



PRELIMINARY ECOLOGICAL APPRAISAL

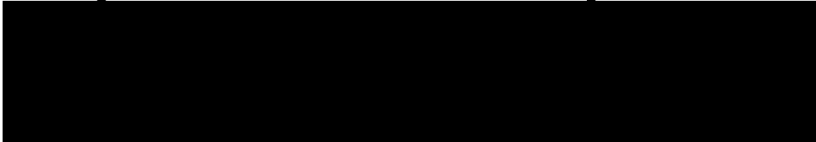
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LAND AT GREEN GABLES,
NORTHFIELDS LANE, WESTERGATE,
CHICHESTER, PO20 3UH

29TH SEPTEMBER 2021

REF: 21067

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EXECUTIVE SUMMARY

A Preliminary Ecological Appraisal (PEA) was carried out within land at Green Gables, Westergate in West Sussex on the 03rd September 2021. The assessment was required in order to ascertain whether any ecological constraints could affect proposed development at the site. Proposals are for the demolition of an existing swimming pool and associated plant room and store located in the rear garden of Green Gables to facilitate construction of a new four bedroom detached dwelling. Access will be via an existing driveway/access track extending to the south. A single tree will require removal to facilitate the works. The survey area extended over approximately 0.05 hectares (ha).

The main findings of the survey are as follows:

- * The site is within a semi-rural location in the northern extent of Westergate in Chichester, West Sussex and is accessed from Nyton Road to the south. The survey area is located in the existing rear garden of Green Gables and is dominated by managed grassland, together with areas of planted shrubbery, hedgerows and a small number of scattered trees. In the wider surrounds, the village of Westergate extends to the south with scattered residential properties and agricultural fields to the north and west.
- * The site is not subject to any statutory or non-statutory designations. The closest designated site Fontwell Park Racecourse Local Wildlife Site (LWS), approximately 980m to the north-east. The survey site does not provide any supporting function for Fontwell Park.
- * Singleton and Cocking Tunnels Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) is located approximately 11.5km to the north-west at its closest point. The SSSI and SAC are a series of disused railway tunnels which provide important hibernating sites for colonies of barbastelle (*Barbastella barbastellus*) and Bechstein's bat (*Myotis bechsteinii*). The survey site does not provide any supporting function for Singleton and Cocking Tunnels.
- * Habitats within the survey site were assessed as being of importance within the immediate vicinity of the site. The habitats supported are well managed and widespread throughout the landscape however the site supports features with potential for use by small numbers of widespread breeding birds and foraging bats in the locality however, based on the well-managed nature of the site and limited connectivity to linear features in the wider area, the site is not considered to provide any supporting function for any high conservation value bat roosts in the wider area and the site is unlikely to provide an important function within any core sustenance zones for bats in the wider area.
- * The proposed works will directly impact approximately 0.02ha amenity grassland, 35m² introduced shrub, and a single tree.
- * Based on the results of the survey, breeding birds pose minor constraints to the proposed works.

- * No further protected species surveys are required to inform the planning application based on the current scope of works, however adopting a precautionary approach for certain elements of the works are recommended in relation to breeding birds in order to fully safeguard this species group.
- * Cherry laurel, listed on the Sussex INNS report, has been recorded on-site. It is understood the hedgerow containing this species, along the southern boundary of the site will be retained as part of the proposals and therefore precautions regarding clearance of this species are not considered necessary.
- * Details regarding mitigation to include precautionary working practices, together with habitat enhancement measures are provided in the Recommendations section of the report.

1. INTRODUCTION

Background

- 1.1 CT Ecology Limited was commissioned by Darren Tobin to undertake a Preliminary Ecological Appraisal, to inform the potential ecological constraints of proposed development within land at Green Gables in Westergate, West Sussex (hereafter referred to as 'the site').
- 1.2 This report has been compiled in accordance with current guidelines (British Standard 42020:2013 Biodiversity. Code of Practice for Planning and Development, 2013 and CIEEM, 2013 & 2016).
- 1.3 The purpose of the Preliminary Ecological Appraisal was:
 - * to classify the major habitats present;
 - * to identify the potential for any legally protected species to be present;
 - * to evaluate the nature conservation importance of the site;
 - * to recommend any additional ecological surveys and mitigation; and
 - * to provide recommendations for site enhancement.

Development Proposals

- 1.4 Proposals are for the demolition of an existing swimming pool and associated plant room and store located in the rear garden of Green Gables to facilitate construction of a new four bedroom detached dwelling. Access will be via an existing driveway/access track extending to the south. No alterations will be made to the existing access. A single tree will require removal to facilitate the works.

Site Description

- 1.5 The site is within a semi-rural environment in the northern extent of Westergate in Chichester, West Sussex at National Grid Reference SU938 056. The site is accessed from Nyton Road to the south; via an existing access track and driveway associated with an adjacent property (Elderberry House). The survey area is located in the existing rear garden of Green Gables and extends over approximately 0.05 hectares (ha); dominated by managed grassland, together with areas of planted shrubbery, hedgerows and a small number of scattered trees.
- 1.6 The application site is bounded to the north, west and south by managed residential gardens. A large-scale housing development was in construction adjacent to the east.

- 1.7 In the wider surrounds, the village of Westergate extends to the south with scattered residential properties and agricultural fields to the north and west. Residential dwellings associated with Fontwell and Eastergate, together with agricultural fields are to the east. The A27 is approximately 1.5km to the north.

2. METHODOLOGY

Desk Study & Consultations

- 2.1 The desktop study involved conducting database searches for statutory and non-statutory designated sites, legally protected species and features of interest within a 2km radius of the site and an online search for any Protected Species Mitigation Licences (PSML) within 1km. The data search was based on information provided by Sussex Biodiversity Record Centre (SxBRC 2021); Multi-Agency Geographical Information for the Countryside (MAGIC, 2021); Ordnance Survey mapping; and aerial photography.

Field Survey and Assessment

- 2.2 An ecological survey of the site was undertaken on 03rd September 2021 by Carly Teague, a suitably qualified ecologist with over 14 years' experience as a professional ecologist. The weather conditions during the survey were dry and clear with a light breeze. The temperature was 18.3°C at the start of the survey.
- 2.3 The field survey comprised a walkover inspection of the land and habitats present. The survey followed standard Phase 1 survey methodology (J NCC, 2010) and covered all accessible parts of the site, including boundary features. Habitats were described and mapped (Appendix B). A list of plant species was compiled, together with an estimate of abundance made according to the DAFOR scale (Appendix D).
- 2.4 This assessment provides information on the habitats in the survey area and identifies actual or potential presence of legally protected or otherwise notable species/habitats in or immediately adjacent to the site.
- 2.5 Target notes highlighting a particular feature of ecological interest are provided in Appendix A, with associated photographs.
- 2.6 Scientific names are given after the first mention of a species, thereafter, common names only are used. Nomenclature follows Stace (2010) for vascular plant species.

Protected Species Assessment

- 2.7 The potential for the site to provide habitat for protected species was assessed from field observations in conjunction with results of the desk study. The site was inspected for indications of the presence of protected species including:

* Habitat considered suitable to support widespread reptile species including areas with a scrub/grassland mosaic and potential hibernation sites;

- * on-site ponds offering potential breeding opportunities for great crested newt (*Triturus cristatus*) and the presence of suitable terrestrial habitat including hedgerows and rough grassland;
- * presence of features in, and on trees, indicating potential for roosting bats Chiroptera, including knot and rot holes and loose bark. The presence of features on buildings including loose roof tiles, gaps in fascia boarding in addition to secondary evidence including staining, droppings and feeding remains;
- * presence of nesting habitat for breeding birds, including mature trees, dense scrub and hedgerows and direct evidence of bird nesting including bird song, old nests etc;
- * presence of woodland and or hedgerows providing suitable habitat to support hazel dormouse (*Muscardinus avellanarius*); and
- * habitats considered suitable to support badger (*Meles meles*) setts, and evidence in the form of hair, pathways and latrines.

2.8 The potential presence for protected species is categorised as Negligible, Low, Moderate, High or Present, based on the findings of the field survey and on the evaluation of existing data.

2.9 The purpose of this assessment is to identify whether more comprehensive Phase 2 surveys for protected species or mitigation should be recommended.

Caveat

Data Search

2.10 It is important to note that, even where data is held, an absence of records for a defined area does not necessarily mean that there is a lack of ecological interest; the area may be simply under-recorded.

Preliminary Ecological Appraisal

2.11 Ecological surveys are limited by factors that affect presence of plants and animals such as seasonality. Whilst every effort has been made to provide a comprehensive description of the site, no investigation can ensure the complete characterisation of the environment.

- 2.12 The appraisal does not constitute a full botanical survey, or a Phase 2 pre-construction survey that would include accurate GIS mapping for invasive or protected plant species. This survey provides a preliminary view of the likelihood of protected species occurring on the site based on the suitability of the habitat, known distribution of the species in the local area and any direct evidence observed during the survey. It is therefore used as a tool to recommend further protected species surveys (or other species of significant nature conservation interest) if on the basis of the preliminary assessment or during subsequent surveys, it is considered reasonably likely that protected species may be present.
- 2.13 It is considered that the survey was sufficiently rigorous to assess the ecological value of the site.

3. BASELINE CONDITIONS

Aerial Photography and OS Maps

- 3.1 The site is in a semi-rural environment, situated within the northern extent of Westergate Village. Land-use in the immediate vicinity is dominated by residential properties and associated gardens together with farmland.
- 3.2 There are no on-site ponds. There are two ponds within 500m of the site, both of which are located to the west; approximately 340m and 370m from the site. There are a series of streams in the wider landscape. Approximately 10 woodland blocks are present within 2km of the site.

Protected Species Mitigation Licences (PSML)

- 3.3 No great crested newt or bat PSML's were present within 1km of the survey area. A single PSML application for hazel dormouse was made in 2017, located approximately 270m to the north-east.
- 3.4 No other PSML's were located within 1km of the survey area.

Statutory and Non-Statutory Designated Sites

Statutory Sites

- 3.5 The site is not subject to any statutory designations. There is one statutory designated site within a 2km radius: South Downs National Park is located approximately 1.5km to the north at its closest point. The National Park is designated for its landscape value, with its network of farmland, ancient woodland and lowland heaths, scattered farmsteads and sandstone outcrops.

Non-Statutory Sites

- 3.6 The site is not subject to any non-statutory designations. There is one Local Wildlife Site (LWS) within a 2km radius of the site. Fontwell Park Racecourse LWS is approximately 980m to the north-east. Parts of the grassland within Fontwell Park are managed as hay meadow and have very species rich swards. The flora includes some notable species, such as adder's tongue (*Ophioglossum vulgatum*) and a large population of green winged orchid (*Orchis morio*). The survey site does not provide any supporting function for this LWS.

Other Habitat Classifications

Ancient Semi-Natural Woodland (AS NW)

- 3.7 There are four blocks of AS NW within a 2km radius. The closest of which is approximately 800m to the north-west.

Chalk Stream

- 3.8 There are a series of chalk streams to the east and south of the site. The closest of which is located approximately 90m to the east.

Habitats

Site Summary

- 3.9 The main habitats recorded within the site are described below. Additional details are shown on the habitat survey map in Appendix B, and the target notes are listed in Appendix A.

Buildings (I NCC Code: I 3.6)

- 3.10 A series of four structures were present within the site. These are described in turn below.

Building 1: Swimming Pool

- 3.11 A single storey, brick built and concrete rendered structure located within the western extent of the survey area. The structure supported a slight pitched clear plastic sheet roof with full height UPVC double glazing on the western elevation. The building was well maintained and completely sealed. Internally, the building was supported by a metal framework and a swimming pool dominated the structure. A small sauna room and separate boiler room were in the northern extent of the building. The boiler room was accessed via a timber door. The brick work was exposed within the boiler room and a fine mesh vent was present on the eastern elevation. The flue of the boiler extended through the plastic sheet roof and this was completely sealed.

Building 2: Plant Room and Store

- 3.12 A small plant room attached to the eastern elevation of the swimming pool. The building comprised concrete breeze block, brick and ship lap walls clad with timber externally and a single skinned sheet metal roof which had a slight east facing pitch. Discrete, shallow gaps were present in some areas of timber cladding although the gaps did not extend into the building and dense cobwebs were present over the cladding. The timber weatherboarding was tightly sealed as was the lead flashing attaching the building to the swimming pool structure. Internally the building had timber supporting framework and expanding insulation foam was visible throughout the roof which was approximately 75mm thick. This created a seal across the entire roof structure. Ply lining was visible on the east and north elevations. This was tightly fitted to the walls. The building was in good condition and in use for storage of materials including pool equipment.

Building 3: Log Store

- 3.13 An open wood store in the north-eastern corner of the site. The wood store had a UPVC roof with chicken wire forming the walls of the structure.

Building 4: Garden Shed

- 3.14 A sealed, plastic garden storage shed with pitched plastic roof. The structure was relatively new and completely sealed.

Hardstanding (J NCC Code: Unclassified)

- 3.15 A paved seating area was to the west of Building 1 and paving slabs extended to the north of Building 1 and 2 for access.

Amenity Grassland (J NCC Code: J 1.2)

- 3.16 The site is dominated by managed grassland, forming the rear garden of the existing property. Species identifiable at the time of the survey included coarse grasses more characteristic of regular mowing/management to include perennial rye-grass (*Lolium perenne*) and fescues (*Festuca* sp.). Forbs were scattered throughout the sward, dominated by white clover (*Trifolium repens*), dandelion (*Taraxacum* agg.) and creeping buttercup (*Ranunculus repens*).

Introduced Shrub (J NCC Code: J 1.4)

- 3.17 Planted beds were present adjacent to Building 1 and along the northern site boundary. Species included hedge veronica (*Hebe* sp.) fuchsia (*Fuchsia magellanica*) pear (*Pyrus communis*), European fan palm (*Chamaerops humilis*), Himalayan honeysuckle (*Leycesteria formosa*), weigela (*Weigela* sp.) phormium (*Phormium* sp.) and bamboo (*Bambuseae*).

Non-Native Hedgerow (J NCC Code: J 2.1)

- 3.18 A semi-mature cherry laurel (*Prunus laurocerasus*) hedgerow bounded the application site to the south; continuing further west within the wider garden of Green Gables. A recently planted garden privet (*Ligustrum ovalifolium*) hedgerow extended along the entire eastern boundary.

Scattered Trees (J NCC Code: A3)

- 3.19 A small number of trees were within the application boundary. These were semi-mature specimens which included a field maple (*Acer campestre*) and a spruce (*Picea* spp.).

Spoil (J NCC Code: I2.2)

- 3.20 Piles of recently stacked building materials, stored on paving slabs and pallets, were present in the eastern site extent.

Protected Species

Legislation

- 3.21 Legislation relating to the protected species referred to in this section is included in Appendix C.
- 3.22 The following paragraphs detail the suitability of the on-site habitats to support protected species and include information from the data search for protected, rare and otherwise notable species returned within a 2km radius.

Breeding Birds (excluding barn owl)

- 3.23 A total of four red and one amber listed Birds of Conservation Concern¹ (BoCC) were returned by the data search which may utilise habitats within the site. These include song thrush (*Turdus philomelos*), starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), tree sparrow (*Passer montanus*) and dunnoek (*Prunella modularis*).

¹ Birds of Conservation Concern status is prioritised into high concern (Red), medium concern (Amber) and low concern (Green) (Eaton et al, 2009). Red-list species are those that are globally threatened according to the IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and have not shown a substantial recent recovery. Amber-list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; those whose population has declined historically but made a substantial recent recovery; rare breeders; and those with internationally important or localised populations. Green-list species are those that fulfil none of the criteria.

- 3.24 The site was dominated by managed grassland, recently planted hedgerows and shrubbery which provided limited opportunities for breeding birds. The buildings were well sealed and did not support any features with potential for use by breeding birds.
- 3.25 Potentially suitable features were restricted to the small number of trees. These features provided some opportunities for a range of widespread breeding birds (Target Note 1 on the Habitat Map in Appendix B).
- 3.26 Overall, the site was considered to provide low/moderate potential for widespread nesting birds.

Barn Owl

- 3.27 The data search returned nine recent (post 2011) records for barn owl within 2km of the site, all of which were over 300m from the site, associated with the agricultural landscape in the wider area.
- 3.28 The onsite habitats did not provide any potential roosting or breeding habitat for barn owl due to an absence of suitable features. The dominating grassland habitat was considered to provide limited potential for foraging barn owl due to an absence of cover for prey species.
- 3.29 Overall, the site was considered to provide negligible potential for barn owl.

Bats

- 3.30 At least 10 species of bat have been recorded within 2km of the site boundary. This includes common pipistrelle (*Pipistrellus pipistrellus*); soprano pipistrelle (*P. pygmaeus*); Nathusius's pipistrelle (*P. nathusii*); myotis species (*Myotis* sp.); whiskered bat (*M. mystacinus*); noctule (*Nyctalus noctula*); serotine (*Eptesicus serotinus*); long-eared (*Plecotus* sp.); brown long-eared bat (*P. auritus*); and Western barbastelle (*Barbastella barbastellus*).
- 3.31 The most frequently recorded species was common pipistrelle followed by soprano pipistrelle with a total of 55 and 28 records for these species respectively. No records were returned from within the site boundary. The closest record was for foraging common pipistrelle located over 250m to the south-west of the site from 2017. The closest roost record was over 1km from the site for an unspecified brown long-eared roost from 2005.

- 3.32 There were no potential roosting features associated with the site; there were no suitable trees within the application boundary and all structures were either well-sealed and/or did not support any potentially suitable bat roosting features. The grassland was well managed and provided limited foraging opportunities for bats. Overall, the site was relatively isolated due to an absence of well-developed boundary features within or adjacent the site. The presence of a large-scale construction site to the east serves to further reduce the suitability of any potential commuting and foraging routes for bats in this direction of the site.
- 3.33 Overall, the site was considered to provide negligible potential for roosting bats and low potential for foraging bats.

Reptiles

- 3.34 The data search returned recent (post 2011) records for slow worm (*Anguis fragilis*), grass snake (*Natrix helvetica*), adder (*Vipera berus*) and common lizard (*Zootoca vivipara*) within 2km of the site. The closest record was from 2001 for grass snake located approximately 700m to the south of the site.
- 3.35 The dominating grassland habitat was considered to provide sub-optimal habitat for reptiles. Reptiles typically require a habitat mosaic which provides opportunities for sheltering, basking and hibernation and these features were absent from the site.
- 3.36 Overall, the site was considered to provide negligible potential for reptiles.

Great Crested Newt (and other amphibians)

- 3.37 The data search returned five recent (post 2011) records for great crested newt within 2km of the site all of which were between 2013 and 2018. All records were recorded to the south-west of the site with the closest record approximately 515m from the site. No PSML returns have been recorded within a 1km radius.
- 3.38 A small number of recent records were returned for common toad (*Bufo bufo*), common frog (*Rana temporaria*), smooth newt (*Lissotriton vulgaris*) and palmate newt (*Lissotriton helveticus*). The closest record was approximately 260m to the south-west for smooth newt from 2018.
- 3.39 There were no on-site ponds and no ponds within a 250m radius. The site was dominated by managed grassland supporting a short sward which offered limited foraging and sheltering opportunities for great crested newt during their terrestrial phase. An absence of a network of water bodies within 250m also serves to significantly reduce the potential for great crested newts to pass through the proposed development area.

- 3.40 Overall, the site was considered to provide negligible potential to support great crested newt and other, widespread amphibians.

Badger

- 3.41 Records are held confidentially and not disclosed by the data search. No badgers or secondary evidence of badgers were present onsite at the time of the survey.

- 3.42 Overall, the site was considered to provide negligible potential for badgers.

Hazel Dormouse

- 3.43 The data search did not return any records for hazel dormouse within 2km of the site.

- 3.44 Dormice are largely arboreal and rely on blocks of diverse woodland and interconnected hedgerows for survival. Individuals rarely descend to the ground except to hibernate over winter months at the base of trees. Dormice favour a range of plant species which provide a food source throughout the year. Favoured species include an abundance of hazel (*Corylus avellana*) and honeysuckle (*Lonicera periclymenum*) together with frequently occurring oak (*Quercus* sp.) and bramble (*Rubus fruticosus* agg.) amongst other species.

- 3.45 The site was well managed and did not support any potentially suitable dormouse habitat.

- 3.46 Overall, the site was considered to provide negligible potential for dormice.

Other Species

- 3.47 Records for West European hedgehog (*Erinaceus europaeus*) have been returned within 2km of the site and this species may pass through habitats within the survey area.

Invasive Non-Native Species (INNS)

- 3.48 No INNS listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), were recorded within the site. Cherry laurel, a species listed in the Sussex Invasive Non-Native Species report² was present within the southern boundary hedgerow. This hedgerow will be retained as part of the works.

² The Sussex invasive non native species (INNS) report is produced in order to help minimise the threat posed by invasive species in Sussex. An invasive non native species is defined as a species whose introduction and/or spread threatens biological diversity.

4. EVALUATION

- 4.1 On the basis of the information available from the habitat survey and desk study, the site has been evaluated in terms of its potential for biodiversity, support of protected species and habitats, and the contribution the area makes as part of the wider landscape. The nature conservation value of the site has been assessed following standard criteria developed by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2006) and is provided below.
- 4.2 The biodiversity value of protected species within the site is a preliminary evaluation based upon the desk study records, habitat suitability and the conservation status of the species in question. It should be noted that where European Protected Species (EPS) or species of Principle Importance for the Conservation of Biodiversity are present on-site they may be valued at a lower level/scale where it is considered likely that populations would not be of sufficient importance to justify designation at a higher level. However, regardless of their biodiversity value, such species are still subject to national and/or European legislation.
- 4.3 Key aspects of relevant planning policy regarding conservation, including an explanation of species referred to as being of :Principal Importance for Conservation of Biodiversity~ and European Protected Species and habitats, are provided in the Legislation section in Appendix C.

Geographic Evaluation

Features of International Importance

- 4.4 Features of International Importance are principally sites covered by international legislation or conventions, implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) in England and Wales. The Regulations mainly deal with the protection of sites with certain habitats and populations of species that are important for nature conservation in a European context, i.e., Special Areas of Conservation (SAC š) and Special Protection Areas (SPA š).
- 4.5 The site is not subject to any international statutory nature conservation designations. The closest site of International Importance is Pagham Harbour SPA and Ramsar, located approximately 9km to the south-west of the site. This site is designated for its assemblage of important estuarine habitats together with the assemblage of breeding and over-wintering waterfowl species supported. The proposed development site does not support any qualifying features of Pagham Harbour SPA and Ramsar and it is not considered to provide any functionally linked land. Based on the distance from the site and discrete nature of the proposals, it is not considered that construction of a single residential dwelling will have any likely significant negative effects on Pagham Harbour.

- 4.6 Singleton and Cocking Tunnels SSSI and SAC is located approximately 11.5km to the north-west at its closest point. The SSSI and SAC are a series of disused railway tunnels which provide important hibernating sites for colonies of barbastelle and Bechstein's bat (*Myotis bechsteinii*). The survey site does not provide any supporting function for Singleton and Cocking Tunnels and, based on the discrete nature of the works and absence of suitable connecting habitat, the proposed development will not have any significant negative effect on this designated site.

Features of National Importance

- 4.7 Features of national importance include SSSIs which are designated under the Wildlife and Countryside Act 1981 (as amended).
- 4.8 The closest site of national importance is South Downs National Park is located approximately 1.5km to the north at its closest point. The National Park is designated for its landscape value, with its network of farmland, ancient woodland and lowland heaths and scattered farmsteads. The survey site does not provide any functionally linked land for the National Park.
- 4.9 There are no SSSIs within a 2km radius. It is not considered that any habitats or populations or assemblages of species within the site would meet the criteria for the designation of a SSSI at an appropriate geographic level³.

Features of Regional Importance

- 4.10 The site does not include any features of value at this level neither is it likely to be selected as a wildlife site based on the results of the current survey.

Features of District Importance

- 4.11 The site is small, and the habitats are common and widespread in the district. The site does not support any features that were considered to be of value at this level.

Features of Local Importance

- 4.12 The site supports features that are common and widespread in the locality in the form of a managed rear garden comprising grassland, scattered trees, hedgerows and shrubbery. Based on the results of the assessment, the site does not support features that are considered to be of value at this level.

³ JNCC Guidelines for selection of biological SSSIs (see <http://jncc.defra.gov.uk/page-2303#download>).

Features of Value in the Immediate Vicinity (c. 250m) of the project

- 4.13 The site supports a small number of features with potential for use by widespread breeding birds and foraging bats. The site is therefore of some value at this level.

Summary

- 4.14 Overall based on the survey results and the above criteria, the site is considered to be of importance within the immediate vicinity. The site provides potentially suitable habitat to support some protected BAP species and groups including widespread breeding birds and foraging bats.

Local Plan Evaluation

- 4.15 It is considered that the Arun Local Plan 2011-2031 contains nature conservation policies relevant to the site. The full text of the relevant policies is contained in the Legislation section in Appendix C.

5. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

- 5.1 The site is within a semi-rural location in the northern extent of Westergate in Chichester, West Sussex and is accessed from Nyton Road to the south. The survey area is located in the existing rear garden of Green Gables and extends over approximately 0.05 hectares (ha); dominated by managed grassland, together with areas of planted shrubbery, hedgerows and a small number of scattered trees.
- 5.2 In the wider surrounds, the village of Westergate extends to the south with scattered residential properties and agricultural fields to the north and west.
- 5.3 Proposals are for the demolition of an existing swimming pool and associated plant room and store located in the rear garden of Green Gables to facilitate construction of a new four bedroom detached dwelling. Access will be via an existing driveway/access track extending to the south. No alterations will be made to the existing access. A single tree will require removal to facilitate the works.
- 5.4 The site is not subject to any statutory or non-statutory designations. The closest designated site Fontwell Park Racecourse LWS, approximately 980m to the north-east. The survey site does not provide any supporting function for Fontwell Park.
- 5.5 Singleton and Cocking Tunnels SSSI and SAC is located approximately 11.5km to the north-west at its closest point. The SSSI and SAC provide important hibernating sites for colonies of barbastelle and Bechstein's bat. The survey site does not provide any supporting function for Singleton and Cocking Tunnels and based on the discrete nature of the works and absence of suitable connecting habitat; the proposed development will not have any significant negative effect on this designated site.
- 5.6 The proposed works will directly impact approximately 0.02ha amenity grassland, 35m² introduced shrub, and a single tree.
- 5.7 Habitats within the survey site were assessed as being of importance within the immediate vicinity of the site.
- 5.8 The habitats supported are well managed and widespread throughout the landscape however the site supports features with potential for use by small numbers of widespread breeding birds and foraging bats in the locality however, based on the well-managed nature of the site and limited connectivity to linear features in the wider area, the site is not considered to provide any supporting function for any high conservation value bat roosts in the wider area and the site is unlikely to provide an important function within any core sustenance zones for bats in the wider area.

- 5.9 Based on the results of the survey, breeding birds pose some, minor constraints to the proposed works.
- 5.10 No further protected species surveys are required to inform the planning application based on the current scope of works, however adopting a precautionary approach for certain elements of the works are recommended in relation to breeding birds in order to fully safeguard this species group.
- 5.11 Cherry laurel, listed on the Sussex INNS report, has been recorded on-site. It is understood the hedgerow containing this species will be retained as part of the proposals and therefore precautions regarding clearance of this species are not considered necessary.
- 5.12 Details regarding mitigation to include precautionary working practices, together with habitat enhancement measures are provided below.

Recommendations

Breeding Birds

- 5.13 All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).
- 5.14 In order to avoid any potential impact on breeding birds, clearance of any trees to facilitate access should be undertaken outside the main bird nesting season which runs from March to August inclusive⁴, with works possible between September and February. Where this is not possible, an ecologist would need to check the features for active nests and signs of bird breeding activity. In the event that a nest is found, an exclusion zone around the nest would be established. Works would have to cease within this buffer area until the young birds have fledged.

Habitat Retention

- 5.15 It is understood that the hedgerows are being retained as part of the works. Hedgerows and trees scheduled to be retained should be protected in accordance with British Standards (BS 2012) 5837:2012 Trees in Relation to Design, Demolition and Construction.

⁴ It should be noted that this is the main breeding period. Breeding activity may occur outside this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

- 5.16 Suitable fencing should be installed around the perimeter of the working area to ensure materials and machinery do not encroach into adjacent retained habitats.

Habitat Enhancement

- 5.17 Development at the site offers the opportunity to achieve a net gain in biodiversity, in accordance with national and local planning policy and recommendations are provided below.

Bird Boxes

- 5.18 Additional bird nesting provision could be incorporated into new design proposals. A series of two external bird boxes could be installed on the new building/garage. Long lasting Schwegler woodcrete boxes are preferred but there are also other good quality boxes on the market. The Schwegler 1MR or 1B for a range of widespread birds would be suited to the site.
- 5.19 The bird boxes should be installed with a south-east or south-west facing aspect at least 3m from ground level.

Bat Boxes

- 5.20 A single bat box could also be incorporated into new design proposals. This should be an external box attached to the new building. Long lasting Schwegler woodcrete boxes are preferred but there are also other good quality boxes on the market. It is recommended that the general purpose Schwegler 2F box or Schwegler 1FQ are used.
- 5.21 The bat box should be oriented south-west to south-east and located at least 3m above ground level and ideally directly below the eaves of the buildings. This should be sited on a different elevation to the bird boxes.

Post Development Lighting (Bats)

- 5.22 Different species of bat have been found to react differently to night-time lighting however research has found that generally, all species of bats are sensitive to artificial lighting and that excessive lighting can delay bats from emerging, thus shortening the time available for foraging, as well as causing individuals to move away from suitable foraging grounds or roost sites, to alternative dark areas (Jones, 2000). Bats can also become isolated from their foraging grounds if the linear features they use for commuting are suddenly illuminated, creating a light barrier (Fure, 2006).

5.23 Currently the site receives a low level of light spill from the adjacent residential dwelling and security lighting was also present on the swimming pool structure. New development provides the opportunity to enhance the site's value for foraging bats and to minimise indirect impacts from lighting associated with the new development. This can be achieved by following accepted best practice (Institute of Ecology and Environmental Management 2006, Institute of Lighting Engineers 2009, Bat Conservation Trust, 2014):

- * The level of artificial lighting including security lighting should be kept to a minimum, with light spill controlled so boundary habitats are not directly illuminated;
- * recent LED technology should be utilised where possible. LED lights do not emit UV radiation, towards which insects are attracted, drawing them away from bat foraging areas in the surrounding landscape. Alternatively, low pressure sodium lights could be used. These can be a more cost-effective option compared to LED lights and are the preferred option to high pressure sodium or mercury lamps;
- * all lights should be directed at a low angle with minimal light spillage wherever possible. The use of low-level lighting columns along the new access/around the driveway or the use of integrated hoods or cowl could help to minimise light spill; and
- * ideally the site boundaries should be kept dark, preferably at bat emergence (0-1 hour after sunset) and during peak bat activity periods (e.g., 1.5 hours after sunset and 1.5 hours before sunrise). Therefore, where possible, if lighting is required this should be installed with the light directed down into the driveway/seating areas wherever possible and lighting should be controlled through the use of PIR and/or timers.

Post Development Landscaping

5.24 New post-development planting should include a mixture of bio-diverse plants in order to attract a range of wildlife including insects which will be beneficial to bats, birds and other wildlife. Native trees and shrubbery of local origin are preferable however non-native species can still be of value to wildlife. Species should be carefully selected to ensure they are suitable for the area. Some species of known wildlife value are listed in Appendix E.

5.25 Existing hedgerows should be enhanced through planting of native species along the eastern and southern boundaries of the new development. These should comprise a mix of at least three different native species. These could include but not be limited to; field maple, hazel, hawthorn, holly (*Ilex aquifolium*), oak and dogwood.

- 5.26 Shrubs could be planted adjacent to the new building. These should comprise at least 30% native species and include nectar-rich species. The following species could be included in any new shrub planting although this list is a guide only which will also depend on the soil conditions at the site; jasmine (*Jasminum* spp.), honeysuckle (*Lonicera periclymenum*), clematis (*Clematis* spp.), field rose (*R. arvensis*), hazel and dogwood.

Other

- 5.27 It is recommended that an update habitat survey is undertaken if more than 18 months have elapsed between the survey and the point at which any development decisions have been made at the site.

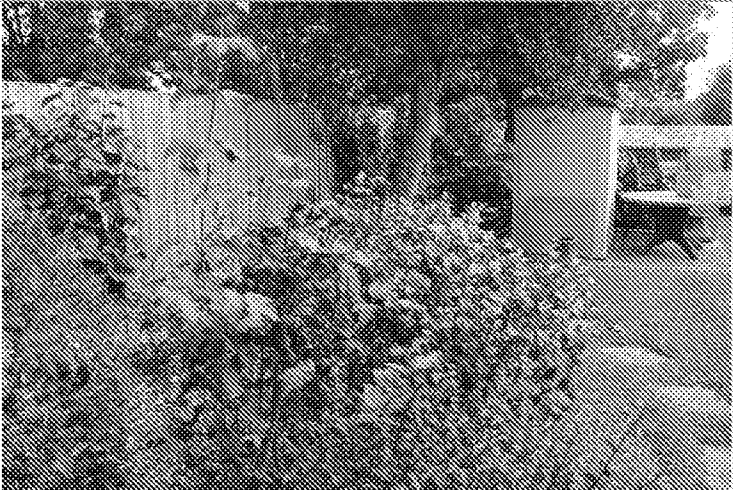
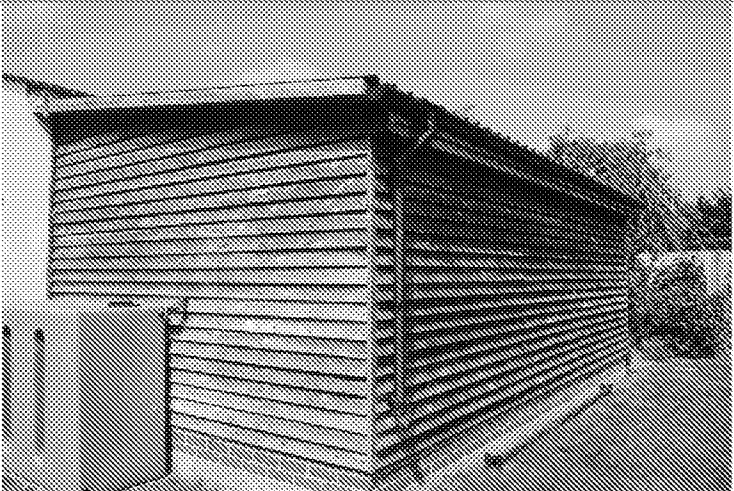
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Appendix A

Target Notes and Photographs

Target Note (TN)	Feature	Photograph of Feature
N/A	Photograph 1: A view east towards Building 1 (the swimming pool structure).	
1	Photograph 2: A view towards the north-east corner of the site. On-site trees have potential to support nesting birds.	
N/A	Photograph 3: Looking north-west from the southern site boundary towards Building 2 (the plant room and store).	

Appendix B

Habitat Survey Map

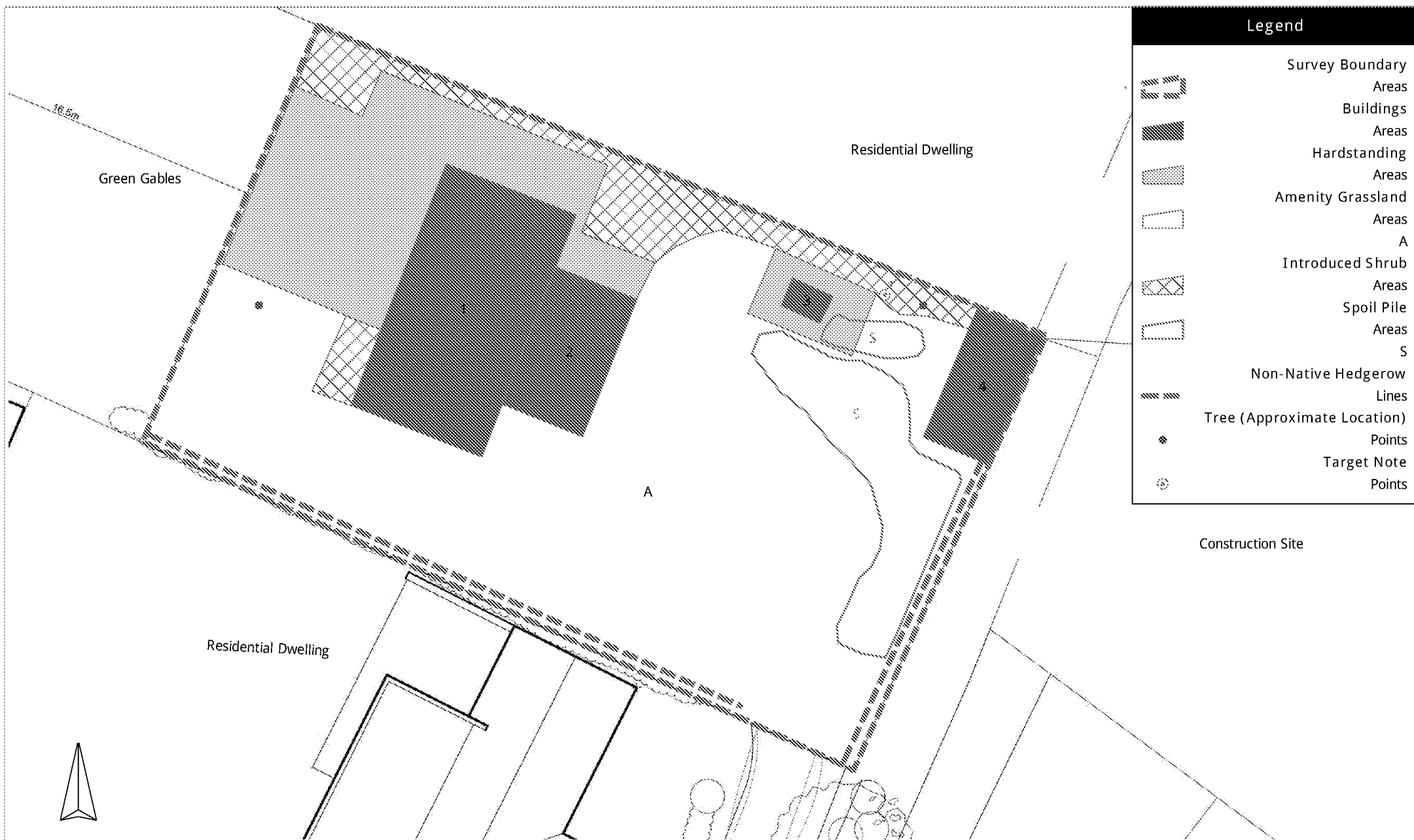


Figure 1: Land At Green Gables Habitat S Survey Map

Drawn by: CT
Date: 28/09/2021
Not to Scale

Appendix C Legislation

LEGISLATIVE FRAMEWORK

This section contains information pertaining to the legislation and planning policy applicable in Britain. This information is not applicable to Northern Ireland, the Republic of Ireland the Isle of Man or the Channel Islands. Information contained in the following appendix is provided for guidance only.

Species

The objective of The Conservation of Habitats and Species Regulations 2017 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) is to conserve plants and animals which are considered to be rare across Europe.

The Wildlife and Countryside Act 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and also implements the obligations set out for species protection from the Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Various amendments have been made since the Wildlife & Countryside Act came into force in 1981. Further details pertaining to alterations of the Act can be found on the following website: www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CROW) Act (2000) and Nature Conservation (Scotland) Act 2004.

There are a number of other legislative Acts affording protection to species and habitats. These include

- * Countryside and Rights of Way (CROW) Act 2000
- * Deer Act 1991
- * Natural Environment & Rural Communities (NERC) Act 2006
- * Protection of Badgers Act 1992
- * Wild Mammals (Protection) Act 1996

Badger

Badgers and their setts are protected under the Protection of Badgers Act (1992), which consolidated and added to the previous Badger Acts of 1973 and 1991. Under this legislation it is an offence to:

- * cruelly ill-treat a badger, including use of tongs and digging;
- * intentionally or recklessly cause a dog to enter a badger sett;

- * intentionally or recklessly damage, destroy or obstruct access to a badger sett¹ or any part thereof;
- * intentionally or recklessly disturb² a badger when it is occupying a badger sett;
- * possess or control a dead badger or any part of a badger;
- * sell or offers for sale, possesses or has under his control, a live badger; and
- * wilfully kill, injure, take, or attempt to kill, injure or take a badger.

A Development Licence will be required from Natural England for any development works affecting an active badger sett, or to disturb badgers while individuals are occupying the sett. Depending on the nature of the works and the specifics of the sett, badgers could be disturbed by work near the sett even if there is no direct interference or damage to the sett itself. Natural England has issued guidelines on what constitutes a licensable activity. There is no provision in law for the capture of badgers for development purposes and therefore it is not possible to obtain a licence to translocate badgers from one area to another.

Bats

Bats are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). This act protects individuals from:

- * intentional or reckless disturbance (at any level);
- * intentional or reckless obstruction of access to any place of shelter or protection; and
- * selling, offering or exposing for sale, possession or transporting for purpose of sale

In addition, all species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- * deliberate killing, injuring or capturing of Schedule 2 species (all bats);
- * deliberate disturbance of bat species as to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young; and
 - (ii) to hibernate or migrate.

¹ A badger sett is defined in the legislation as "any structure or place which displays signs indicating current use by a badger". This includes seasonally used setts. Natural England (2009) have issued guidance on what is likely to constitute current use of a badger sett: www.naturalengland.org.uk/Images/WMLG17.tcm6-11815.pdf

² For guidance on what constitutes disturbance and other licensing queries, see Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing, www.naturalengland.org.uk/Images/badgers-dev-guidance.tcm6-4057.pdf, Natural England (2009) Interpretation of 'Disturbance' in relation to badgers occupying a sett www.naturalengland.org.uk/Images/WMLG16.tcm6-11814.pdf, Scottish Natural Heritage (2002) Badgers & Development. www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp and Countryside Council for Wales (undated) Badgers: A Guide for Developers. www.ccw.gov.uk.

- * deliberate disturbance of bat species as to affect significantly the local distribution or abundance of the species;
- * damage or destruction of a breeding site or resting place; and
- * keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake activities listed above. A licence is required to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and monitored.

Breeding Birds

Under the Wildlife & Countryside Act, 1981 (as amended), a wild bird is defined as any bird of a species that is resident in or is a visitor to the European Territory of any member state in a wild state. Game birds, however, are not included in this definition (except for limited parts of the Act). They are covered by the Games Acts, which fully protect them during the closed season.

Under the Wildlife & Countryside Act, 1981 (as amended), all birds, their nests and eggs are protected under Sections 1-8 of the Act and it is an offence, with certain exceptions, to:

- * intentionally (or recklessly in Scotland) kill, injure or take any wild bird;
- * intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- * intentionally take or destroy the egg of any wild bird;
- * have in one's possession or control any wild bird, dead or alive, or any part of a wild bird, which has been taken in contravention of the Act;
- * have in one's possession or control any egg or part of an egg which has been taken in contravention of the Act;
- * use traps or similar items to kill, injure or take wild birds;
- * have in one's possession or control any bird (dead or alive) unless registered, and in most cases ringed, in accordance with the Secretary of State's regulations; and
- * in Scotland only, intentionally or recklessly obstruct or prevent any wild bird from using its nest.

Certain rare species receive additional special protection under Schedule 1 of the Act. This affords them protection against:

- * intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young;

- ✧ intentional or reckless disturbance of dependent young of such a bird;
- ✧ in Scotland only, intentional or reckless disturbance whilst lekking; and
- ✧ in Scotland only, intentional or reckless harassment.

The British Trust for Ornithology (BTO) has a list of birds that are Species of Conservation Concern. These birds are not legally protected but where they are found on site they should be given planning consideration. The criteria for birds listed as amber (medium conservation concern) include:

- ✧ historical population decline during 1800-1995, but recovering: population has more than doubled over last 25 years;
- ✧ moderate (25-49%) decline in UK breeding population over last 25 years;
- ✧ moderate (25-49%) contraction of UK breeding range over last 25 years;
- ✧ moderate (25-49%) decline in UK non-breeding population over last 25 years;
- ✧ species with unfavourable conservation status in Europe (Species of conservation Concern);
- ✧ five year mean of breeding pairs in the UK;
- ✧ $\geq 50\%$ of UK breeding population in 10 or fewer sites.
- ✧ $\geq 50\%$ of UK non-breeding population in 10 or fewer sites;
- ✧ $\geq 20\%$ of European breeding population in UK; and
- ✧ $\geq 20\%$ of NW European (wildfowl), East Atlantic Flyway (waders) or European (others) non breeding populations in UK.

Hazel Dormouse

The hazel dormouse (*Muscardinus avellanarius*) is fully protected under The Conservation of Habitats and Species Regulations 2017 through its inclusion on Schedule 2. Regulation 41 prohibits:

- ✧ deliberate killing, injuring or capturing;
- ✧ deliberate disturbance as to impair its ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young; and
 - (ii) to hibernate or migrate.
- ✧ deliberate disturbance as to affect significantly the local distribution or abundance of the species;
- ✧ damage or destruction of a breeding site or resting place; and
- ✧ keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part of this species.

The hazel dormouse is also currently protected under the Wildlife and Countryside Act 1981 (as amended) through its inclusion on Schedule 5. Under this Act, this species is additionally protected from:

- * intentional or reckless disturbance;
- * intentional or reckless obstruction of access to any place of shelter or protection; and
- * selling, offering or exposing for sale, possession or transporting for purpose of sale.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect dormouse breeding or resting places (N.B. this is usually taken to mean dormouse :habitat) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above. The licence will allow derogation from the relevant legislation but will also to enable appropriate mitigation measures to be put in place and monitored.

Herpetofauna (Reptiles and Amphibians)

The following species receive full protection under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2.

- * sand lizard (*Lacerta agilis*);
- * smooth snake (*Coronella austriaca*);
- * natterjack toad (*Epidalea calamita*);
- * great crested newt (*Triturus cristatus*); and
- * pool frog (*Pelophylax lessonae*).

Under this legislation, Regulation 41 prohibits:

- * deliberate killing, injuring or capturing of species listed on Schedule 2;
- * deliberate disturbance of any Schedule 2 species as to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young; and
 - (ii) to hibernate or migrate.
- * deliberate disturbance of any Schedule 2 species as to affect significantly the local distribution or abundance of the species;
- * deliberate taking or destroying of the eggs of a Schedule 2 species;
- * damage or destruction of a breeding site or resting place; and
- * keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part of a species.

With the exception of the pool frog, these species are also currently listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under this Act, they are additionally protected from:

- ✧ intentional or reckless disturbance (at any level);
- ✧ intentional or reckless obstruction of access to any place of shelter or protection; and
- ✧ selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of herpetofauna are protected solely under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). These species include:

- ✧ adder (*Vipera berus*);
- ✧ grass snake (*Natrix natrix*);
- ✧ common lizard (*Zootoca vivipara*); and
- ✧ slow-worm (*Anguis fragilis*).

Under this legislation, for these species it is prohibited under Section 9(1) & (5) to:

- ✧ intentionally (or recklessly in Scotland) kill or injure these species
- ✧ sell, offer or expose for sale, possess or transport for purpose of sale these species, or any part thereof.

The following species are listed in respect to Section 9(5) of Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) which only affords them protection against sale, offering or exposing for sale, possession or transport for the purpose of sale:

- ✧ common frog (*Rana temporaria*);
- ✧ common toad (*Bufo bufo*);
- ✧ smooth newt (*Lissotriton vulgaris*); and
- ✧ palmate newt (*L. helveticus*).

Water Vole

The water vole (*Arvicola amphibius*) (=terrestris) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- ✧ intentionally kill, injure or take (capture) this species;
- ✧ intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection;
- ✧ intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection; and

- ✧ sell, offer or expose for sale, or have in his possession or transport for the purpose of sale, any live or dead water vole or part of this species.

Where development works are liable to affect habitats known to support water voles, Natural England must be consulted. All alternative design options must have been explored and communicated to Natural England in order to demonstrate that works have tried to avoid contravening the legislation e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable etc. Conservation licences for the capture and translocation of water voles may be issued by Natural England for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population.

Otter

Otters (*Lutra lutra*) are fully protected under The Conservation of Habitats and Species Regulations 2017 through their inclusion on Schedule 2. Regulation 41 prohibits:

- ✧ deliberate killing, injuring or capturing of otters
- ✧ deliberate disturbance as to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young; and
 - (ii) to hibernate or migrate.
- ✧ deliberate disturbance as to affect significantly the local distribution or abundance of the species;
- ✧ damage or destruction of a breeding site or resting place; and
- ✧ keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part of this species.

Otters also receive protection under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- ✧ intentional or reckless disturbance (at any level);
- ✧ intentional or reckless obstruction of access to any place of shelter or protection; and
- ✧ selling, offering or exposing for sale, possession or transporting for purpose of sale.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect breeding or resting places or for activities likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above. The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and monitored.

Red Squirrel

The red squirrel (*Sciurus vulgaris*) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- ✧ intentionally (or recklessly in Scotland) kill, injure or take (capture) red squirrels;
- ✧ intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection;
- ✧ intentionally or recklessly disturb this species while they are occupying a structure or place used for shelter; and
- ✧ sell, offer or expose for sale, or have in his possession or transport for the purpose of sale, any live or dead red squirrel or part of this species.

White Clawed Crayfish

The white clawed crayfish (*Austropotamobius pallipes*) receives partial protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). This species is protected under Sections 9(1) and 9(5), making it an offence to:

- ✧ intentionally take/capture white-clawed crayfish; and
- ✧ sell, offer or expose for sale, have in possession or transport for the purpose of sale, any live or dead white clawed crayfish or part of this species.

A conservation licence for the capture and translocation of crayfish may be issued for the purpose of development activities if it can be demonstrated that the activity has been carefully planned and this species considered. The activity must also demonstrate that it contributes to the conservation of the population.

Wild Mammals

All wild mammals are protected against intentional acts of cruelty under the Wild Mammals (Protection) Act 1996. Under this legislation it is an offence to:

- ✧ mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention of this legislation, due care and attention should be taken when carrying out works that have the potential to impact any wild mammal as described above.

Plants

Wild plants are protected under the Wildlife and Countryside Act 1981 (as amended) which makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Some rare plant species also receive full protection under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits:

- * intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only); and
- * selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or parts.

In addition to the legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2017. Regulation 45 makes it an offence to:

- * deliberately pick, collect or destroy a wild Schedule 5 species; and
- * be in possession of, or control, transport, sell or exchange any wild live or dead Schedule 5 species or anything derived from it.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect species of plant listed under The Conservation of Habitat and Species Regulations 2017.

Invasive Plant Species

Certain plants are listed on Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2). Species include:

- * Japanese knotweed (*Fallopia japonica*);
- * giant hogweed (*Heracleum mantegazzianum*);
- * Himalayan balsam (*Impatiens glandulifera*);
- * certain species of rhododendron (*Rhododendron* sp.); and
- * certain species of cotoneaster (*Cotoneaster* sp.).

Species listed are non-natives whose establishment or spread in the wild may be detrimental to native wildlife. Inclusion on Part II of Schedule 9 therefore makes it an offence to:

- * plant or otherwise cause these species to grow in the wild.

This legislation makes it is an offence to cause species listed to grow in the wild. Therefore, if they are present on site and development activities have the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures are in place to prevent this.

HABITATS

International Statutory Designations

- ✧ Special Protection Areas (SPAs): Terrestrial SPA's are afforded protection by The Conservation of habitats and Species Regulations 2017 (as amended) an offshore SPA's are afforded protection under The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).
- ✧ Special Areas of Conservation (SACs): These areas are designated under the same regulations as detailed for SPA's.
- ✧ Ramsar sites: These areas are wetlands designated under the Convention on Wetlands of International Importance (1971). Wetlands can include areas of marsh, fen, water or peatland and may be natural or artificial, permanent or temporary. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSIs) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000.

National Statutory Designations

- ✧ Sites of Special Scientific Interest (SSSIs): These sites are designated by the countryside agencies (for example Natural England) under the Wildlife & Countryside Act 1981 (as amended). Prior to 1981 these were designated under the National Parks and Access to the Countryside Act 1949. Improved mechanisms for the protection of SSSIs have also been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales).
- ✧ National Nature Reserves: These sites are also designated by the countryside agencies under the Wildlife & Countryside Act 1981 (as amended).

Local Statutory Designations

- ✧ 1949 Local Nature Reserves (LNRs): These sites are designated by local authorities under the National Parks and Access to the Countryside Act 1949. These are sites recognised for their wildlife or geological interest at a local level and are managed for nature conservation.

Non-Statutory Designations

- ✧ Local Wildlife Sites: Areas of local conservation interest may be designated by local authorities. The terminology for these sites varies depending on the county. They can be called Sites of Nature Conservation Importance (SNCIs), Sites of Importance for Nature Conservation (SINC)s, County Wildlife Sites (CWS), Listed Wildlife Sites (LWS), Local Nature Conservation Sites (LNCS), Sites of Biological Importance (SBIs). The designation criteria may vary between counties. Local Wildlife Sites are of material consideration when planning applications are being determined.
- ✧ The Hedgerow Regulations 1997: These have been compiled to protect important countryside hedgerows from damage or removal. A hedgerow is considered important if (a) has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations. Under the Regulations, it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. Hedgerows covered by these regulations include those on or adjacent to common land, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys.

National Planning Policy

The National Planning Policy Framework (2012) replaces the former PPS9 document and emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks through preservation, restoration and re-creation. The protection and recovery of priority species is also included as a requirement of planning policy. In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; appropriate mitigation or compensation measures are in place where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

Regional and Local Planning Policy

The Arun Local Plan (Chapter 17) 2011-2031 contains the following Nature Conservation Policies that are relevant to the site.

Arun Local Plan 2011-2031

- ✧ Policy ENV SP1: Natural Environment
Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through the policies for the protection of both designated

and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.~

✱ Policy ENV DM5: Development and Biodiversity

:Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together these will provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement.

Where there is evidence of a protected species on a proposed development site, planning applications shall include detailed surveys of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where appropriate, suitably licenced person.

All developments shall have regard to Natural England's standing advice for protected species.~

Regional and Local BAPs

Many local authorities in the UK have produced a local Biodiversity Action Plan (LBAP) at the County or District level. The Sussex Biodiversity Action Plan is based on the UK list of Species and Habitats of Principal Importance and contains 1,149 species and 65 habitats.

Appendix D

Plant Species List

Scientific nomenclature follows Stace (2010) for vascular plant species and British Bryological Society (BBS) Special Volume No. 5 English Names for British Bryophytes for bryophyte species. Vascular plant common names follow the Botanical Society of the British Isles 2003 list, published on its web site, www.bsbi.org.uk. The plant species list was generated as part of a Phase 1 Habitat survey and does not constitute a full botanical survey.

Abundance was estimated using the DAFOR scale as follows:

D = dominant, A = abundant, F = frequent, O = occasional, R = rare.

Key to qualifiers: c=clumped, e=edge only, g=garden origin, p=planted, y = young, s=seedling or sucker, t=tree, h=hedge, w=water. L = locally i.e. LD=locally dominant.

COMMON NAME	SCIENTIFIC NAME	ABUNDANCE	QUALIFIER
Bamboo	Bambuseae	R	
Barberry	Berberis sp	R	
Bellflower	Campanula sp.	R	
Bristly oxtongue	Helminthotheca echioides	O	
Cherry laurel	Prunus laurocerasus	F	H
Chives	Allium schoenoprasum	R	
Creeping buttercup	Ranunculus repens	F	
Dandelion	Taraxacum sp.	F	
European fan palm	Chamaerops humilis	R	

Fescues	Festuca spp.	D	
Fuchsia	Fuchsia magellanica	R	
Garden privet	Ligustrum ovalifolium	O	H
Hawkbait	Leontodon sp.	O	
Hedge veronica	Hebe sp.	O	
Himalayan honeysuckle	Leycesteria formosa	O	
Maple	Acer sp.	R	
Mexican orange	Choisya ternata	R	
Pear	Pyrus communis	R	
Perennial rye-grass	Lolium perenne	A	
Phormium	Phormium sp.	R	
Small-flowered crane's-bill	Geranium pusillum	O	
Spear thistle	Cirsium vulgare	O	
Spruce	Picea spp.	R	T
Toothed medick	Medicago polymorpha	R	
Weigela	Weigela sp.	R	
White clover	Trifolium repens	O	
Wild basil	Clinopodium vulgare	R	
Yew	Taxus baccata	R	

Appendix E

Suggested Compensatory Planting

This section provides a list of plants which are of proven value to wildlife. The list is not exhaustive and merely provides a guide for suggested planting for wildlife value. Planting should be tailored on a site by site basis. The list includes some native and ornamental species however the emphasis should always be on the use of predominantly native species.

N = Native, NN = Non-native.

This list includes species that may be harmful if handled or ingested. Schedule 9 (Part 2) of the Wildlife and Countryside Act, 1981 (as amended) includes a list of invasive plants, including aquatic species, that should always be avoided in planting schemes.

Large Shrubs

Hedge veronica/Hebe (*Veronica* spp.) NN

Hawthorn (*Crataegus monogyna*) N

Blackthorn (*Prunus spinosa*) N

Rose: dog rose (*Rosa canina*), field rose (*R. arvensis*), burnet rose (*R. pimpinellifolia*) N

California lilac (*Ceanothus* spp.), (*C. arborea*) NN

Wild privet (*Ligustrum vulgare*) N

Common holly (*Ilex aquifolium*) N

Barberry (*Berberis* spp.) (*B. darwinii*), (*B. thunbergii*), (*B. x stenophylla*) NN

Daisy Bush (*Olearia* spp.), (*O. x hastii*), (*O. macrodonta*) and (*O. traversii*) NN

Firethorn (*Pyracantha coccinea*) NN

Hazel (*Corylus avellana*) N (*C. maxima*) NN

Viburnum (*Viburnum* spp.), wayfaring tree (*V. lantana*) N, guelder rose (*V. opulus*) N, laurustinus (*V. tinus*) E Note: *V. lantana* can become invasive in more open habitats.

Butterfly bush (*Buddleja* spp.), (*B. alternifolia*), (*B. globosa*) NN

Dogwood (*Cornus sanguinea*) N

Broom (*Cytisus scoparius*) N

Escallonia (*Escallonia macrantha*) NN

Hardy fuchsia (*Fuchsia magellanica*) NN

Buckthorn (*Rhamnus cathartica*) N

Spindle (*Euonymus europaeus*) N

Tutsan (*Hypericum androsaemum*) N

Yew (*Taxus baccata*) N

Trees

Cherry (*Prunus* spp.), wild cherry (*P. avium*), bird cherry (*P. padus*), domestic plum (*P. domestica*) N or cherry plum (*P. cerasifera*) NN

Ash (*Fraxinus excelsior*) N

Apple (*Malus* spp.), edible apple (*M. domestica*), crab apple (*M. sylvestris*) N

Pear (*Pyrus* spp.), edible pear (*P. communis*) NN

Small-leaved lime (*Tilia cordata*) N

Silver birch (*Betula pendula*) N

Yew (*Taxus baccata*) N

Black poplar (*Populus nigra*) N

Foxglove tree (*Paulownia tomentosa*) NN

Beech (*Fagus sylvatica*) N

Climbers

Jasmine (*Jasminum* spp.), summer jasmine (*J. officinale*), winter jasmine (*J. nodiflorum*) NN

Ivy (*Hedera helix*) N

Climbing hydrangea (*Hydrangea anomala* ssp. *petiolaris*) NN

Honeysuckle (*Lonicera* spp.) (*L. periclymenum*) N

Clematis (*Clematis* spp.) NN

Hop (*Humulus lupulus*) N

Firethorn (*Pyracantha atalantioides*) NN

Nasturtium (*Tropaeolum majus*) NN

Bulbs

English bluebell (*Hyacinthoides non-scripta*) N

Squill species (*Scilla* spp.) N/NN

Snowdrop (*Galanthus nivalis*) N

Winter aconite (*Eranthis hyemalis*) E

Crocus species (*Crocus* spp.) NN

Wild Daffodil (*Narcissus pseudonarcissus*) N

Onion species (*Allium* spp.) N/NN. N.B. *Allium triquetrum* (three cornered leek) and *Allium paradoxum* (few-flowered leek) are Schedule 9 invasive plant species.

Wood anemone (*Anemone nemorosa*) N

Lesser celandine (*Ficaria verna*) N