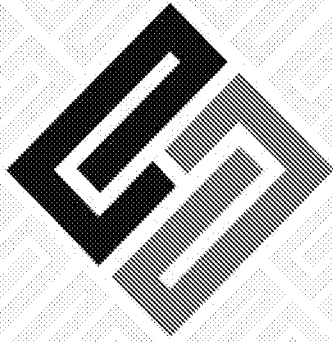




**ECOLOGY SOLUTIONS**

Part of the ES Group

WESTERN PARCEL,  
PHASE 1A, OLDLANDS FARM  
BOGNOR REGIS,  
WEST SUSSEX

## **Ecological Assessment**

### **COPYRIGHT**

The copyright of this document  
remains with Ecology Solutions  
The contents of this document  
therefore must not be copied or  
reproduced in whole or in part  
for any purpose without the  
written consent of Ecology Solutions.

### **PROTECTED SPECIES**

This report contains sensitive  
information relating to protected  
species. The information  
contained herein should not be  
disseminated without the prior consent  
of Ecology Solutions.

## **CONTENTS**

|   |                          |    |
|---|--------------------------|----|
| 1 | INTRODUCTION             | 1  |
| 2 | SURVEY METHODOLOGY       | 2  |
| 3 | ECOLOGICAL FEATURES      | 5  |
| 4 | WILDLIFE USE OF THE SITE | 6  |
| 5 | ECOLOGICAL EVALUATION    | 10 |
| 6 | PLANNING POLICY CONTEXT  | 16 |
| 7 | SUMMARY AND CONCLUSIONS  | 19 |

## **PLANS**

|           |                                           |
|-----------|-------------------------------------------|
| PLAN ECO1 | Site Location and Ecological Designations |
| PLAN ECO2 | Ecological Features                       |

## **PHOTOGRAPHS**

|              |                         |
|--------------|-------------------------|
| PHOTOGRAPH 1 | Recolonising Ground     |
| PHOTOGRAPH 2 | Semi-improved Grassland |

## **APPENDICES**

|            |                                                                                             |
|------------|---------------------------------------------------------------------------------------------|
| APPENDIX 1 | Information downloaded from Multi-Agency Geographic Information for the Countryside (MAGIC) |
|------------|---------------------------------------------------------------------------------------------|

## **1. INTRODUCTION**

### **1.1. Background and Proposals**

- 1.1.1. Ecology Solutions was commissioned in May 2019 by Hanbury Properties Limited to undertake an ecological assessment of the Western Parcel of Phase 1A at Oldlands Farm, Bognor Regis, West Sussex (see Plan ECO1).
- 1.1.2. The site was originally subject to a phase 1 survey in 2013. Given the intervening time, data gathered during this work is now considered to be out of date in planning terms. As such a new ecological assessment will support the new application. Ecology Solutions was commissioned in February 2019 to draft an Ecological Protection and Enhancement Plan (EPEP) for the western parcel and wider area to discharge Condition 17 of the existing outline planning consent (planning reference: BE/61/13).
- 1.1.3. The western parcel of land is now being bought forward for a new planning application. The proposals for the site include the construction of a food store with associated infrastructure and landscaping.

### **1.2. Site Characteristics**

- 1.2.1. The site is situated to the north of Bognor Regis and is approximately 1ha in size. To the south and east of the site is the existing business park / industrial estate. To the north and east lies arable land. The A259 and A29 lie within close proximity to the western and southern boundary.
- 1.2.2. The site previously supported arable land. However, the area has been subject to recent clearance relating to the development of the business park. The site now supports a recolonising ground with a small area of semi-improved grassland along the southern boundary. A wet ditch lies in close proximity to the site, as well as areas of tall ruderal vegetation and rough grassland.

### **1.3. Ecological Assessment**

- 1.3.1. This document assesses the ecological interest of the site. The importance of the habitats within the site is evaluated with due consideration given to the guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM)<sup>1</sup>.
- 1.3.2. Where necessary, mitigation measures are recommended to safeguard any significant existing ecological interest within the site. Where appropriate potential enhancement measures are put forward and reference made to priority habitat and priority species (formerly referred to as Biodiversity Action Plans).

---

<sup>1</sup>CIEEM (2018). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal*. Chartered Institute of Ecology and Environmental Management, Winchester.

## 2. SURVEY METHODOLOGY

- 2.1. The methodology utilised for the survey work can be split into three areas, namely desk study, habitat survey and faunal survey. These are discussed in more detail below.

### 2.2. Desk Study

- 2.2.1. In order to compile background information on the site and surrounding area, Ecology Solutions contacted Sussex Biodiversity Record Centre (SBRC).
- 2.2.2. Further information on designated sites from a wider search area was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC)<sup>2</sup> database. This information is reproduced in Appendix 1, and where appropriate on Plan ECO1.

### 2.3. Habitat Survey

- 2.3.1. A habitat survey was conducted by Ecology Solutions in March 2019 in order to ascertain the general ecological value of the site and to identify the main habitats and associated plant species.
- 2.3.2. The site was surveyed based around extended Phase 1 survey methodology<sup>3</sup>, as recommended by Natural England, whereby the habitat types present are identified and mapped together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail.
- 2.3.3. Using the above methodology, the site was classified into areas of similar botanical community types with a representative species list compiled for each habitat identified.
- 2.3.4. All the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year since different species are apparent in different seasons. Nonetheless, given the habitats present and species apparent at the time of survey it is considered that an accurate and robust assessment has been made.

### 2.4. Faunal Survey

- 2.4.1. Obvious faunal activity, such as birds or mammals observed visually or by call during the course of the surveys, was recorded. Specific attention was paid to any potential use of the site by protected species, priority species, or other notable species.
- 2.4.2. In addition to general observation of faunal activity specific surveys were completed for Badger *Meles meles* and Water Vole *Arvicola amphibious*. The methodologies for these surveys are detailed below.

---

<sup>2</sup><http://www.magic.gov.uk>

<sup>3</sup>Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit*. England Field Unit, Nature Conservancy Council, reprinted JNCC, Peterborough.

## **2.5. Badgers**

- 2.5.1. Specific surveys were undertaken to search for evidence of Badgers within the site in March 2019.
- 2.5.2. The survey comprised two main elements, namely searching thoroughly for the presence of Badger setts and recording any evidence of Badger activity.
- 2.5.3. For any setts that were encountered, each sett entrance was noted and plotted even if the entrance appeared disused. The following information was recorded:
- i) The number and location of well-used or very active entrances; these are clear of any debris or vegetation and are obviously in regular use and may, or may not, have been excavated recently.
  - ii) The number and location of inactive entrances; these are not in regular use and have debris such as leaves and twigs in the entrance or have plants growing in or around the edge of the entrance.
  - iii) The number of and location disused entrances; these have not been in use for some time, are partly or completely blocked and cannot be used without considerable clearance. If the entrance has been disused for some time all that may be visible are the remains of the spoil heap and a depression in the ground where the hole used to be.
- 2.5.4. Secondly, signs of Badger activity such as well-worn paths and run-throughs, snagged hair, footprints, latrines and foraging signs were recorded so as to build up a picture of the use of the site by Badgers.

## **2.6. Water Voles**

- 2.6.1. The off-site ditch was subject to specific surveys for Water Voles in March 2018.
- 2.6.2. As Water Voles are rarely seen, the survey was based around the identification of characteristic signs. The survey followed guidance by Natural England and consisted of a close examination of the watercourse and the associated banks. Hand searches along the watercourse and banks were made.
- 2.6.3. The experienced Water Vole surveyors completing the survey carefully searched the length of the ditches, and their associated banks, for the characteristic field signs of Water Vole. The following signs were sought:
- i) Faeces – 8-12mm long and 4-5mm wide with blunt ends;
  - ii) Latrines – Water Voles will deposit the majority of their droppings at points of their boundary;
  - iii) Feeding stations – Water Boles often bring pieces of cut vegetation

to favoured feeding stations close the water's edge;

- iv) Burrows – Typically 4-8cm in diameter and found in the river / ditch bank;
- v) Footprints of Water Vole in soft substrate along the ditches; and
- vi) Water Voles that may be observed directly.

### 3. ECOLOGICAL FEATURES

3.1. A habitat survey was undertaken by Ecology Solutions in March 2019.

3.2. The following main habitat / vegetation types were identified within the site:

- Recolonising Ground; and
- Semi-improved Grassland.

3.3. The location of these habitats is shown on Plan ECO2 and is described individually below.

#### 3.4. Recolonising Ground

3.4.1. The main habitat type within the site is recolonising ground (see Photograph 1).

3.4.2. The site appears to have previously been subject to a high level of disturbance from likely ground investigation works but has since been left and the site is beginning to be colonised by early colonising and opportunistic species.

3.4.3. Species recorded include Bristly Oxtongue *Picris echioides*, Perennial Rye Grass *Lolium perenne*, Red Fescue *Festuca rubra*, Hard Rush *Juncus inflexus*, Annual Meadow-grass *Poa annua*, Spear Thistle *Cirsium vulgar*, Willowherb *Epilobium* sp., Stonecrop *Sedum* sp., Common Field Speedwell *Veronica persica*, Broad-leaved Dock *Rumex obtusifolius*, Common Mouse-ear *Cerastium fontanum*, Common Scurvygrass *Cochlearia officinalis* and Butterfly Bush *Buddleja davidii*.

#### 3.5. Semi-improved Grassland

3.5.1. A small strip of semi-improved grassland is apparent along the southern boundary of the site (see Photograph 2). Species recorded include White Clover *Trifolium repens*, Dandelion *Taraxacum officinale*, Common Field Speedwell, Broad-leaved Dock, Bristly Oxtongue, Ribwort Plantain *Plantago lanceolate*, Cut-leaved Cranesbill *Geranium dissectum*, Common Nettle *Urtica dioica*, Spear Thistle, Creeping Thistle *Cirsium arvense*, False Oat-grass *Arrhenatherum elatius*, Annual Meadow Grass, Cocksfoot *Dactylis glomerata*, Common Ragwort *Senecio jacobaea*, Groundsel *Senecio vulgaris* and Common Fleabane *Pulicaria dysenterica*.

#### 3.6. Background Records

3.6.1. The following records for protected plant species were returned by the desk study; A single record for Divided Sedge *Carex divisa* was recorded in 2009 approximately 800m east of the site. A single Cornflower *Centaurea cyanus* was recorded in 2013 approximately 1.8km south of the site. Three records for Bluebell *Hyacinthoides non-scripta* were returned, the most recent being recorded in 2016 from within a 1km grid square approximately 1.5km south of the site at its closest point. The nearest bluebell record was recorded in 2009 from a 1km grid square 700m east of the site at its closest point.

#### 4. WILDLIFE USE OF THE SITE

- 4.1. General observations were made during the surveys of any faunal use of the site with specific attention paid to the potential presence of protected species, priority or other notable species.

##### 4.2. Bats

- 4.2.1. The site supports no suitable roosting opportunities. The habitats present on site do not provide any significant foraging or commuting opportunities for any locally present bat population.

##### *Background Records*

- 4.2.2. Bat activity surveys conducted in 2013 recorded no bat activity within the site.
- 4.2.3. Several records for bat species were returned by the local biological records centre. Twenty-eight records of Common Pipistrelle *Pipistrellus pipistrellus* were returned; the closest of which was recorded approximately 85m south of the site in 2014 whilst the most recent was recorded at a location approximately 3.6km southeast of the site in 2018.
- 4.2.4. A number of other bat species have been recorded in this location approximately 3.6km southeast of the site these species include Soprano Pipistrelle Bat *Pipistrellus pygmaeus*, Daubenton's Bat *Myotis daubentonii*, Brown Long-eared Bat *Plecotus auratus*, Leisler's Bat *Nyctalus leisleri*, Natterer's *Myotis nattereri*, Noctule *Nyctalus noctula*, Serotine *Eptesicus serotinus* and Whiskered Bat *Myotis mystacinus*. All these species were recorded in 2018.
- 4.2.5. The closest record for a Soprano Pipistrelle and Serotine were within a 1km of the site, however not within the site boundary itself, these records date from 2014.
- 4.2.6. Twentynine records of Barbastelle Bat *Barbastella barbastellus* were returned by the data search. The closest record was recorded approximately 0.8km northwest of the site boundary in 2015 whilst the most recent was recorded approximately 4.4km southeast of the site in 2018.

##### 4.3. Badgers

- 4.3.1. No Badger *Meles meles* setts or field signs attributed to Badger were recorded within or immediately adjacent to the site.
- 4.3.2. The site does not offer any significant foraging and dispersal opportunities for Badgers. Owing to the lack of suitable habitat within and adjacent to the site, the presence of Badgers is considered unlikely. However, despite the limited opportunities if there is a social Badger group in the locale occasional use of the site for dispersal could not be fully dismissed.

### *Background Records*

- 4.3.3. No badger setts were recorded in site during previous surveys undertaken in 2013.
- 4.3.4. No records of Badgers within the vicinity of the site in the last 10 years were returned by the data search.

## **4.4. Water Voles**

- 4.4.1. The nearby ditches were surveyed for their potential to support Water Vole *Arvicola amphibius* in March 2019 and previously in 2014.
- 4.4.2. The 2019 surveys found a number of burrows along the bank of the ditch located approximately 110m north of the site, as well as a number of feeding signs. It was not possible to attribute these burrows and feeding signs to Water Vole. Signs of Water Voles were recorded by Ecology Solutions in this ditch in 2014 in the form of burrows, old feeding stations and footprints. It is therefore assumed that Water Voles are still present along this ditch.

### *Background Records*

- 4.4.3. Twenty-six Water Vole *Arvicola amphibious* records were returned. The most recent was recorded as a location approximately 1.6km southwest of the site in 2018 whilst the closest was recorded at a location approximately 0.6km west of the site in 2014.

## **4.5. Other Mammals**

- 4.5.1. No Hedgehog *Erinaceus europaeus* were recorded during the course of the survey work. The habitats present on site provide limited dispersal and foraging opportunities for Hedgehog.

### *Background Records*

- 4.5.2. Five records of Hedgehog *Erinaceus europaeus* were returned by the data search. The closest was recorded in 2011 approximately 0.7km south of the site whilst the most recent was recorded in 2018 at a location approximately 1.5km south of the site boundary.
- 4.5.3. Three records of Brown Hare *Lepus europaeus* were returned by SBRC. The nearest and most recent was recorded in 2018 approximately 1.2km west of the site boundary.

## **4.6. Birds**

- 4.6.1. Blackbird *Turdus merula* and Carrion Crow *Corvus corone* were recorded within the site during the survey undertaken in March 2019.
- 4.6.2. The site is considered to offer very limited opportunities for nesting birds, being dominated by recolonising ground.

### *Background Records*

- 4.6.3. A large number of bird records were returned by the data search. Of these records, twenty-two species are listed under Annex 1 of the Birds Directive or Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). The most relevant of these are detailed below.
- 4.6.4. Barn Owl *Tyto alba*, Berwick's Swan *Cygnus columbianus*, Black Tern *Chlidonias niger*, Black-tailed Godwit *Limosa limosa*, Black-winged Stilt *Himantopus himantopus*, Cetti's Warbler *Cettia cetti*, Common Scoter *Melanitta nigra*, Great Northern Diver *Gavia immer*, Hobby *Falco Subbuteo*, Kingfisher *Alcedo atthis*, Little Egret *Egretta garzetta*, Merlin *Falco columbarius*, Red Kite *Milvus milvus*, Red-throated Diver *Gavia stellate*, Ruff *Philomachus pugnax*, Short-eared Owl *Asio flammeus*, Spoonbill *Platalea leucorodia*, and Whooper Swan *Cygnus Cygnus*, have all been recorded within a 1km radius of the site between 2008 and 2017.
- 4.6.5. Serin *Serinus serinus* and Woodlark *Lullula arborea* (recorded in 2008) and Slovenian Grebe *Podiceps auratus* (recorded in 2015) have been recorded within a 1km grid square approximately 2.9km southwest of the site.
- 4.6.6. Whilst a number of notable and protected bird species have been recorded in the local area, the site does not support a large area of high-quality nesting or foraging habitats, and as such, any protected or notable species in the area would not be expected to utilise or be heavily reliant on the site.

## **4.7. Reptiles**

- 4.7.1. The site does not support favourable habitat for common reptile species. the rough grassland and tall ruderal vegetation immediately adjacent to the site offer greater opportunities for this group.

### *Background Records*

- 4.7.2. Five Slow Worm *Anguis fragilis* were returned by the data search. The closest and most recent record dates from 2014 and was recorded approximately 85m south of the site at its nearest point.

## **4.8. Amphibians**

- 4.8.1. The site does not support any suitable habitats for amphibians during their terrestrial phase. The rough grassland and tall ruderal vegetation immediately adjacent to the site offers greater opportunities for amphibians during their terrestrial phase.
- 4.8.2. At the time of the March survey, there was no evidence of breeding amphibians within the ditch. However, the ditch does provide some limited opportunities for breeding amphibians.

### *Background Records*

- 4.8.3. SBRC returned two records of Great Crested Newt *Triturus cristatus*. The nearest record was recorded approximately 1.1km southwest of the site in

2004 whilst the most recent record dates from 2016 and was recorded approximately 1.6km southeast of the site at its nearest point.

- 4.8.4. Five records of Smooth Newt *Lissotriton vulgaris* were returned by the data search. The closest and most recent record was noted at a location approximately 1.6km southeast of the site in 2016.
- 4.8.5. Two records of Palmate Newt *Lissotriton helveticus* were returned by the data search, the closest and most recent was recorded at a location approximately 1.6km southeast of the site in 2016.
- 4.8.6. A single Common Frog *Rana temporaria* was recorded in 2013 at a location approximately 1.9km southwest of the site boundary

#### 4.9. Invertebrates

- 4.9.1. Given the habitats present, it is likely that an assemblage of common invertebrate species would be found within the site. There is no evidence to suggest that any rare or notable species would be present.

##### *Background Records*

- 4.9.1. A small number of records for notable and protected invertebrates were returned by the data search. Knotgrass *Polygonum aviculare*, Mottled Rustic *Caradrina Morpheus*, Small Emerald *Hemistola chrysoprasaria* and Rustic *Hoplodrina blanda* have all been recorded within Bersted Brookes Local Nature Reserve approximately 1km west of the site.

## 5. ECOLOGICAL EVALUATION

### 5.1. The Principles of Ecological Evaluation

- 5.1.1. The guidelines for ecological evaluation produced by CIEEM propose an approach that involves professional judgement, but makes use of available guidance and information, such as the distribution and status of the species or features within the locality of the project.
- 5.1.2. The methods and standards for site evaluation within the British Isles have remained those defined by Ratcliffe<sup>4</sup>. These are broadly used across the United Kingdom to rank sites so priorities for nature conservation can be attained. For example, current Sites of Special Scientific Interest (SSSI) designation maintains a system of data analysis that is roughly tested against Ratcliffe's criteria.
- 5.1.3. In general terms, these criteria are size, diversity, naturalness, rarity and fragility, while additional secondary criteria of typicalness, potential value, intrinsic appeal, recorded history and the position within the ecological / geographical units are also incorporated into the ranking procedure.
- 5.1.4. Any assessment should not judge sites in isolation from others, since several habitats may combine to make it worthy of importance to nature conservation.
- 5.1.5. Further, relying on the national criteria would undoubtedly distort the local variation in assessment and therefore additional factors need to be taken into account, e.g. a woodland type with a comparatively poor species diversity, common in the south of England, may be of importance at its northern limits, say in the border country.
- 5.1.6. In addition, habitats of local importance are often highlighted within a local Biodiversity Action Plan (BAP). The Sussex BAP has been considered as part of this assessment and are referenced where relevant.
- 5.1.7. Levels of importance can be determined within a defined geographical context from the immediate site or locality through to the International level.
- 5.1.8. The legislative and planning policy context are also important considerations and have been given due regard throughout this assessment.

### 5.2. Habitat Evaluation

#### *Designated Sites*

- 5.2.1. **Statutory Sites.** There are no statutory sites within or immediately adjacent to the site. The closest statutory designated site is The Brooks (Bersted Brooks) Local Nature Reserve (LNR), which lies approximately 0.3km southwest of the site boundary, separated from the site by Rowan Park caravan site and the A29 road. The site contains areas of meadow,

---

<sup>4</sup>Ratcliffe, D A (1977). *A Nature Conservation Review: the Selection of Study areas of Biological National Importance to Nature Conservation in Britain*. Two Volumes. Cambridge University Press, Cambridge.

narrow reedbeds and ditches, permanent and temporary ponds, and an extensive newly planted floodplain woodland.

- 5.2.2. There are a number of further statutory sites located in the wider area associated with the coastline. However, it is not considered that development of the site would have a significant adverse effect on any of the above designated sites due to the nature of the proposals as well as the distance, intervening habitat and land use.

- 5.2.3. **Non-statutory Sites.** No non-statutory sites were returned by the data search.

#### *Habitats*

- 5.2.4. The site considered to be of negligible ecological interest and those species that are present are in themselves of no intrinsic ecological interest. Their removal to facilitate the proposed redevelopment is of no ecological significance.

- 5.2.5. It is recommended that the proposed landscape strategy for the development incorporate a wide selection of native species and fruit-bearing species of local provenance

#### *Invasive Species*

- 5.2.6. Butterfly Bush is not listed under the Wildlife & Countryside Act 1981 (as amended) under Schedule 9 Part II, however, it is classed as a non-native invasive species by the Non-Native Invasive Species Secretariat.

- 5.2.7. In accordance with best practice and current guidelines, it is advised that Butterfly Bush be removed from the site and omitted from any further landscaping. Where vegetation is to be removed the material should be disposed of at an approved facility.

### 5.3. Faunal Evaluation

#### *Bats*

- 5.3.1. **Legislation.** All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations"). These include provisions making it an offence to:

- Deliberately kill, injure or take (capture) bats;
- Deliberately disturb bats in such a way as to:
  - (i) be likely to impair their ability to survive, to breed or rear or nurture their young; or to hibernate or migrate; or
  - (ii) affect significantly the local distribution or abundance of the species to which they belong;
- Damage or destroy any breeding or resting place used by bats;
- Intentionally or recklessly to obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

- 5.3.2. The words deliberately and intentionally include actions where a court can infer that the defendant knew that the action taken would almost inevitably result in an offence, even if that was not the primary purpose of the act.
- 5.3.3. The offence of damaging, (making worse for the bat) or destroying a breeding site or resting place is an absolute offence. Such actions do not have to be deliberate for an offence to be committed.
- 5.3.4. European Protected Species licences are available from Natural England in certain circumstances, and permit activities that would otherwise be considered an offence.
- 5.3.5. In accordance with the Habitats Regulations, the licensing authority (Natural England) must apply the three derogation tests as part of the process of considering a licence application. These tests are that:
1. The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
  2. There must be no satisfactory alternative; and
  3. The favourable conservation status of the species concerned must be maintained.
- 5.3.6. Licences can usually only be granted if the development is in receipt of full planning permission.
- 5.3.7. **Site Usage.** The site is currently of negligible value to foraging and commuting bats. The site is also absent of any roosting opportunities.
- 5.3.8. **Mitigation and Enhancements.** No further survey work is required with regards to bats. It is not considered likely that the redevelopment of the site will have any effect on any local bat population's favourable conservation status.
- 5.3.9. New landscape planting based around native species may encourage the use of the site by bats through providing enhancements on existing foraging resources.
- 5.3.10. Lighting on newly established landscape planting should be minimised where feasible to ensure this does not detract from its potential foraging value for the bats.
- 5.3.11. Bat boxes such as Schwegler 1FF bat box could be installed onto the new building to provide a roosting opportunity not currently present on site.

### *Badgers*

- 5.3.12. **Legislation.** The Protection of Badgers Act 1992 consolidates the previous Badgers Acts of 1973 and 1991. The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status.
- 5.3.13. As well as protecting the animal itself, the 1992 Act also makes the intentional or reckless destruction, damage or obstruction of a Badger sett an offence. A sett is defined as "any structure or place, which displays

signs indicating current use, by a Badger". 'Current use' is defined by Natural England as any use within the preceding 12 months.

- 5.3.14. In addition, the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence by constituting 'cruel ill treatment' of a Badger.
- 5.3.15. Local Authorities are therefore obliged to consult Natural England over any application that is likely to adversely affect Badgers.
- 5.3.16. Any work that disturbs Badgers is illegal without a licence granted by Natural England. Unlike the general conservation legislation, the Badgers Act 1992 makes specific provision for the granting of licences for development purposes, including for the destruction of setts.
- 5.3.17. Guidance produced by Natural England in 2002, and subsequently amended, developed guidelines on the types of activity that it considers should be licensed within certain distances of sett entrances. Any work on site must be completed in accordance with that guidance.
- 5.3.18. **Site Usage.** No Badger setts or field signs attributed to Badger were recorded within or immediately adjacent to the site. The site does not offer any significant foraging and dispersal opportunities for Badgers. Owing to the lack of suitable habitat within and adjacent to the site, the presence of Badgers is considered unlikely. However, despite the limited opportunities if there is a social Badger group in the locale occasional use of the site for dispersal could not be fully dismissed.
- 5.3.19. **Mitigation.** During the construction process all dug ground should be levelled and compacted wherever possible. This will prevent Badgers from attempting to excavate setts prior to completion of demolition works. Planks should be left in any uncovered trenches to allow any Badger that may stray onto the site an escape route. Materials should be stored in the storage container in order to avoid the chance of Badgers coming onto site and potentially injuring themselves.

#### *Water Voles*

- 5.3.20. **Legislation.** Water Voles are fully protected under the Wildlife & Countryside Act 1981 it is an offence to:
- Intentionally kill, injure or take (capture) a water vole;
  - Possess or control a live or dead water vole, or any part of a water vole;
  - To sell, offer for sale or advertise for live or dead water voles;
  - Intentionally or recklessly damage, destroy, or obstruct access to any structure or place which water voles use for shelter or protection or disturb water voles while they are using such a place.
- 5.3.21. The words deliberately and intentionally include actions where a court can infer that the defendant knew that the action taken would almost inevitably result in an offence, even if that were not the primary purpose of the act.

- 5.3.22. As of January 2016, The Water Vole Mitigation Handbook specifies that operations, where Water Voles are to be trapped or displaced, require a conservation licence from Natural England. This may be in the form of a Class Licence or a site-specific licence dependent on whether the proposals meet particular criteria. To obtain either licence the project must deliver a net benefit for Water Voles.
- 5.3.23. **Site Usage.** There is no suitable habitat for this species on site. The surveys undertaken of the nearby ditch confirmed the likely presence of a low-density Water Vole population.
- 5.3.24. **Mitigation and Enhancement.** As a precaution, during the construction phase of the development, rubble and building waste should be prevented from entering the ditch, and best practice methods and effective engineering solutions should be employed to ensure that contaminated run-off is prevented from entering the ditch during the construction phase of the development.
- 5.3.25. As part of the development of the wider area, this ditch will be subject to protective measures to ensure that the ditches and associated banks together with a 2-metre buffer for the top if the banks are retained and protected. Heras fencing or similar shall be used to delineate the extent of the buffer and prevent accidental encroachment.

#### *Hedgehogs*

- 5.3.26. **Legislation.** Hedgehog is a species of principal importance for the conservation of biodiversity under Section 41 (England) of the NERC Act 2006.
- 5.3.27. The NERC Act 2006 requires the Secretary of State to:  
  
**...take such steps as appear... to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any published under this section, or...promote the taking by other of such steps.**
- 5.3.28. **Site Usage.** No evidence of Hedgehogs was recorded during the survey work undertaken. The habitats on site provide some opportunities for Hedgehog.
- 5.3.29. **Enhancements.** A series of 'Hedgehog Gateways' should be incorporated into the development to facilitate movement through the new development and ensure continued permeability.

#### *Birds*

- 5.3.30. **Legislation.** Section 1 of the Wildlife and Countryside Act 1981 (as amended) is concerned with the protection of wild birds, whilst Schedule 1 lists species that are protected by special penalties. All species of birds receive general protection whilst nesting.
- 5.3.31. **Site Usage.** A small assemblage of common bird species were recorded in March 2019. The provides negligible foraging opportunities for birds. No nesting opportunities are present on site. In the absence of management

and activity, it is possible that the site could be of some attraction for ground nesting birds.

- 5.3.32. **Mitigation and Enhancements.** As a precaution to avoid possible offence under the legislation, it is recommended that the removal of any suitable vegetation be undertaken outside of the bird nesting season (typically March to July inclusive). Where this cannot be achieved a check survey for nesting birds should be undertaken by a suitably qualified ecologist, with any confirmed nests left in situ until the young have fledged.
- 5.3.33. It is recommended that the planting scheme incorporates a range of native species and / or a number of fruit-bearing species to offer new foraging and nesting opportunities for birds.
- 5.3.34. As a further enhancement, nesting boxes could be incorporated into new buildings. It may be possible to provide nesting opportunities for House Sparrow, a priority species, by incorporating 1SP Sparrow Terraces onto new buildings.

## 6. PLANNING POLICY CONTEXT

- 6.1. The planning policy framework that relates to nature conservation at the site is issued nationally through the National Planning Policy Framework (NPPF) and locally through the Arun District Council.

### 6.2. National Policy

#### *National Planning Policy Framework (February 2019)*

- 6.2.1. Guidance on national policy for biodiversity and geological conservation is provided by the NPPF, published in March 2012, revised on 24 July 2018 and updated on 19 February 2019. It is noted that the NPPF continues to refer to further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system provided by Circular 06/05 (DEFRA / ODPM, 2005) accompanying the now-defunct Planning Policy Statement 9 (PPS9).
- 6.2.2. The key element of the NPPF is that there should be “*a presumption in favour of sustainable development*” (paragraphs 10 to 11). It is important to note that this presumption “*does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site*” (paragraph 177). ‘Habitats site’ has the same meaning as the term ‘European site’ as used in the Habitats Regulations 2017.
- 6.2.3. Hence the direction of Government policy is clear; that is, the presumption in favour of sustainable development is to apply in circumstances where there is potential for an effect on a European site, if it has been shown that there will be no adverse effect on that designated site as a result of the development in prospect.
- 6.2.4. A number of policies in the NPPF are comparable to those in PPS9, including reference to minimisation of impacts to biodiversity and provision of net gains to biodiversity where possible (paragraph 170).
- 6.2.5. The NPPF also considers the strategic approach that Local Authorities should adopt with regard to the protection, maintenance and enhancement of green infrastructure, priority habitats and ecological networks, and the recovery of priority species.
- 6.2.6. Paragraphs 174 to 176 of the NPPF comprise a number of principles that Local Authorities should apply, including encouraging opportunities to incorporate biodiversity in and around developments; provision for refusal of planning applications if significant harm cannot be avoided, mitigated or compensated for; applying the protection given to European sites to potential SPAs, possible SACs, listed or proposed Ramsar sites and sites identified (or required) as compensatory measures for adverse effects on European sites; and the provision for the refusal for developments resulting in the loss or deterioration of ‘irreplaceable’ habitats – unless there are ‘wholly exceptional reasons’ (for instance, infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists.

- 6.2.7. National policy therefore implicitly recognises the importance of biodiversity and that with sensitive planning and design, development and conservation of the natural heritage can co-exist and benefits can, in certain circumstances, be obtained.

### 6.3. Local Planning Policy

#### *Arun Local Plan 2011 to 2031 – Adopted 2018*

- 6.3.1. The Arun Local Plan was adopted in 2018, this local plan will guide development in the area until 2031. The following policies relate to ecology and nature conservation and are considered relevant to this report.
- 6.3.2. **Policy SD SP1a – Strategic Approach.** Part of this policy is concerned with retaining and enhancing natural environment resources, including biodiversity.
- 6.3.3. **Policy ENV SP1 – Natural Environment.** This policy states that the district council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.
- 6.3.4. **Policy ENV DM1 – Designated Sites of Biodiversity or Geological Importance.** This policy states that any development to likely have an adverse effect on land on any Site of Biodiversity will not normally be permitted. Development on wildlife sites with the highest value will only be permitted exceptionally where it can be demonstrated that there is an overriding public interest.
- 6.3.5. **Policy Env DM3 – Biodiversity Opportunity Areas.** This policy states that developments shall retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones, and be designed in order to minimise disturbance to habitats.
- 6.3.6. **Policy Env DM5 – Development and Biodiversity.** This policy states that Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also, however, incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement.

### 6.4. Discussion

- 6.4.1. The development proposals for the site would be judged against the policies summarised above. It is considered that the site is of intrinsically low ecological interest. Mitigation and enhancement measures have been recommended to offset any potential adverse impacts and provide biodiversity gains. Taking these recommendations on board it is

considered that the relevant policy requirements will be met by the proposed development.

## 7. SUMMARY AND CONCLUSIONS

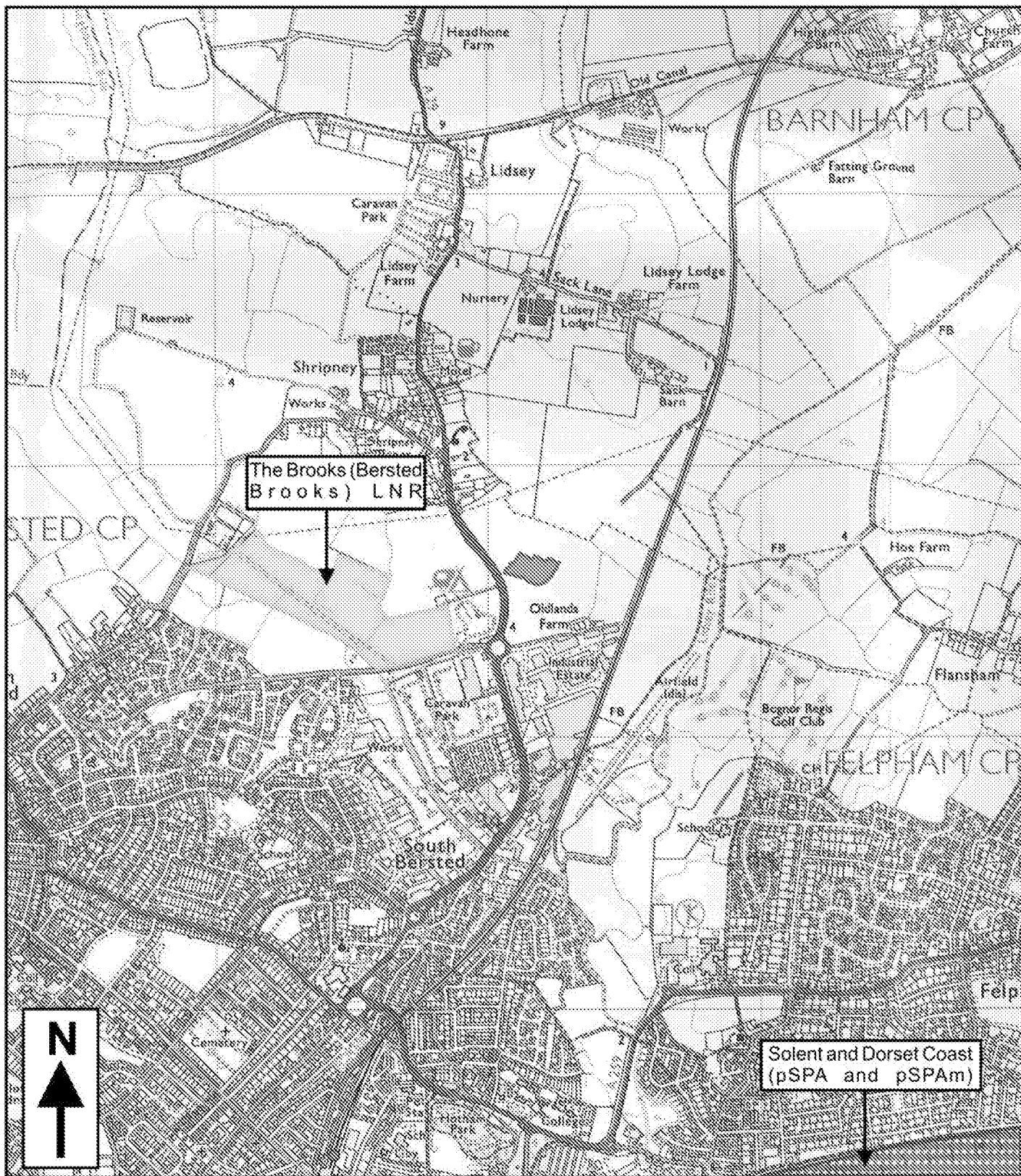
- 7.1. Ecology Solutions was commissioned in May 2019 by Hanbury Properties Limited to undertake an ecological assessment of the Western Parcel of Phase 1A at Oldlands Farm, Bognor Regis, West Sussex.
- 7.2. The site was originally surveyed in 2013. However, given the intervening time, Ecology Solutions visited the site in February 2019 in order to draft an Ecological Protection and Enhancement Plan (EPEP) for the western parcel and wider area to discharge Condition 17 of the existing outline planning consent (planning reference: BE/61/13). This document is referenced within this report where considered necessary and beneficial.
- 7.3. The western parcel of land is now being bought forward for a new planning application. The proposals for the site include the construction of a food store with associated infrastructure and landscaping.
- 7.4. **Statutory Sites.** There are no statutory designated sites within or directly adjacent to the site. The closest statutory designated site is The Brooks (Bersted Brooks) Local Nature Reserve (LNR), which lies approximately 0.3km southwest of the site boundary, separated from the site by Rowan Park caravan site and the A29 road. A number of further statutory sites are located within the wider area, however given the nature of the development, the distance and intervening land-use and habitat no adverse effects are anticipated as a result of the development.
- 7.5. **Non-statutory Sites.** No non-statutory sites were returned from within the data search radius.
- 7.6. **Habitats.** The site is for the most part devoid of ecological interest and those species that are present are in themselves of no intrinsic ecological interest. Their removal to facilitate the proposed development is of no significance. It is recommended that the proposed landscape strategy for the development incorporate a wide selection of native species of local provenance.
- 7.7. **Invasive Species.** Butterfly Bush should be removed from the site in accordance with best practice and current guidelines. It is also advised that Butterfly Bush be omitted from any further landscaping. Where vegetation is to be removed the material should be disposed of at an approved facility.
- 7.8. **Bats.** The site is currently of negligible value to foraging and commuting bats. The site is also absent of any roosting opportunities. No further survey work is required with regards to bats. However, new native planting may encourage greater use of the site by foraging bats. The lighting strategy in the proposed development should have regard to potential future foraging bats. Bat boxes can also be installed on site to provide roosting opportunities not currently present on site.
- 7.9. **Badgers.** No badger setts or signs of Badger activity were recorded during the survey. Owing to the lack of suitable habitat within and adjacent to the site, the presence of Badgers is considered unlikely. However, despite the limited opportunities if there is a social Badger group in the locale occasional use of the site for dispersal could not be fully dismissed. During the construction process best practice methods will ensure no harm will come to any Badger that may stray onto site.

- 7.10. **Water Vole.** There is no suitable habitat for this species on site. The surveys undertaken of the nearby ditch, confirmed the likely presence of a low-density Water Vole population. The ditch system will be subject to a number of protection measures during the construction phase of the site.
- 7.11. **Hedgehog.** No evidence of Hedgehogs was recorded during the survey work undertaken. The habitats on site provide some opportunities for foraging and dispersing Hedgehog.
- 7.12. **Birds.** A small assemblage of common bird species were recorded in March 2019. The site provides negligible foraging opportunities for birds. No nesting opportunities are present on site. In the absence of management and activity, it is possible that the site could be of some attraction for ground nesting birds. As a precaution to avoid possible offence under the legislation, it is recommended that the removal of any suitable vegetation be undertaken outside of the bird nesting season (typically March to July inclusive). Where this cannot be achieved a check survey for nesting birds should be undertaken by a suitably qualified ecologist, with any confirmed nests left in situ until the young have fledged. It is recommended that the planting scheme incorporates a range of native species and / or a number of fruit-bearing species to offer new foraging and nesting opportunities for birds. Bird boxes can also be installed on site to provide additional enhancements.
- 7.13. **Reptiles.** No reptiles were recorded within the site. The site does not support favourable habitat for common reptile species. The rough grassland and tall ruderal vegetation immediately adjacent to the site offer greater opportunities for this group.
- 7.14. **Amphibians.** The site does not support any suitable habitats for amphibians during their terrestrial phase. The rough grassland and tall ruderal vegetation immediately adjacent to the site offers greater opportunities for amphibians during their terrestrial phase.
- 7.15. **Invertebrates.** Given the habitats present it is likely an assemblage of common invertebrate species would be present within the site. There is no evidence to suggest that any rare or notable species would be present. A species-rich landscape scheme together with the provision of habitats such as log-piles shall ensure continued opportunities for invertebrates are provided.
- 7.16. In summary, the site is not subject to any statutory or non-statutory nature conservation designations. The site is largely devoid of ecological interest and no insurmountable ecological constraint have been identified. Overall, by adopting the mitigation and enhancement measures recommended in this report it is considered the proposed development would accord with current legislation and planning policy.

## PLANS

## **PLAN ECO1**

Site Location and Ecological Designations



# KEY:

-  SITE LOCATION
-  POTENTIAL SPECIAL PROTECTION AREAS (pSPA)
-  POTENTIAL SPECIAL PROTECTION AREAS WITH MARINE COMPONENT (pSPAm)
-  LOCAL NATURE RESERVE (LNR)



ECOLOGYSOLUTIONS  
Part of the E.S. Group

Cokenach Estate  
Barkway | Royston  
Hertfordshire | SG8 8DL

+44(0)1763 848084  
east@ecology-solutions.co.uk  
ecology-solutions.co.uk

WESTERN PARCEL, PHASE 1A,  
OLDLANDS FARM, BOGNOR REGIS,  
WEST SUSSEX

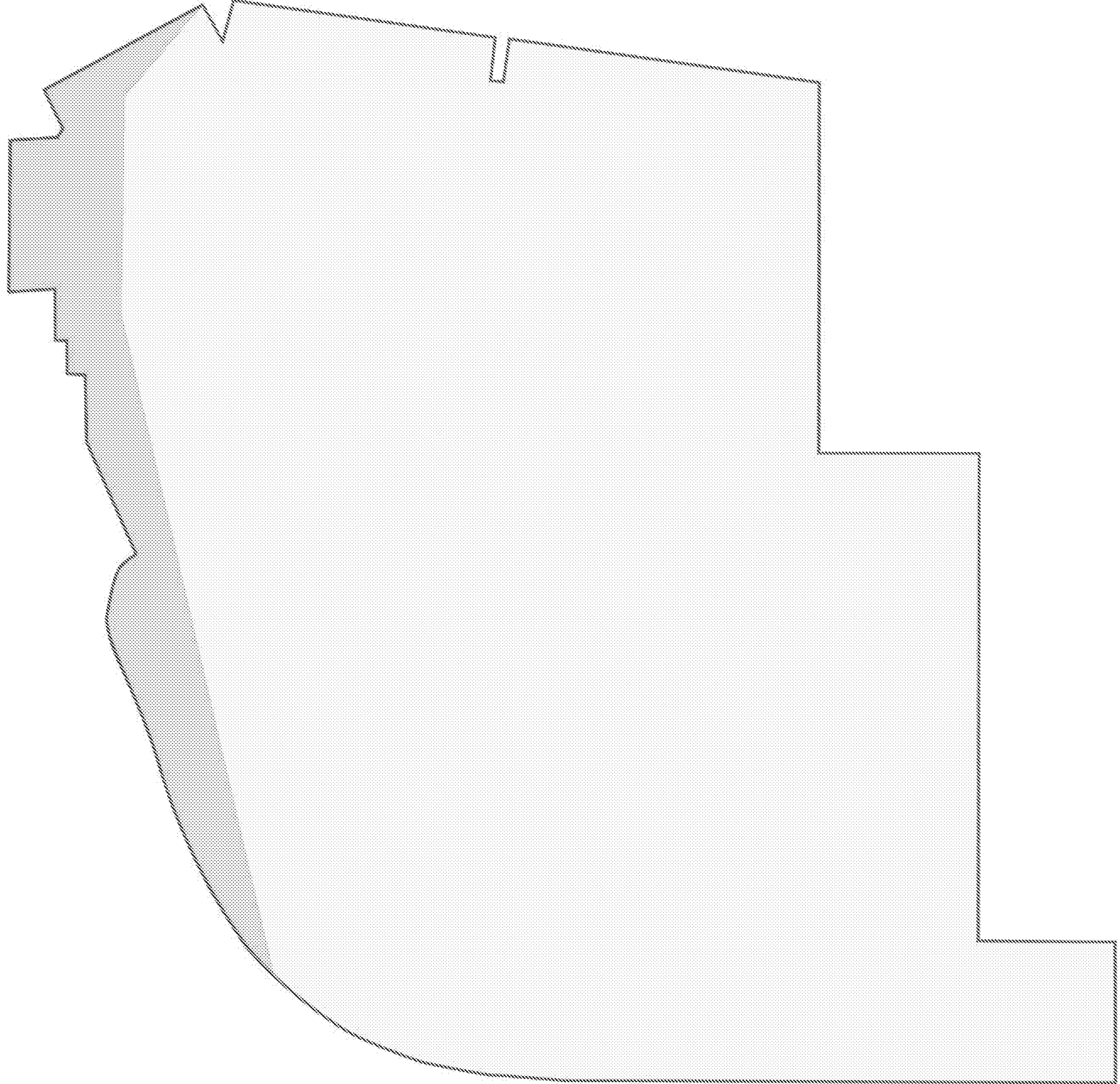
PLAN ECO1: SITE LOCATION AND  
ECOLOGICAL DESIGNATIONS

REF:  
8270  
SCALE:  
NTS

DATE:  
28.06.19

REV: A

**PLAN ECO2**  
Ecological Features



**KEY:**

-  SITE BOUNDARY
-  RECOLONISING GROUND
-  SEMI-IMPROVED GRASSLAND



|                                                                                                                                                                |                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p><b>ECOLOGY SOLUTIONS</b><br/><small>Part of the ESI Group</small></p> | <p>Cokenach Estate<br/>Barkway   Royston<br/>Hertfordshire   SG8 8DL</p> <p>+44(0)1763 848084<br/>east@ecologysolutions.co.uk<br/>ecologysolutions.co.uk</p> |
| <p>WESTERN PARCEL, PHASE 1A,<br/>OLDLANDS FARM,<br/>BOGNOR REGIS, WEST SUSSEX</p>                                                                              | <p>REF:<br/>8270<br/>SCALE:<br/>NTS</p>                                                                                                                      |
| <p>PLAN ECO2:<br/>ECOLOGICAL FEATURES</p>                                                                                                                      | <p>DATE:<br/>28.06.19<br/>REV: A</p>                                                                                                                         |

## **PHOTOGRAPHS**

PHOTOGRAPH 1: Recolonising Ground



PHOTOGRAPH 2: Semi-improved Grassland



## **APPENDICES**

## **APPENDIX 1**

Information downloaded from Multi-Agency  
Geographic Information for the Countryside (MAGIC)



Legend

- Local Nature Reserves (England)
- National Nature Reserves (England)
- Ramsar Sites (England)
- Sites of Special Scientific Interest (England)
- Special Areas of Conservation (England)
- Possible Special Areas of Conservation (England)
- Special Protection Areas (England)
- Potential Special Protection Areas (England)

Marine Conservation Zones (England)

- Designated
- Proposed
- Recommended

Special Areas of Conservation (Marine Components GB)

- Candidate
- Designated
- Possible

Special Protection Areas (Marine Components GB)

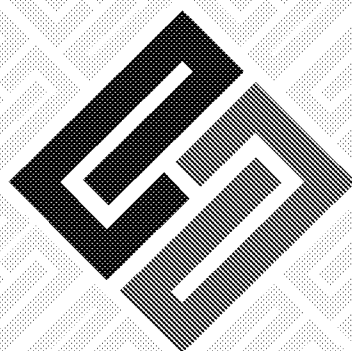
- Classified
- Potential

Ancient Woodland (England)

- Ancient and Semi-Natural Woodland
- Ancient Replanted Woodland

Projection = OSGB36  
xmin = 481600  
ymin = 96470  
xmax = 503800  
ymax = 107400

Map produced by MAGIC on 28 June, 2019.  
Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.



**ECOLOGY SOLUTIONS**

Part of the ES Group

Ecology Solutions Limited | Cokenach Estate | Barkway | Royston | Hertfordshire | SG8 8DL

