

**BROADLEES, DAPPERS LANE,
ANGMERING**

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: Fed3 Projects

Report No: RT-MME-127094

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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:
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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 Fed3 Projects to carry out a Preliminary Ecological Appraisal at the site of proposed building demolition, site clearance and construction of 53 care apartments at Broadlees, Dappers Lane in Angmering. To fulfil this brief an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.

The ecological desk study revealed no European statutory sites within 5 km of the survey area, no UK statutory sites within 2 km, no non-statutory sites within 1 km and seventeen ancient woodland sites within 2 km. The site is not located within 10 km of a statutory site designated for bats. The desk study also provided records of protected and notable species including bats, hedgehog, water vole, dormouse, amphibians, reptiles, birds and invertebrates.

The walkover survey was undertaken on 19th January 2018 by Will Rees (Ecological Project Officer). The study area comprises three distinct segments: a residential property and detached barn, with associated overgrown garden shrubs and grassland in the north-western corner; an impenetrable area of dense scrub and tall ruderal vegetation, with scattered trees in the south-western corner; and an area of grazed semi-improved grassland in the north-eastern corner of the study area.

The key ecological features on site in relation to the works proposed are the presence of notable habitats, including scattered trees and hedgerows and the suitability of the habitats on site to support notable/protected species including bats, birds, amphibians, reptiles, stag beetle and terrestrial mammals including; badger, hedgehog and dormouse.

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

- Biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site;
- Retention and protection of scattered trees and hedgerows;
- A preliminary roost assessment should be undertaken on the trees and buildings which may be impacted by the proposed development works;
- A Bat Activity Survey to determine bat use of the site;
- Any lighting, either temporary or permanent, along the site boundaries should be kept to a minimum and directed away from suitable foraging and commuting features to maintain dark areas and corridors;
- Clearance of vegetation should be undertaken at appropriate times of the year to ensure that nesting birds are not impacted;
- A great crested newt Habitat Suitability Index (HSI) assessment should be undertaken for all ponds identified within 500 m of the edge of the proposed development;
- A reptile survey should be undertaken of suitable habitats within the proposed development site;
- Any excavations that need to be left overnight should be covered or fitted with mammal ramps and any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day;
- If the hedgerows are to be removed as part of the proposed works then removal should be undertaken outside of hibernation season to avoid direct harm/injury to hedgehog;
- A dormouse habitat assessment should be undertaken;
- Vegetation clearance/removal should be undertaken in a sensitive manner to avoid harming small mammals (including hedgehog);
- If the log pile is to be removed to facilitate the development this should be under ecological supervision; and,
- The works must not cause cotoneaster to spread in the wild. It must either be left in situ or removed with care and disposed of in an appropriate manner.

Full recommendation text is provided in Chapter 7.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In January 2018 Fed3 Projects commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Broadlees, Dappers Lane in Angmering. This assessment is required to inform a planning application associated with the demolition of the existing buildings on site, clearance of the dense scrub and removal of a number of scattered trees from the site interior to facilitate the construction of 53 care apartments.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 19th January 2018.

1.2 SITE DESCRIPTION AND CONTEXT

The site under consideration is an irregular shaped parcel of land, approximately 1.3 ha in size, which is located in the eastern outskirts of Angmering village, West Sussex centred at Ordnance Survey Grid Reference TQ 07368 04735.

The study area comprises three distinct segments: A residential property and detached barn, with associated overgrown garden shrubs and grassland in the north-western corner; an impenetrable area of dense scrub and tall ruderal vegetation, with scattered trees in the south-western corner; and an area of grazed semi-improved grassland in the north-eastern corner of the study area. Trees are present within boundary habitats, notably the south-western corner of the site, and scattered through the study area.

Unmanaged hedgerows delineate the northern and southern site boundaries. Water lane and Dapper's lane delineate the southern and western boundaries respectively, while a field grazed by horses lies to the east. Residential housing and a commercial garage lies to the north of the site beyond a strip of dense scrub. The study area is located within a rural setting, surrounded by arable pasture and residential housing with mature gardens.

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.

Document Name / Drawing Number	Author
Proposed Site Layout (inc Proposed Levels) / PL(01)03	Harrisirwin architects and designers

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 in proximity to 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/C* website for statutory conservation sites; and,
- Sussex Biodiversity Record Centre.

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. 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 also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

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 5.

3. LEGISLATION AND POLICY

This chapter 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. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations 2017)

The Habitats Regulations 2017 consolidate and update the Habitats Regulations 2010 (as amended). The Habitats Regulations 2017 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 2017 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 2017 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 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 Habitats Regulations 2017, 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.

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 Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

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.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

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.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG).

This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England. The guidance includes a section entitled 'Natural Environment: Biodiversity, ecosystems and green infrastructure' which sets out information with respect to the following:

- the statutory basis for minimising impacts on biodiversity and providing net gains where possible;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- the considerations for local (non-statutory) designated sites;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how development can enhance biodiversity;
- how policy is applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured; and,
- the consideration of ancient woodlands and veteran trees in planning decisions.

3.3 LOCAL PLANNING POLICY

<http://www.arun.gov.uk/planning-policy>

New Local Plan 2014 – 2029

Once the Arun District Local Plan is adopted, all planning applications for development will be judged against its policies. It will replace the Current Local Plan 2003, however until this plan is adopted the Local Plan 2003 to 2011 will provide planning policy for the district.

Current Local Plan 2003

The Arun District Local Plan was adopted in April 2003 and covers the period up to 2011. It forms a statement of Arun District Council's planning policies which are used as a basis for decision making in planning applications. The key aim of the plan is to apply the principles of sustainable development in assessing development proposals, striking the balance between the need for development and the protection of scarce resources. Policies and proposals within the plan seek to guide development to meet needs, such as economic regeneration and housing, and ensure the provision of appropriate infrastructure, whilst protecting precious resources such as the countryside, open spaces and sites important for nature conservation.

From 27 September 2007, some of the policies in the Local Plan ceased to have effect. The remaining policies continue to be a part of the development plan and are known as 'Saved Policies'. The following policies are of relevance to ecology:

Policy GEN2 'Built-up Area Boundary' - Development or redevelopment will be permitted within the built-up area boundaries (as defined on the Proposals Map, see web resource detailed above), subject to the other policies in this plan. Outside the built-up area boundaries, development or redevelopment will not be permitted unless it is consistent with other Local Plan policies.

Policy GEN3 'Protection of the Countryside' - Outside the Built-up Area, as defined on the Proposals Map (see web resource detailed above), the countryside will be safeguarded for its own sake. Development will not be permitted unless:

- i) It meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste; or
- ii) For quiet, informal recreation; or
- iii) For the diversification of the rural economy; or
- iv) For essential road schemes; or
- v) It is in accordance with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development.

Permission will not be given for the extension of isolated groups of buildings or the consolidation of linear or sporadic development unless the proposal accords with criteria (i) to (iii) or (v).

Policy GEN23 'The Water Environment' - Development will not be permitted if it would have a direct or indirect unacceptable adverse impact on the water environment, notably in relation to rivers, ponds, wetlands, public access in river corridors and water related recreation. Where appropriate, the Council will support initiatives which seek to restore or enhance the water environment.

Policy GEN25 'Water Resources' - Development will only be permitted where the Local Planning Authority is satisfied that adequate water resources are available or will be provided in time to serve the development, and that provision is not considered detrimental to existing abstractions, river flows, water quality, fisheries, amenity or nature conservation.

Policy GEN28 'Trees and Woodland' - Development will not be permitted if it would damage or destroy one or more trees protected by a tree preservation order, identified as ancient woodland or in a conservation area unless: the removal of one or more trees would be in the interests of good Arboricultural practice; or the benefits of the proposed development outweigh the amenity value of the protected trees. Conditions may be used to ensure that, for any trees which are removed as part of the development, an equivalent number are planted on site.

Policy GEN29 'Nature Conservation across the District' - Development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme. Legal agreements may be used to offset the loss of, or impact on, any nature conservation resource present on the site prior to development.

Policy GEN33 'Light Pollution' - Planning permission will be permitted for proposals which involve outdoor lighting schemes subject to: no adverse impact on neighbouring uses or the wider landscape; light levels being the minimum required for security and working purposes; and minimising the potential glare and spillage. Where appropriate, the Local Planning Authority will seek to control the times of illumination.

Policy AREA1 'Areas of Special Character' - Within Areas of Special Character, as defined on the Proposals Map, planning permission will be granted subject to:

- i) The retention of buildings and other features such as boundary walls, hedges, trees, railings, open spaces, etc. which make positive contributions to the special character of the areas;
- ii) The maintenance of an appropriate mix of uses where this is an important element in the character of an area;
- iii) The development makes a positive contribution to the special character of these area, particularly with regard to the characteristics included in the descriptions for each area given in supplementary planning guidance.

Policy AREA13 'Sites of International Importance for Nature Conservation' - Proposals for development in, or likely to affect (directly or indirectly) a site of international importance for nature conservation will be subject to the most rigorous examination. Development not directly connected with or necessary to the management of the site which is likely to have an adverse effect on the site, will not be permitted unless: there is no alternative solution, there are reasons of public health or public safety, or there are benefits of primary importance to the environment.

Where such sites do not host a priority habitat or species, development will not be permitted unless there are imperative reasons of overriding public interest.

Where development is permitted, the use of conditions or planning obligations will be considered in order to avoid and minimise harm to the site, to enhance the site's nature conservation interest, and to secure any compensatory or mitigation measures and appropriate management that may be required.

Policy AREA14 'Sites of National Importance for Nature Conservation' - Proposals for development in, or likely to affect (directly or indirectly) Sites of Special Scientific Interest will be subject to special scrutiny. Where such development is likely to have an adverse effect, it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the national network of such sites.

Where the site concerned is a National Nature Reserve, a site identified by the Nature Conservation Review or Geological Conservation Review, particular regard will be paid to the national importance of that site.

Where development is permitted, harm to the nature conservation interest must be minimised. The use of conditions or planning agreements will be considered to ensure the protection and enhancement of the nature conservation interest, and to provide appropriate compensatory or mitigation measures and site management.

Policy AREA15 'Sites of Local Importance for Nature Conservation' - Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Nature Reserve, Site of Nature Conservation Importance (including ancient woodlands or wildlife corridors) or Regionally Important Geological/Geomorphological Site will not be permitted unless it can be demonstrated that reasons for the proposal outweigh the need to safeguard the nature conservation value of the site/feature. Where development is permitted which would damage the nature conservation value of the site/feature, such damage should be kept to a minimum.

Conditions or planning obligations will be used to secure necessary compensatory or mitigation measures, enhancement and site management.

Where appropriate, the Authority will consider the use of legal agreements to provide appropriate compensatory measures, enhancement and site management.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out in January 2018 by Sussex Biodiversity Record Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

The desk study provided records of seventeen Ancient Semi-Natural Woodlands (ASNW) and Ancient Replanted Woodlands (ARW) located within a 2 km radius of the survey area. The closest is Grooms Copse ASNW located 500 m north of the survey area.

No Sites of Special Scientific Interest (SSSIs) are located within a 2 km radius of the survey area, however the survey area does fall within a SSSI Impact Risk Zone. Given the number of SSSIs within the wider landscape it is unclear which SSSI the risk zone relates to, however the closest is Arundel Park SSSI which is located 5.8 km north-west.

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 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?	Legislation / Conservation Status
Mammals-bats					
Common pipistrelle <i>Pipistrellus pipistrellus</i>	11	2011	50 m north	-	ECH 4, WCA 5, WCA 6, local
Unidentified bat <i>Chiroptera</i> sp.	1	1992	70 m west	#	#
Pipistrelle <i>Pipistrellus</i> sp.	2	2014	70 m west	#	ECH 4, WCA 5, WCA 6
Brown long-eared bat <i>Plecotus auritus</i>	5	2014	230 m south	✓	ECH 4, WCA 5, WCA 6
Long-eared bat <i>Plecotus</i> sp.	2	2016	460 m north	#	ECH 4, WCA 5, WCA 6
Natterer's bat <i>Myotis nattereri</i>	1	2003	500 m south-east	-	ECH 4, WCA 5, WCA 6
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	6	2011	500 m south-east	✓	ECH 4, WCA 5, WCA 6, local
Serotine bat <i>Eptesicus serotinus</i>	2	2011	570 m south-east	-	ECH 4, WCA 5, WCA 6
Noctule <i>Nyctalus noctula</i>	1	2011	570 m south-east	✓	ECH 4, WCA 5, WCA 6
Mammals- other					
Hedgehog <i>Erinaceus europaeus</i>	34	2017	70 m west	✓	WCA 6
Water vole <i>Arvicola amphibius</i>	18	2016	240 m east	✓	WCA 5, local
Dormouse <i>Muscardinus avellanarius</i>	2	2015	520 m north-east	✓	ECH 4, WCA 5, WCA 6
Amphibians					
Smooth newt <i>Lissotriton vulgaris</i>	1	1995	Potentially within 1 km *	-	WCA 5 S9(5)
Common frog <i>Rana temporaria</i>	3	1997	Potentially within 1 km *	-	WCA 5 S9(5)

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Reptiles					
Grass snake <i>Natrix natrix</i>	3	2001	710 m west	✓	WCA 5 S9(1) WCA 5 S9(5)
Adder <i>Vipera berus</i>	1	1991	Potentially within 1 km *	✓	WCA 5 S9(1) WCA 5 S9(5)
Birds					
Eurasian hobby <i>Falco subbuteo</i>	8	2016	370 m west	-	WCA1i
Kingfisher <i>Alcedo atthis</i>	8	2007	610 m west	-	WCA1i
Barn owl <i>Tyto alba</i>	4	2011	650 m north-east	-	WCA1i, local
Red kite <i>Milvus milvus</i>	12	2016	Potentially within 1 km *	-	WCA1i
Firecrest <i>Regulus ignicapilla</i>	1	2014	Potentially within 1 km *	-	WCA1i
Bittern <i>Botaurus stellaris</i>	1	2010	Potentially within 1 km **	✓	WCA1i
Invertebrates					
Stag beetle <i>Lucanus cervus</i>	10	2016	70 m west	✓	ECH 2, WCA 5 S9(5), local
Fish					
European eel <i>Anguilla anguilla</i>	1	2009	610 m west	✓	-
Key: #: Dependent on species. *: Grid reference provided was four figures only. **: Grid reference provided was two figures only. 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: Species on the Sussex Biodiversity Action Plan Note. These tables do 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 4.2 (continued): Summary of Protected/Notable Species Records Within 1 km of Survey Area

Birds

The desk study provided records of seventeen species of bird within a 1 km radius of the survey area that are listed as a Species of Principal Importance for Nature Conservation in England. Examples include; lapwing *Vanellus vanellus*, herring gull *Larus argentatus*, turtle dove *Streptopelia turtur*, skylark *Alauda arvensis* and dunnock *Prunella modularis*.

In addition, the desk study provided records of two species on the RSPB Red list and nine species on the RSPB Amber list within a 1 km radius of the survey area. Red list species comprise; nightingale *Luscinia megarhynchos* and mistle thrush *Turdus viscivorus*. Amber list examples include; willow warbler *Phylloscopus trochilus*, house martin *Delichon urbicum*, redstart *Phoenicurus phoenicurus* and kestrel *Falco tinnunculus*.

Invertebrates

The desk study provided records of twelve species of moth and butterfly within a 1 km radius of the survey area that are listed as a Species of Principal Importance for Nature Conservation in England. Examples include; small heath butterfly *Coenonympha pamphilus*, grizzled skipper butterfly *Pyrgus malvae*, mottled rustic moth *Caradrina Morpheus* and small square-spot moth *Diarsia rubi*.

In addition, the desk study provided records of five species classified as Sussex rare within a 1 km radius of the survey area comprising; purple emperor butterfly *Apatura iris*, adonis blue butterfly *Polyommatus bellargus*, mocha moth *Cyclophora annularia*, maple prominent moth *Ptilodon cucullina* and cypress carpet moth *Thera cupressata*.

Plants

The desk study provided records of sixteen species of plant on the IUCN Redlist (2001) classified as either near-threatened, vulnerable or endangered within a 1 km radius of the survey area. Examples include; wild strawberry *Fragaria vesca* (near-threatened), corn marigold *Glebionis segetum* (vulnerable) and field gromwell *Lithospermum arvense* (endangered).

Records of four species classified as nationally scarce were also provided by the desk study, comprising; woad *Isatis tinctoria*, fringed water-lily *Nymphoides peltata*, rock stonecrop *Sedum forsterianum* and large-leaved lime *Tilia platyphyllos*.

In addition, the desk study provided records of early marsh-orchid *Dactylorhiza incarnata subsp. Incarnata* and musk stork's-bill *Erodium moschatum* within a 1 km radius of the survey area. These species are classified as Sussex rare.

4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive 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	Legislation / Conservation Status
Three-cornered garlic <i>Allium triquetrum</i>	1	2010	Potentially within 1 km **	WCA 9
Cotoneaster <i>Cotoneaster horizontalis</i>	3	2011	Potentially within 1 km **	WCA 9
Montbretia <i>Crocsmia x crocosmiiflora</i>	3	2016	Potentially within 1 km **	WCA 9
Canadian waterweed <i>Elodea canadensis</i>	1	2016	Potentially within 1 km **	WCA 9
Nuttall's waterweed <i>Elodea nuttallii</i>	1	2006	Potentially within 1 km **	WCA 9
Japanese knotweed <i>Fallopia japonica</i>	4	2014	Potentially within 1 km **	WCA 9
Yellow archangel <i>Lamiastrum galeobdolon subsp. argentatum</i>	2	2011	Potentially within 1 km **	WCA 9
Rhododendron <i>Rhododendron ponticum</i>	2	2009	Potentially within 1 km **	WCA 9
Red valerian <i>Centranthus ruber</i>	4	2013	Potentially within 1 km **	Sussex INNS

Table 4.3: Summary of Invasive Species Records Within 1 km of Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Hybrid bluebell <i>Hyacinthoides non-scripta</i> x <i>hispanica</i>	2	2016	Potentially within 1 km **	Sussex INNS
Least Duckweed <i>Lemna minuta</i>	1	2013	Potentially within 1 km **	Sussex INNS
Fringed Water-lily <i>Nymphoides peltata</i>	1	1990	Potentially within 1 km **	Sussex INNS
Winter Heliotrope <i>Petasites fragrans</i>	4	2014	Potentially within 1 km **	Sussex INNS
Cherry Laurel <i>Prunus laurocerasus</i>	2	2005	Potentially within 1 km **	Sussex INNS
Evergreen Oak <i>Quercus ilex</i>	6	2016	Potentially within 1 km **	Sussex INNS
Key: WCA9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals. Sussex INNS: Sussex invasive non-native species				

Table 4.3 (continued): Summary of Invasive Species Records Within 1 km of Survey Area

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C127094-01) is provided in Chapter 8. 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 9.

The survey was carried out on 19th January 2018 by Will Rees (Ecological Project Officer). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	8
Cloud (%)	20
Wind (Beaufort)	F2
Precipitation	Dry

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

January is not an optimal time for completing botanical assessments however, given the nature of the habitats present, this was not considered to be a significant constraint to a robust initial site assessment.

5.3 HABITATS

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

- Bare ground;
- Buildings;
- Dense scrub;
- Introduced shrub;
- Poor semi-improved grassland;
- Scattered trees;
- Site boundaries;
- Species-poor intact hedgerow; and,
- Tall ruderal.

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

Bare ground

Bare ground was present in the north-western portion of the study area in the form of gravelled pathways and bare soil surrounding the buildings (Plates 9.1 and 9.2). Early colonising species were recorded growing within this habitat. Species recorded included; butterfly-bush *Buddleja davidii*, annual meadow-grass *Poa annua*, dandelion *Taraxacum officinale* agg., spear thistle *Cirsium vulgare*, cleavers *Galium aparine*, teasel *Dipsacus* sp., broadleaved plantain *Plantago major* and Canadian fleabane *Conyza canadensis*.

Buildings

Several buildings were located around the survey area. The first building was Broadlees, a two storey house with a pitched clay tiled roof and rendered brick walls (Plate 9.3). The building was in a generally good state of repair with intact walls, gable ends, well-sealed uPVC windows and doors. Roof tiles were generally tightly fitted, however gaps were noted near to the western gable end, where tiles had lifted slightly.

The second building was a single storey barn, with a pitched corrugated cement roof and brick walls (Plate 9.1). A mono-pitched extension extended from the eastern elevation. The structure had previously been used for storage and as a workshop. Access points into the interior were noted with open doors present. Brickwork and timber framed windows were well sealed. Internally the building was in a good state of repair.

The roof was unlined and timber framed, with exposed beams. Evidence of historic nesting birds were recorded on the beams at the gable ends.

A small store was located to the east of the barn. The structure was recessed into the ground, with single brick thick walls, a corrugated metal roof and a brick chimney.

Dense scrub

A thick area of dense scrub was located in the south-western portion of the study area (Plate 9.4). The habitat was largely impenetrable. It is dominated by bramble *Rubus fruticosus* agg., with elder *Sambucus nigra* and hawthorn *Crataegus monogyna* also present. Scattered trees were recorded growing within the scrub habitat, prominently along the southern boundary. Other species recorded included; comfrey *Symphytum* sp., wild privet *Ligustrum vulgare*, cow parsley *Anthriscus sylvestris*, common nettle *Urtica dioica*, sycamore saplings *Acer pseudoplatanus*, hogweed *Heracleum sphondylium*, herb-Robert *Geranium robertianum* and butterfly-bush.

The scrub was historically cleared approximately 5 years prior, but has since colonised the area forming a dense layer of predominantly bramble, with limited herb species.

Introduced shrub

Introduced shrub planting was recorded around the buildings in the north-western portion of the site and bordering the overgrown garden (Plate 9.5). The shrubs have become unmanaged and overgrown. Species recorded included; privet *Ligustrum* sp., bay laurel *Laurus nobilis*, cherry laurel *Prunus laurocerasus*, hebe *Hebe* sp., Mahonia sp., pampas-grass *Cortaderia selloana*, fuchsia *Fuchsia magellanica*, Wilson's honeysuckle *Lonicera nitida*, Japanese laurel *accuba japonica*, Stinking Iris *iris foetidissima* and wall cotoneaster *cotoneaster horizontalis*. Two Wilson's honeysuckle boxed shrubs bordered the driveway.

Poor semi-improved grassland

A field with a short sward height of 8 cm was recorded in the north-eastern corner of the site (Plate 9.6). The field had a lush and species poor sward as a result of historic grazing by sheep. Species recorded included; annual meadow-grass, common bent *Agrostis capillaris*, common mallow *Malva sylvestris*, cleavers, spear thistle, creeping thistle *Cirsium arvense*, hogweed, teasel, dandelion and common nettle. A small tunnel was recorded along the northern boundary of the field, leading under the hedgerow.

Further species poor semi-improved grassland was noted within the north-western portion of the study area, in the form of an overgrown lawn (Plate 9.3). The lawn had developed a longer sward of approximately 20 cm in places with tussocky growth characteristics. The sward was species poor and common species were recorded characteristic of enriched grassland. Species recorded included; perennial rye-grass *Lolium perenne*, annual meadow-grass, common bent, spear thistle, creeping thistle, dandelion, common nettle, daisy *Bellis perennis*, teasel and clover *Trifolium* sp.

Scattered trees

Scattered trees ranging from young to mature are present throughout the site, notably around the residential house, within boundary habitats and in the south-western corner of site within the area of dense scrub (Plate 9.7). Species recorded included: oak *Quercus* sp., ash *Fraxinus excelsior*, elm *Ulmus* sp., sycamore, hawthorn, goat willow *Salix caprea*, apple *Malus pumila*, gum tree *Eucalyptus* sp., Lawson cypress *Chamaecyparis lawsoniana*, holly *Ilex aquifolium* and elder. Ivy *Hedera helix* cover was commonplace on the trees.

A log pile was located to the east of the barn (Target Note 1).

Site boundaries

Walls were recorded within the site interior, and fencing separated the former residential area from the field and dense scrub. Light ivy cover was commonplace.

Species-poor intact hedgerow

Two hedgerows were recorded on site at the time of survey (Plate 9.8). These are labeled on Drawing C127094-01 and are described below:

H1: Hedgerow H1 was located on the northern boundary. This hedgerow was unmanaged and overgrown and merged into neighboring scrub habitat in places. Species recorded included; butterfly-bush, elder,

blackthorn *Prunus spinosa* and goat willow. The hedgerow was between 2-4 m in height and had a scrub understory comprising of bramble.

H2: Hedgerow 2 was located on the southern boundary. This hedgerow was similarly unmanaged and overgrown. Species included predominantly hawthorn and wych elm *Ulmus glabra* (many of which had dutch elm disease) with a scrub and herbaceous understorey of bramble and common nettle.

Tall ruderal

Tall ruderal habitat was recorded to the north of the barn, growing from gravel and along a raised embankment. Species recorded included; common nettle, green alkanet *Pentaglottis sempervirens*, spear thistle, dandelion, caper spurge *Euphorbia lathyris*, Russian-vine *Fallopia baldschuanica*, bristly oxtongue *Helminthotheca echinoides*, cow parsley, hogweed, smooth sow-thistle *Sonchus oleraceus*, sycamore saplings, spring snowflake *Leucojum vernum* and butterfly-bush.

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds

The following bird species were observed on site during the field survey: blackbird *Turdus merula*, robin *Erithacus rubecula*, magpie *Pica pica*, woodpigeon *Columba palumbus*, mallard *Anas platyrhynchos* and blue tit *Cyanistes caeruleus*.

5.5 INVASIVE PLANT SPECIES

Areas of wall cotoneaster *cotoneaster horizontalis* were recorded on site, at the time of the field survey (Target Note 2). This species of cotoneaster is considered invasive under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

Current proposals comprise the demolition of existing buildings on site, clearance of the dense scrub and removal of a number of scattered trees from the site interior to facilitate the construction of 53 care apartments with associated parking, access, footpaths and landscaping.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified no European statutory sites within 5 km of the survey area, no UK statutory sites within 2 km, no non-statutory sites within 1 km and seventeen ancient woodland sites within 2 km. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

SSSI Impact Risk Zone

No Sites of Special Scientific Interest (SSSIs) are located within a 2 km radius of the survey area, however the survey area does fall within a SSSI Impact Risk Zone. Given the number of SSSIs within the wider landscape it is unclear which SSSI the risk zone relates to, however the closest is Arundel Park SSSI which is located 5.8 km north-west. Nevertheless, the nature and scale of the development does not fall within any of the 'risk categories' (please refer to Appendix 1). The proposed development is therefore unlikely to pose a risk to SSSIs. Therefore, UK statutory sites are not a notable consideration in relation to the proposed development.

Ancient Woodland Sites

Seventeen Ancient Semi-Natural Woodlands (ASNW) and Ancient Replanted Woodlands (ARW) are located within a 2 km radius of the survey area. The closest is Grooms Copse ASNW which is located 500 m north of the survey area. Due to the large intervening distance between these ancient woodland sites and the survey area as well as the built-up nature of the intervening habitats, it is considered unlikely that these conservation sites will be adversely impacted as a result of the proposed works. Therefore, Ancient Woodland sites are not a notable consideration in relation to the proposed development.

6.3 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 regard 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 6.4.

Scattered trees

Mature and semi-mature trees are of intrinsic value as they cannot be easily replaced in the short to medium term. It is understood that some of the trees on site are to be removed to facilitate the proposed works. Where possible, mature and semi-mature trees should be retained as part of the proposed works. There is potential for the retained trees to be indirectly impacted, such as through root compaction by machinery, etc. Therefore, scattered trees are a notable consideration in relation to the proposed development and a recommendation has been made in Section 7.2.

Species-poor intact hedgerow

Hedgerows are a Habitat of Principal Importance for Nature Conservation in England if they measure over 20 m in length and less than 5 m in width, consist predominantly of at least one woody UK native species, and any gaps measure less than 20 m in width. The hedgerows on site satisfy the criteria required and are therefore a Habitat of Principal Importance. It is unknown whether the hedgerows are to be retained as part of the proposed works; however, if the hedgerows are to be retained there may be indirect impacts as a result of the works, such as root compaction by machinery, etc. Therefore, hedgerows are a notable consideration and a recommendation has been made in Section 7.2

Bare ground, buildings, dense scrub, introduced shrubs, poor semi-improved grassland, site boundaries and tall ruderal

The remaining habitats are well represented locally, have low species diversity or can be easily recreated post development. They are also not Habitats of Principal Importance or listed on a Local BAP. These habitats are therefore not considered to be notable considerations.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Scattered trees	-	-	Habitat loss and root compaction by machinery
Species-poor intact hedgerow	✓	-	Habitat loss and root compaction by machinery

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 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 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals

Bats

The desk study provided thirty-one records of at least nine species of bat located within a 1 km radius of the survey area. The closest record is of a common pipistrelle located 50 m north. The main house on site is generally well sealed, however minor gaps under tiles may provide access into a loft void suitable for roosting bats. The trees on site were also of sufficient size and age to support roosting bats. Roosting bats are therefore a notable consideration in relation to the proposed development and a recommendation has been made in Section 7.3.

The boundary habitats and scrub within the site may provide suitable foraging and commuting habitat for bats. It is considered that removal of scrub will not impact bats in the long-term as it is widely available in the wider landscape. However, the development proposal may result in the fragmentation of boundary habitats within the site.. It is likely that there will be an increase in lighting within a generally dark area as a result of the proposed development which could result in further fragmentation of suitable habitat for bats. Therefore, foraging and commuting bats are a notable consideration in relation to the proposed development and a recommendation regarding the control of lighting has been made in Section 7.3.

Due to the potential extent of habitat loss and moderate potential value of the habitat on site for bats, activity surveys may be required. A recommendation for these surveys has been provided in Section 7.3.

Badger

The desk study provided no records of badger within a 1 km radius of the survey area. No evidence of badger was noted on site at the time of survey, such as setts, foraging signs or latrines, however, the area of scrub was largely impenetrable. This area could provide suitable habitat for badger. It is considered that the majority of the survey area provides suboptimal sett creating habitat for badger. However, due to the presence of dense scrub in the south-western corner of the site badger may occasionally pass through the site. Therefore, a precautionary recommendation has been made in Section 7.3.

Hedgehog

The desk study provided thirty-four records of hedgehog within a 1 km radius of the survey area. The closest record is located 70 m west of the survey area. The hedgerows, grassland and scrub on site may provide suitable habitat for hedgehog and provide connectivity to other areas of suitable habitat in the surrounding landscape. The hedgerows on site may also provide suitable nesting habitat for hedgehog. If the hedgerows on site are to be impacted by the proposed works then there is potential for impacting on hibernating hedgehog. As such a recommendation has been made regarding the protection of hedgehog within Section 7.3.

Water vole

The desk study provided eighteen records of water vole within a 1 km radius of the survey area. The closest record is located 240 m east. There are no areas within the site or within the immediate vicinity of the site that may provide suitable habitat for water vole. Therefore, water vole are not a notable consideration in relation to the proposed works.

Dormouse

The desk study provided two records of dormouse within a 1 km radius of the survey area. The closest record is located 520 m north-east. The existing dense scrub with scattered trees contain species associated with dormouse. However, the scrub was very dense with a well shaded understorey and was generally unfavourable. There appears to be no or very limited connectivity to suitable deciduous woodland within the wider landscape, reducing the likelihood of dormice on site. However, due to the presence of suitable plant species on site and the proximity of the desk study records the presence of dormice cannot be ruled out. As such, a recommendation has been made in Section 7.3.

Amphibians

The desk study provided one record of smooth newt and three records of common frog within a 1 km radius of the survey area. The site offers no suitable breeding habitat for amphibian species however, the overgrown grassland within the survey area may provide suitable terrestrial habitat for amphibian species. Reference to Ordnance Survey mapped data and aerial imagery indicates the presence of a pond to the immediate south of the site beyond water lane. This pond appears to be in regular use by waterfowl and appears to contain fish. It is therefore considered to provide poor quality habitat for breeding great crested newts. The presence of fish significantly reduces the likelihood of the pond to support great crested newt as fish are known to predate great crested newt larvae. Reference to Ordnance Survey mapped data indicates the presence of one further pond and several ditches within 500 m of the survey area. Due to the presence of suitable breeding habitat within the vicinity and the overgrown grassland on site which offers some cover opportunities the presence of amphibians including great crested newt cannot be ruled out. As such, a recommendation has been provided in Section 7.3.

Reptiles

The desk study provided three records of grass snake and one record of adder within a 1 km radius of the survey area. The patches of overgrown semi-improved grassland on site may provide suitable habitat for reptiles offering opportunities for basking, foraging and refuge while the log piles on site provide potential hibernacula for reptiles. The hedgerows on site also provide connectivity to suitable habitat in the surrounding landscape. Therefore, reptiles are a notable consideration in relation to the proposed works and a recommendation has been made in Section 7.3.

Birds

The desk study provided records of six species listed as Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) located within a 1 km radius of the survey area. Due to the specific breeding ranges and habitat requirements of these birds, it is considered unlikely that these species will breed within the survey area.

Numerous other notable bird species were also identified within the desk study, including Species of Principal Importance and species listed on the RSPB Amber and Red lists. The scattered trees, ivy cover, scrub and buildings on site provide suitable nesting opportunities for birds. If this habitat is to be disturbed or removed during nesting bird season, then there is potential to directly impact nesting birds. As such, a recommendation has been made in Section 7.3. Due to the presence of alternative features within the local vicinity, it is considered that the works should not adversely impact birds in the long-term. Nevertheless, as some loss of habitat will occur, enhancement recommendations are provided in Section 7.2.

Invertebrates

The desk study provided ten records of stag beetle within a 1 km radius of the survey area. The closest record is located 70 m west of the survey area. The log pile on site may provide suitable habitat for stag beetle within the survey area. If this habitat is to be impacted by the proposed works there is potential to directly harm stag beetle. Therefore, a precautionary recommendation has been made within Section 7.3.

The desk study also provided records of seventeen species of notable invertebrate within a 1 km radius of the survey area. Although the site provides food plants for some notable invertebrate species, such as small heath butterfly which feeds on meadow-grasses, there is similar suitable habitat in the surrounding landscape. The development of the site is therefore considered unlikely to adversely impact notable

invertebrates in the long-term. Nevertheless, as some loss of habitat will occur, enhancement recommendations are provided in Section 7.2.

Plants

The desk study provided records of a number of notable plant species within a 1 km radius of the survey area. None of these species were identified on site during the field survey. Although, January is not a suitable time of year for botanical assessment, due to the specific habitat requirements of these species it is considered unlikely that they would be present within the survey area. Therefore, plants are not a notable 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 and its surroundings: white-clawed crayfish *Austropotamobius pallipes*, otter *Lutra lutra*, red squirrel *Sciurus vulgaris*, harvest mouse *Micromys minutus*, pine marten *Martes martes*, polecat *Mustela putorius* and brown hare *Lepus europaeus*.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	#	loss of suitable habitat, direct harm or injury, fragmentation, lighting.
Terrestrial mammals including badger	#	Direct harm or injury
Hedgehog	✓	Direct harm or injury
Dormouse	✓	Direct harm or injury
Amphibians	#	Direct harm or injury
Reptiles	✓	Direct harm or injury
Birds	#	Habitat loss, direct harm or injury
Stag beetle	#	Habitat loss, direct harm or injury
Key: #: Species dependent		

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

The desk study provided records of six species of invasive plants within a 1 km radius of the survey area. None of these species were noted on site at the time of survey; however, wall cotoneaster *Cotoneaster horizontalis* was recorded on site at the time of survey. Wall cotoneaster is listed as Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and it is therefore an offence to allow this species to spread in the wild. Therefore, a recommendation is made in Section 7.4.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, 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.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

No recommendations are made regarding nature conservation sites.

7.2 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 include for example:

- Planting of habitats which will be of value to wildlife, such as:
 - native seed/fruit bearing species to provide foraging habitat for mammals and birds;
 - nectar-rich species to attract bees, butterflies and moths;
 - species which will 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/roosting habitat, such as instillation of nest boxes for species such as house sparrow, dense scrub or native thicket for species such as song thrush, and bat boxes for species such as pipistrelle.
- Inclusion of hedgehog passes under any fences to allow connectivity between the site and the wider area.

R2 Trees/Hedgerows: The development should be designed to retain semi-mature and mature trees and hedgerows where possible. Any trees and hedgerows on site, which are to be retained 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. Any trees and hedgerows which are to be removed as part of the proposed works should be mitigated within the landscaping design, through the inclusion of appropriate native or wildlife attracting species of adequate size.

7.3 PROTECTED / NOTABLE SPECIES

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

- R3 Roosting Bats:** A preliminary roost assessment should be undertaken on the buildings and trees which may be impacted by the proposed development works. Preliminary roost assessments can be completed at any time of year. Dependent upon the results of the preliminary assessment, nocturnal emergence and dawn re-entry surveys could be required. Surveys should be undertaken in line with best practice survey guidelines (Collins, 2016), during the bat activity season. The bat activity season is considered to extend from May to September (inclusive), with the optimum survey period between mid-May and August (inclusive).
- R4 Commuting and Foraging Bats:** A Bat Activity Survey should be undertaken to determine bat use of the site. Foraging bat surveys can be completed in suitable weather in accordance with the Bat Conservation Trust Guidelines (Collins, 2016). The exact scope of this will be dependent on consultation with the Local Planning Authority, as well as the final design of the development works.
- R5 Lighting:** In line with paragraph 125 of the National Planning Policy Framework, the development should aim to limit the impact of light pollution on bats through the careful use of lighting in critical areas only and at a low level with minimum spillage. Any lighting, either temporary or permanent, along the site boundaries should be kept to a minimum and directed away from suitable foraging and commuting features to maintain dark areas and corridors. Lighting should be designed using guidance from 'Landscape and Urban Design for Bats and Biodiversity' (Gunnell et al, 2012, Bat Conservation Trust).
- R6 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation/buildings 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, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- R7 Great Crested Newt:** A great crested newt Habitat Suitability Index (HSI) assessment should be undertaken for all ponds identified within 500 m of the edge of the proposed development. Great crested newt Habitat Suitability Index assessments can be carried out at any time of year, although if possible it is preferable to carry out the assessments between March and October. If suitable great crested newt breeding ponds are identified with connecting habitat to the proposed development site it is likely that a full great crested newt survey will be required.
- R8 Reptiles:** A reptile survey should be undertaken of suitable habitats within the proposed development site. Reptile surveys can be completed in suitable weather conditions between April and September (inclusive).
- R9 Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R10 Hibernating Hedgehog:** If the hedgerows are to be removed as part of the proposed works then removal should be undertaken outside of hibernation season to avoid direct harm/injury to hedgehog. Hedgehog hibernation is weather dependent but generally extends between October and April. If this is not possible then clearance should be undertaken with supervision from a suitably qualified ecologist. Should a hibernating hedgehog be discovered during the clearance, works should cease immediately and a local wildlife hospital be contacted.
- R11 Dormouse:** A dormouse habitat assessment should be undertaken to determine the potential impacts for this species.
- R12 Small Mammals:** Vegetation clearance/removal should be undertaken in a sensitive manner to avoid harming small mammals (including hedgehog). If any are found during the course of site-based works they should be removed carefully to a suitably undisturbed location within the near vicinity.

- R13 Stag beetles:** The log pile should be retained on site, if possible. If this feature is to be removed to facilitate the development this should be under ecological supervision. Where possible the log pile should be translocated into suitable habitat in the local area.

7.4 INVASIVE PLANT SPECIES

The following recommendation is made regarding invasive plant species:

- R14 Cotoneaster:** The works must not cause cotoneaster to spread in the wild. It must either be left in situ or removed with care and disposed of in an appropriate manner.

8. DRAWINGS

Drawing C127094-01 – Phase 1 Habitat Map



C127094-01

Legend

- Site boundary
- Scattered coniferous tree
- Scattered tree
- +++++ Fence
- Species-poor intact hedgerow
- Bare ground
- Building
- Dense scrub
- Introduced shrub
- SI Poor semi-improved grassland
- Tall ruderal
- ⊙ Target note
 1. Log pile
 2. *Cotoneaster horizontalis*
 3. Stump



Project Broadlees, Dappers Lane , Angmering,
West Sussex

Drawing Phase 1 Habitat Map

Client Frontier Estates Limited

Drawing Number C127094-01 Revision 00

Scale @ A4 1:1000 Date February 2018

Approved By WR Drawn By CD

MIDDLEMARCH
ENVIRONMENTAL

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9. PHOTOGRAPHS



Plate 9.1: Bare ground and building



Plate 9.2: Bare ground



Plate 9.3: Building and semi-improved grassland



Plate 9.4: Dense scrub



Plate 9.5: Introduced shrubs



Plate 9.6: Poor semi-improved grassland



Plate 9.7: Scattered trees



Plate 9.8: Species poor intact hedgerow

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

Site Check Report Report generated on Tue Jan 30 2018

You selected the location: Centroid Grid Ref: TQ073046

The following features have been found in your search area:

Ancient Woodland (England)

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1476139

Area (Ha)

9.377689

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1475906

Area (Ha)

2.718436

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1476080

Area (Ha)

0.317846

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1476093

Area (Ha)

3.996879

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1476094

Area (Ha)

7.488846

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1475986

Area (Ha)

0.858461

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1475989

Area (Ha)

0.95058

Wood Name

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1475991

Area (Ha)

0.135418

Wood Name

Theme Name

Ancient Replanted Woodland

Theme ID

1476078

Area (Ha)

53.077914

Wood Name

Theme Name

Ancient Replanted Woodland

Theme ID

1476125

Area (Ha)

29.214052

Wood Name

Theme Name

Ancient Replanted Woodland

Theme ID

1476126

Area (Ha)

3.984615

Wood Name

Theme Name

Ancient Replanted Woodland

Theme ID

1476127

Area (Ha)

159.493332

Wood Name

Theme Name

Ancient Replanted Woodland

Theme ID

1476128

Area (Ha)

34.198396

Wood Name

charlow furze field, lower charlow, pound lane co*

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1476102

Area (Ha)

2.152108

Wood Name

decoy pond wood, plat, the lag, poling brook

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1475988

Area (Ha)

3.153832

Wood Name

jews head coppice, seldon coppice, jewshead wood

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1475992

Area (Ha)

5.136515

Wood Name

pound lane coppice, lower charlow, charlow furze *

Theme Name

Ancient & Semi-Natural Woodland

Theme ID

1475987

Area (Ha)

0.5423

Local Nature Reserves (England)

No Features found

National Nature Reserves (England)

No Features found

Sites of Special Scientific Interest (England)

No Features found

SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications

Infrastructure

Airports, helipads and other aviation proposals.

Wind & Solar Energy

Minerals, Oil & Gas

Rural Non Residential

Residential

Rural Residential

Air Pollution

Combustion

Waste

Composting

Discharges

Water Supply

Notes

GUIDANCE – How to use the Impact Risk Zones

[/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)

Ramsar Sites (England)

No Features found

Proposed Ramsar Sites (England)

No Features found

Special Areas of Conservation (England)

No Features found

Possible Special Areas of Conservation (England)

No Features found

Special Protection Areas (England)

No Features found

Possible Special Protection Areas (England)

No Features found

MAGiC

Broadlees, Drappers Lane - 2 km search



Legend

- Local Nature Reserves (England)
- National Nature Reserves (England)
- Sites of Special Scientific Interest (England)
- SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
- Ancient Woodland (England)
- Ancient and Semi-Natural Woodland
- Ancient Replanted Woodland

Projection = OSGCR36
xmin = 502300
ymin = 102100
xmax = 512400
ymax = 107100

Map produced by MAGiC on 30 January 2018.
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0 0.5 1
km

APPENDIX 2

Overview of Relevant Species Specific Legislation

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- *'Any structure or place that displays signs indicating current use by a badger'.*

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England³⁰. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

Birds

The Conservation of Habitats and Species Regulations 2017 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.

Dormouse

Dormice and the places they use for shelter or protection receive European protection under The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that dormice, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a dormouse;
- deliberately disturb dormice; or
- damage or destroy a breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead dormouse, part of a dormouse or anything derived from a dormouse, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

Great Crested Newt

Great crested newts (GCN) and the places they use for shelter or protection receive European protection under The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that GCN, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a GCN;
- deliberately disturb GCN;
- deliberately take or destroy eggs of a GCN; or
- damage or destroy a GCN breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead GCN, part of a GCN or anything derived from GCN, which has been unlawfully taken from the wild. This legislation applies to all life stages of GCN.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

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.

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 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.