10/03 Philip Budd	Not recorded
<i>Oxyporus populinus</i>	FUNGUS	SU449154	02/10/03 Philip Budd	Not recorded
<i>Pararge aegeria</i>	Speckled Wood	SU450154	26/05/13 Philip Budd	Adult
<i>Paxillus involutus</i>	FUNGUS	SU450155	20/11/14 Philip Budd	Not recorded
<i>Phaeolus schweinitzii</i>	FUNGUS	SU449154	02/10/03 Philip Budd	Not recorded
<i>Philoscia muscorum</i>	WEEVIL	SU451153	02/09/10 Philip Budd	Adult
<i>Pisaura mirabilis</i>	SPIDER	SU451153	02/09/10 Philip Budd	Adult
<i>Pithanus maerkelii</i>	HEMIPTERA BUG	SU451153	12/06/06 Philip Budd	Adult
<i>Platycerius albimanus</i>	a hoverfly	SU450154	26/05/13 Philip Budd	Adult
<i>Pluteus luteovirens</i>	FUNGUS	SU449154	02/10/03 Philip Budd	Not recorded
<i>Pluteus semibulbosus</i>	FUNGUS	SU449154	02/10/03 Philip Budd	Not recorded
<i>Poa humilis</i>	Spreading Meadow-grass	SU451153	12/06/06 Philip Budd	Not recorded
<i>Polyommatus icarus</i>	Common Blue	SU451153	02/09/10 Philip Budd	Adult
<i>Polyporus squamosus</i>	FUNGUS	SU449154	30/05/11 Philip Budd	Not recorded
<i>Portevinia maculata</i>	a hoverfly	SU450154	10/05/18 Philip Budd	Adult
<i>Portevinia maculata</i>	a hoverfly	SU450154	26/05/13 Philip Budd	Adult
<i>Regulus regulus</i>	Goldcrest	SU450154	30/05/11 Philip Budd	Adult
<i>Rhodotus palmatus</i>	FUNGUS	SU449154	02/10/03 Philip Budd	Not recorded
<i>Sparassus crista</i>	FUNGUS	SU449154	02/10/03 Philip Budd	Not recorded
<i>Subcoccinella 24-punctata</i>	24-spot Ladybird	SU451153	02/09/10 Philip Budd	Adult
<i>Tettigonia viridissima</i>	Great Green Bush Cricket	SU450155	01/08/86 Philip Budd	Adult
<i>Tibellus oblongus</i>	SPIDER	SU451153	02/09/10 Philip Budd	Adult
<i>Vespa crabro</i>	The Hornet	SU449154	07/10/16 Mark Painter	Adult
<i>Xerula radicata</i>	FUNGUS	SU449154	02/10/03 Philip Budd	Not recorded
<i>Xysticus cristatus</i>	SPIDER	SU451153	02/09/10 Philip Budd	Adult

This page is intentionally left blank

## Agenda Item 5

## Appendix 11



This page is intentionally left blank

# Agenda Item 5

## Appendix 12



Forestry Commission  
England

FCE-REG-01  
Application to Fell Growing Trees

Use this form to apply for a licence to fell trees. Note that a woodland management plan may be a more appropriate route to a felling permission.

### Part 1 – Applicant's Details

Title:	Mr	Forename:		
Surname:			Single Business Identifier (optional):	
Organisation:	Southampton Airport Ltd		Position:	Airport Duty Manager
Primary Contact Number:			Alternative Contact Number:	
Email:				
Address:	Southampton Airport Ltd, Wide Lane, Eastleigh			
Postcode:	SO18 2NL		Country:	UK
Interest in the Land:	<input checked="" type="checkbox"/> Land Owner <input type="checkbox"/> Lessee with right to fell the trees.			

### Agent's Details

If you are an agent acting on the applicant's behalf you must provide an Agent Authority form which confirms your authority to represent them before we can process an application.

Title:	Forename:		
Surname:			
Organisation:			Position:
Primary Contact Number:			Alternative Contact Number:
Email:			
Address:			
Postcode:	Country:		

### Part 2 – Trees to be Felled

Name of Property:	Marhill Copse Southampton		
Name of Wood:	Marhill Copse Southampton		
Grid Reference (of centre of principal Felling Area): (e.g. XX123456)	SU449153		
Nearest Town or Locality Name:	Eastleigh (Townhill Park)		
Local Authority:	Southampton City Council		
Is the site designated?	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No
If Yes please provide details of the designation(s), e.g. SSSI/NNR etc.: Conservation Area under Southampton City Council			

## FCE-REG-01: Application to Fell Growing Trees

### Part 2b – Felling Operations

- The operation type should be either: Clear Felling (CF), Thinning (T), Regeneration Felling (RF), Felling of Coppice (FC), the Felling of Individual Trees (FO) or Felling to Create Open Space in the Woodland such as roads or glades (OS). Please refer to the application guidance (FCE-REG-00) for more information.
- The species to be felled can be expressed by name (e.g. Sitka spruce) or by standard abbreviation (e.g. SS).
- Individual tree species that account for more than 20% of the timber that will be felled must be listed in this column. This is to ensure compliance with the EU Timber Regulations. An example is presented in *Italics*, where oak and ash each account for more than 20% of the timber.

This section must be completed, showing a separate line for each compartment or sub compartment and for each proposed felling operation. Use the same compartment reference where you have more than one felling operation on the same area of woodland. The compartment references should correspond to your application map, as shown in the example in the table below.

Felling Site/Cpt	Type of Operation	Species to be felled	Number of trees*	Marking of Trees	Estimated Area of felling (ha)	Estimated Volume (m <sup>3</sup> )
1a	T	Mixed broadleaves including oak and ash	9000	Orange dot	10	530
1A	Thinning/ Clear Felling	3 Monterey Pines, 3 Corsican Pine	6	Unmarked Trees as in fenced area	1HA	128.058
1B	Thinning/ Clear Felling	1 Monterey Pine, 3 Sycamore, 1 European Larch	5	Monterey is marked with Yellow Paint (TAG 300) 3 Sycamore, 1 Euro. Larch marked with Yellow and blue paint and TAG0280	1HA	26.417
1C	Thinning/ Clear Felling	1 Scots Pine, 3 Monterey, 1 Turkey Oak, 1 Western Red Cedar, 1 English Oak, 2 Sycamore	9	Scots Pine marked with Yellow Paint and TAG 0249, Monterey Pines marked	1HA	128.544

FCE-REG-01: Application to Fell Growing Trees

				with Blue Paint and Tag 0206,022 .2 and 0264		
1D	Thinning/ Clear Felling	1 Douglas Fir, 1 Sitka Spruce, 1 Monterey Pine, 1 Turkey Oak, 1 Corsican Pine	5	Douglas Fir, Sitka Spruce marked with yellow paint and Tag 0228, Monterey is marked with Yellow Paint and Tag 0274 Turkey Oak is marked with Blue paint and TAG0216 Corsican Pine is marked with Blue paint and TAG 0271	1HA	62,765

\* This column is optional.

Please provide further information about the proposed felling, including proposed timings and any measures you are taking to safeguard protected species:

We are requesting to completely fell the above trees that are causing penetration to our Obstacle limitation surfaces. The trees in question are all covered under Tree Preservation Orders and are within a conservation area. We are aware of the range of wildlife species in the area we are looking to undertake the work including badger sets directly under the large pines. Southampton Airport are currently undertaking a wide range of surveys of the area to formulate the best plan of action with

## FCE-REG-01: Application to Fell Growing Trees

our nominated contractor who is yet to be fully appointed. Any works that will take place will be sensitive to the local environment and carried out by suitably trained and qualified contractors. Whilst not fully finalised an appointed person for Ecology and Wildlife has been discussed as a major point for attendance on site whilst works are taking place.

### Part 3 – Proposed Restocking

In accordance with UK Forestry Standard requirements for sustainable forestry we normally expect the felled area to be restocked with trees, unless you are thinning. To secure restocking we will usually attach restocking conditions to the licence. We will discuss these conditions with you before we issue the licence.

If you do not intend to restock the felled area or an alternative location you should complete an Application to Convert Woodland to Open Habitat. We expect such applications to comply with the Government's Policy on when to convert woods and forests to open habitats in England.

#### Restocking Proposal Table:

With reference to the Felling Operations table (Part 2b), please use the table below to tell us how you intend to restock the areas felled. For each compartment or sub compartment; reference where restocking will be required you must show a restocking proposal for 100% of the felled area. If you intend to restock an alternative area, you must submit a map showing the area to be planted. Use 'N/A' if restocking will not be applicable e.g. as a result of a thinning operation.

- The Restocking Proposal should be either to Replant the Felled Area (RP), Restock by Natural Regeneration (NR), Plant an Alternative Area (AA), Restock with Coppice Regrowth (CR), Restock with Individual Trees (IT), Plant an Alternative Area with Individual Trees (AAIT), or Create Designed Open Ground (OG). Please refer to the application guidance for more information.
- If you are intending to deforest the site, state Do Not Intend to Restock (DIR) in the Restocking Proposal column and provide the information requested above for conversion to open habitat.

Felling Site/Cut(s)	Restocking proposal	Species	Area (ha)	% of total restock area	Stocking Density (stems per ha)
1A	RP	Unknown	Under 1ha	100%	300 which we have been advised will be covered by replanting 3 trees for every 1 removed
1B	RP	Unknown	Under 1ha	100%	300 which we have been advised will be covered by replanting 3

## FCE-REG-01: Application to Fell Growing Trees

**Please provide further information about the proposed restocking:**

Southampton Airport will be looking to work closely with the Local Authority (Southampton Council) on the Replanting of Trees to replace the above. We will be re-planting 3 trees for every 1 tree felled so above the 1 for 1 amount required and will be working closely with the council to recommend the most suitable species for the area. These species have yet to be decided as we will be looking to refer to both the forestry commission and the local authority for advice on the most suitable species for the area.

We have been in discussion with Angus Clarke about the restocking and not yet decided the species. We have discussed the replanting to make sure that the 3 for 1 tree replacement will be sufficient and Angus has advised that staking 300 Stems per HA will be covered by replanting 3 trees.

## **Part 4 – Tree Preservation Orders and Conservation Areas**

## FCE-REG-01: Application to Fell Growing Trees

1. Are any of the trees to be felled subject to a Tree Preservation Order(s)?  Yes  No

If Yes, give details below:

The following Tree Preservation Order (TPO) applies to the trees in this application.

Order Made by ( <i>Local Planning Authority</i> ):	Southampton City Council		
Nearest Town or locality name:	Eastleigh (Townhill Park)		
Title of Order:	T2-020	Date of Order:	Townhill Park-cutpush order of 1956

2. Are any of the trees to be felled within a Conservation Area?  Yes  No

Details of Conservation Area: Itchen Valley  
SCC Historic Environment Record  
09.01.1986

**Note:** A felling licence will **not** cover the felling of trees to which a TPO applies or which are in a Conservation Area if you have not declared the existence of the Order or Area in the application.

### Part 5 – Map

You must attach a map to your application that clearly identifies the location of the trees to be felled or thinned. We prefer application maps to be on an Ordnance Survey MasterMap® (OSMM). You can get free copies of an OSMM map by completing a Map Request Form available from our website or your local FC office. You should allow two weeks for the delivery of an OSMM map once requested.

If you do not use our Map Request Service you must provide us with an original map or a good quality photocopy. **We will return applications that include maps that are not acceptable without registering them.** Before you mark up your map for submission, check:

- The map is an up-to-date Ordnance Survey map, preferably OSMM.
- It is at a scale of either 1:10,000, 1:5,000 or 1:2,500 (more than one map may be required for large areas).
- The scale is shown on the map.
- Any relevant details are not hidden by folds, other marks or labels.

**You must label the map with the type of tree felling and grid reference of the centre of the felling area.** The grid reference must lie within the woodland or the area of trees to be felled. If a point of access to the area is not obvious please show this on the map. You should not use a map used for a previous application unless proposals remain exactly the same.

## Part 6 – Declarations

I hereby apply for a licence to fell the trees described in this application and I certify that:

- I am the applicant, or an agent acting on the applicant's behalf, and have sufficient control over the land on which the trees are growing to fell the trees with or without the consent of any other person.
- Any necessary consents from any other person's, if required, have or will be obtained by the user.
- I am aware of the Good Practice to safeguard European Protected Species during forestry operations and the need to obtain a species licence if I cannot comply with the Good Practice.
- I have considered the impact this proposal will have on the area and diversity of habitat(s) for wild birds and legal protection given to wild birds, especially during breeding season.
- I have made the necessary checks with the local planning authorities regarding Tree Preservation Orders and Conservation Areas and English Heritage with regard to any Scheduled Ancient Monuments.
- To the best of my knowledge and belief the information given in this application is accurate and complete.
- I agree to any disclosure and exchange of information about this felling licence application with other organisations or consultees which the Forestry Commission considers necessary for the administration, monitoring, evaluation and publicising of the application or licence. Details may also be passed to successors in title to this land.
- I agree that information about the application, including that contained in the application or approved licence and any other relevant documentation may be made available to the public.
- I understand that the Forestry Commission will consider this felling licence application as an application for their Opinion, where appropriate (if this has not already been given) under Regulation 5 of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.

Signature

Date 30/10/2018

Print Name

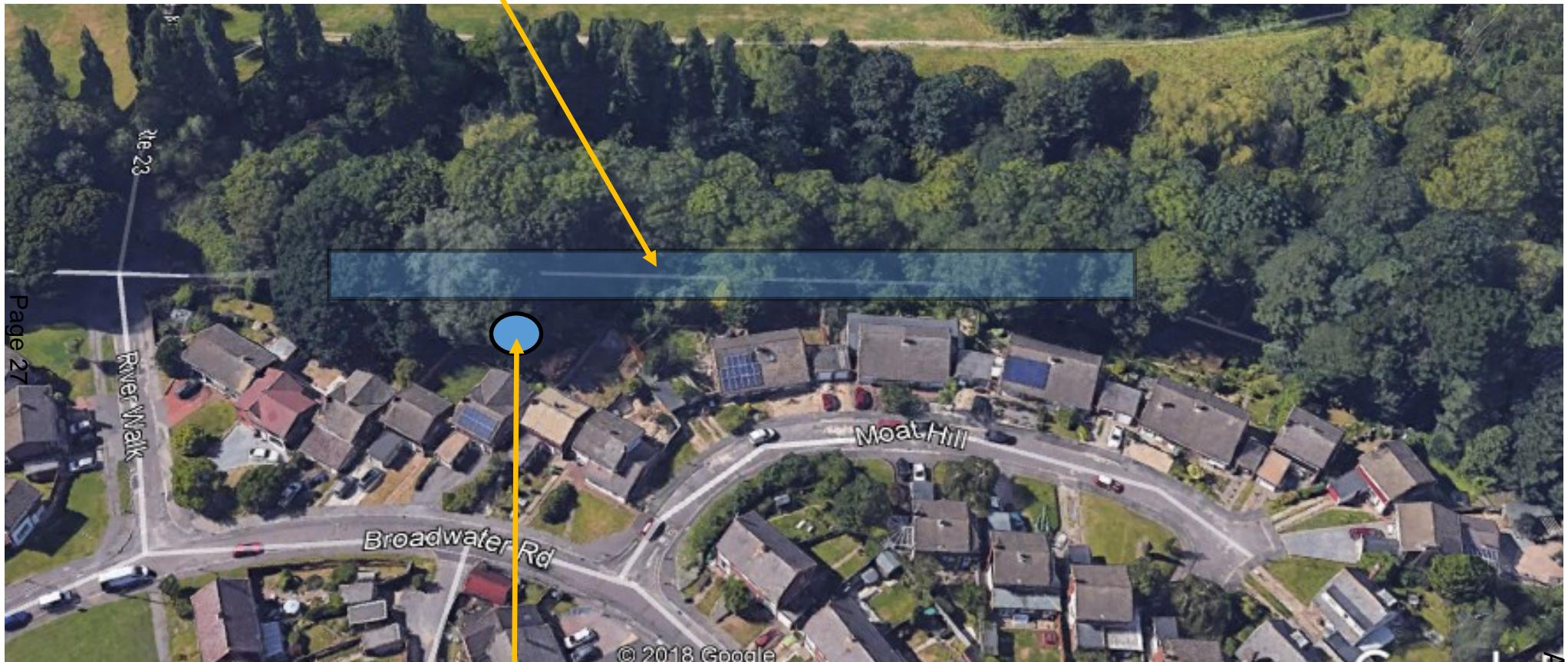
- On completion, please attach a signed and dated copy of a map showing the area covered by the application. Please refer to the application guidance for more information.
- I understand that the Forestry Commission may contact me about obtaining a felling licence as part of a Customer Survey. I am not obligated to respond to any survey.

**DO NOT START FELLING UNTIL WE HAVE ISSUED YOUR FELLING LICENCE**

This page is intentionally left blank

# Agenda Item 5

Appendix 13



This page is intentionally left blank

# Agenda Item 5

## Appendix 14

### Comments on ecological surveys undertaken in response to the proposed tree works in Marhill Copse.

11/03/2019

The ecology report provided by Mr Narbed identifies two ecological issues, non-native species and the presence of badgers, of which the City Council was already aware. The report's recommendations do not conflict with position of the City Council.

The City Council's Planning Ecologist has had the opportunity to review a Preliminary Ecological Appraisal (PEA) commissioned by Southampton Airport and also met on site with representatives of the Airport to discuss potential ecological impacts and appropriate mitigation. At present the mitigation measures haven't been fully developed as further, species specific, survey work is due to be undertaken over the coming spring and summer. This survey work will cover bats, dormouse, great crested newt and otter. In addition, the consultant ecologist has been made aware of the potential presence of firecrest, a Schedule 1 bird species. Once the results of these phase two surveys have been analysed a full suite of mitigation measures will need to be developed.

In relation to felling trees in the bird nesting season, whilst it is good practice to avoid undertaking tree felling during this period, it is not prohibited by law. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to intentionally:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of a wild bird included in Schedule 1;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- take or destroy an egg of any wild bird.

Provided work can be undertaken without any of the above occurring, an offence will not have been committed.

The PEA has recommended undertaking all tree works outside the breeding season, which runs from March to August inclusive, however, should it be necessary to remove any trees during this period the area around the trees to be felled will need to be checked for active nests. If any are found, a five metre exclusion zone will need to be placed around the nest. Should the nest be closer to the work zone than five metres' felling would not be able to proceed until after the chicks had fledged.

I am satisfied that the consultant advising Southampton Airport has identified all the relevant ecological issues and that appropriate phase two surveys have been commissioned.

Planning Ecologist.

This page is intentionally left blank