



Ref:

P19012-A

Title:

Preliminary Ecological Assessment:
Hatter's Inn, Bognor Regis

On Behalf Of:

DV Architects

Date:

04 August 2019

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Version: 1.0

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1 EXECUTIVE SUMMARY

RATIONALE

The Hatter's Inn Public House is seeking planning permission to expand the existing outdoor beer garden to encompass a small, derelict piece of land adjacent to the current area.

A Preliminary Ecological Assessment (PEA) is required to check for any potential ecological constraints that will need considering during the development.

METHODOLOGY

The PEA will provide an initial assessment to identify any ecological constraints, primarily relating to protected species such as bats, nesting birds, badgers etc. If any such constraints are considered moderate to high risk of being impacted by the proposed development, further survey effort may be required to ensure all relevant wildlife law is adhered to, and any protected species are safeguarded during the development.

TIMING & CONDITIONS

The survey was undertaken in fair weather conditions on the 18th July 2019.

FINDINGS

Overall, the habitat has low ecological value, but the site has a moderate risk for certain ecological constraints, notably nesting birds.

The site is immediately surrounded by residential flats, commercial properties and lies very close to the beach in a busy tourist destination with associated amenities.

CONCLUSIONS

No impact outside of the current site boundary is expected based on the proposed plans.

The derelict scrub provides some suitable shelter for nesting birds, however this area is very small. No nests were observed during the site visit, however an unknown dead bird was identified during on the ground within the scrub. No further ecological input is considered necessary, however clearance of the area should be undertaken outside of the bird nesting season (approximately September to March inclusive).

No further ecological conditions are expected to arise as a result of this development.

2 INTRODUCTION

BACKGROUND TO ACTIVITY / DEVELOPMENT

- 2.1 Aether Ecology was instructed by **Rowena Mosely on behalf of DV Architects** to undertake a Preliminary Ecological Assessment at the **Hatter's Inn public house in Bognor Regis**.
- 2.2 The PEA and scoping surveys were undertaken to assess the habitats present and the potential for protected species that may be affected by the proposed development of the site.
- 2.3 This report presents the findings of the surveys and provides recommendations for any additional ecological investigation and/or mitigation where necessary.
- 2.4 This report also provides recommendations for ecological enhancement of the site and can be used to inform a European Protected Species (EPS) licence application if required.

TIMING AND CONDITIONS

- 2.5 The survey(s) were undertaken on the **18th July 2019** in fair weather conditions.

PERSONNEL

- 2.6 The surveys were undertaken by a suitably qualified and experienced ecologist and licensed bat worker. The table below shows the personnel in attendance during the survey(s).

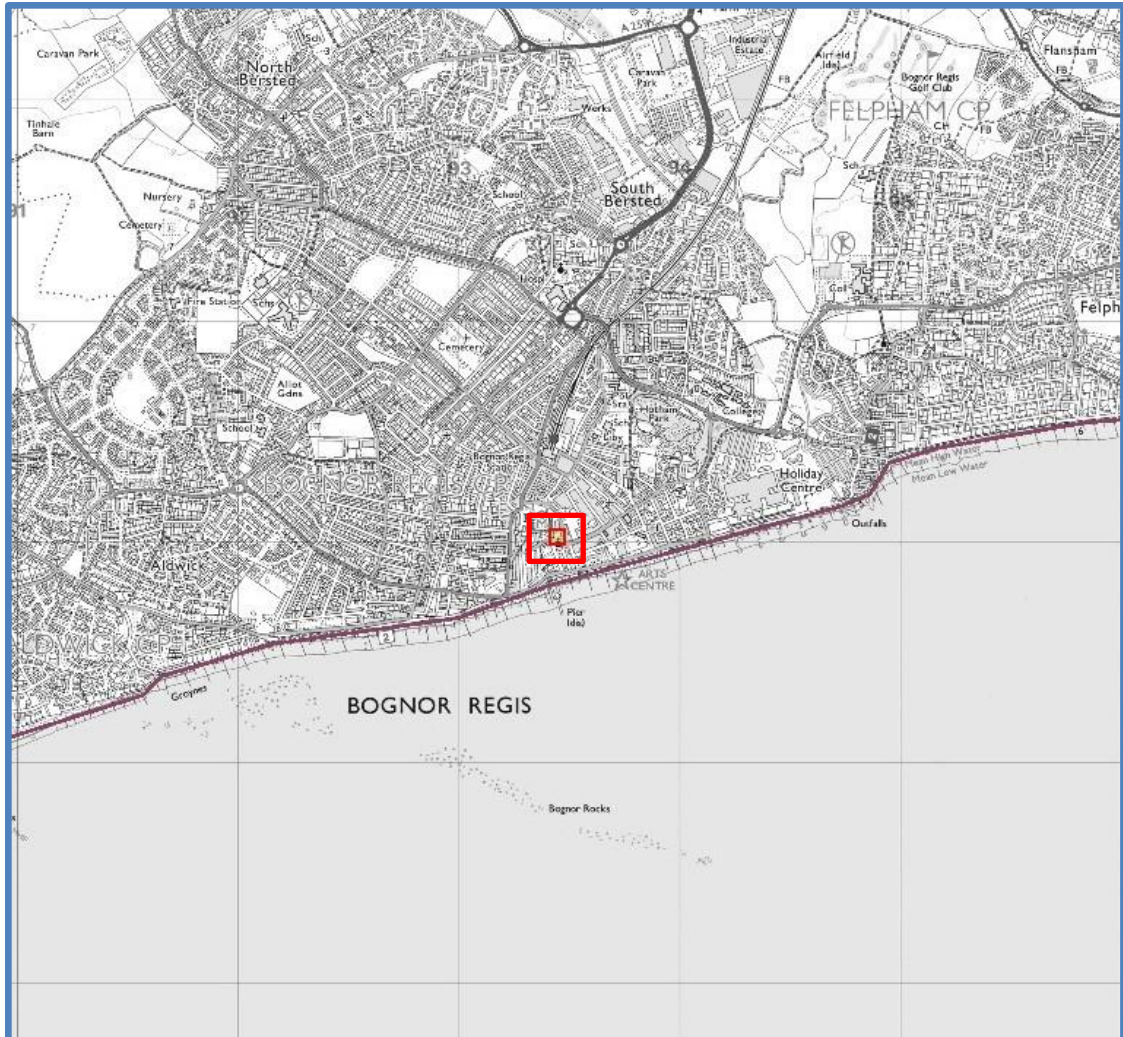
TABLE 2-2: PERSONNEL PRESENT DURING SURVEYS

Surveyor Name:	NE Bat Licence No:	NE Barn Owl Licence No:	CIEEM No:
Brady Roberts	CLS01152 / 2015-12154-CLS-CLS	2015-8096-SCI-SCI	4074

SITE LOCATION

- 2.7 The site is located in **Bognor Regis**. The Ordnance Survey grid reference for the centre of the site is: **SZ 9344 9902**.

FIGURE 2-1: 1:25,000 SCALE SITE LOCATION



SOURCE: MAGIC.GOV.UK

3 BIODIVERSITY AND POLICY BACKGROUND

- 3.1 Various policies have been set by the Government and other organisations to enhance and maintain the local, regional and national biodiversity. These may be particularly applicable during developments.

BIODIVERSITY ACTION PLANS

- 3.2 Biodiversity Action Plans (BAPs) are internationally recognised programs addressing 'priority' species and habitats and are designed to protect and restore biological systems. Local BAPs are created to identify local priorities to determine the contribution they may make the UK BAP. BAPs are constantly updated throughout the UK with the goal to monitor, enhance, and halt the loss of biodiversity.
- 3.3 Biodiversity plans and strategies relevant to this development include:
- **NERC Act 2006 (1) ;**
 - **England Biodiversity Strategy (2).**
- 3.4 All of the above form part of the commitment made by the UK to halt loss of biodiversity. This is the UK Government's response to the Convention on Biological Diversity (CBD) signed in 1992 at Rio de Janeiro which describes the UK's biological resources and commits a detailed plan for the protection of these resources including priority species and habitats.

NERC ACT 2006

- 3.5 Habitat of Principal Importance as listed in Sections 40 and 41 of the Natural Environment and Rural Communities (NERC) Act, 2006, which places on a duty on Local Planning Authorities to have due regard to biodiversity. Habitats of Principal Importance are also afforded protection through the National Planning Policy Framework (NPPF), which states that council policies should '*promote the preservation, restoration and recreation of priority habitats...the council should have regard for conserving this habitat*'.

ENGLAND BIODIVERSITY STRATEGY

- 3.6 This strategy brings together England's key contributions to achieving the 2010 target to halt biodiversity loss. It also seeks to make biodiversity part of mainstream thinking and emphasises that healthy, thriving and diverse ecosystems are essential to everybody's quality of life and wellbeing. An important part of the strategy is to deliver the UK BAP in England.
- 3.7 The aim of this strategy includes the following:
- Protecting the best wildlife sites;
 - Promoting the recovery of declining species and habitats;
 - Embedding biodiversity in all sectors of policy and decision making;
 - Enthusing people; and
 - Developing the evidence base.

NATIONAL PLANNING POLICY FRAMEWORK

- 3.8 In addition to the above biodiversity plans and strategy, the UK Government has set out a framework on the protection of biodiversity and geological conservation through the planning system.
- 3.9 The **National Planning Policy Framework (NPPF)** (3) came into effect in March 2012 and supersedes Planning Policy 9 document. Among other policies, this document sets out guidance on the statutory obligations for biodiversity and geological conservation and their impact on the planning system through paragraphs 109-119.
- 3.10 The NPPF is supported by the ODPM Circular 06/2005 which sets out the approaches to be taken in relation to protected species, including the need to carry out surveys before planning permissions are granted where there is a reasonable likelihood of protected species being present on a site and a risk that they may be adversely affected by proposed development.
- 3.11 The NPPF also recognises the wider benefits of the ecosystem services and aims to minimise impacts on biodiversity while providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 3.12 Other principles of the NPPF include but are not limited to:
- Conserving and enhancing biodiversity;
 - Incorporating biodiversity in and around developments; and
 - Refusal of planning permission in the loss or deterioration of irreplaceable habitats.

4 METHODOLOGY

PRELIMINARY ECOLOGICAL APPRAISAL

OBJECTIVES OF THE SURVEY

- 4.1 The aim of this survey is to determine the ecological value of the site. Several methodologies are employed that can be used to assess habitats of note or protected species that may present. The more data that is acquired at an early stage before the proposed development is scheduled to begin, then the better chances are of getting any relevant licenses and or mitigation /compensation measures in time and avoiding any conflict with wildlife law.

HABITAT EVALUATION

- 4.2 A habitat evaluation was undertaken with reference to the **Guidelines for Baseline Ecological Assessment** (4) and the **Handbook for Phase 1 Habitat Survey methodology** (5).

- 4.3 The evaluation of habitats present on site are based on recognised criteria produced by **Ratcliffe** (6). These criteria follow a seven point scale to rank importance of habitat types and associated species. The value of each habitat was ranked according to its importance in a local context. A summary of the Radcliffe criteria is shown described below.

- Low;
- Low to Moderate;
- Moderate;
- Moderate to High;
- High (Local / District Importance);
- Very High (County Importance e.g. Sites of Nature Conservation Interest (SNCI), County Wildlife Site (CWS)); and
- Exceptional Value (National Importance e.g. Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC).

- 4.1 Weed species include injurious and invasive species, and although it is not an offence to have these weeds growing on your land, they must not be allowed to spread to agricultural land, particularly grazing areas or land used to produce animal feed.

- 4.2 Injurious species include:

- Common ragwort;
- Spear thistle;
- Creeping Thistle;
- Broad-leaved Dock; and
- Curled Dock

- 4.3 Invasive species include:

- Japanese Knotweed;

- Indian Balsam;
- Giant Hogweed; and
- Floating Pennywort.

PROTECTED SPECIES ASSESSMENT

4.4 During the habitat evaluation, any evidence of protected and notable species are identified, and recommendations will be provided regarding any possible constraints that such species may present.

4.5 Recommendations may include further surveys that are species specific. Protected species in the assessment may include, but are not limited to:

- Badgers;
- Barn Owls;
- Bats;
- Dormice;
- Great Crested Newts;
- Nesting Birds;
- Otters;
- Reptiles;
- Water Voles; and
- White Clawed Crayfish

4.6 The potential for protected species outcomes which are categorised below:

- **CONFIRMED (EVIDENCE):** Direct or indirect evidence of the species was observed during the survey. Ecologist involvement will be required that may include further survey effort that should be undertaken at suitable times of the year. Additional surveys may be needed to inform a European Protected Species licence (EPS) from the local Statutory Nature Conservation Organisation (SNCO) if the proposed development is considered likely to cause an offence.
- **HIGH POTENTIAL:** No evidence of species was observed but the potential is very good due to a variety of suitable features, good conditions and / or surrounding habitat or known records of species located within close proximity of the site. Ecologist involvement may be required. If there is high potential for species including additional surveys to be undertaken at suitable times of the year to provide the greatest chance of a positive or probable negative result. If the additional surveys confirm that a species is present, the potential will be upgraded to a confirmed. If no confirmed species can be identified after the survey effort, the potential will be downgraded to a Category 1 or Category 2.
- **MODERATE POTENTIAL:** No evidence of species was observed but the potential for the species is good due to limited number of suitable features within the site or the surrounding habitat. Further ecologist involvement is considered unlikely, however,

precautions should be taken and a method statement should be produced outlining best practice guidelines and procedures in case new evidence is found.

- **LOW POTENTIAL:** No evidence of the species was observed and potential for the species being present is considered possible but not ideal. Further ecologist involvement not considered necessary unless new evidence is found.
- **NEGLIGIBLE POTENTIAL:** No evidence of the species was observed and potential for the species being present is considered highly unlikely. Further ecologist involvement not considered necessary unless new evidence is found

5 RESULTS

PRELIMINARY ECOLOGICAL APPRAISAL

HABITAT EVALUATION

- 5.1 The aerial image shown below identifies the development area with a single habitat type of scrub (red outline), and non-native ornamental planting.
- 5.2 The site is very small, measuring approximately 0.01ha.

PLATE 5-1: AERIAL IMAGE OF DEVELOPMENT ZONE (RED) AND EXISTING BEER GARDEN (BLUE)



5.3 The following table provides a summary of the habitat values within the site.

TABLE 5-1 SUMMARY OF HABITAT VALUE

HABITAT TYPE	VALUE
GRASSLAND	NEGLIGIBLE
RUDERALS	NEGLIGIBLE
EPHEMERAL / SHORT PERENNIALS	NEGLIGIBLE
SCRUB	LOW
HEDGES	NEGLIGIBLE
INDIVIDUAL TREES	NEGLIGIBLE
GARDEN / ORNAMENTAL PLANTING	NEGLIGIBLE
WATER BODIES	NEGLIGIBLE
MAN MADE STRUCTURES	NEGLIGIBLE
OVERALL HABITAT VALUE:	LOW

- 5.4 The proposed development site a small area of overgrown scrub and dense ornamental planting.
- 5.5 Several semi-mature trees and shrubs dominate the area including silver birch and elder, with dense bramble coating much of the understorey.
- 5.6 Other native species include red dead nettle, narrow leaved plantain, common mallow, bittersweet nightshade, ivy, and laurel.
- 5.7 The area was strewn with debris / litter and has previously been used by someone to sleep in, with an old sleeping bag, magazines and blankets laying around the floor.
- 5.8 The existing beer garden of the Hatter's Inn to the south, as well as the adjacent public gardens to the west and residential gardens for the ground floor flats to the north may have all contributed to several ornamental species also being present within the periphery of the scrub.
- 5.9 The overall value of the habitat is considered **LOW**.

PLATE 5-2: VIEW OF THE DEVELOPMENT AREA FROM THE SOUTH-WEST



PLATE 5-3: VIEW OF DEVELOPMENT AREA FROM THE EXISTING BEER GARDEN TO THE SOUTH

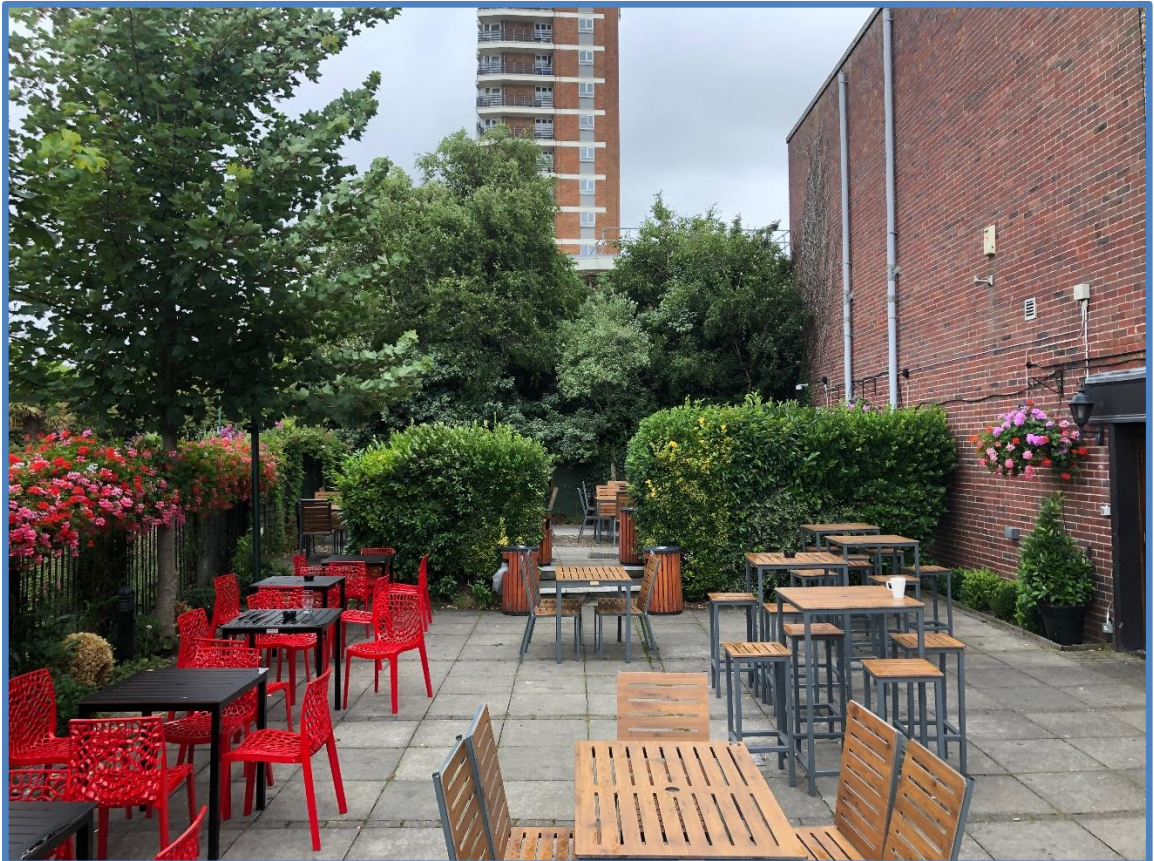


PLATE 5-3: DENSE ELDER, IVY AND BRAMBLE WITH LITTER AND DEBRIS



PLATE 5-4: REMAINS OF SLEEPING EQUIPMENT AND CLOTHES



PROTECTED SPECIES ASSESSMENT

- 5.10 The following table provides a summary of any evidence, or suitable potential for protected species observed during the site visit (see methodology for category details).
- 5.11 Species with negligible potential have been scoped out of the following section as identified in table below.

TABLE 5-2: POTENTIAL FOR PROTECTED SPECIES

SPECIES	POTENTIAL
BADGERS	NEGLECTIBLE
BARN OWLS	NEGLECTIBLE
BATS	NEGLECTIBLE
DORMICE	NEGLECTIBLE
GREAT CRESTED NEWTS	NEGLECTIBLE
NESTING BIRDS	MODERATE
OTTERS	NEGLECTIBLE
REPTILES	NEGLECTIBLE
WATER VOLES	NEGLECTIBLE
WHITE CLAWED CRAYFISH	NEGLECTIBLE

NESTING BIRDS

- 5.12 Nesting birds are the only potential ecological constraint considered relevant to this site. The remains of an unknown bird was located within the scrub area, however, no nests or nesting activity was noted around the development area.
- 5.13 The scrub may be used by some common bird species for nesting and feeding during the breeding season (approximately March to August).

6 CONCLUSIONS & RECOMMENDATIONS

PRELIMINARY ECOLOGICAL APPRAISAL

HABITAT ASSESSMENT

- 6.1 The site is of **low** ecological importance. The flora are all common and ornamental species with limited ecological value to wildlife, and no local or county significance.
- 6.2 The surveyed area provides little ecological value and will not affect any surrounding areas with regards to commuting, foraging or shelter for most protected species.

PROTECTED SPECIES ASSESSMENT

NESTING BIRDS

- 6.3 Birds could nest within the scrub.
- 6.4 The proposed development will remove this area of vegetation and may affect nesting birds that may be using the area.
- 6.5 Any vegetation that is to be removed **during** the bird breeding season will be inspected by a suitably ecologist and confirming no birds are currently using the hedge for nesting.
- 6.6 The risk of causing an offence to nesting birds may be negated by undertaking works outside of the bird breeding season (approximately September to March inclusive).
- 6.7 The risk of causing an offence under UK and European wildlife law (**see section 8**) is considered to be **LOW / NEGLIGIBLE** with respect to nesting birds, providing these recommendations are followed.

LIMITATIONS & CONSTRAINTS

- 6.8 There were considered no major constraints to the survey.

7 WILDLIFE LAW AND LEGISLATION

- 7.1 Many of the UK's protected species are fully protected by UK law under Schedule 5 of the **Wildlife and Countryside Act (7)**. The **Countryside and Rights of Way Act 2000 (8)** adds additional enforcement including 'reckless' or 'intentional' disturbance, making offences arrestable, increasing time limits for some prosecutions and increasing penalties. Some species are also included in Schedule 2 of the **Conservation (Natural Habitats, &c.) Regulations (9)** which defines 'European protected species of animals'.
- 7.2 Certain species are also protected under European and international law, including **The Habitats and Species Directive (10)**.
- 7.3 The combined legislation makes it illegal to:
- Intentionally or deliberately kill, injure or capture protected species;
 - Deliberately disturb protected species whether in a roost / nest or not;
 - Recklessly disturb roosting/ nesting protected species or obstruct access to their roosts / nests;
 - Damage or destroy roosts/ nests of protected species (including if absent);
 - Possess or transport any part of a protected species unless acquired legally; and
 - Sell or exchange protected species, or parts of protected species.
- 7.4 The penalty for an offence involving protected species includes a fine up to £5,000 (per animal), up to 6 months imprisonment or both, and forfeiture of items used to commit the offence e.g. vehicles, plant, machinery etc.

General

- 7.5 If planned development works are considered to constitute an offence they may only be carried out under a European Protected Species licence from the relevant statutory body (e.g. Natural England).
- 7.6 Works or mitigation activities involving interference with protected species must be carried out by a species-specific licensed worker.

8 REFERENCES

1. *Natural Environment and Rural Communities (NERC) Act 2006*. 2006.
2. *Department for Environment, Food and Rural Affairs. Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services*. 2011.
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7. *Joint Nature Conservation Council. Wildlife & Countryside Act (1981) (as amended)*. 1981.
8. *The Countryside and Rights of Way Act*. 2000.
9. *The Conservation (Natural Habitats, &c.) Regulations*. 1994.
10. *Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. The Habitats and Species Directive*. 1992.