Ministry of Defence

MOD Form 2223 (Revised 11/2020)

Habitats Regulations Assessments (HRA)[1]:
Consideration of Plan/Project (P/P)
Judgement of Likely Significant Effect (JLSE)
Appropriate Assessment (AA)
Consideration of Alternatives, Compensation and Imperative Reasons of Over-riding Public Interest (IROPI)

Copies of all completed and authorised Habitats Regulations Assessment forms should be submitted to:

Post: DIO TS EPS ES&C Ecology Team, Defence Infrastructure Organisation
[redacted]

This Decision Form should be completed in conjunction with guidance provided in Section 5 of the Sustainability and Environmental Appraisal Tools (SEAT) Handbook for the MOD Estate, and the DIO Practitioner Guidance – Designated Sites.

Title of Proposal: New fencing around Ash Ranges Technical Area

Name of Natura 2000 and Ramsar[2] Site(s):

- Thames Basin Heaths Special Protection Area (SPA)
- Thursley Ash Pirbright and Chobham Special Area of Conservation (SAC)

This Decision Form is a record of the assessment, undertaken by the Defence Infrastructure Organisation on behalf of the Ministry of Defence in respect of the above plan / project, in accordance with the EC Habitats Directive (92/43/EEC) and transposing Regulations.

The Habitats Regulations require that a Competent Authority carries out an Appropriate Assessment (AA) before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which is likely to have a significant effect on a European site.

This Decision Form can cover the four key stages of a Habitats Regulations Assessment (HRA):

1. *Considering whether the proposed activity is a Plan or Project under the Habitats Regulations*
2. *Judgment of Likely Significant Effects (JLSE): is the Plan or Project likely to have a significant effect on the achievement of Conservation Objectives for a SPA, SAC or Ramsar site Feature?*
3. *Appropriate Assessment (AA): can the Plan or Project be modified, or Avoidance and Mitigation Measures be secured to avoid any adverse impact on the integrity of a Site*
4. *If adverse impacts cannot be avoided or mitigated, whether the Plan or Project must go ahead for imperative reasons of overriding public interest, whether there are any satisfactory alternatives, and whether compensatory measures have been secured to ensure that the overall coherence of the Natura 2000 network will be maintained.*

[1] The 'Habitats Regulations' differ between UK nations:

England and Wales - The Conservation of Habitats and Species Regulations 2017 SI 201/1012 (as amended)
Scotland - The Conservation (Natural Habitats, etc.) Regulations 1994 (as amended in Scotland) (as amended)
Northern Ireland - The Conservation (Natural Habitats, etc.). Regulations (Northern Ireland) 1995 SI 95/380 (as amended)
Offshore - The Conservation of Offshore Marine Habitats and Species Regulations 2017 SI 2017/1013 (as amended)

[2] Wetlands of International Importance identified under the 1971 Ramsar Convention: it is Government policy to also apply the Habitats Regulations Assessment processes to the special features of Ramsar Sites

Summary of the Project
Full details of the plan/project should be referenced or Annexed.

References

A. Ecological Supporting Information- dated 28 Sept 2021 – [redacted] DIO Ecologist
B. Draft Final IRMP Aldershot – Ash Ranges Natural Environment Component 2020-21
C. SSSI / SPA / SAC Citations – Natural England.
D. Favourable Condition for Designated Features of Ash to Brookwood Heaths SSSI. Final version Natural England March 2014
E. SSSI Unit Condition Assessments as at September 2021
F. SPA & SAC Site Conservation Objectives with Supplementary Advice and Site Improvement Plans

Annexes:
A. Map 1 – Ash Ranges Technical Area and Public Access Area and SSSI, SAC & SPA and Phase 1 Fencing Works
B. Working Methodology Principles. From Landmarc Support Services Sept 2021.
C. SPA Bird data extract for Ash to Brookwood Heaths SSSI 2019 & 2020
D. Technical Consideration Summary Table
E. Summary of Avoidance and/or Mitigation Measures
F. Measures to protect and enhance non-SAC habitat features; species and biodiversity net gain

1. What are the Plan/ Project proposals?

1.1 The MOD aim to further develop and improve public access opportunities at Ash Ranges whilst ensuring improved safeguards for military training and infrastructure.

1.2 In 2020, the surface of the currently unmade paths through the woodland situated between the Range Danger Area (RDA) fence and the MOD boundary were significantly improved by creating a 1.5m wide, all-weather surfaced path. See SSSI Assent dated November 2020.

1.3 This facilitated and mitigated the exclusion of public access to the range floor technical areas which includes open firing trenches, target mechanisms and lead contaminated sand in the stop butts to improve range and public safety.

1.4 This Project is to erect new fencing along the eastern side of the main Range Road, between Furze Hill and near Gate 30 on the existing perimeter fence, to exclude the public at all times from the "Range Technical Area" (**see Annex A Map 1**), whilst allowing public access during non- firing periods to the "Public Access Area" (ie between the RDA fence & proposed new fence). This is to facilitate public access to parts of the range roads and woodland when the ranges are not in use, whilst excluding the public from the range floor technical area to prevent vandalism, disruptions of military training and in the interests of public safety.

1.5 This Project will delineate a **Range Technical Area (RTA**) of approximately 135ha **and Public Access Area (PPA)** of approximately 12ha.

1.6 Where possible, the new PPA will include some woodland,(rather than only following the existing Range road verge), to create a 'higher quality and larger' area. This should provide a greater 'feeling and use' of space into the woodland as well as provide a good tarmac/ stone surface track for those preferring such an access surface. The new fence line will seek to blend aesthetically with the landscape. (**see Annex A Map 1**).

1.7 This HRA covers the entire N-S fence line for a comprehensive assessment. However, the works are planned in phases and so part may only be required. Phase 1 works proposed winter 21/22 are from approximately 100m south of Range Control Building to the perimeter fence as shown at **Annex A**.

1.8 The new fence line lies within Unit 20 Ash to Brookwood Heaths SSSI.

1.9 **Reference A & Annex B** set out the best practice and intrinsic Project measures for such works, which help avoid and minimise possible likely significant adverse impacts on relevant SAC & SPA European features. They also seek to do so for SSSI features and protected and notable species. These are summarised at **Annex F.**

1.10. The key features are:

- The fencing line will take the best practical route along grassland verges, woodland and other areas, allowing safe Range floor operation and vehicle access/ visibility to the Ranges, based on a detailed Forestry Assessment including standard checks by suitably experienced persons for protected or other notable species.

- Some works can be done from an existing track or along mown road-side verges.

- The maximum working strip during the construction phase will be 5m with a 1-2m on-going maintenance corridor.

- Construction and on-going maintenance fencing works will be my mix of machinery and hand to best suit the fencing practicalities and ground conditions.

- Materials from FSC certified sources

- The broad aims are to avoid or minimise the felling of mature-semi mature trees & avoid / protect/ retain habitat features (eg sandy banks, tree stumps of potential value for herptiles); removing some understorey such as dense holly clumps and taking opportunity to enhance the woodland for public amenity and safety, landscape and wildlife.

- Standard best practice measures to protect wildlife, soils, water etc.

2. What Consents, Permissions and Authorisations are required from other Competent Authorities under the Habitats Regulations?

2.1 The MOD will undertake appropriate planning consultation with Surrey County Council and decide whether to undertake the project.

2.2 Therefore, both the MOD and LPA are 'Competent Authorities' with decision-making roles regarding the project. The MOD proposes to act as 'Lead Competent Authority' and has prepared this draft HRA for consultation with Natural England.

3. What other designated sites or protected species may be affected?

3.1 The new fencing lies within Unit 20 of Ash to Brookwood Heaths SSSI. This Unit is in Favourable Condition as at 2021.

3.2 Ash to Brookwood Heaths SSSI is designated for forming the largest area of dry heathland remaining in the London Basin together with extensive wet heath, bog and associated habitats and species such as invertebrates, herptiles, flora and birds.

3.3 The possible impacts on the SSSI designation and protected species are addressed in Section 7 below and **Reference A.**

Consideration of Plans and Projects under the Habitats Regulations

4. Is the proposal a Plan or Project?

4.1 This is a record of the consideration undertaken by Defence Infrastructure Organisation, on behalf of the Ministry of Defence to determine whether the above proposal is a 'plan or project' in terms of the EC Habitats Directive (92/43/EEC) and transposing regulations (currently Conservation Habitats & Species (Amendment) (EU Exit) Regulations 2019 and to determine whether the PP is directly connected with or necessary to the [conservation] management of the site.

4.2 Natural England Lead Advisor [redacted] was consulted on XXX date and the conclusions of this consideration are in accordance with NE advice and recommendations.

4.3 The MOD considers that:

a) The proposal is a 'plan or project' in terms of the EC Habitats Directive (92/43/EEC) and transposing regulations.

b) The proposed project is not directly connected with or necessary to the conservation management of the sites concerned.

Judgement of Likely Significant Effects (JLSE)

This section should consider the implications of the P/P on the conservation objectives of the sites concerned. Following European Court of Justice Caselaw in 2018 It should not take account of any avoidance or mitigation measures that have been integrated into the P/P specifically to protect SPA or SAC features. It must take a precautionary approach in considering whether the P/P is likely to have significant effects on site features, both alone and in combination with any other relevant plans and projects that are likely to have residual effects on the site. A technical consideration may be presented in an accompanying report or Environmental Statement, but should be summarised in the table in Annex 1. The technical consideration should refer to site Conservation Objectives and favourable condition tables for each feature. Impacts may include for example, physical habitat loss, physical habitat damage, non-toxic contamination, toxic contamination, noise disturbance, visual disturbance (not exhaustive).

5. What SPAs / SACs or Ramsar Sites may be affected by this Plan or Project; what are the qualifying interest features and their conservation objectives?

5.1 **Thursley, Ash, Pirbright and Chobham SAC**

The qualifying interest features are:

a) Annex 1 Habitats Primary Reason for Site Selection :

4010 Northern Atlantic wet heaths with *Erica tetralix*

This site represents lowland Northern Atlantic wet heaths in south-east England. The wet heath at Thursley is NVC type M16 *Erica tetralix – Sphagnum compactum* and contains several rare plants, including great sundew *Drosera anglica*, bog hair-grass *Deschampsia setacea*, bog orchid *Hammarbya paludosa* and brown beak-sedge *Rhynchospora fusca*. There are transitions to valley bog and dry heath. Thursley Common is an important site for invertebrates, including the nationally rare white-faced darter *Leuccorhinia dubia*.

4030 European dry heaths

This south-east England site contains a series of large fragments of once-continuous heathland. It is selected as a key representative of NVC type H2 *Calluna vulgaris – Ulex minor* dry heathland. This heath type has a marked south-eastern and southern distribution. There are transitions to wet heath and valley mire, scrub, woodland and acid grassland, including types rich in annual plants. The European dry heaths support an important assemblage of animal species, including numerous rare and local invertebrate species, European nightjar *Caprimulgus europaeus*, Dartford warbler *Sylvia undata*, sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca*.

7150 Depressions on peat substrates of the Rhynchosporion

This site contains examples of Depressions on peat substrates of the *Rhynchosporion* in south-east England, where it occurs as part of a mosaic associated with valley bog and wet heath. The vegetation is found in natural bog pools of patterned valley mire and in disturbed peat of trackways and former peat-cuttings

The Conservation Objectives for each of these 3 features are to maintain them in favourable condition, with the caveat that maintenance implies restoration if the feature is not currently in favourable condition.

5.2 **Thames Basin Heaths SPA**

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive.

- Dartford Warbler *Sylvia undata*, SPA supports at least 27.8% of the GB breeding population (Count as at1999)

- Nightjar *Caprimulgus europaeus*, SPA supports at least 7.8% of the GB breeding population (Count mean 1998-99)

- Woodlark *Lullula arbore,* SPA supports at least 9.9% of GB breeding population (Count as at 1997)

The Conservation Objectives for each of these 3 features are to maintain them in favourable condition, with the caveat that maintenance implies restoration if the feature is not currently in favourable condition.

5.3 Natural England has published supplementary advice to Competent Authorities on the interpretation of the Conservation Objectives including Site Improvement Plans (SIP)

Thames Basin Heaths SPA Conservation Objectives: Supplementary Advice
http://publications.naturalengland.org.uk/publication/4952859267301376

Thursley, Ash, Pirbright & Chobham SAC Conservation Objectives: Supplementary Advice

http://publications.naturalengland.org.uk/publication/5141075941392384

6 What is the current and potential condition of the qualifying interest features?

6.1 It should be noted that the SSSI condition surveys are not directly related to SPA, SAC or Ramsar Site qualifying features and that condition survey data therefore only provides an indication of the status of the designated site in respect of the features for which it was designated as a SSSI (which may or may not include those for which the SPA and SAC designation has been made).

6.2 The area of the proposed works comprising part of Thursley, Ash, Pirbright and Chobham SAC and Thames Basin Heaths SPA is covered by Ash to Brookwood Heaths SSSI Unit 20. As at January 2021, the condition of this Unit is Favourable with no indications of management problems or imminent threats to the habitats or associated species or suffering from the damaging effects such as high nutrient levels, drainage or non native invasive species.

6.3 The Supplementary Advice for the SPA includes the following statements about SPA bird feature population levels;

- the annual monitoring for nightjar and woodlark has demonstrated that numbers show a general trend of increasing population size since SPA classification. It is likely that this is a result of a combination of a range of factors including improved habitat management, recovery of parts of the complex after heath fires, changes in access management and implementation of measures to reduce recreational disturbance.
- …annual monitoring for Dartford warbler has demonstrated that numbers vary considerably from year to year. It is likely that this is a result of a combination of a range of factors including cold winters, damp spring weather, improved habitat management, recovery of parts of the complex after heath fires, changes in access management and implementation of measures to reduce recreational disturbance.

6.4 The SIP lists Public Access / Disturbance as a high priority to address as a pressure/ threat.

7 What are the possible impacts of the Plan/Project?

7.1 The possible impacts of the PP on the conservation objectives and as described in the Supplementary Advice are discussed below and summarised at **Annex D** Technical Consideration.

7.2 The assessment is referenced to the long- term public access base line ie before April 2020, The public, with dogs either on or off leads, have had access for many years/ decades to the proposed PAA along the Range Road - tracks and walking and running through the mixed woodland around the Range floors when the Range was 'open'. The RTA was closed to the public in April 2020.

7.3 It is uncertain whether public access numbers to the PPA will increase or change in nature, scale or timings (eg seasonally or during the day /night) compared to the long term base line and thus a precautionary approach has been adopted in accordance with accepted HRA principles. The assessment considers any significant changes from the long term access /disturbance base, as a separate and cumulative factor, such as displacement of visitors onto sensitive areas and impacts on associated species.

7.4 The military training and associated range and safety maintenance has not materially changed regarding the potential impacts on habitats and associated species. A recent beneficial change to biodiversity has been the relaxation of mowing on parts of the Range floors or hinterland where this is compatible with Operational Range safety.

SAC Features or as supporting habitats

7.5 **Mesotrophic grassland and mixed woodland.**

Most of the proposed fence line will lie along, adjacent to or within:

- predominantly mesotrophic grassland verges with some patches of acid grassland/dwarf shrubs totalling approximate length of 900 metres. These are currently regularly mown for Range Safety
- mixed species, closed canopy, semi mature/ mature woodland for approximate total length of 880 metres.

These habitats are not SAC features and thus screened out as SAC habitats.

7.5.1 Supporting habitats for SPA birds

The verges and woodland could be supporting habitats for SPA birds – see SPA bird assessment below.

7.5.2 Supporting habitat for species typically associated with adjacent SAC habitats such as reptiles or invertebrates

See 7.17 – 7.19 below

7.6 **SAC dry lowland heath.**
The baseline extent of SAC H4030 European dry heaths is 1830ha. The sections which will likely affect dry heath are:

7.6.1 Possible permanent habitat loss and / or temporary disturbance from the Fencing Works

a) **Furze Hill Section A,** where the new fence line will replace an existing stock fence. This will likely cause:

- Possible permanent loss of approximately 1 m2 from the new posts. This is likely to mirror the number and extent of vegetation 'loss' from the existing stock fence posts and thus considered to have a de minimus effect.

- Temporary disturbance from the fencing works to the eastern Bank; say 25% of the total area or 56m2, comprising 0.000003% of the SAC dry heath.

b) **Small patches of dry heath / acid grassland in the woodland areas** eg Sections B & R of approximately 10m x 10m each and scattered distribution within the woodland at Section H. This will likely cause:

- Possible permanent loss from some new posts in Sections B & R of approximately 1m2.

- Temporary disturbance from the fencing works in Sections B&R. This would be a maximum of 4-5 patches. The working corridor is a maximum of 5m wide, giving an approximate total of 250m2 comprising 0.000013% of the SAC dry heath.

c) **Dry heathland on two hillocks at Sections G & O, total approximate area 1.27ha**.

- No permanent loss or temporary disturbance from the Fence Works.

d) **Small occasional patches of dwarf shrubs / acid grassland within the mesotrophic sward**
These occur along the mown verge edges or where the vegetation is sparser on dry or sandier conditions as habitat of value to annual plants associated with dry heaths.

The patches are small and scattered and difficult to accurately measure; a reasonable total would be 8m2 comprising 0.000004% of the SAC dry heath. The new fencing works such as an occasional post may fall within or outwith such a patch and considered overall to possibly impact 1m2.

Conclusion
The cumulative total from the above:

- **Possible permanent loss = 3m2 or 0.00000016% of the SAC dry heath**
- **Possible temporary disturbance = 306m2 or 0.000016% of the SAC dry heath**

These are considered de minimus and to have no likely significant effects

7.6.2 Possible longer term effects such as habitat disturbance or damage from more frequent public access to the Public Access Area and fence maintenance

The areas of dry heath total approximately 1.58ha:

- the banks at Furze Hill Section A - approximate to 78m2 or 0.0078ha.
- two hillocks at Sections G & O, total approximate area 1.27ha.
- small occasional patches of dwarf shrubs / acid grassland within the mesotrophic sward track verges – total approximate area 0.0008ha
- small patches of dry heath / acid grassland in the woodland areas eg Sections B & R of approximately 0.025ha and scattered through the 1ha woodland at H; say currently 30% coverage to give 0.3ha.

All these areas have been easily accessible to the public during the long term base line reference period as they lie adjacent to the main Range track or within the woodland areas as evidenced by occasional informal well worn paths and litter. This may have produced some erosion or nutrient change giving some vegetation loss or changes in composition (such as replacement of dwarf shrubs by barer compacted ground, grasses or ruderals such as bramble / thistles); changes to vegetation structure including micro mosaics, some likely picking and collecting of typical plant and fungi materials or disturbance/ injury of typical animal species

It is considered that any likely future increase or changes in access impacts to the 1.58ha of heathy patches within the PPA, such as from greater numbers or frequency of public use including with dogs and / or for Estate maintenance, will be small, very localised and in the context of long established public use on the existing urban edge of the core heathland habitat.

As an intrinsic part of this Project, approximately 65ha or 50% of the adjacent RTA area which comprises of SAC dry heathland – scrub mosaic and / or mown heath-acid grassland range floors, will have no future public access including with dogs as compared to the base line. This 65ha of SAC feature habitat should likely benefit from reduced public access footfall impacts or nutrient enrichment from dog fouling.

In conclusion, the 1.58ha of dry heath within the PPA forms 0.00087% of the total SAC dry heath base line, where part, or all, may experience some small, medium term (10 years plus), very localised and reversible impacts from possible access changes. These are considered to have no likely significant effects compared to the long term access base line reference. Approximately 65 ha of dry heath /mosaic within the RTA, about 40 times as large, will likely benefit from a small to medium net gain

SPA Features

7.7 All 3 SPA breeding bird species are present at Ash Ranges and known to be sensitive to disturbance that could substantially affect their nesting, feeding or roosting behaviour, and consequently affect the long-term viability of their populations. Disturbance (both within or outside the designated site boundary where appropriate) associated with human activity may take a variety of forms including noise, light, sound, pest control, vibration, trampling, the presence of people, animals (including dogs) and structures. Aspects such as lighting or changes in land use or habitat management can affect prey availability.

7.8 Disturbance caused by human activity is particularly significant for the Thames Basin Heath SPA because many parts are in close proximity to urban areas.

7.9 The annual Thames Basin Heaths SPA breeding bird survey by 2 J's Ecology very rarely show the 3 species breeding on or near the proposed fence line or within or near the PAA. Almost all breeding locations are east of the Range floors or occasionally between the Ranges.

7.10 The nearest birds 2004-2013 are for Dartford warbler and a few nightjar and woodlark on the open heath to the north and east of Furze Hill approximately 100-200m distant from the proposed PPA fence line and 3 woodlark around Stony Hill between Ranges 3 and 4 approximately 350m distant from the proposed PPA fence line.

7.11 See **Annex C** for 2019 and 2020 data. These show a breeding woodlark 'near' Furze Hill (difficult to ascertain a distance due to the mapping scale) in 2020 and another in 2019 approximately 150m distant. The 2020 map also shows a nightjar south of ETR Range approximately 180m from the proposed PPA fence line with all other breeding locations mainly to the east of, or between, the Range floors 350m to 1km distant.

7.12 The 2020-21 SPA breeding bird data indicates a good distribution and success of breeding birds taking into account weather conditions and the higher and generally wider arena of public access activities during Covid 19 restrictions.

7.13 In summary, the new fence line and PPA will be at least approximately + 100m from the nearest SPA breeding bird locations 2004-2020 (albeit one possibly in 2020 at Furze Hill).

7.14 Parts of the PPA may provide some foraging opportunities for such SPA breeding birds, such as existing track rides or small glades / more open woodland patches for eg nightjar or the open shorter heathy / acid grassland swards at Sections G & O for woodlark. These areas have generally experienced considerable public access activity over the years including with dogs, plus military activities. Thus, it is reasonable to conclude any foraging or commuting birds will have become habituated to the human presence.

7.15 As an intrinsic part of this Project, the RTA of approximately 120ha including heath -scrub mosaics and mown range floors will have continued military use (unlikely to include MOD dogs which will operate under appropriate control), but no future public access, thereby reducing incidental incursions or disturbance by dogs.

7.16 **In conclusion, it is considered the new fencing works and PPA public access are considered to have no likely significant effects on any feature or supporting habitat, nor likely to cause any significant disturbance to the SPA feature species, during construction or operation, compared to the long term access base line reference. It is likely there will be small to medium scale beneficial impacts to breeding / foraging / over-wintering birds within the adjacent approx 120ha of the RTA.**

SAC / SPA Features – other likely possible considerations

7.17 There may be other adverse impacts, compared to the public access base line, on the functional connectivity, fragmentation or supporting ecological processes on which the Designated sites and its features rely. For example, the non SAC habitats of grassland verges and parts of woodland likely provide some valuable transitions between adjacent but different vegetation communities in a wider heathland context for the life stages of typical lowland heathland fauna such as invertebrates and reptiles. The likely extra foot fall or dog fouling may lead to some vegetation loss or changes in composition, accidental fires; litter; injury or more disturbance to animals.

7.18 Although longer term public access activity changes are uncertain, any such impacts are likely to be low to minimal based on the access reference data and the associated close proximity to an urban population; the fringe location of the SAC heath /non SAC habitats; and wider MOD habitat management on open habitats and woodlands.

7.19 In conclusion, there are no other major work projects underway or planned by MOD In the near future that could cause possible cumulative adverse impacts to relevant SAC / SPA features.

Overall Conclusion

It is considered there are no likely significant effects to the conservation objectives of SAC or SPA relevant features.

The proposed best practice / intrinsic measures in **Annexes D & F** are not considered necessary to avoid likely significant effects on SPA / SAC features.

Non European Features

7.20 Possible impacts to SSSI features or other protected species, notably wider heathland bird assemblage, invertebrates associated with heaths, reptiles and notable plants are summarised below and in **Reference A. Annex B** includes good practice measures for awareness and protection of wildlife, soil and water resources during fencing works.

7.21 The Surrey and Amphibian Reptile Group (SARG) data (web based) and known populations and likely distribution of the highly protected smooth snake *Coronella austriaca* on Ash Ranges are approximately 2km to the east. Thus, it is considered very unlikely they are present within the working strip of the new fence line or proposed PAA which is very largely unsuitable habitat (well-used stone tracks, high levels of public use and dog walking and running through mixed woodland).

7.22 Other SARG survey data as at September 2021 show one palmate newt record for Furze Hill Section A locality. A small frog was seen along a grass verge during the August 2021 survey. It is likely, adder and probably from habitat type of woodland and grassland, grass snake and other non EPS herptile species such as common lizard are present in the locality. However, it is very unlikely these species will be impacted by the construction of the new fence line following the Working Methodology Principles **Annex B.**

7.23 Good quality herptile habitats remain in the vicinity with appropriate positive habitat management across the wider MOD Site. See **Annex F** for measures to protect and enhance non-SAC habitat features; species and biodiversity net gain.

7.24 The wider heathland bird assemblage, such as stonechat (SSSI) may use some of the habitats in the PPA or nearby such as Range floors and are habituated to public access and military activities. Any likely impacts from possible adverse disturbance are described in the SPA section above.

c) Is Appropriate Assessment Required?

8.1 The MOD's decision is that Appropriate Assessment **is not** required for this project.

MOD Decision

If the judgement is that the effects will not be significant, the formal record of decision must be completed and signed off by the Authorising Officer.

If there are likely significant effects, or if additional information is required to enable the competent authority to decide whether the proposed P/P would adversely affect the integrity of the site, Appropriate Assessment will be required

Appropriate Assessment

This section may be used to record detailed assessments into whether significant effects identified in the JLSE will have an adverse impact on the integrity of the site, and/or may consider whether specific impact avoidance or mitigation measures could be implemented, and assess whether there are any remaining residual adverse impacts on the integrity of the site.

9 What additional evidence might be considered or avoidance and/or mitigation measures have been integrated into the project design or might be imposed to avoid the P/P having an adverse impact on the integrity of the SPA/SAC/Ramsar Sites?

N/A

10 After considering impact avoidance and mitigation measures or factors, what are the likely residual effects of the proposal on the international nature conservation interests of the SPA/SAC/Ramsar Sites?

N/A

11 Will the P/P have an adverse impact on the integrity of the SPA/SAC/Ramsar Sites?

N/a

MOD Decision

The Formal Record of HRA Decision must be completed and signed off

If there are remaining residual adverse impacts on the integrity of the site that cannot be avoided or mitigated, the plan or project sponsor will need to consider alternatives. If there are no alternatives the MOD will need to consider if the plan or project must proceed for imperative reasons of overriding public interest, and if so will need to liaise with Defra or devolved administrations to identify whether sufficient compensation can be secured to enable the project to proceed. The 'Article 6(4) Tests' section of this form will need to be completed.

Article 6(4) Tests [if required]

For projects which may have an adverse impact on the integrity of a site, this section may be used to record the outcome of the Article 6(4) tests:

i. Are there alternatives to the proposal?
ii. Must the proposal proceed for imperative reasons of overriding public interest (IROPI)?
iii. Have Compensatory Measures been secured?

12 Are there alternatives to the proposal?

N/A

13 Must the proposal proceed for imperative reasons of overriding public interest (IROPI)?

N/A

13.1 The MOD's decision is that the project must proceed for the following Imperative reasons of overriding public interest (amend delete as appropriate)

- *social or economic (in the absence of priority habitat/species)*
- *human health*
- *public safety*
- *beneficial consequences of primary importance for the environment*
- *other imperative reasons of overriding public interest (may require consultation with the EC)*

14 Have Compensatory Measures been secured?

N/A

MOD Formal Record of HRA Decisions
This HRA Decision Form may be prepared by MOD staff or consultants, but must be authorised by an MOD Competent Individual (refer to List of Competent Individuals in the SEAT Handbook for details of those authorised to approve JLSE and AA).

Consultation
Have Relevant Statutory Bodies (NE, NRW, NS, NIEA, JNCC), and any other bodies, been consulted? Briefly explain why and describe any comments received, etc.
[redacted] NE Lead Advisor was consulted on xxx & comments discussed / included as agreed

MOD Decision: Judgement of Likely Significant Effects (JLSE)
The MOD's decision is that the PP, as proposed, **is NOT** likely to have a significant effect on the conservation objectives.

MOD Decision: Appropriate Assessment (AA)
N/A

MOD Decision: Article 6(4) Tests: Alternatives, Imperative Reasons of Over-riding Public Interest (IROPI) and Compensation [Only to be used in exceptional circumstances, Ministerial approval may be required]
N/A
If adverse effects on the integrity of the site cannot be avoided or mitigated, significant discussions and agreement is required between MOD and Defra or the devolved administrations to consider the following three criteria:

i. Are there alternatives to the proposal? Select decision: N/A

ii. Must the proposal proceed for imperative reasons of overriding public interest (IROPI)? Select decision: N/A

iii. Have Compensatory Measures been secured? Select decision: N/A

Detail of any discussions about alternatives, IROPI and compensation, and final agreement is to be annexed to this document.

MOD COMPETENT INDIVIDUAL AUTHORISATION:

Prepared by (can be a consultant): [redacted] **MRICS MCIEEM CEnv** **Contact no:** [redacted]	**Authorised by (MOD Competent Individual):** **Contact no:**
(Electronic) Signature: [redacted] **Date: 20 Oct 2021**	**(Electronic) Signature:** **Date:**

MOD ENDORSEMENT FOR ANY ARTICLE 6(4) TESTS: [IF REQUIRED]
(MOD FMC Cap to advise appropriate signatory on case by case basis)

Name:

Post:

(Electronic) Signature:

Contact Details:

Date:

PROJECT or ACTIVITY MANAGER ACKNOWLEDGEMENT:

Where an HRA has identified the potential for likely significant effects, or adverse impacts on the integrity of a site, and/or a requirement for avoidance, mitigation and/or compensation measures, the Project Manager or Official/Officer responsible for the proposed activity must (e-)sign this form to demonstrate that they acknowledge that those measures are required and must be appropriately allocated and implemented.

I acknowledge the conclusions of this HRA as set out in Annex D and the requirements for avoidance, mitigation and /or compensation measures as set out in Annexes E & F. I understand that there may be legal implications if these measures are not appropriately allocated and implemented and as a result damage or disturbance to site features occurs.

Name:

Post:

Project / Activity Role:

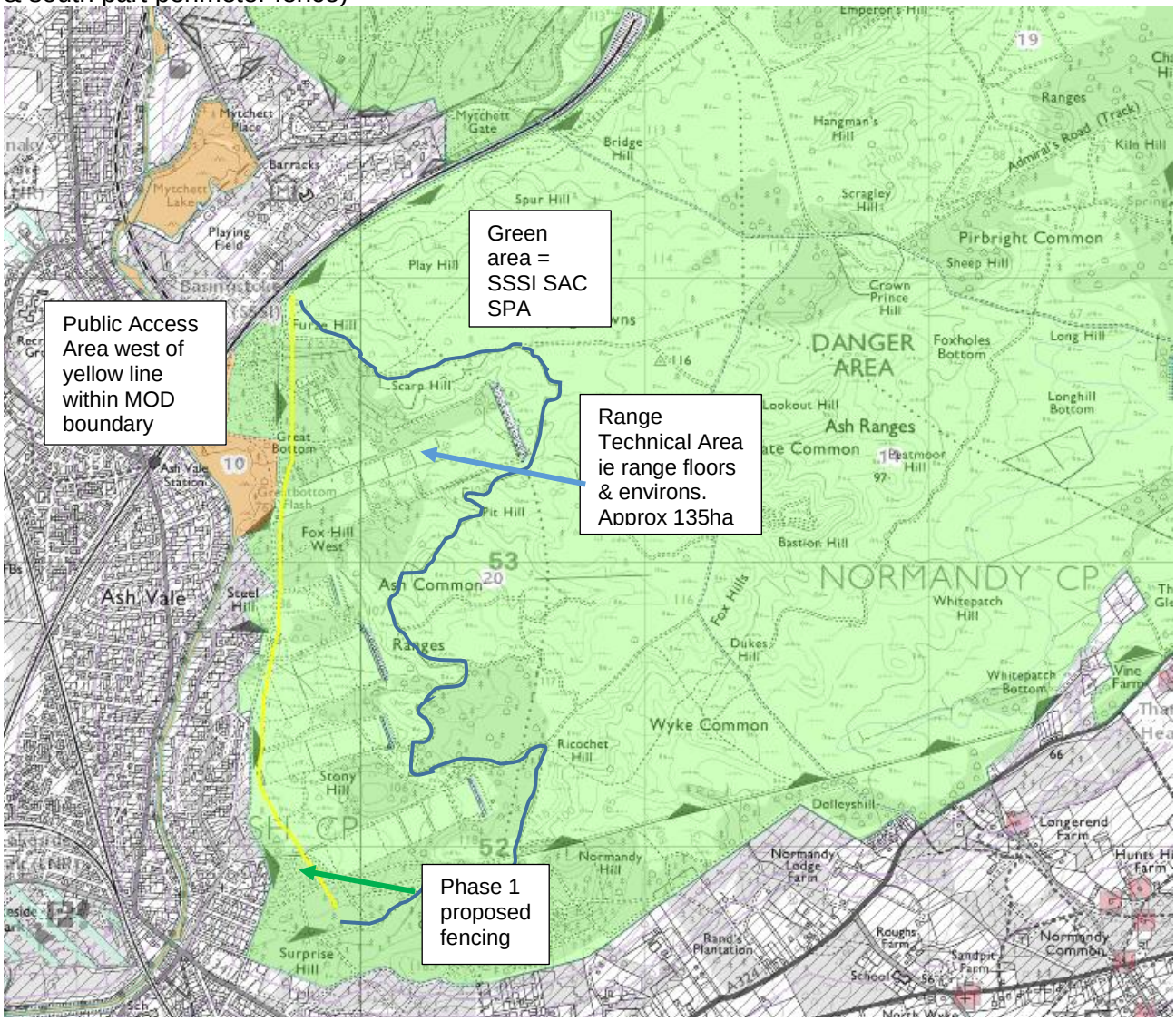
(Electronic) Signature:

Contact Details:

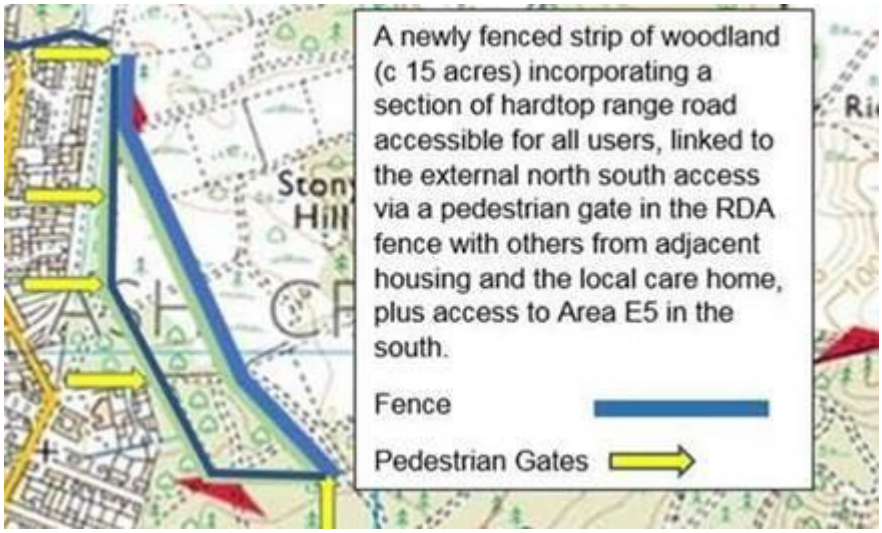
Date:

Annex A: Map 1 Ash Range – new fencing works, Range Technical Area (RTA) and Public Access Area (PPA) in the context with Ash to Brookwood Heaths SSSI, SAC and SPA.

Yellow line shows the approximate route of the proposed new fencing.
Blue line shows the approximate boundary of the Range Technical Area (follows existing stock fence & south part perimeter fence)



Phase 1 Proposed Works



Annex B – Working Methodology - Landmarc Support Services (LSS)

Vegetation removal, where required, through a maximum 5m wide working corridor through the woodland sections. This includes tree removal under a Felling Licence; sub licensable scrub removal and strimming of ground layer vegetation.

This approximates to:

a) Northern Section- Furze Hill to ETR Range. Approx 530m, 525m in/adjacent to woodland = 0.26ha
b) Middle Section – most if not all works can be done from tracks or existing mown verge and do not require eg tree felling. May require a few side branches to be removed – lifted.
c) Southern section- Range 1 to south of Range 4 & near Gate 30. Approx 1052m, 173m in/adjacent to woodland = 0.1ha

Vehicles will minimise movement through the woodland eg use a few and drier routes and turning circles and avoid the occasional patches of dwarf shrub heath. Matting can be used if wetter sections area accessed and it is considered adverse damage will be done eg to subsoils.

The fencing line and works corridor will seek to avoid – minimise impact on notable features such as veteran or otherwise notable trees, old hedge banks/ditches, heathy patches and more species diverse acid grassland such as on some mown verges. Some of these features cannot be totally avoided eg fencing line may cross a heathy patch but machines will seek to avoid such areas with the fencing works done by hand.

A corridor 1.5-2m wide to be kept free from vegetation growth that interferes with on-going fence maintenance (access and works).

Ground levels may need to be re-profiled/ graded out in places to accommodate a fencing line.

Where vegetation needs to be stripped / re-graded, aim to remove soil in layers with the turves (and keep moist) and replace in formation in suitable areas within the locality or use to form a vegetation hibernacula.

Strainer Posts will be concreted in and need some machinery support.

In occasional patches, graded compacted granular sub base material may be needed in soft spots.

The tree roots of retained trees will be protected during the works.

Short sections of timber railing may be needed in parts to eg bridge up to, or over, an existing ditch-culvert.

If it is agreed to enhance the walking surface of some ‘desire lines’ in the wooded areas, it may be appropriate to add eg wood chip and compact with a vibrating roller or lay and compact sub base layer in Type 2 Sandstone, utilising a heavy vibrating roller until fully compacted with a self-binding gravel surface finish using a heavy vibrating roller to ensure even, consistent surface finish.

Supervision including ecological protection

LSS Project Manager will obtain the Felling Licence and carry out associated or required aboricultural and other surveys at an appropriate time(s) of the year by suitably qualified and experienced personnel to protect wildlife (eg protected species such as possible bat roosts or badger setts and potential higher value herptile hibernation features). This will be done by LSS / appointed consultants with LSS Project Manager ensuring liaison with the DIO Forester and DIO Ecologist in their assurance roles eg as to survey methodologies, findings and any likely adverse impacts to protected or notable habitats – species and modifications to working methodology.

LSS Project Manager ensure fence construction is undertaken in accordance with methodology above, to best avoid, minimise and protect the habitats and encourage appropriate vegetation regeneration.

LSS Project Manager will ensure damage to any potential herptile hibernation places is minimised by strimming in stages or hand cutting any denser scrub patches of likely value and careful use of machine such as around any tree stumps/root crevices.

LSS Project Manager will provide to all staff involved in the fence works, prior to works starting and at appropriate times during the work programme, briefings on:

- Habitat sensitivities eg:
  - SSSI pollution hazards and the need as part of standard good practice to protect ground water, soil and other environmental receptors, particularly the ditches (dry or wet) linking into Basingstoke Canal and associated areas such as damper woodland.

  - Measures to avoid / minimise other possible detrimental impacts, such as working from the tracks and minimising vehicle passage on vegetated areas.

  - Possible presence of animals such as reptiles; roosting / foraging birds; roosting bats and larger animals such as badger and deer. If animals are seen or heard in the immediate vicinity of the works and / or where they could be adversely affected, the works should stop to allow them to move quietly away; seek advice from LSS manager / DIO staff if at all unsure. Keep a record of any such interactions.

- LSS Project Manager will ensure all vehicles carry spill kits and personnel have access to spill kits stored at Ash Ranges.

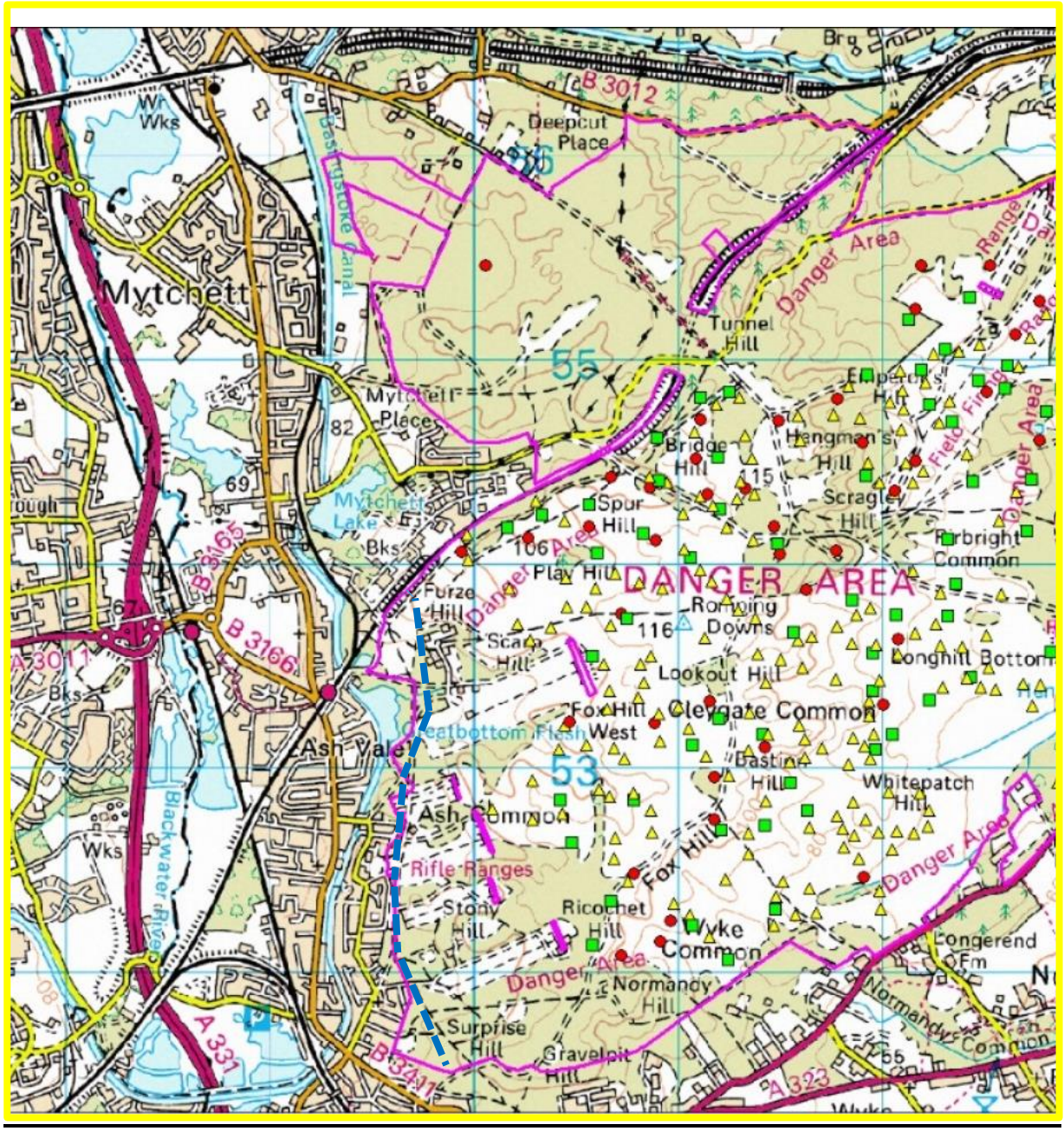
- Any fuels, liquids or other potentially polluting substances will be stored overnight in locked facilities and not near any watercourses.

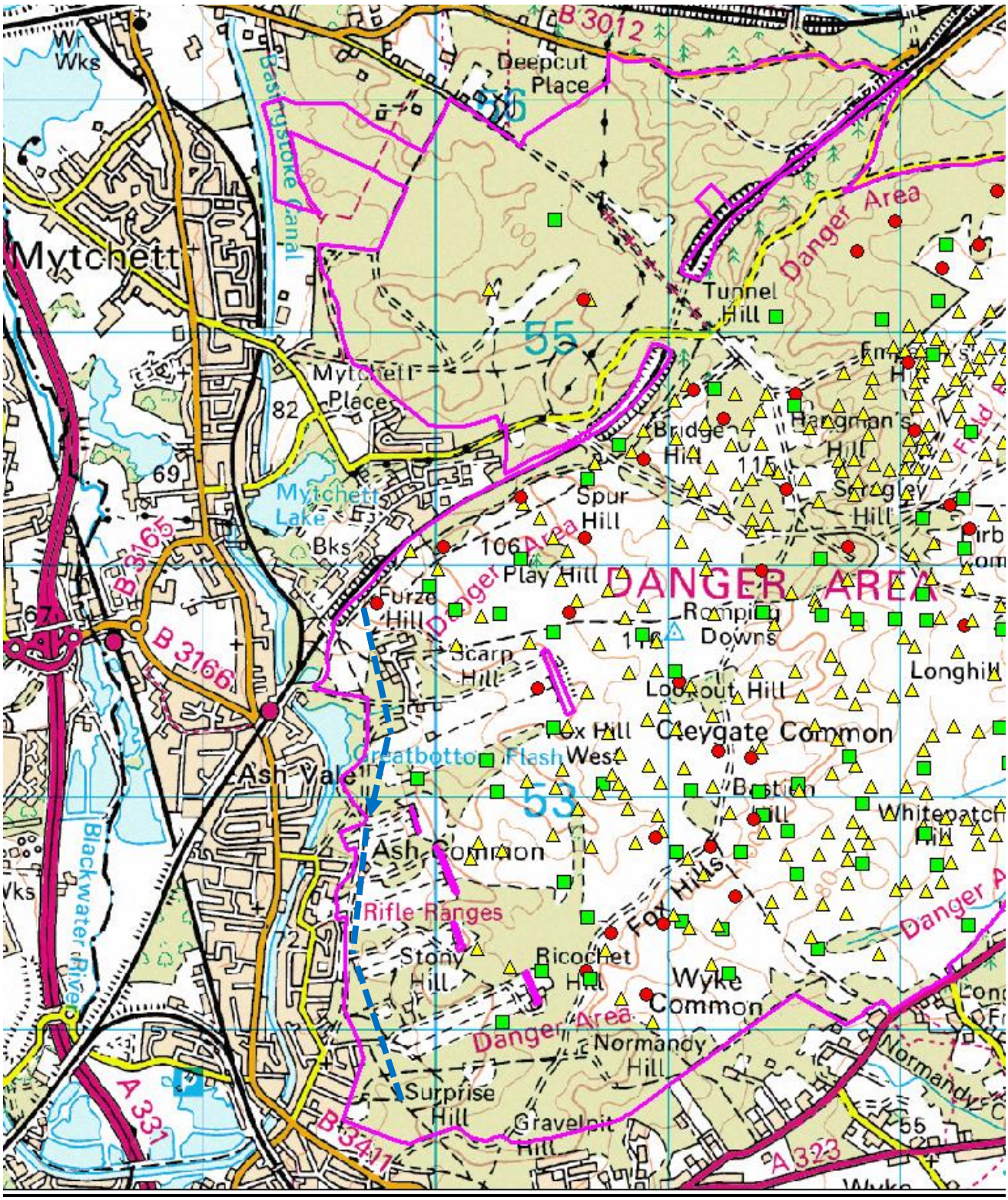
Annex C

2019 and 2020 SPA Breeding Bird data from 2J's Ecology

Approximate new fence line route shown as dashed blue line ----------
Yellow triangle = Dartford warbler
Green square = Nightjar
Red dot = Woodlark

2019





2020 data above

Annex D Technical Consideration

SPA / SAC / Ramsar Site Feature	**Conservation Objective / Favourable Condition Attribute**	**Potential Hazards** of the plan or project	**Avoidance and Mitigating Factors or Measures** (if appropriate)	**Probability, Magnitude, Likely Duration and Reversibility** of residual impacts	**In Combination Effects** (if appropriate)	**HRA Conclusion**
SPA Population of nightjar *Caprimulgus europaeus* SPA Population of Woodlark *Lullula arborea* SPA Population of Dartford Warbler *Sylvia undata*	Subject to natural change, to maintain or restore: • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features; • The supporting processes on which the habitats of the qualifying features rely; • The populations of the qualifying features • The distribution of the qualifying features within the site.	Possible disturbance; injury to breeding birds from construction of the new fence and on-going or altered public access use within the PPA. As above regarding disturbance to any wintering birds where a possible but unlikely presence on the Site	The Intrinsic / Best Practice Project measures in Annexes B & F aim to ensure legal compliance & protect the general environment / non-SPA species & supporting habitat features and are **not** considered necessary to avoid a likely significant effect. Disturbance is highly unlikely because fencing works and future public access to the PPA are very mainly not in feature or supporting habitat for breeding and in reference to the long term access base line. The annual SPA monitoring data shows the nearest breeding pairs 100m distant. The intrinsic public access restrictions to RTA including likely reductions to incidental dog incursions will likely result in small to medium scale beneficial impacts from reduced disturbance to breeding/ foraging / over-wintering birds.	<u>Fencing works</u>: very unlikely to have any impact on the breeding population due to the habitat/ location & timing (or with suitable measures in place if within the breeding period) <u>Longer term public access / fence – estate maintenance</u>: very unlikely any impact on breeding birds or their associated foraging / commuting due to mainly unsuitable habitat, habituation to military and general public activity in the locality.	Nil	Likely low – medium positive impact

SPA / SAC / Ramsar Site Feature	**Conservation Objective / Favourable Condition Attribute**	**Potential Hazards** of the plan or project	**Avoidance and Mitigating Factors or Measures** (if appropriate)	**Probability, Magnitude, Likely Duration and Reversibility** of residual impacts	**In Combination Effects** (if appropriate)	**HRA Conclusion**
SAC European dry heaths	As above	Possible permanent loss from new or replaced fence posts in heathy patches in Sections A,B& R= 3m2 or 0.00000016% of SAC dry heath base line extent Temporary disturbance from the fencing works in Sections A, H, B&R = 306m2 or 0.000016% of disturbance to the SAC dry heath base line extent Possible <u>different or additional</u> access disturbance impacts to heathy patches in woodland Sections B&R, H & dry heath at Sections G & O = 1.58ha or 0.0087% to the SAC dry heath base line extent	The Intrinsic / Best Practice Project measures in Annex B & F aim to protect the general environment / non-SAC habitat features and are **<u>not</u>** considered necessary to avoid a likely significant effect and / or the impacts are considered de minimus on SAC dry heath. The possible permanent or temporary impacts from fencing works and future public access to the PPA are very mainly **not** in feature or supporting habitat & based on long term public use during the access reference period. The intrinsic public access restrictions to RTA including likely reductions to incidental dog incursions will likely result in small to medium scale beneficial impacts eg from reduced footfall or nutrient enrichment from dog fouling.	<u>Fencing Works</u>: De minimus very localised & reversible No significant loss or damage to SAC feature habitat <u>Public Access</u> Possible minor, medium term (+10yrs) very localised on urban fringe to core SAC habitat. No significant loss or damage to SAC feature habitat .	Nil	Likely small – medium positive impact.

SPA / SAC / Ramsar Site Feature	**Conservation Objective / Favourable Condition Attribute**	**Potential Hazards** of the plan or project	**Avoidance and Mitigating Factors or Measures** (if appropriate)	**Probability, Magnitude, Likely Duration and Reversibility** of residual impacts	**In Combination Effects** (if appropriate)	**HRA Conclusion**
SAC Northern Atlantic wet heaths with Erica tetralix	As above	No hazard as SAC features are not present within the zone of impact of the construction works	N/A	No loss or damage to SAC feature habitats	Nil	No LSE
SAC Depressions on peat substrates of the Rhycosporion	As above	As above	N/A	As above	Nil	No LSE

Annex E – Summary of Avoidance and/or Mitigation Measures

N/A

Annex F Measures to protect and enhance non-SAC habitat features; species and biodiversity net gain. These will also protect SAC / SPA features but are not considered necessary to avoid likely significant effects.

Works	**Comments eg SSSI features; protected / notable species; biodiversity gain;**
See **Annex B** for standard best practice Working Methods eg fence line will seek to follow best practical line such as informal paths in the woodland or along existing mown grass verges & avoid/ minimise impacts on more sensitive locations such as damper woodland. Work from existing hard tracks where possible	SSSI features; general good practice
A qualified MOD Forester & / or suitably experienced person will assess tree health and possible presence of protected or notable species eg bats and any requirement for further assessment & as to works methodology.	Species
Carry out tree -scrub works and fencing outside the bird nesting season (ie undertake 1 Nov – 28 Feb) or carefully check the features – working route for any such presence if works need to be done within the nesting period	Species
Aim to avoid / retain any likely suitable habitat features for herptiles (especially hibernabcula features such as vegetated 'holey' banks/ tree stumps). If unavoidable, seek to cut back vegetation April – November in suitable weather conditions with a search as to likely presence of animals before being cut by strimmer to approx 30cm tall, followed by a strim to ground level the following day.	Species
General awareness & protection of wildlife eg fox, deer eg allow to move away on their accord; do not block any earths/ holes	Species; general good practice
Temporary portacabin / welfare unit(s) will be located on existing hard standings thereby avoiding /minimising any impacts on designated features / semi natural habitat	General good practice
Opportunities taken during the fencing works to enhance biodiversity features where safe to do so within PPA or near to the fence-line in RTA eg: • retain – increase dead – dying wood both standing or lying • create small bare ground scrapes on south facing bank slopes • add small scale natural woody debris to water courses / ditches • use brash eg felled tree branches to crate hibernacula within the woodland • removal of non native / invasive species eg rhododendron	SSSI features; net gain
Any 'spare' soil or heathy / more species diverse grassland vegetation (ie not bracken) from the fencing works will be retained in situ at the locality.	SSSI features; general good practice
Seek opportunities to allow taller flowering sward for flowering plants, invertebrates & foraging birds where compatible with Range Safety eg a) Section F TN 10 small area at rear of Range 1 b) Section Q TN 14 rear Range 3 may be beneficial to collect the arisings to enhance the longer term sward diversity.	SSSI features; net gain; enhanced visual amenity impact
The longer term woodland management for silviculture, military training 'buffer resource', landscape, wildlife and public amenity across the whole of MOD Ash Ranges including the PPA & RTA via MOD Long Term Forestry Plan & IRMP with MOD CSF Ecology monies for eg targeted bracken control & scrub management in heathy glades (subject to annual funding).	Longer term management and net gain