

PINE CLOSE, WESTERGATE, WEST SUSSEX

PRELIMINARY ECOLOGICAL ASSESSMENT

A Report to: Wilson House Ltd

Report No: RT-MME-116948

Date: June 2014



Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ

REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of practice for planning and development".

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	05/06/2014	Maral Miri MCIEEM (Senior Ecological Consultant) Frances High (Ecological Project Officer)	Dr Katy Read (Executive Director)	David Smith (Landscapes and Ecology Director)
Rev A	10/06/2014	Maral Miri MCIEEM (Senior Ecological Consultant)	Dr Katy Read (Executive Director)	David Smith (Landscapes and Ecology Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Wilson House Ltd to carry out an initial ecological appraisal at the site of a proposed residential development at Pine Close in Westergate, West Sussex.

The ecological desk study revealed no statutory or non-statutory nature conservation sites within a 1 km radius of the survey area. The desk study provided records of protected and notable species including hedgehogs, bats, birds, amphibians, reptiles and terrestrial invertebrates.

The walkover survey was undertaken on 21st May 2014 by Maral Miri, Senior Ecological Consultant. Site clearance works had commenced prior to the field survey being carried out and therefore the site was dominated by bare ground and scattered scrub. A number of mature scattered trees were located along the eastern boundary of the site.

The key ecological features on site in relation to the works proposed are the mature scattered trees located in the eastern extent.

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R1 Habitat Loss and Enhancement:** In accordance with the provision of Chapter 11 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site. This will involve, for example:
- Planting of habitats which will be of value to wildlife, such as:
 - native seed/fruit bearing species to provide foraging habitat for bats and birds;
 - nectar-rich species to attract bees, butterflies and moths;
 - species which attract night flying insects which will be of value to foraging bats, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.
 - Provision of nesting habitat, such as installation of nest boxes for species such as house sparrow and tree sparrow
 - Installation of bat boxes for species such as pipistrelle.
- R2 Trees:** Any trees on site or overhanging the site, which are not to be removed as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.
- R3 Nesting Birds:** The removal of any trees and vegetation should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive. If this is not possible then the vegetation/trees to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In May 2014 Wilson House Ltd commissioned Middlemarch Environmental Ltd to undertake an initial ecological appraisal of the site of a proposed development at Pine Close in Westergate, West Sussex. This assessment is required to inform a planning application associated with the revised layout for the erection of three detached dwellings (Plots 1 – 3) and a car port serving Plot 4 (previous planning permissions AL/69/10 and AL/89/10).

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on the 21st May 2014.

1.2 SITE DESCRIPTION AND CONTEXT

Site clearance works had commenced prior to the field survey and therefore the site was dominated by bare ground with patches of tall ruderal vegetation and scattered scrub. A number of mature scattered trees were located along the eastern boundary of the site.

The site measures 0.16 ha, is centred at National Grid Reference SU 938 049 and is irregular in shape. The land surrounding the site predominantly consists of residential housing to the west, north and south. Immediately east of the site is a public footpath leading to a large area of rank semi-improved grassland with mature trees and areas of scrub (see Plate A5 in Chapter 8).

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1 and provided in Chapter 7.

Document Name / Drawing Number	Author
Site Layout: 1643 Rev C (provided in Chapter 7)	ADP Architects Ltd

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species that have been recorded within a 1 km radius of the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAG/IC* website for statutory conservation sites; and,
- Sussex Biodiversity Record Centre.

The data collected from these consultees is discussed in Chapter 3. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study data also included a review of relevant local planning policy with regard to biodiversity and nature conservation.

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 4.

3. DESK STUDY RESULTS

3.1 INTRODUCTION

All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 3.2 and 3.3. Selected data are provided in Appendix 1.

3.2 NATURE CONSERVATION SITES

Reference to the Multi Agency Geographical Information for the Countryside (MAGIC) website and the data provided by the local biological records centre indicates that there are no statutory or non-statutory nature conservation sites within a 1 km radius of the survey area.

3.3 PROTECTED / NOTABLE SPECIES

Table 3.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Local BAP?	Legislation / Conservation Status
Mammals						
Hedgehog <i>Erinaceus europaeus</i>	7	2003	750 north-east	✓	✓	WCA 6
Unidentified pipistrelle bat <i>Pipistrellus</i> sp.	1	2010	790 m north-east	#	-	ECH 4, WCA 5, WCA 6
Amphibians						
Great crested newt <i>Triturus cristatus</i>	3	2013	500 m west	✓	✓	ECH 2, ECH 4, WCA 5
Reptiles						
Grass snake <i>Natrix natrix</i>	2	2001	Potentially on site*	✓	✓	WCA 5 S9(1) WCA 5 S9(5)
Adder <i>Vipera berus</i>	1	1999	100 m south-west	✓	✓	WCA 5 S9(1) WCA 5 S9(5)
Birds						
Barn owl <i>Tyto alba</i>	5	2007	60 m north	-	-	WCA1i
Eurasian hobby <i>Falco subbuteo</i>	1	2012	880 m south	-	-	WCA1i
Cetti's warbler <i>Cettia cetti</i>	8	2012	870 m south	-	-	WCA1i
Notable invertebrates						
Purple emperor butterfly <i>Apatura iris</i>	2	2013	60 m north	-	-	WCA 5
Key: # : Species dependent * : Six digit grid reference provided by the desk study ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).						

WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking.
WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.
WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.
Species of Principal Importance: Species of principal importance for nature conservation in England.
Local BAP: Sussex Local Biodiversity Action Plan
Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Table 3.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area

In addition to those listed in Table 3.2, the desk study also provided the following records within a 1 km radius of the survey area:

Reptiles

In addition to the reptile records provided in the Table 3.2, a reptile survey of the land immediately to the south of the new proposed development was undertaken in 2012 (RT-MME-112385), where a 'Good Population' of slow worms was recorded in accordance with the guidelines for 'Survey Assessment: Key Reptile Sites' presented in Froglife Advice Sheet 10.

Birds

In addition to the species listed in Table 3.2, the desk study provided 27 birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). The majority of these species are associated with habitats not found within the survey area, for example the common kingfisher *Alcedo atthis* and goshawk *Accipiter gentilis*.

The desk study also provided 15 bird species listed on the Local Biodiversity Action Plan, including tree sparrow *Passer montanus*, yellow wagtail *Motacilla flava* and turtle dove *Streptopelia turtur*.

Furthermore, 14 bird species are listed on the RSPB Red List (species of high conservation concern) and 32 are listed on the RSPB Amber List (species of moderate conservation concern). These species include black redstart *Phoenicurus ochruros*, lesser spotted woodpecker *Dendrocopos minor*, red kite *Milvus milvus* and house martin *Delichon urbica*.

Other amphibians

Common frog *Rana temporaria* and smooth newt *Lissotriton vulgaris* records were also identified by the desk study, however grid references were not provided.

Notable terrestrial invertebrates

In addition to the purple emperor detailed in Table 3.2, the desk study also provided records of 20 butterfly, 4 dragonfly and 1 moth species within a 1 km radius. These records included 2 butterflies listed as Species of Principal Importance; these are wall *Lasiommata megera* and white admiral *Limenitis camilla*.

Notable plants

The desk study provided over 100 records of flowering plant species within a 1 km radius, of which 2 are listed on the Sussex Rare Species Inventory. These were box *Buxus sempervirens* and musk stork's-bill *Erodium moschatum*.

3.4 INVASIVE SPECIES

There were no invasive species provided by the desk study within a 1 km radius of the survey area.

4. PHASE 1 HABITAT SURVEY

4.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in Section 4.2. An annotated Phase 1 Habitat Survey Drawing (Drawing C116948-01) is provided in Chapter 7. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 8.

The survey was carried out on the 21st May 2014 by Maral Miri, Senior Ecological Consultant. Table 4.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	23
Cloud (%)	10
Wind (Beaufort)	F0
Precipitation	Dry

Table 4.1: Weather Conditions During Field Survey

4.2 SURVEY CONSTRAINTS AND LIMITATIONS

There were no constraints experienced during the field survey.

4.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Bare ground
- Hardstanding
- Scattered trees
- Tall ruderal vegetation
- Scattered scrub

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Bare ground

Bare ground dominated the site due to the site clearance and topsoil stripping activities prior to the field survey (Plate A1). It is likely that the area was covered by rank semi-improved grassland habitat prior to the commencement of construction activities.

Hardstanding

Pine Close provides access to the site from the western boundary at Westergate Street (Plate A2). The road extends into the centre of the site and towards the northern boundary. The road did not include any vegetation.

Scattered trees

A line of 6 mature sycamore *Acer pseudoplatanus* and ash *Fraxinus excelsior* trees delineated the eastern boundary (Plate A3). All trees located on site were generally in good condition; however one of the ash trees included a rot hole (A4). Furthermore, in accordance with the Arboricultural Development Statement (CBA Trees, 2014) another ash tree has evidence of *Inonotus hispidus* fruiting bodies growing on the trunk and is considered to be a low grade tree.

Scattered Scrub

A small area of scrub is present in the north-eastern corner of the site. Species recorded include elder *Sambucus nigra*, bramble *Rubus fruticosus* agg., hawthorn *Crataegus monogyna*, nettle *Urtica dioica* and ivy *Hedera helix*.

Tall ruderal vegetation

Tall ruderal vegetation was present along the northern boundary of the site (Plate A6). This area comprised nettle *Urtica dioica*, dock, thistle *Cirsium* sp., forget-me-not *Myosotis* sp., and crane's-bill *Geranium* sp. Additional small, sparse patches of tall ruderal vegetation were also located on top of the bare ground throughout the site. These patches included dock, wall barley *Hordeum murinum*, red fescue *Festuca rubra*, rosebay willowherb *Chamerion angustifolium* and meadow grass *Poa* sp.

4.4 FAUNA

There were no faunal species or faunal evidence identified on site during the field survey.

4.5 INVASIVE PLANT SPECIES

There were no invasive plant species identified on site during the field survey.

5. DISCUSSIONS AND CONCLUSIONS

5.1 SUMMARY OF PROPOSALS

It is understood that a revised layout for the erection of three detached dwellings (Plots 1 – 3 and car port serving Plot 4) is proposed at Pine Close, Westergate (Part alternative to planning permission AL/69/10 and AL/89/10).

The site clearance activities had commenced prior to this field survey under the previous planning permission. It is understood that with the exception of one ash tree, marked as tree 7 in the Site Layout Plan (Chapter 7), the remaining scattered trees situated along the eastern boundary of the site will be retained. Tree 7 is not considered to have a long term retention value due to the growth of *Inonotus hispidus* fruiting bodies on the trunk. The removal of this tree is approved under Planning Permission AL/69/10 and AL/89/10.

5.2 NATURE CONSERVATION SITES

The desk study did not identify any statutory or non-statutory nature conservation sites within a 1 km radius of the survey area.

5.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regards to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 5.4.

Scattered trees

The mature sycamore and ash trees located along the eastern boundary are considered to be of significant ecological value. Due to their age, these trees cannot be easily replaced. The site proposals (provided in Chapter 7) indicate that these trees are to be retained with the exception of one ash tree (Tree 7). Therefore, a recommendation has been made in Section 6.2 regarding protection during construction works. These trees also provide suitable nesting habitat for birds and as such, a discussion of the value of this habitat to protected species is provided in Section 5.4.

Remaining habitats

The remaining habitats, including bare ground, scattered scrub and tall ruderal vegetation are not notable considerations with regards to the proposed development as they are well represented within the local area and can be easily replaced.

5.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 3) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals:

Bats

The desk study provided records for 1 unidentified pipistrelle located 790 m north-east of the survey area. One of the mature sycamore trees along the eastern boundary of the site contained a rot hole. The rot hole was fully inspected and was not deemed suitable for use by roosting bats as it was filled with rain water and was exposed. Therefore, there is no suitable roosting habitat for bats located on site and there was no evidence of roosting bats found during the field survey. However, the scattered trees located on site provide suitable commuting and foraging habitat for bats and therefore a recommendation has been made in Section 6.2.

Badger

The desk study did not reveal any records of badger within a 1 km radius of the survey area. There was no evidence of badger on site during the field survey and there is no suitable sett building or foraging habitats located on site. However, the habitats surrounding the site may provide suitable commuting, foraging and sett building habitats.

Hedgehog

The desk study provided seven records of hedgehog, with the nearest located over 700 m from the survey area. Hedgehogs are not a notable consideration with regards to the development due to the large distance between the desk study record and the survey area, and the lack of suitable habitat.

Amphibians

The desk study provided three records of great crested newt, with the nearest located 500 m west of the survey area. There are no suitable breeding habitats (pond) located on site and there are barriers between the desk study record and the site (such as major roads and housing). The suitable terrestrial habitat located on site (semi-improved grassland) is also limited in extent. Therefore, great crested newts are not a notable consideration with regards to the proposed development.

The desk study also provided records for common frog and smooth newt, however the location of these records was not provided. There are no suitable breeding habitats located on site (ponds) and the nearest pond is located over 300 m from the site boundary. Furthermore, the suitable terrestrial habitat located on site (semi-improved grassland) is also limited in extent and therefore, common frogs and smooth newts are not notable considerations with regards to the proposed development.

Reptiles:

The desk study provided records of grass snake in close vicinity to the site. An old record for an adder, located 100 m from the site was also returned from the desk study. A reptile survey of the land immediately to the south of the new proposed development was undertaken in 2012 (RT-MME-112385), where a 'Good Population' of slow worms was recorded.

It is likely that the grassland habitat within the site prior to the site clearance activities commencing were suitable for reptiles, in particular slow worms.

Birds

The desk study provided a large number of records for bird species listed under Schedule 1 of the Wildlife and Countryside Act 1981(as amended), the RSPB Red and Amber Lists and the Local Biodiversity Action Plan. The habitats located on site are considered unlikely to support the Schedule 1 species. However, the mature trees located on site provide suitable nesting habitat for those species listed on the Local Biodiversity Action Plan and RSPB Red and Amber Lists, such as lesser spotted woodpecker. Therefore, a recommendation regarding protection has been made in Section 6.3 and a recommendation regarding site enhancements that may benefit the desk study species has been made in Section 6.2.

Notable invertebrates

Notable terrestrial invertebrates

The desk study provided a large number of records for butterflies, moths and dragonflies including the purple emperor, listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). The habitats located on site do not support suitable larval foodplants or nectar sources for purple emperor. There were also no terrestrial invertebrates identified on site during the field survey. Therefore, terrestrial invertebrates are not a notable consideration with regards to the proposed development. However, site enhancement opportunities that may benefit terrestrial invertebrates have been recommended in Section 6.2.

Notable plants

The desk study provided over 100 records of flowering plant species within a 1 km radius, of which 2 are listed on the Sussex Rare Species Inventory. There were no notable plants identified on site during the survey which was conducted at a suitable time of year for species to be visible. Furthermore, the habitats located on site are unlikely to support notable plant species such as those identified within the desk study. It is therefore considered that notable plants are not a consideration in relation to the proposed development.

Other species

The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site:

- Dormouse;
- Otter;
- White-clawed crayfish;
- Aquatic invertebrates;
- Red squirrel; and,
- Water vole.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 5.2.

Species / Species Group	Species of Principal Importance?	Local BAP Species?	Summary of Potential Impacts
Foraging Bats	#	#	No impacts
Birds	#	#	Direct harm or injury and minor loss of habitat due to the removal of one mature tree
#: Species dependent			

Table 5.2: Summary of Potential Impacts on Notable Species

5.5 INVASIVE PLANT SPECIES

There were no invasive plant species provided by the desk study and there were no invasive plant species identified on site during the field survey.

A summary of legislation and policy relevant to the ecology of the site is included in Appendix 2.

6. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals (Drawing No. 01 Rev B, provided in Chapter 7), correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

6.1 NATURE CONSERVATION SITES

There are no recommendations to be made regarding nature conservation sites.

6.2 HABITATS

The following recommendations are made regarding the habitats present on site:

R1 Habitat Loss and Enhancement: In accordance with the provision of Chapter 11 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site. This will involve, for example:

- Planting of habitats which will be of value to wildlife, such as:
 - native seed/fruit bearing species to provide foraging habitat for bats and birds;
 - nectar-rich species to attract bees, butterflies and moths;
 - species which attract night flying insects which will be of value to foraging bats, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.
- Provision of nesting habitat, such as installation of nest boxes for species such as house sparrow and tree sparrow
- Installation of bat boxes for species such as pipistrelle.

R2 Trees: Any trees on site or overhanging the site, which are not to be removed as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.

6.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

R3 Nesting Birds: The removal of any trees and vegetation should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive. If this is not possible then the vegetation/trees to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally.

6.4 INVASIVE PLANT SPECIES

The desk study did not provide any records of invasive plant species and there were no invasive plant species recorded on site during the field survey. Therefore, no recommendations have been made regarding invasive plant species.

7. DRAWINGS

Drawing C116948-01 – Phase 1 Habitat Map

Drawing no. 01 Rev C- Proposed Site Layout

433900

433900

A29

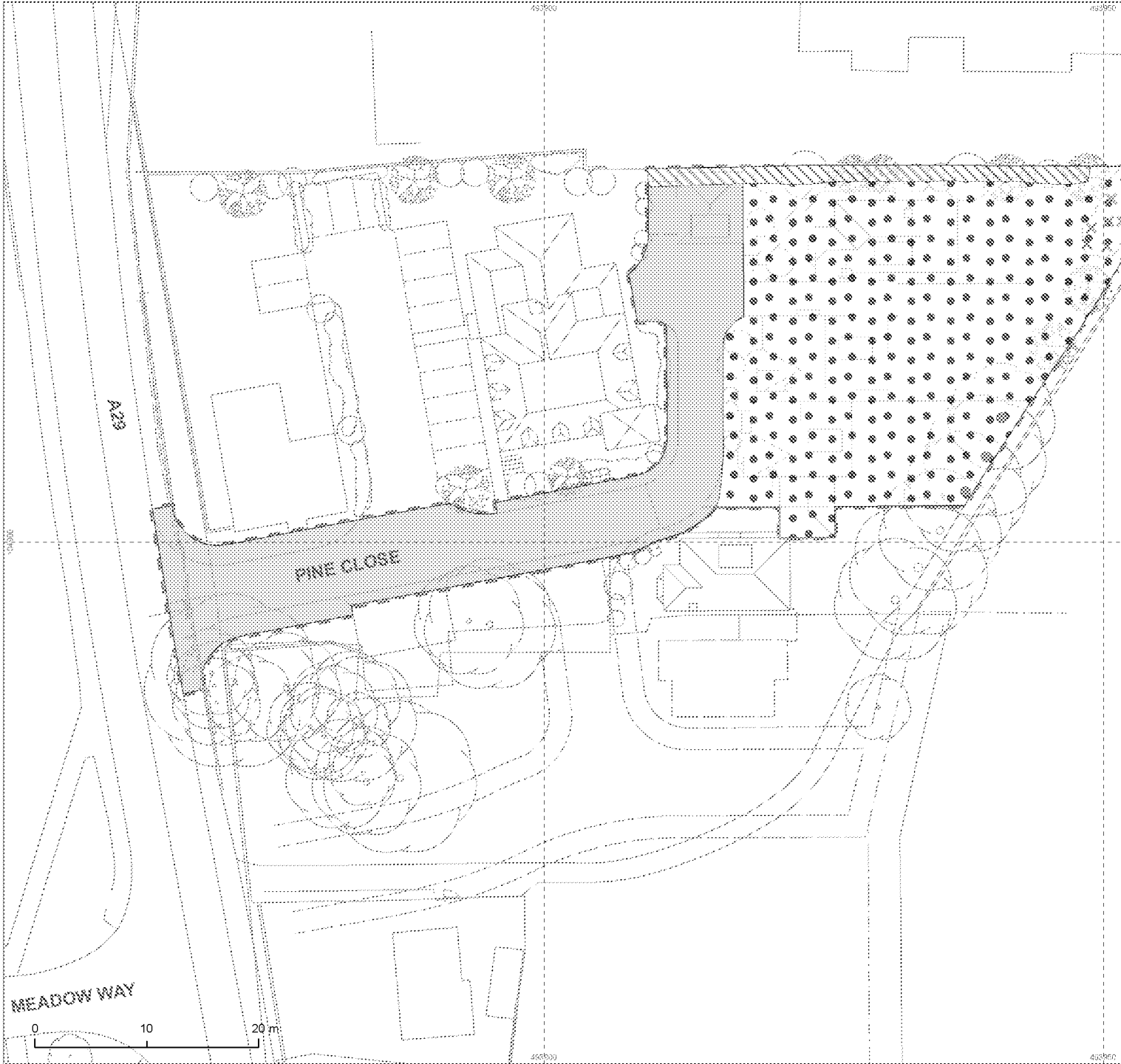
PINE CLOSE

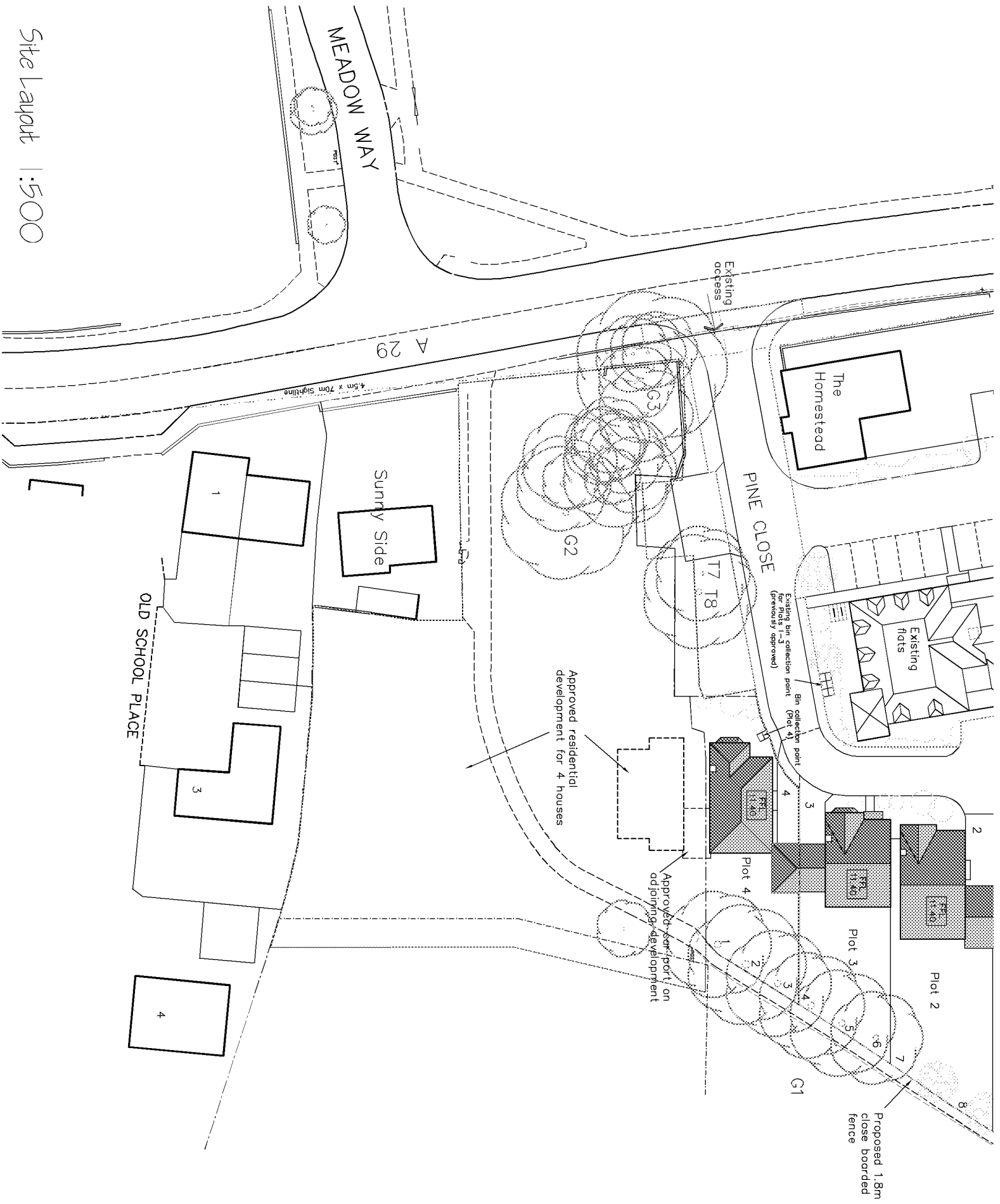
MEADOW WAY

0 10 20 m

433900

433900





8. PHOTOGRAPHS



Plate A1: Overview of the site at the time of the survey



Plate A2: New site access road - Pine Close



Plate A3: Mature sycamore and ash trees along eastern boundary



Plate A4: Rot hole deemed unsuitable for roosting bats



Plate A5: Habitats off site to the east

REFERENCES AND BIBLIOGRAPHY

British Standards Institution (2013). *British Standard 42020: 2013. Biodiversity – Code of practice for planning and development*. British Standards Institution, London.

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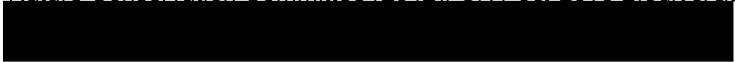
CBA (2014) *Arboricultural Development Statement – Pine Close, Westergate Street, Westergate*

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Joint Nature Conservation Committee (2012). *UK Post-2010 Biodiversity Framework*. Available:



Middlemarch Environmental Ltd (2012) *Westergate, West Sussex Reptile Survey*. Report number RT-MME-112385.

APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites Within 1 km

APPENDIX 2: Overview of Relevant Legislation and Policy

APPENDIX 1

Summary of Statutory Nature Conservation Sites Within 1 km

Site Check Report generated on Wed May 28 2014

You selected the location: Centroid Grid Ref: SU939049

The following features have been found in your search area:

Environmentally Sensitive Areas (England)

No Features found

Local Nature Reserves (England)

No Features found

National Nature Reserves (England)

No Features found

National Parks (England)

No Features found

Ramsar Sites (England)

No Features found

Sites of Special Scientific Interest (England)

No Features found

Special Areas of Conservation (England)

No Features found

Special Protection Areas (England)

No Features found

APPENDIX 2

Overview of Relevant Legislation and Policy

This section provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England.

GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended)

The Habitats Regulations 2010 consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 and all its various amendments. The Habitats Regulations 2010 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2010 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2010 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Habitats Regulations 2010 were amended in August 2012 to ensure clearer transposition of the provisions of Articles 2, 3, 4(4) (second sentence) and Article 10 of the Wild Birds Directive, by giving additional and specific duties to relevant bodies. A number of amendments were also made to transpose more clearly certain elements of the Habitats Directive.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2010 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species. All relevant species specific legislation is detailed later in this Appendix.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Biodiversity Action Plan

The United Kingdom Biodiversity Action Plan (UK BAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UK BAP contained a list of priority habitats and species of conservation concern in the UK, and outlined biodiversity initiatives designed to enhance their conservation status. Lists of Broad and Local habitats were also included. The priority habitats and species correlated with those listed on Section 41 and 42 of the NERC Act.

The UK BAP required that conservation of biodiversity was addressed at a County level through the production of Local BAPs. These were complementary to the UK BAP, however were targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs.

Species and Habitats of Material Consideration for Planning in England

In 2011, the government published the 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' to replace the previous England Biodiversity Strategy. In 2012 the UK BAP was replaced by the UK Post-2010 Biodiversity Framework.

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

NATIONAL PLANNING POLICY FRAMEWORK

In early 2012, the National Planning Policy Framework (NPPF) replaced much previous planning policy guidance, including Planning Policy Statement 9: Biological and Geological Conservation. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 11, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and, where possible, provide net gains in biodiversity. Opportunities to incorporate biodiversity gains into a development should be encouraged.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused.

LOCAL PLANNING POLICY

Chichester, West Sussex

<http://www.chichester.gov.uk/index.cfm?articleid=5080>

New Local Plan 2014-2029

Once the Chichester Local Plan is adopted, all planning applications for development will be judged against its policies. It will replace the Current Local Plan 1999, however until this plan is adopted, the Local Plan 2001-2011 will provide planning policy for the district

Current Local Plan 1999

The Chichester District Local Plan first review was adopted in April 1999. It provides policies to guide development in the district. From 28 September 2007, some of the policies in the Local Plan ceased to have effect. The remaining policies continue to be part of the development plan and are known as 'Saved Policies'. The following policies are of relevance to ecology:

Policy BE14 'Wildlife Habitat, Trees, Hedges and Other Landscape Features'

Proposals for new development will only be granted planning permission if they include:

- a) Appropriate landscaping proposals which include the use of native species unless it can be shown that these are inappropriate to the site and which indicate the replacement of healthy trees lost as a result of the development;
- b) A design and layout which will minimise the impact on features and sites of nature conservation or of geological value and take advantage of opportunities for habitat enhancement and creation.

Development which would have an adverse effect on wildlife species protected by law will not be granted permission.

Proposals for development which will affect existing trees or hedges or which will involve new planting will be required to include:

- 1) Details to be submitted at the time of initial application showing the position of existing and proposed new trees and hedges in relation to both the site as existing and to the development as proposed. Such details should additionally show the location of proposed service cables and pipes;
- 2) Measures to adequately protect existing trees and hedges whilst works are being carried out. The district planning authority may impose conditions on any permission given to ensure that adequate protection is implemented before development commences.

Requirements 1) and 2) must be prepared in accordance with BS5837: 1991 ("Trees in relation to construction").

Policy RE7 'Nature Conservation - Designated Sites'

The district planning authority will refuse permission for development which would be likely to damage, destroy or adversely affect wetlands of international importance (RAMSAR sites), declared or potential Special Protection Areas, candidate Special Areas for Conservation, Sites of Special Scientific Interest and nature reserves. Where particularly sensitive ecological sites are threatened the district planning authority will take active steps to protect them and may seek Article 4 directions.

Policy RE8 'Nature Conservation - Non-Designated Sites'

The district planning authority will seek to protect from development other areas, corridors or other features important to nature conservation or of geological significance, including ancient woodlands and Sites of Nature Conservation Importance, and will refuse permission for development likely to damage, destroy or adversely affect these areas. In appropriate circumstances the district planning authority will seek modifications to proposals, apply appropriate conditions or require legal agreements to secure such protection.

SPECIES SPECIFIC LEGISLATION

This section contains a summary of legislation with relation to the species present or potentially present in the survey area. The reader should refer to the original legislation for definitive interpretation.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) – benefit from the greatest protection; however these two species are not known to occur within West Sussex. Common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected under the Wildlife and Countryside Act 1981 as amended from intentional killing or injuring.

In England and Wales, this Act has been amended by the Countryside and Rights of Way Act 2000 (CRoW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions and increases penalties. The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Government Departments to have regard for the conservation of biodiversity and maintains

lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. All native reptile species are included on these lists.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

Birds

The Conservation of Habitats and Species Regulations 2010 (as amended) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.