

Report by: **KJF Consultancy** Ltd

Title: **Preliminary Ecological Appraisal (PEA) -
Land adj Shripney Road (A29),
Bognor Regis, West Sussex PO22 9NP**

Client: **Hanbury Properties Ltd**



Membership No. 1494354



Registration No. 4482



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1. Summary and findings

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1.1 Site address and grid reference

- 1.1.1 The site is a paddock, adj Shripney Road (A29), Bognor Regis PO22 9NP. The site and the grid reference at the centre of the site are shown within the aerial photograph of the site below.



Photograph 1 (courtesy of Google). Aerial photograph of the site.

Presumed boundaries ——— * ——— * ——— * ——— * ——— * ——— * ———

1.2 Proposed development

- 1.2.1 Not known; no details of a proposed development were provided.

1.3 Information received

- 1.3.1 A topographical survey was provided by email.

1.4 Site area

- 1.4.1 The site area (measures using CAD) = 17571m² (1.7571 ha, 4.34 ac).

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1.5 Instruction received

1.5.1 I was instructed by the client to survey the site for habitats and species, and provide a report with recommendations.

1.6 Methodology

1.6.1 The survey consisted of a Preliminary Ecological Appraisal (PEA). A PEA normally comprises of (a) a desk study, followed by (b) a walkover survey of the site.

1.6.2 The desk study consists of online research to obtain information on any statutory designated sites/priority habitats, locally protected sites, and records of any European Protected Species (EPS) Mitigation Licences having been issued by Natural England relevant to the site. Google Earth Pro is used to ascertain if there are any ponds/waterways within 200m of the site. Following the online research, the walkover survey is carried out.

1.6.2.1 A walkover survey is a rapid assessment of a sites ecological features, and its surrounding area - the zone(s) of influence in relation to a specific project (usually a proposed development). I visited the site 28.09.18.

1.6.3 The key objectives of a PEA are:-

- (a) to identify the likely ecological constraints associated with a project;
- (b) identify any mitigation and compensation measures likely to be required;
- (c) identify any additional surveys that may be required to inform an Ecological Impact Assessment (EcIA); and
- (d) identify the opportunities offered by a project to deliver ecological enhancements.

1.6.4 Essentially, a PEA informs the client (and the project team) of any likely impacts on statutory designated sites, priority habitats, and protected species/EPS, and enables a report to be provided that gives appropriate recommendations.

1.6.5 Photographs, taken at the time of the PEA (date and time stamped), are attached.

1.6.6 My findings are given at 4. My conclusion is given at 5; my recommendations are given at 6.

1.6.7 Details of my credentials are attached at appendix 1.

1.6.8 Details of relevant legislation and policies are attached at appendix 2.

2. Limitations

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2.1 The following are considered limitations:-

- (a) not receiving a proposed site layout plan;
- (b) the sward/vegetation having recently been cut to near ground level, and carrying out the walkover survey during September only;
- (c) not making a request for data (records of any protected species/EPS within 1km of the site) from the local environmental records centre.

3. Findings - desk study

3.1 Under The Conservation of Habitats and Species Regulations 2017 (the Regulations) Special Areas of Conservation (SACs), Special Protection Area (SPAs), and RAMSAR sites are designated as European Protected Sites.

3.1.1 SACs are established under the EU Habitats Directive (92/43/EEC). Article 1 of the Habitats Directive defines a SAC *"a site designated according to the Habitats Directive."*

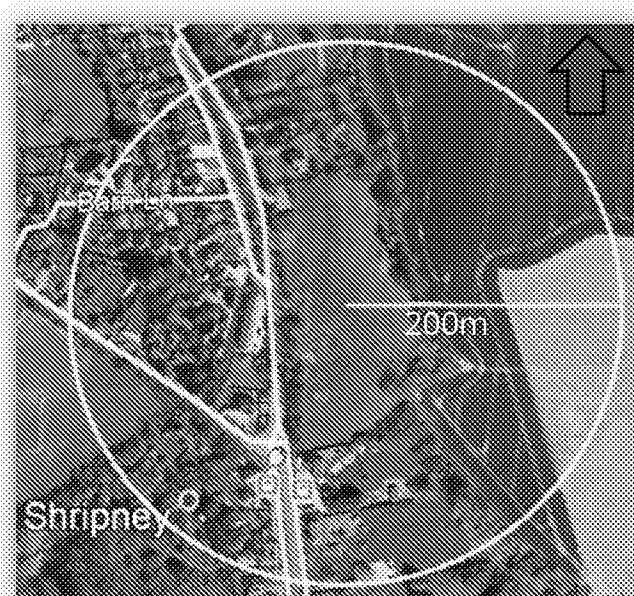
3.1.2 SPAs are sites designated under the Birds Directive (2009/147/EC). The aim of SPAs is to safeguard the European Bird species considered to be of particular importance and therefore listed in Annex I of the Birds Directive, as well as regularly occurring migratory Bird species, which are not necessarily listed in Annex I. The Birds Directive also applies to Birds' eggs, nests and habitats.

3.1.3 RAMSAR sites are wetlands considered to be of international importance.

3.1.4 The site does not lie within or adjacent to a SAC, a SPA, or a RAMSAR site.

3.2 The site does not lie within or adjacent to a priority habitat. The nearest priority habitat (Deciduous Woodland) is approx. 75m from the southwest corner of the site.

3.3 The site does not lie within 500m of a Site of Special Scientific Interest (SSSI).



3.4 There are no locally protected sites within 100m of the site.

3.5 There are no records of any EPS Mitigation Licences having been issued by Natural England within 100m of the site.

3.6 As shown within the aerial photograph opposite (not to scale), no ponds/waterways are within the site or within 200m of the site.

3.7 According to the British Geological Survey website, the bedrock is chalk.

Photograph 2 (Courtesy of Google).

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4. Findings - PEA

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4.1 The site

4.1.1 The site is level and used as a paddock; at the time of my survey, the sward/vegetation had been recently cut close to ground level. Therefore, an assessment of the species present and their abundance could not be carried out. However, given the site is a paddock, it would be heavily grazed, and it is unlikely that there would be any species of importance. A ditch runs between the road and the west boundary; at the time of the survey, no water was present within the ditch. Hedges and trees are growing within all the boundaries; some of the trees are mature Common oaks that are important habitats for wildlife.

4.2 Buildings/structures present

4.2.1 There are no buildings within the site. There is an open fronted timber structure at the west boundary that is used for storage.

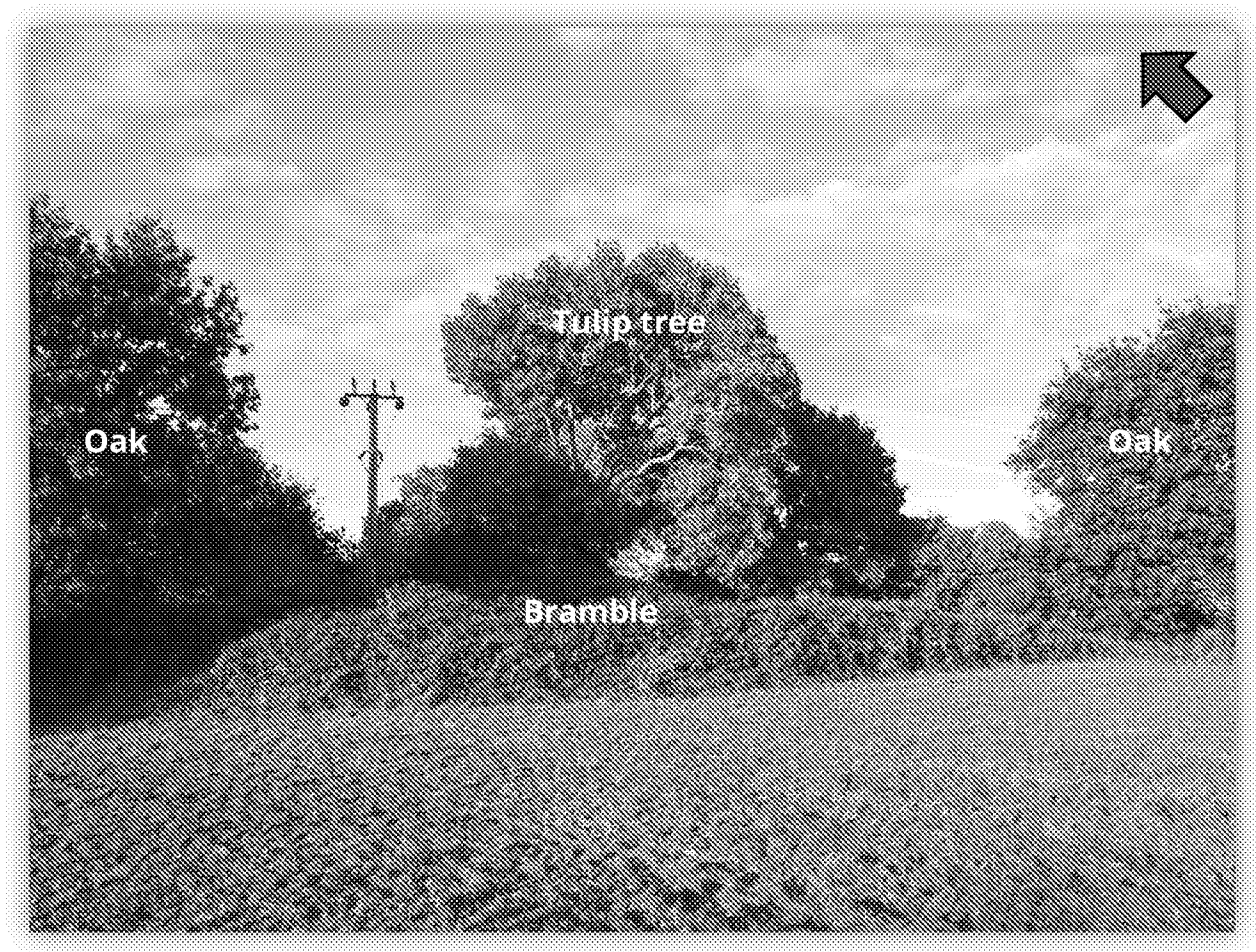
4.3 Photographs

4.3.1 Relevant photographs are below.



Photograph 3. The site - facing north.

Comments: the photograph shows the level site, and the sward/vegetation cut close to ground level.



Photograph 4. The north boundary.

Comments: mature Common oaks are growing near the northeast corner; the trees are growing on adjacent land. A mature Sycamore and a mature Tulip tree are also growing on adjacent land, adjacent to the boundary. Dense Bramble is growing along the north boundary, and there is a young Common oak and a mature Hawthorn growing toward the northwest corner of the site. A small section of Leyland cypress hedge and dense Bramble are growing in the northwest corner of the site. There is an electricity sub-station at the northern end of the west boundary.



Photograph 5. The east boundary.

Comments: Common oak trees are growing on adjacent land, adjacent to the southeast corner of the site. Heading east, the boundary contains several mature Common oak trees, several mature previously coppiced Hazel and mature Hawthorn that are also growing on adjacent land, near the edge of the boundary. There is a mature Field maple that is also growing on adjacent land, and several mature Blackthorn that were in fruit at the time of the survey that are growing toward the end of the boundary. There are also areas of dense Bramble.



Photograph 6. The south boundary.

Comments: the south boundary from the southwest corner to near the middle of the boundary consists of a boundary wall. After the wall, heading east, there are several mature Lilacs and several young Willows, and occasional mature Blackthorn, Hawthorn, and Hazel, and dense Bramble. There is also a mature Common oak that is growing on adjacent land, close to the boundary.



Photograph 7. The west boundary.

Comments: heading south, there is an area of dense Bramble after the sub-station, which leads to a row of self-set trees growing along the west boundary; the trees are predominantly maturing White poplars, young Sycamores, and young Common ash.

4.4 Observations

4.4.1 Observations made at the time of the PEA regarding protected species/EPS, are below.

- Amphibians (Great crested newts are EPS): no evidence found on site or suitable habitats.
- Badgers: no evidence found on site or suitable habitats.
- Bats: the timber structure at the west boundary that is used for storage does not contain any features likely to be used by bats. Bat activity surveys (transect and static surveys) were carried out by KJF Consultancy Ltd; a report following the surveys has been provided separate to this report.
- Hazel dormouse (EPS): no evidence found on site, however, the mature Hazels close to the east and south boundaries could be a habitat for the species.

- Nesting Birds: the PEA was not carried out during the bird-nesting season (1st March to 31st July), however, the north and east boundaries contain suitable habitats for nesting birds.
- Reptiles (Sand lizard and Smooth snake are EPS): no evidence found on site or suitable habitats.
- Old/Veteran Trees: none present.
- Site features of ecological interest: none.

5. Conclusion

5.1 It is proposed to develop a significant area of land adj Shripney Road (A29), Bognor Regis, West Sussex PO22 9NP; however, no details of a development were provided. Therefore, it has not been possible to assess the likely impacts on any habitats present. However, assumptions have been made regarding likely impacts.

5.2 KJF Consultancy Ltd was instructed by Hanbury Properties Ltd, to survey the site for habitats and species, and provide a report with recommendations. A Preliminary Ecological Appraisal was carried out that consisted of a desk study followed by a walkover survey of the site on 28.09.18.

5.3 Regulation 63-(1) of The Conservation of Habitats and Species Regulations 2017 (the Regulations) places a duty on Local Planning Authorities to carefully consider any proposals that might have a significant effect on a Protected European Site. The Regulation is below.

Assessment of implications for European sites and European offshore marine sites

63-(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which-

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

5.3.1 Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and RAMSAR sites are Protected European Sites.

5.4 The site does not lie within a European Protected Site.

5.5 The site does not lie within a priority habitat. The nearest priority habitat (Deciduous Woodland) is approx. 75m from the southwest corner of the site.

- 5.6 The site does not lie within 500m of a Site of Special Scientific Interest (SSSI).
- 5.7 There are no locally protected sites within 100m of the site.
- 5.8 There are no records of any EPS Mitigation Licences having been issued by Natural England within 500m of the site.
- 5.9 There are no ponds/waterways within the site or within 200m of the site.
- 5.10 No habitats for protected species/EPS were found on site; there was no evidence found within the site of any protected species/EPS. However, the sward/vegetation had recently been cut to near ground level, and the survey of the site was only carried out in September.
- 5.11 There are no buildings within the site; the only structure within the site is an open fronted timber structure used as a store. The structure does not contain any features likely to be used by bats. KJF Consultancy Ltd have carried out bat activity surveys (transect and static surveys) and produced a report following the surveys that has been produced separate to this report.
- 5.12 There are potential habitats for protected species/EPS close to the site boundaries. Mature Hazels are growing on adjacent land - close to the east and south boundaries that could be a habitat for the Hazel dormouse (a EPS). Hedges and trees are growing within all the boundaries; some of the trees are mature Common oaks that are important habitats for wildlife.
- 5.13 According to West Sussex County Council's Local List for the Validation of Planning Applications, an Ecological Appraisal report is required where a development within/adjacent to or that could impact upon:-
- internationally designated area (e.g. SAC, SPA, Ramsar sites);
 - nationally designated area (SSSI);
 - locally designated area (e.g. Local Wildlife Site, (LWS), Local Geological Site/RIGS, Local Nature Reserve) or an area of Ancient Woodland;
 - proposals on brownfield sites, applications involving works to or demolition of an existing building;
 - proposals that involve the removal of trees,
- 5.14 Recommendations are given below.
- 5.15 This report should not be submitted to the LPA with a planning application.

6. Recommendations

1. A request for data should be made to the local environmental records centre to ascertain the details of known protected species/EPS within 1km of the site.
2. The mature Hazel need to be inspected for evidence of Hazel dormouse activity; the inspections can be carried out at any time of the year.
3. Following the production of a proposed site layout plan, an Ecological Impact Assessment (EclA) will need to be carried out and a report (EclA Report) will need to be produced as supporting information for the proposed development. The report should include the data received from the local environmental records centre.
4. A tree survey to BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations, should be carried out; the tree survey can be carried out at any time of the year.
5. Following the tree survey, a Tree Constraint Plan should be produced that gives the Root Protection Areas and crown spreads of the category A, B, and C trees.
6. A tree report (to BS 5837: 2012) will need to be produced as supporting information for the proposed development.

References

Amphibian and Reptile Conservation (www.arc-trust.org)

BS 42020: 2013 Biodiversity - Code of practice for planning and development.

BS 5837: 2012 Trees in relation to Design, Demolition and Construction – Recommendations.

BS 8596: 2015 Surveying for bats in trees and woodland. Guide.

The Arboricultural Association (www.trees.org.uk)

The Bat Conservation Trust (www.bats.org.uk)

The British Lichen Society (www.britishlichensociety.org.uk)

The Chartered Institute of Ecology and Environmental Management (www.cieem.net)

The Institute of Chartered Foresters (www.charteredforesters.org)

The Mammal Society (www.mammal.org.uk)

The Royal Society for the Protection of Birds (www.rspb.org.uk)

West Sussex County Council. Local List for the Validation of Planning Applications. June 2017.

British Geological Survey (www.bgs.ac.uk)

www.gov.uk

www.magic.gov.uk

Appendix 1. Author's credentials.

Professional affiliations

Professional Member of The Chartered Institute of Building (MCIOB); Chartered Environmentalist (CEnv); Professional Member of The Chartered Institute of Ecology and Environmental Management (ACIEEM); Registered with Natural England and Licenced (Level 2 Bat Survey Class Licence) to disturb and handle Bats.

Relevant experience

9 years' experience as a Local Authority Woodland Conservation Officer; an independent Ecological Consultant since 2011.

Insurance details

Details of Insurance, and Continual Professional Development for the last 2 years,' can be provided on request. If requested, some of the details within the information may be redacted to comply with the Data Protection Act.

Appendix 2. Relevant legislation and policies.

Legislation

Badgers

Protection of Badgers Act 1992

Badgers are protected and so are the setts (burrows) they live in. Under the Protection of Badgers Act 1992, in England and Wales (the law is different in Scotland) it is an offence to:

- Wilfully kill, injure or take a badger (or attempt to do so).
- Cruelly ill-treat a badger.
- Dig for a badger.
- Intentionally or recklessly damage or destroy a badger sett, or obstruct access to it.
- Cause a dog to enter a badger sett.
- Disturb a badger when it is occupying a sett.

Birds

The Wildlife and Countryside Act 1981 (as amended).

The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally:

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

The Act makes it an offence (subject to exceptions) to intentionally kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. The Act also prohibits certain methods of killing, injuring, or taking wild animals.

The Act makes it an offence (subject to exceptions)

- to intentionally pick, uproot or destroy:
- any wild plant listed in Schedule 8, or
- unless an authorised person, to intentionally uproot any wild plant not included in Schedule 8,
- to sell, offer or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

The Act contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9 in England and Wales. Sections 28 to 33 of Part 2 of the Wildlife and Countryside Act detail the law regarding Sites of Special Scientific Interest (SSSIs).

The Countryside and Rights of Way Act 2000

The Countryside and Rights of Way Act 2000 (CRoW Act 2000) provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases measures for the management and protection for SSSIs, and strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB). The Act is compliant with the provisions of the European Convention on Human Rights, requiring consultation where the rights of the individual may be affected by these measures.

The Conservation of Habitats and Species Regulations 2017

LPA duty relevant to nature conservation when exercising their functions

Regulation 9.-(1) states

9.-(1) The appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations came into force on 30th November 2017, and extend to England and Wales (including the adjacent territorial sea) and to a limited extent in Scotland (reserved matters) and Northern Ireland (excepted matters).

The Regulations provide for the designation and protection of 'European sites,' the protection of 'European protected species EPS)', and the adaptation of planning and other controls for the protection of European Sites.

EPS

Bats, Horseshoe (all species)

Bats, Typical (all species)

Butterfly, Large Blue

Dormouse

Frog, Pool

Lizard, Sand

Moth, Fisher's Estuarine

Newt, Great Crested (or Warty)

Otter, Common

Snail, Lesser Whirlpool Ram's-horn

Snake, Smooth

Sturgeon

Toad, Natterjack

Policies

The LPA

West Sussex County Council. Local List for the Validation of Planning Applications. June 2017.

National Planning Policy Framework

The revised National Planning Policy Framework was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied.

Natural Environment and Rural Communities Act 2006

Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.

Biodiversity 2020: A strategy for England's wildlife and ecosystem services.

The biodiversity strategy for England provides a comprehensive picture of how the England is implementing the international and EU commitments. It sets out the strategic direction for biodiversity policy for the next decade on land (including rivers and lakes) and at sea.