

**Land at the former Rising Sun Public House
351 Chichester Road
North Bersted
Bognor Regis
PO21 5AN**

Phase 1 Ecological Survey
(Ref: R512/a)

November 2012

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1 SUMMARY

- 1.1.1** John Wenman Ecological Consultancy LLP was commissioned by JSA Planning on behalf of Enterprise Inns plc to undertake a Phase 1 Ecological Survey of land to the rear of the former Rising Sun Public House, in North Bersted, West Sussex in connection with a planning application to be submitted to Arun District Council seeking consent for the redevelopment of the site. The development proposal includes the construction of seven new dwellings.
- 1.1.2** The site covered an area of approximately 0.2 hectares formerly the garden and car parking for the former public house. The habitats present comprised a mixture of uncut, poor semi-improved grassland to the south of the site with tall ruderal vegetation, scrub, short ephemeral vegetation and scattered trees growing around the boundaries. The habitats were typical of infrequently managed urban sites and considered to be of no special ecological value. Data held by the Sussex Biodiversity Records Centre shows that the site is not designated for its wildlife interest and no records of legally protected or notable species are held for the site.
- 1.1.3** The mosaic of unmanaged grassland with patches of scrub and tall ruderal vegetation on site provide potential reptile habitat. The protected reptile species: slow worm has been recorded previously within 500 metres of the site and hence it considered that the site could support reptiles and therefore that the proposed development could adversely affect reptiles if present. A reptile presence/absence survey should be conducted in order to determine the presence or absence of reptiles on site in advance of any site works; this should be undertaken in suitable weather conditions between April and September.
- 1.1.4** The site potentially offers suitable terrestrial habitat for great crested newts and other amphibians, but it is considered unlikely they would be present on site and affected by the proposals because there is no standing water and mapping shows there are no ponds within 500 metres of the site and the closest pre-existing great crested newt records are over one kilometre away.
- 1.1.5** The scattered trees and scrub on site are considered to be of no special conservation importance, but they offer some habitat with potential for use by widespread nesting birds and therefore any tree or scrub removal should take

place outside of the bird nesting season (March to August inclusive) or after an ecologist has confirmed the absence of nesting birds.

- 1.1.6** The old wooden shed on site was of simple construction and in poor condition had no visible opportunities for roosting bats or nesting birds and considered to be of no ecological importance.

2 INTRODUCTION

2.1 Background

2.1.1 John Wenman Ecological Consultancy LLP was commissioned by JSA Planning on behalf of Enterprise Inns plc to undertake a Phase 1 Ecological Survey of the land to the rear of the former Rising Sun Public House at 351 Chichester Road in North Bersted, West Sussex.

2.1.2 The survey was commissioned in connection with proposals to seek planning permission for the proposed redevelopment of the site to housing. The proposal includes the construction of seven new dwellings (refer to proposed layout plan in Appendix 5).

2.2 Site Location and Context

2.2.1 The survey site –previously the garden and car park for the former Rising Sun Public House - covers an area of approximately 0.2 hectares and is situated to the east of Chichester Road in the centre of North Bersted, West Sussex (OS grid reference SU 922007). The former public house has been converted into a Tesco's Express Store.

2.2.2 The site is surrounded by residential properties and their associated gardens on all sides within the urban area of North Bersted situated approximately two kilometres to the north of the centre Bognor Regis. Beyond the northern edge of North Bersted, approximately 600 metres from the site, the land is predominantly open agricultural fields with a network of hedgerows.

2.3 Report Format

2.3.1 There follows: an overview of the protected species legislation in Section 3 and the relevant national and local wildlife policy background in Section 4; details of the survey method in Section 5; survey findings in Section 6; a discussion of the survey findings in Section 7 and recommendations in Section 8. The appendices present: the Phase 1 survey plan (**Appendix 1**); site photographs (**Appendix 2**); target notes (**Appendix 3**); a plant species list recorded during the survey (**Appendix 4**); and proposed plans for the site (**Appendix 5**).

3 LEGISLATIVE BACKGROUND – PROTECTED SPECIES

3.1 Amphibians

3.1.1 The seven native species of amphibian receive protection under the Wildlife & Countryside Act 1981 (as amended). The four widespread and common amphibians (common frog, toad, smooth and palmate newts) receive limited protection under the Act – making their sale illegal.

3.1.2 Of the seven native species, the relatively widespread species: great crested newt receives full protection under the Wildlife & Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010 ('Habitat Regulations'). In summary, the legislation combined makes it an offence to:

- Intentionally or recklessly kill, injure or take a great crested newt;
- Possess or control any live or dead specimen or anything derived from a great crested newt;
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt;
- Intentionally or recklessly disturb great crested newts; in particular any disturbance which is likely to impair their ability to survive, breed or reproduce or nurture their young; or in the case of hibernating or migrating animals, to hibernate or migrate.

3.1.3 The great crested newt is listed as being of principal importance for the conservation of biodiversity in England, under Section 41 of the Natural Environment and Rural Communities Act 2006, (commonly referred to as a UKBAP Priority Species).

3.2 Bats

3.2.1 All British bat species receive full protection under the Wildlife & Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010 ('Habitat Regulations'). In summary, the legislation combined makes it an offence to:

- Damage or destroy a breeding site or resting place or intentionally or recklessly obstruct access to a structure or place used for shelter by a bat;

- Deliberately, intentionally or recklessly disturb bats; in particular any disturbance which is likely to impair the ability of bats to survive, breed or reproduce or nurture their young; or in the case of hibernating or migrating bats, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species;
- Deliberately kill, injure or take any bat.

3.2.2 Seven bat species are listed as being of principal importance for the conservation of biodiversity in England, under Section 41 of the Natural Environment and Rural Communities Act 2006, (commonly referred to as a UKBAP Priority Species).

3.3 Badgers

3.3.1 Badgers and their setts are protected by the Protection of Badgers Act 1992. The Act makes activities such as development that would harm or disturb badgers or damage, obstruct or destroy their setts illegal. If badgers or their setts are to be affected by the proposed development, activities can be undertaken only under a licence issued by Natural England. The issue of a licence would be subject to the development of a suitable mitigation strategy.

3.4 Birds

3.4.1 All wild birds, their active nests and eggs, are protected under the Wildlife & Countryside Act 1981 (as amended). The Act makes it an offence to kill, injure or take a wild bird or to damage or destroy the nest of a wild bird whilst in use or being built.

3.4.2 Some bird species, such as the barn owl and kingfisher, receive additional protection and are listed on Schedule 1 of the Act, which makes it an offence to disturb these species whilst nesting in addition to the offences listed above.

3.5 Dormice

3.5.1 Dormice receive full protection under the Wildlife & Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats &c.) Regulations 2010 ('Habitat Regulations') (as amended). These make it illegal to

- Intentionally or recklessly kill, injure or take a dormouse;

- Possess or control any live or dead specimen or anything derived from a dormouse;
- Damage or destroy a breeding site or resting place or intentionally or recklessly obstruct access to a structure or place used for shelter by a dormouse;
- Intentionally or recklessly disturb dormice; in particular any disturbance which is likely to impair their ability to survive, breed or reproduce or nurture their young; or in the case of hibernating or migrating animals, to hibernate or migrate.

3.5.2 The government's statutory conservation advisory organisation, Natural England, is responsible for issuing European Protected Species licences that would permit activities that would otherwise lead to an infringement of the Habitat Regulations. A licence can be issued if the following three tests have been met:

- **Regulation 53(9)(a)** - there is "no satisfactory alternative" to the derogation, and;
- **Regulation 53(9)(b)** - the derogation "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range" and;
- **Regulation 53(2)(e)** - the derogation is for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

3.5.3 Local authorities have a statutory duty under Regulation 9(5) of the Habitat Regulations to have regard to requirements of the Habitats Directive in the exercise of their functions. The Council must therefore consider and determine whether these three tests have been satisfied by this application before granting planning permission. **N.B. the requirements set out in 3.5.2 and 3.5.3 apply to development that would affect bats and great crested newts, which are European Protected Species also.**

3.6 Reptiles

3.6.1 The four widespread reptiles most likely to be encountered in suburban habitats i.e. adder, grass snake, slow worm and viviparous lizard are protected

under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). The Act makes it an offence to intentionally or recklessly kill, injure, possess or sell any of the species.

- 3.6.2** The sand lizard and smooth snake are habitat specialists associated with heathland habitats and receive full protection under the Conservation of Habitats and Species Regulations 2010 ('Habitat Regulations') making it an offence also to damage or destroy the places they use for breeding or resting.

3.7 Water voles

- 3.7.1** Since April 2008, water voles have received full protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). This makes it an offence to intentionally kill, injure or take water voles or to possess or control live or dead water voles or derivatives. It is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection or intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose.

- 3.7.2** The water vole is listed as being of principal importance for the conservation of biodiversity in England, under Section 41 of the Natural Environment and Rural Communities Act 2006, (commonly referred to as a UKBAP Priority Species).

4 POLICY BACKGROUND

4.1 National Planning Policy

- 4.1.1** The ODPM Circular 06/2005 provides guidance on the application of the law relating to planning and nature conservation stating that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.'*
- 4.1.2** The National Planning Policy Framework published in March 2012 sets out the Government's planning policies for England and how they should be applied. Paragraph 117 of the NPPF states that *'To minimise impacts on biodiversity and geo-diversity, planning policies should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.'*

4.2 Local Planning Policy

- 4.2.1** Arun District Council is preparing its new Local Plan that that will guide development for the district from 2013 to 2028. It is intended that the emerging Arun District Local Plan, along with Neighbourhood Plans, will form the Development Plan for the district. The emerging Plan provides guidance on how the natural environment and landscape should be considered as part of development. The consideration of biodiversity in planning decisions within Arun District is highlighted in the Local Plan as follows:

Policy DM 26 Development and Biodiversity

'New development should enhance the biodiversity of the site and of the surrounding area by creating new habitats or improving existing ones. In certain circumstances, a new resource should be provided which is of at least equivalent value, where possible, to a site or feature which is lost as a result of development. This could include the creation of a new habitat on the site or elsewhere if this is more appropriate. However, in general, the loss of habitats should be resisted. All developments should have regard to Natural England's standing advice for protected species which clearly outlines what

considerations must be taken into account when designing development schemes, in the interests of preserving and enhancing biodiversity.

Development schemes shall, in the first instance, 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.'

- 4.2.2** The saved policies of the Local Plan adopted in 2003 still form part of the Development Plan for the District. Policy GEN29 provides guidance on the consideration of biodiversity in the District as follows:

Saved 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.

Reason

To protect undesignated sites from the harmful effects of development, in order to retain their value as a biodiversity resource.

Explanation

1.78 Biodiversity is an important resource, found throughout the District - not just in the countryside or within designated sites. Arun District Council has produced its own Biodiversity Action Plan, describing actions to be taken by many of the Council's departments concerning a range of habitats and species. In addition, the Sussex Biodiversity Action Plan, produced by the Sussex Biodiversity Partnership, sets out targets for specific habitats and species in the counties.

5 SURVEY METHOD

5.1 Phase 1 Ecological Survey

5.1.1 A walkover survey was undertaken on the 13th November 2012 by associate and graduate members of the Institute of Ecology and Environmental Management (IEEM). During the survey the habitats present were noted and plotted on a site plan (**Appendix 1**) using definitions based on the standard Phase 1 ecological survey definitions (JNCC 2010). Key features of the site were photographed (**Appendix 2**) and plotted on the site plan using target notes (**Appendix 3**).

5.1.2 Any features of ecological importance were recorded, and plant species observed during the survey noted (**Appendix 4**). Particular attention was given to any evidence of the presence of protected species and the site's potential to support such species and those of conservation importance (as defined within Section 74(2) of the Countryside and Rights of Way Act 2000).

5.2 Biological Records Search

5.2.1 The Sussex Biodiversity Records Centre (SxBRC) were commissioned to undertake a search of all data they held on protected and notable species and designated sites (statutory and non-statutory) within a two kilometre radius of the survey site.

5.2.2 Ordnance Survey mapping (1:25000 scale) was referred to assess the nature of surrounding habitats within the search area.

5.3 Survey Constraints

5.3.1 The ecological survey was subject to seasonal and access constraints; not all plant and animal species are present throughout the year and therefore the report represents a snapshot of the site at the time of the survey only. The plant species list presented should not be considered a comprehensive list of species present.

6 SURVEY FINDINGS

6.1 Existing Biological Records

- 6.1.1** The survey site was not shown to be designated for its wildlife value following a search of existing databases; however, Bersted Brooks, a Local Nature Reserve was identified in the search and is situated just over one kilometre to the north east of the site. The Nature Reserve covers an area of approximately 19 hectares and has a range of habitats including meadows, reed beds and ditches, ponds and newly planted floodplain woodland. Extensive areas of floodplain grazing marsh are located approximately 650 metres to the north of the site.
- 6.1.2** No records of protected or notable species are held for the survey site. In the surrounding area, there are records of several protected and notable species within the one kilometre grid square within which the survey site lies, including 16 European Protected Species as summarised from 6.1.3 below:
- 6.1.3** Fifty six species of birds have been identified as notable for Sussex as they are particularly scarce or vulnerable to development, including the Eurasian bittern (*Botaurus stellaris*), stone-curlew (*Burhinus oedipnemos*), woodlark (*Lullula arborea*) and marsh warbler (*Acrocephalus palustris*). A number of nationally notable plant species have been recorded locally including Italian lords and ladies (*Arum italicum* subsp. *Neglectum*), sand sedge (*Carex arenaria*), true fox sedge (*Carex vulpina*), early meadow-grass (*Poa infirma*), annual beard-grass (*Polypogon monspeliensis*), hair-like pondweed (*Potamogeton trichoides*), corn parsley (*Petroselinum segetum*), chamomile (*Chamaemelum nobile*) coralroot (*Cardamine bulbifera*), broad-leaved spurge (*Euphorbia platyphyllos*), and invertebrates including rufous grasshopper (*Gomphocerippus rufus*), silver-studded blue butterfly (*Plebejus argus*), bumblebee species (*Bombus* (*Megabombus*) *runderatus*) and stag beetle (*Lucanus cervus*).
- 6.1.4** Four reptile species: slow worm (*Anguis fragilis*), grass snake (*Natrix natrix*), common lizard (*Lacerta vivipara*) and adder (*Vipera berus*) have been recorded within a two kilometre radius of the site. The closest records date from 1995 and are for slow worm at Hatterleigh Close, which is approximately 400 metres to the south east of the survey site. Common lizard and adder have been recorded at Black Down approximately 650 metres to the south

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east. The closest record for grass snake is from a site along Aldingbourne Rife more than one kilometre to the south east of the survey site.

6.1.5 The fully protected great crested newt (*Triturus cristatus*) is the only amphibian species previously recorded within the search area. The species has been recorded at two different sites with the closest one dating from 2004 being from Laurel Close just over one kilometre to the east of the survey site.

6.1.6 Mammal records include the brown hare (*Lepus europaeus*), European water vole (*Arvicola amphibius*), West European hedgehog (*Erinaceus europaeus*) and seven bat species. The fully protected water vole has been recorded at a site approximately 700 metres to the northwest of the site. The bat species recorded within the search area include: the common pipistrelle (*Pipistrellus pipistrelles*), soprano pipistrelle (*Pipistrellus pygmaeus*), noctule (*Nyctalus noctula*), serotine (*Eptesicus serotinus*), Daubenton's bat (*Myotis daubentonii*), whiskered bat (*Myotis mystacinus*) and brown long-eared bat (*Plecotus auritus*).

6.2 Habitat Overview

6.2.1 The survey site comprised of the former garden of a public house to the south of the site, which was now an area of poor semi-improved grassland with a small patch of ephemeral/short perennial vegetation in the south east corner, and shrubs and tall ruderal vegetation established around the southern and eastern boundaries of the garden. A conifer hedge dominated the northern boundary of the garden. The northern end of the site was previously used as the car park of the public house and was primarily hard standing with a hedge line along the western boundary, dominated by scrub and scattered trees. Buddleia dominated the northern boundary with the neighbouring property. In the centre of the site between the garden and car park was an area of concrete with a small wooden shed in poor condition with the surrounding habitat dominated by scrub and ephemeral/short perennial vegetation.

6.2.2 Wooden fences formed the site's boundary with neighbouring gardens to the south, south east, west and north, with a new wooden fence forming the boundary with the Tesco's store to the south east of the site (formerly the public house).

6.3 Habitats

6.3.1 The following Phase 1 habitat types were observed during the survey: poor semi-improved grassland, tall ruderal vegetation, introduced shrubs, scrub, ephemeral/short perennial vegetation and scattered trees.

6.3.2 The habitat types are described below in detail; their distribution is shown on the site plan in **Appendix 1**, the site photographs are in **Appendix 2** with associated target notes in **Appendix 3**.

6.4 Poor Semi-improved Grassland

6.4.1 The south eastern end of site comprised poor semi-improved grassland (**Photographs 1 & 2; Target note 1**). The grassland was infrequently cut and was tussocky in places and the sward was dominated by a swathe of widespread grasses including abundantly creeping bent (*Agrostis stolonifera*), and frequently cock's-foot (*Dactylis glomerata*), red fescue (*Festuca rubra*) and Yorkshire fog (*Holcus lanatus*). Herbaceous plants had established within the sward and included rare patches of dandelion (*Taraxacum officinale* agg.), dove's-foot crane's-bill (*Geranium molle*), clover species (*Trifolium* sp.), spear thistle (*Cirsium vulgare*), forget-me-not (*Myosotis* sp.), ground ivy (*Glechoma hederacea*) and occasional patches of common ragwort (*Senecio jacobaea*).

6.5 Tall Ruderal Vegetation

6.5.1 Along the fence line on the south and south western boundary of the garden, tall ruderal vegetation had established and this was dominated by Yorkshire fog (*Holcus lanatus*), broadleaved willowherb (*Epilobium montanum*), common teasel (*Dipsacus laciniatus*), common nettle (*Urtica dioica*), common ragwort (*Senecio jacobaea*), dandelion (*Taraxacum officinale* agg.), ivy (*Hedera helix*), hedge bindweed (*Calystegia sepium*), bramble (*Rubus fruticosus* agg.), ground ivy (*Glechoma hederacea*) and smooth sow-thistle (*Sonchus oleraceus*) (**Target note 2, Photographs 2 & 3**). Piles of bricks from the remains of a barbeque and wooden pallets were scattered amongst the vegetation (**Target note 3**).

6.5.2 Tall ruderal vegetation had also established on the edge of the conifer hedge line on the northern boundary of the former garden. The area was dominated by bramble (*Rubus fruticosus* agg.), common nettle (*Urtica dioica*), common ragwort (*Senecio jacobaea*), smooth sow-thistle (*Sonchus oleraceus*), yarrow

(*Achillea millefolium*), old man's beard (*Clematis vitalba*) and lambs' ears (*Stachys byzantine*) (**Target note 4, Photograph 4**).

6.6 Introduced Shrubs

6.6.1 Introduced shrubs were growing around the south eastern corner of the former garden and included species such as spotted laurel (*Aucuba japonica*) (**Target note 5, Photograph 5**). Buddleia (*Buddleia davidii*) had become established amongst scrub along the northern most boundary of the car park (**Target note 6, Photograph 6**).

6.7 Ephemeral and Short Perennial Vegetation

6.7.1 In the south western corner of the site there was an area of gravel with ephemeral/short perennial species present including common ragwort (*Senecio jacobaea*), dove's-foot crane's-bill (*Geranium molle*), broadleaved dock (*Rumex obtusifolius*), smooth sow-thistle (*Sonchus oleraceus*), yarrow (*Achillea millefolium*), spear thistle (*Cirsium vulgare*), scarlet pimpernel (*Anagallis arvensis*), clover species (*Trifolium* sp.). The introduced plant, lambs' ears (*Stachys byzantine*) was also growing in places (**Target note 7, Photograph 7**).

6.7.2 A patch of ephemeral/short perennial vegetation was also growing to the north east of the former garden with species including common ragwort (*Senecio jacobaea*), dove's-foot crane's-bill (*Geranium molle*), creeping buttercup (*Ranunculus repens*), bramble (*Rubus fruticosus* agg.) black nightshade (*Solanum nigrum*), hedge bindweed (*Calystegia sepium*) and petty spurge (*Euphorbia peplus*) (**Target note 8, Photograph 8**).

6.8 Scrub

6.8.1 Dense scrub had formed around an area of concrete and a wooden shed to the north west of the pub garden and was dominated by bramble (*Rubus fruticosus* agg.), hedge bindweed (*Calystegia sepium*), common ragwort (*Senecio jacobaea*), dandelion (*Taraxacum officinale* agg.) and with buddleia established along the fence line (**Target note 9, Photograph 9**). Piles of cuttings and dead wood were scattered under the scrub (**Target note 10, Photograph 10**).

6.8.2 Scrub had also become established amongst the trees along the fence line surrounding the west and north of the former car park, with species including

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bramble (*Rubus fruticosus* agg.), common nettle, cleavers (*Galium aparine*), and chickweed species (*Stellaria media*) (**Target note 11, Photographs 11 & 12**).

6.9 Scattered Trees

6.9.1 Scattered trees were present around the boundaries, with a couple of conifers in the south east corner of the garden and along the hedge line on the northern boundary of the former garden (**Target notes 13 & 14, Photographs 12 & 13**).

There was a hazel (*Corylus avellana*) along the southern boundary of the former garden amongst the tall ruderal vegetation (**Target note 14**). Three sycamores (*Acer pseudoplatanus*), a silver birch (*Betula pendula*), elder (*Sambucus nigra*) and a young cherry (*Prunus* sp.) tree were distributed along the western boundary of the former car park (**Target note 15, Photograph 12**).

A young ash (*Fraxinus excelsior*) by the concrete to the south east of the former car park was growing in the northern boundary and had been coppiced and was starting to re-grow (**Target note 16**).

6.10 Fauna

6.10.1 A number of birds were seen on the site incidentally during the survey species observed included starling (*Sturnus vulgaris*), blue tit (*Cyanistes caeruleus*) and green woodpecker (*Picus viridis*). Mammal tracks were visible across the grassland, and considered most likely to be from fox (*Vulpes vulpes*) or domestic cats from neighbouring properties.

6.11 Buildings

6.11.1 A small wooden shed was situated in the patch of scrub between the former garden and car park. It was of simple construction and in poor condition offering negligible roosting opportunities for bats and no evidence of nesting birds was found (**Target note 17, Photograph 10**).

7 DISCUSSION

7.1 Assessment of Existing Ecological Value

7.1.1 The mixture of habitats including grassland, tall ruderal, ephemeral vegetation, scrub and introduced shrub habitats on site were typical of infrequently managed suburban land within lowland England supporting widespread and abundant native and ornamental, non-native plant species of therefore considered to be of no special conservation importance.

7.1.2 Although botanically species poor, the complex of grassland and tall ruderal and scrub habitats were relatively structurally diverse as a consequence of the lack of regular management. These complex of taller areas of vegetation and shorter, open areas may offer potential foraging habitat and shelter and basking opportunities suitable for reptile species encountered in garden habitats, such as the slow worm (*Anguis fragilis*), grass snake (*Natrix natrix*) and common lizard (*Zootoca vivipara*); all species which are UK Biodiversity Action Plan priorities and legally protected. Additionally, the piles of bricks, cuttings, and wooden pallets offer further, potential refugia for reptiles. Slow worms have been recorded on a site only 400 metres to the south east in a residential area, and because of this and the presence of suitable habitats, it is therefore considered that the site may support reptiles, particularly slow worms. The site is relatively small and surrounded by suburban habitats and as such is relatively isolated from habitats that would be of high value to reptiles, and because of this, it is considered unlikely that the site would support a large population of reptiles and be of importance on regional or national scale for reptiles if present.

7.1.3 The complex of habitats that are suitable for reptiles would also be suitable for use by amphibians, including the fully protected species: great crested newt. However, an examination of Ordnance Survey mapping and data received from SxBRC for the area reveals that the survey site is over one kilometre from known great crested newt records and that there are no water bodies, other than possibly small garden ponds, are present within a 500 metre radius of the site. Great crested newts typically utilise terrestrial habitats within a 500 metre radius of breeding ponds, with the key habitats for the majority of the population being 250 metres from breeding ponds (Langton *et. al.* 2001). Therefore the terrestrial habitats present on site, although potentially suitable terrestrial habitat for great crested newts, are considered unlikely to be used

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by them or other amphibian species, including conservation priorities such as common toad (*Bufo bufo*).

- 7.1.4** The scattered trees along the north western and southern boundaries of the site provide potential nesting habitat for common, widespread species of birds associated with a wide range of suburban habitats throughout the UK but are unlikely to be of value or importance to species of conservation concern and as such not habitats of anything other than site level ecological value.
- 7.1.5** There was no evidence of the legally protected large mammals i.e. badgers and it is unlikely the site supports this species. However mammal tracks were seen across the gardens which were considered likely to be from foxes and cats from the neighbouring properties. The wooden fencing along the south and south west boundaries was in poor condition allowing easy access between the gardens. It is possible that the site is used by smaller mammals such as hedgehogs, as the semi-improved grassland and scattered trees provide potential foraging habitat and the piles of cuttings provide potential hibernation sites, therefore precautions should be taken during the works (refer to Section 8).
- 7.1.6** The old wooden shed on site, of simple construction and in poor condition had no visible opportunities for roosting bats or nesting birds and as such is considered to be of no ecological importance.

7.2 Impact of Proposals

- 7.2.1** The proposals will lead to the loss of some existing vegetated habitats, but these habitats are widespread and abundant throughout the UK and considered to be of no special conservation importance and as such the proposals are considered highly unlikely to lead to the loss of habitats of ecological importance.
- 7.2.2** The development proposals will result in the creation of newly vegetated land on areas currently comprising hard standing and as such will offer potential to enhance the ecological value of these habitats, particularly if measures to enhance the ecological value of these new habitats are adopted (refer to Section 8 for recommendations).
- 7.2.3** The survey findings indicate that the site provides habitats that could be suitable for legally protected and conservation priority reptile species,

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particularly the slow worm, which has been recorded within 500 metres of the site previously. The proposed development could result in reptiles being harmed during site preparation works and the loss of suitable habitats also and therefore to ensure the development proceeds lawfully a survey to determine if reptiles are present or likely to be absent should be undertaken (refer to Section 8 for recommendations).

7.2.4 In the longer term, there will be areas of garden habitat within the site layout and as such it is considered likely that there would be scope to enhance/protect these for reptiles if present on the site, and therefore mitigate the impact of development on reptile habitat.

7.2.5 The majority of the trees on site are to be retained in the new development. Any tree loss on site is likely to have a minimal impact on wildlife, subject to some precautions being adopted (refer to Section 8).

8 RECOMMENDATIONS

8.1 Reptiles

8.1.1 A survey for the presence of reptiles should be carried out prior to the start of any site works including site clearance. The survey should comprise a minimum of seven survey visits to check artificial refugia set out on the site in advance in conditions suitable for reptiles i.e. dry with air temperatures above 9°C between March and September; surveys are most reliable when carried out in April, May and September (Froglife 1999).

8.1.2 In the event that reptiles are shown to be present, there is a risk that they could be killed or injured by scrub clearance and ground works. Therefore, it would be necessary to develop an appropriate programme of mitigation at this stage and this could include work to exclude reptiles from the construction zone and translocate any within the area to the safety of adjacent and protected and suitable habitats either elsewhere on site or in an off-site receptor area. Such work should be undertaken between March and October inclusive.

8.2 Birds

8.2.1 Any work to remove small trees and scrub should take place outside of the bird nesting season (March to August inclusive) or after an inspection to confirm the absence of nesting birds.

8.3 Amphibians

8.3.1 Although the likelihood of amphibians including great crested newts being affected by the proposed work is low, there remains a small risk that they and other notable species such as hedgehogs could be present under the piles of cuttings and wooden pallets and therefore some precautions during the course of the development should be adopted. The cuttings and wooden pallets should be removed outside of the peak hibernation season (November to February inclusive). In the unlikely event that a great crested newt are found during the development, works must stop immediately and a licensed ecologist be called onto site to attend to the newt(s) and liaise with Natural England on how to proceed; work should continue only once written advice has been received.

8.4 Ecological Protection and Enhancement

8.4.1 The development proposals would provide opportunities for the enhancement of the site's biodiversity value. The inclusion of the following recommendations would be of ecological benefit and be in line with the National Planning Policy Framework (NPPF):

- Existing native trees and shrubs, particularly the scattered trees along the northwest and southern boundaries, should be retained wherever possible;
- New landscape planting should make use of native trees and shrubs of local provenance sourced from suppliers following the Flora Locale Code of Practice for the suppliers, growers and collectors of native flora. Planting should bolster retained vegetation and include additional tree and shrub planting.
- Garden habitats should include features to allow the movement of wildlife between gardens by either raising close board fencing above the ground or by cutting small holes cut in the fencing gravel boards allowing continued access for small wildlife such as hedgehogs.
- Nesting opportunities for birds and roosting opportunities for bats should be included within the new housing by installing purpose built nesting and roosting boxes of varying designs to create opportunities for a range of bat and bird species associated with buildings such as pipistrelle and long eared bats, and birds like house sparrow and starling for example

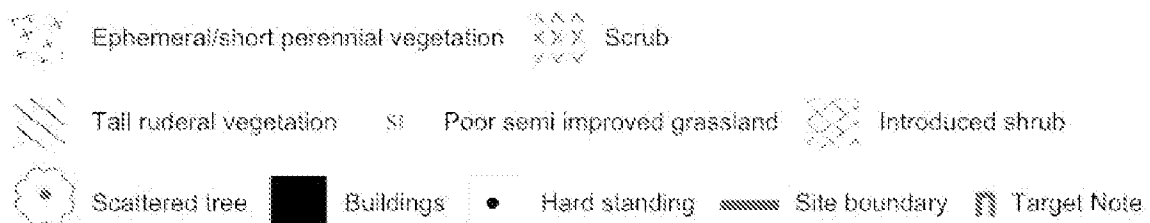
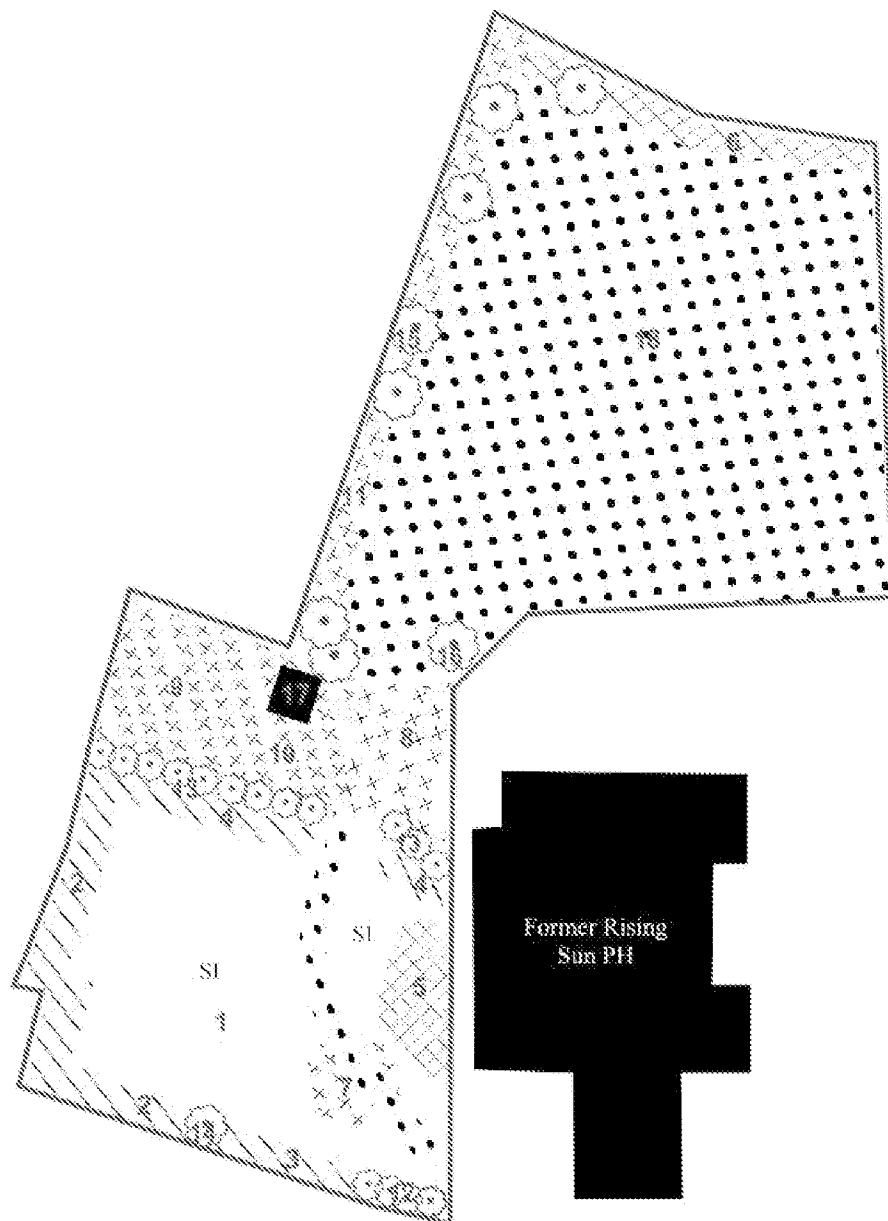
9 REFERENCES

Froglife (1999) Reptile survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife, Halesworth.

Joint Nature Conservation Committee (JNCC) (2010). *Handbook for Phase 1 habitat survey – A technique for environmental audit*. JNCC, Peterborough.

Langton, T. E. S., Beckett, C. L. & Foster, J.P. (2001). *Great Crested Newt Conservation Handbook*. Froglife, Halesworth.

APPENDIX 1 - PHASE 1 SITE PLAN



Drawn by:	Date	Scale:	Land at the Former Rising Sun Public House North Bersted, West Sussex	
VP	Nov 2012	Not to scale	Phase 1 Ecological Survey	

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APPENDIX 2 - SITE PHOTOGRAPHS



1. The poor semi-improved grassland in the former garden viewed from the south east corner.



2. The poor-semi improved grassland and tall ruderal vegetation along the southern and south western boundaries of the garden. A pile of bricks from the remains of a barbeque on the southern boundary.



3. Viewing south towards the tall ruderal vegetation along the southern boundary of the garden and shrubs on the eastern boundary.



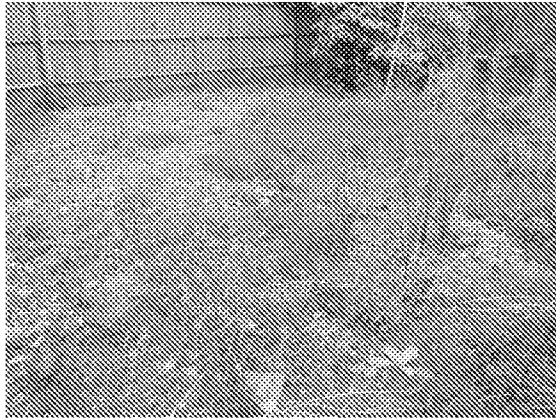
4. The tall ruderal vegetation growing under the conifer hedge line to the north of the garden.



5. Introduced shrubs growing on the eastern boundary of the garden.



6. Buddleia dominating the northern boundary of the car park.



7. Ephemeral and short perennial vegetation growing in the south east corner of the garden.



8. Ephemeral and short perennial vegetation growing to the north east of the garden.



9. Scrub growing to the north west of the garden.



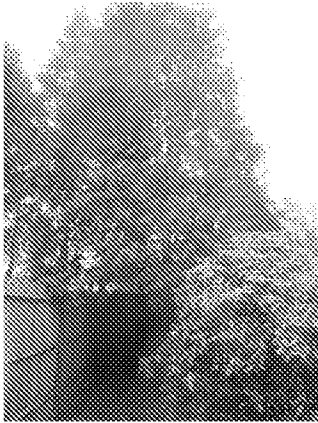
10. Cuttings left in the area of scrub and a wooden shed in poor condition.



11. The car park situated at the northern end of the site viewing north.



12. Scrub and scattered trees growing along the western boundary of the car park.



13. Conifers growing in the south east corner of the garden.



14. Conifer hedge line growing to the north of the garden.

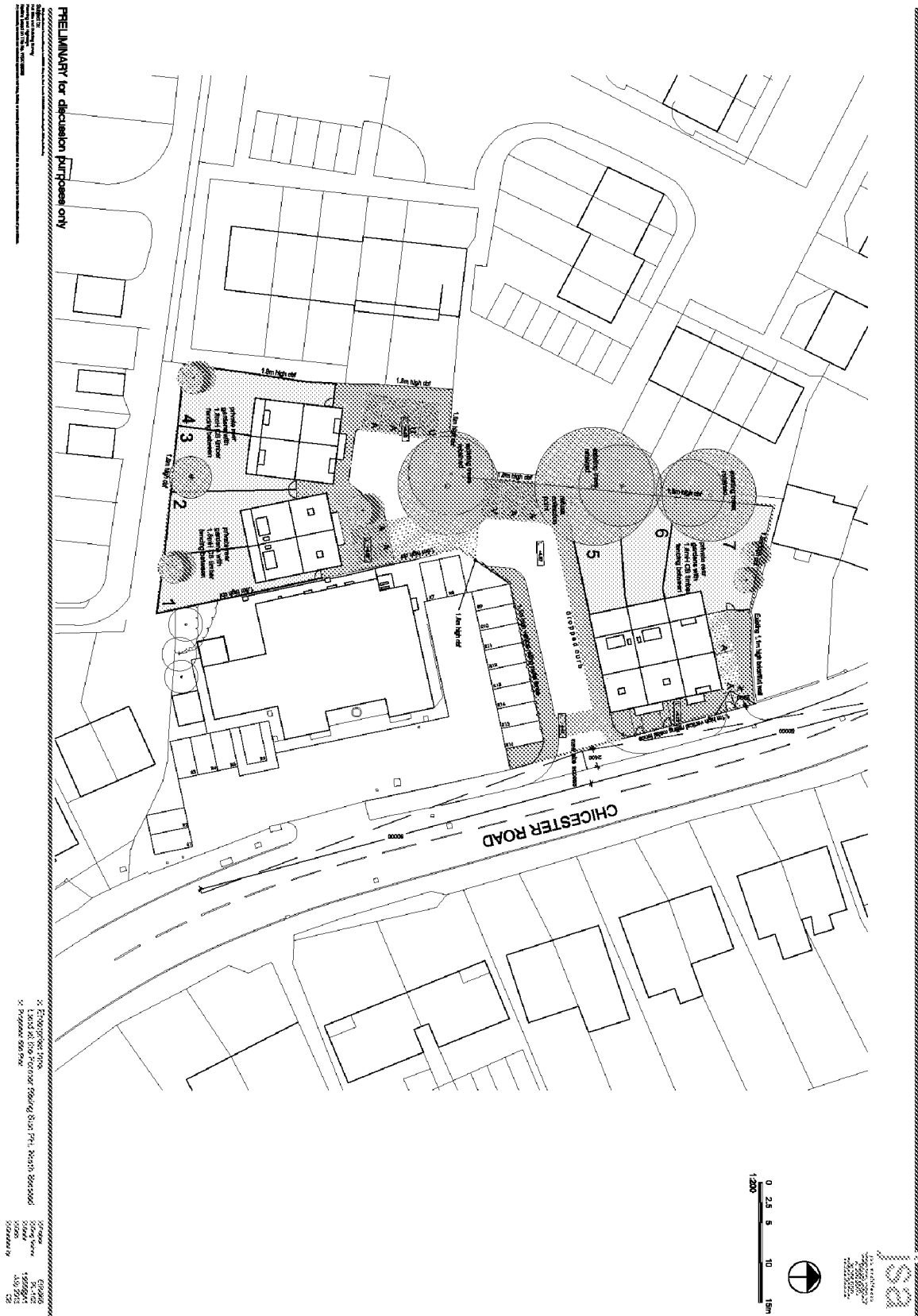
APPENDIX 3 - TARGET NOTES

	Comments
1	Poor semi improved grassland. The grassland was tussocky in places and the sward was dominated by creeping bent (<i>Agrostis stolonifera</i>), and frequently cock's-foot (<i>Dactylis glomerata</i>), red fescue (<i>Festuca rubra</i>) and Yorkshire fog (<i>Holcus lanatus</i>). Herbaceous plants had established within the sward and included rare patches of dandelion (<i>Taraxacum officinale</i> agg.), dove's-foot crane's-bill (<i>Geranium molle</i>), clover (<i>Trifolium</i> sp.), spear thistle (<i>Cirsium vulgare</i>), forget-me-not species, ground ivy (<i>Glechoma hederacea</i>) and occasional patches of common ragwort (<i>Senecio jacobaea</i>).
2	Tall ruderal vegetation along the fence line on the south and south eastern boundary dominated by Yorkshire fog (<i>Holcus lanatus</i>), broadleaved willowherb (<i>Epilobium montanum</i>), common teasel (<i>Dipsacus laciniatus</i>), common nettle (<i>Urtica dioica</i>), common ragwort (<i>Senecio jacobaea</i>), dandelion (<i>Taraxacum officinale</i> agg.), ivy (<i>Hedera helix</i>), hedge bindweed (<i>Calystegia sepium</i>), bramble (<i>Rubus fruticosus</i> agg.), ground ivy (<i>Glechoma hederacea</i>) and smooth sow-thistle (<i>Sonchus oleraceus</i>).
3	Piles of bricks and wooden pallets scattered amongst the vegetation providing potential reptile habitat.
4	Tall ruderal vegetation around the edge of the conifer hedge line, dominated by bramble (<i>Rubus fruticosus</i> agg.), common nettle (<i>Urtica dioica</i>), common ragwort (<i>Senecio jacobaea</i>), smooth sow-thistle (<i>Sonchus oleraceus</i>), yarrow (<i>Achillea millefolium</i>), old man's beard (<i>Clematis vitalba</i>) and lambs' ears (<i>Stachys byzantine</i>).
5	Introduced shrubs along the boundary, including species such as spotted laurel (<i>Aucuba japonica</i>). Buddleia dominated the boundary at the northern end of the car park.
6	Introduced shrubs along the hedge line to the north of the car park dominated by buddleia.
7	Ephemeral and short perennial vegetation with species including common ragwort (<i>Senecio jacobaea</i>), dove's-foot crane's-bill (<i>Geranium molle</i>), broadleaved dock (<i>Rumex obtusifolius</i>), smooth sow-thistle (<i>Sonchus oleraceus</i>), yarrow (<i>Achillea millefolium</i>), spear thistle (<i>Cirsium vulgare</i>), scarlet pimpernel (<i>Anagallis arvensis</i>), clover species (<i>Trifolium</i> sp.), and common ragwort (<i>Senecio jacobaea</i>). The introduced lambs' ears (<i>Stachys byzantine</i>) plant was also growing in places.
8	Ephemeral and short perennial vegetation with species including common ragwort (<i>Senecio jacobaea</i>), dove's-foot crane's-bill (<i>Geranium molle</i>), creeping buttercup (<i>Ranunculus repens</i>), bramble (<i>Rubus fruticosus</i> agg.), black nightshade (<i>Solanum nigrum</i>), hedge bindweed (<i>Calystegia sepium</i>) and petty spurge (<i>Euphorbia peplus</i>).
9	Dense scrub had formed around an area of concrete and a wooden shed dominated by bramble (<i>Rubus fruticosus</i> agg.), hedge bindweed (<i>Calystegia sepium</i>), common ragwort (<i>Senecio jacobaea</i>), dandelion (<i>Taraxacum officinale</i> agg.) with buddleia established along the fence line.
10	Piles of cuttings and dead wood were scattered under the scrub providing potential reptile habitat.
11	Scrub established amongst the trees along the fence line, with species including bramble (<i>Rubus fruticosus</i> agg.), common nettle, cleavers (<i>Galium aparine</i>), and a chickweed (<i>Stellaria media</i>).
12	A couple of conifers.
13	Conifer hedge line.
14	Hazel (<i>Corylus avellana</i>) tree amongst the tall ruderal vegetation.
15	Three sycamores (<i>Acer pseudoplatanus</i>), a silver birch (<i>Betula pendula</i>), elder (<i>Sambucus nigra</i>) and a young cherry (<i>Prunus</i> sp.) tree.
16	An ash (<i>Fraxinus excelsior</i>) that had been coppiced but had some stems growing back.
17	Wooden shed in poor condition with negligible roosting opportunities for bats.
18	Hard standing – primarily the former pub car park to the north of the site and a small footpath running through the grassland towards the south east of the former pub garden.

APPENDIX 4 - PLANT SPECIES RECORDED DURING THE SURVEY

Plant common name	Scientific name
Ash	<i>Fraxinus excelsior</i>
Black nightshade	<i>Solanum nigrum</i>
Bramble	<i>Rubus fruticosus</i> agg.
Broadleaved dock	<i>Rumex obtusifolius</i>
Broadleaved willowherb	<i>Epilobium montanum</i>
Buddleia	
Cherry	<i>Prunus</i> sp.
Chickweed	<i>Stellaria media</i>
Cleavers	<i>Galium aparine</i>
Clover species	<i>Trifolium</i> sp.
Cock's-foot	<i>Dactylis glomerata</i>
Common nettle	<i>Urtica dioica</i> ,
Common ragwort	<i>Senecio jacobaea</i> .
Common teasel	<i>Dipsacus laciniatus</i>
Creeping bent	<i>Agrostis stolonifera</i>
Creeping buttercup	<i>Ranunculus repens</i> ,
Dandelion	<i>Taraxacum officinale</i> agg.
Dove's-foot crane's-bill	<i>Geranium molle</i>
Elder	<i>Sambucus nigra</i>
Forget-me-not	<i>Myosotis</i> sp.
Ground ivy	<i>Glechoma hederacea</i>
Hazel	<i>Corylus avellana</i>
Hedge bindweed	<i>Calystegia sepium</i>
Ivy	<i>Hedera helix</i>
Lambs' ears	<i>Stachys byzantine</i>
Old man's beard	<i>Clematis vitalba</i>
Petty spurge	<i>Euphorbia peplus</i>
Red fescue	<i>Festuca rubra</i>
Scarlet pimpernel	<i>Anagallis arvensis</i>
Silver birch	<i>Betula pendula</i>
Smooth sow-thistle	<i>Sonchus oleraceus</i>
Spear thistle	<i>Cirsium vulgare</i>
Spotted laurel	<i>Aucuba japonica</i>
Sycamores	<i>Acer pseudoplatanus</i>
Yarrow	<i>Achillea millefolium</i>
Yorkshire fog	<i>Holcus lanatus</i>

APPENDIX 5 – PROPOSED SITE LAYOUT



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