

Ecological Enhancement Plan

7 Longford Road, Bognor Regis, Arun, West Sussex, PO21 1AA

JJR Designs

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Guidelines

This assessment has been designed to meet:

- British Standard 42020 (2013) 'Biodiversity – Code of Practice for Planning and Development'.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a preliminary ecological appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

In consequence of the scale and intensity of the proposed development, this plan-led report is considered adequate and proportionate. It communicates all relevant information necessary to determine a planning application or support the recommendations for further surveys.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Ltd was commissioned by JJR Designs to produce an Ecological Enhancement Plan (EEP) in support of the retrospective planning application for 7 Longford Road, Bognor Regis, Arun, West Sussex, PO21 1AA (hereafter referred to as “the site”).

1.2 Site Location

The site is centred on National Grid Reference SZ 93357 99450 and has an area of approximately 0.02ha. The site is located within an urban context within Bognor Regis Town Centre and comprises a terraced residential dwelling alongside small front and rear gardens. A site location plan is provided in **Figure 1**.

1.3 Project Description

The retrospective planning application pertaining to the site (Arun District Council ref: BR/261/21/PL) details the proposed development to comprise: *“Retention of 6 bed 10 person HMO. This site may affect the character & appearance of the Bognor Regis Railway Station Conservation Area & is in CIL Zone 4”* (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in **Figure 2**.

1.4 Scope of this Report

Following the submission of planning application BR/261/21/PL and subsequent advice from multiple consultees, a Recommendation Report for Planning Permission was produced by the Planning Officer. Relevant to this report, advice was provided relating to ecology at the site, which stated:

“In terms of legislation, development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required. Paragraphs 174 and 180 of the NPPF indicate that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Act and the NPPF. ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

No biodiversity enhancement measures have been proposed. In order to accord with the Environment Act, NPPF and ALP policy ENV DM5 a planning condition will be imposed to secure a Biodiversity Net Gain Plan to show proposed measures e.g. inclusion of bird boxes, wildflower planting etc.”

The proposed development was conditionally approved. A planning condition relating to ecology was stipulated through the decision notice. Relevant to this report, planning condition 4 states:

“Within 3 months of the date of this decision details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 3 months of the approval of the details and retained thereafter.

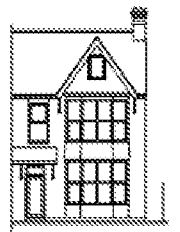
Reason: In accordance with Arun Local Plan of policy ENV DM5 and the National Planning Policy Framework.”

The scope of this report is to provide a plan to enhance the site for biodiversity post-development to comply with wildlife legislation and planning policy (see **Appendix 2**). As a result, this report provides evidence in support of the discharge of planning condition 4.

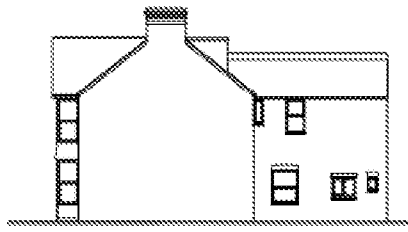


Figure 1: Site location plan

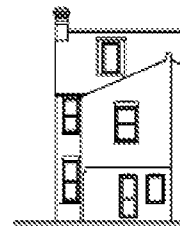
The proposed development is a three-storey residential building with a total floor area of 1,200 sqm. It is located on a plot of 0.25 hectares. The development is proposed to be built on the existing site, which is currently a vacant plot. The proposed development is a three-storey residential building with a total floor area of 1,200 sqm. It is located on a plot of 0.25 hectares. The development is proposed to be built on the existing site, which is currently a vacant plot.



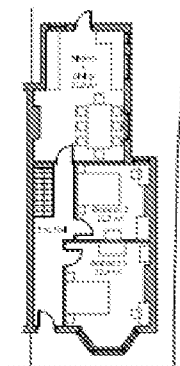
FRONT-LEFT ELEVATION
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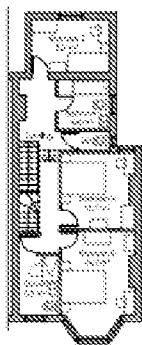
FRONT-RIGHT ELEVATION
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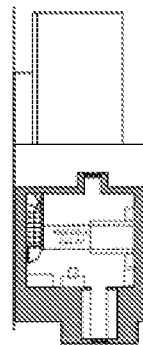
SIDE-LEFT ELEVATION
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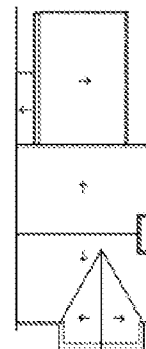
GROUND FLOOR PLAN
 1:100



FIRST FLOOR PLAN
 1:100



SECOND FLOOR PLAN
 1:100



ROOF TERRACE PLAN
 1:100



SCALE: 1:100
 0 1 2 3 4 5 6 7 8 9 10

1:100
 0 1 2 3 4 5 6 7 8 9 10

WALL	CONCRETE
FLOOR	CONCRETE
CEILING	CONCRETE
ROOF	CONCRETE
GLASS	GLASS

1:100

1:100

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Figure 2: Proposed development

2.0 Baseline Ecological Conditions

The site was not subject to any ecological assessment to inform the planning application. However, given the highly urban context of the site, and that the proposed planning application does not impact any external habitats and comprises alterations to the building only, the absence of preliminary ecological assessment is not considered a significant limitation. However, an ecological desk study has been undertaken to assist the production of this EEP. The desk study included a 1km radius review of statutory designated sites and notable habitats, granted European Protected Species Licences (EPSL), and notable species records held on magic.gov.uk database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps. As a result, baseline ecological conditions at the site were determined as a result of the desk study and were used to determine ecological enhancements appropriate to the site.

2.1 Ecological Desk Study

Designated Sites

The site is not subject to any statutory designations. A single statutory designated site is located within 1km of the site comprising a Site of Special Scientific Interest (SSSI), as detailed in **Table 1** below. It is noted that the site lies within a number of Sites of Special Scientific Interest (SSSI) impact risk zones. However, the proposed development type is not listed as a possible high risk with regards to this designation.

Table 1: Statutory designated sites within 1km radius of the site.

Designated site name	Distance from site (approx.)	Reasons for notification from Natural England
Bognor Reef SSSI	0.68km north east	This site comprises a long stretch of foreshore of great geological interest and an extensive area of vegetated shingle, a habitat type which is rare in Britain. At the western end is a small area of old sand dune with an interesting flora including a specially protected species listed on Schedule 8 of the Wildlife and Countryside Act 1981.

Landscape

A review of aerial photographs (Google Earth), the magic.gov.uk database and OS maps has been undertaken. Habitats of potential high value within the wider landscape are described below: The site is located within an urban context within Bognor Regis Town Centre. The landscape within 1km of the site is therefore dominated by dense urban infrastructure. However, there are vegetated habitats present within 1km that may provide opportunities for wildlife including Bognor Reef SSSI and Hotham Park located 0.5km east. Vegetated habitats between the site and these areas may provide green corridors for wildlife including street tree lines and residential gardens in an otherwise ecologically devoid area. As such, there is potential connectivity, albeit

highly limited, to the site for highly mobile protected and/or notable species groups such as bats and birds from these areas. However, connectivity to on-site habitats for less mobile protected and/or notable species groups such as reptiles and amphibians is absent due to the dominance of urban infrastructure which is considered to eliminate dispersal opportunities.

Notable Species

No EPSL have been granted within 1km of the site.

Conclusion

The site is located within a highly urbanised context which limits the potential effectiveness of enhancement opportunities at the site as a result of limited connectivity for protected and/ or notable species. However, there is potential connectivity between the site and green areas within Bognor Regis for highly mobile species groups including bats and birds via street tree lines and residential gardens, albeit limited. Ecological enhancement suitable for the site should therefore target the provision of bat and bird enhancements only.

3.0 Ecological Enhancement Details

Recommended ecological enhancement of the site are detailed in **Table 2** below. The enhancements include site-specific habitat creation to provide achievable gains in biodiversity as a result of the proposed development in proportion to the baseline conditions at the site.

Table 2: Ecological Enhancement Prescriptions

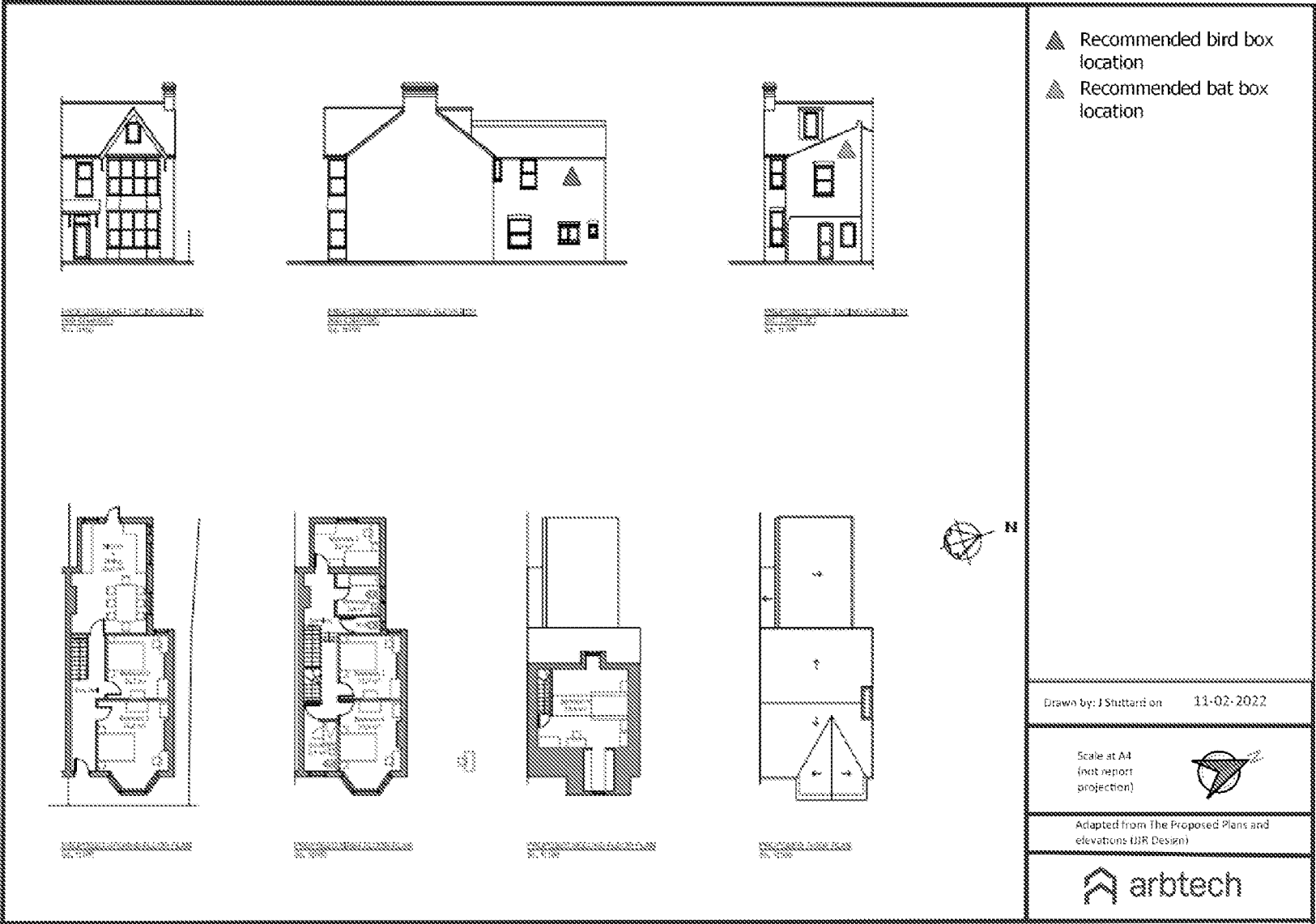
Enhancement	Specification
Bird Enhancements	A single bird box is recommended to be installed onto the façade of the residential dwelling on site. The recommended location for installation is shown on the plan in Appendix 1. <i>Nest Box Specification:</i> - A single Schwegler 1SP Sparrow terrace is recommended, as shown in Figure 3. The installation of the sparrow terrace will enhance the site for house sparrow <i>Passer domesticus</i>. The house sparrow can thrive in urban contexts and the population has approximately halved to due to the loss of nesting provisions since 1980. - The sparrow terrace should be positioned over 2m above ground level where the box will be sheltered from prevailing wind, rain and strong sunlight. Figure 3: The Schwegler 1SP Sparrow Terrace (photo reference: https://www.nhbs.com/1sp-schwegler-sparrow-terrace)

Bat Enhancements	A single bat box is recommended to be installed onto the façade of the residential dwelling on site. The recommended location for installation is shown on the plan in Appendix 1. <i>Roost Box Specification:</i> • A Schwegler 1FF Bat Box with built in wooden panel is recommended, as shown in Figure 4. This bat box type is suitable to support a range of species typically recorded in urban areas including common pipistrelles <i>Pipistrellus pipistrellus</i> and soprano pipistrelles <i>Pipistrellus pygmaeus</i>. • The bat box should be positioned 3-5m above ground level facing in a south, east, or westerly aspect with a clear flight path to and from the entrance, away from artificial light. Figure 4: The Schwegler 1FF Bat Box with built in wooden panel (photo reference: https://www.nhbs.com/4/bat-boxes?q=&fR[hide][0]=false&fR[live][0]=true&fR[shops.id][0]=4&fR[subsidaries][0]=1&fR[subjects_equipment_lvl1][0]=Bat%20Boxes)
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Appendix 1: Ecological Enhancement Plan



Appendix 2: Legislation and Planning Policy

LEGAL PROTECTION

The ***Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*** came into force when Britain left the European Union on 31st January 2020. It covered amendments relevant to this survey to:

Wildlife and Countryside Act 1981: England and Wales (x1 amendment)

Conservation of Habitats and Species Regulations 2017 (x29 amendments)

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1,000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many annex II species): a strict protection regime must be applied across their entire natural range within the EU, both within and outside Natura 2000 sites.

Annex V species (over 90): Member States must ensure that their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

SACs and SPAs up to 12 nautical miles from the coast (i.e. 'territorial waters') are afforded protection in the UK under the Conservation of Habitats and Species Regulations 2017 which consolidate all amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994.

The Conservation of Offshore Marine Habitats and Species Regulations 2017 consolidate and update the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007. The 2017 Regulations introduce amendments which transfer responsibility for European nature conservation in the Welsh offshore region to Welsh Ministers. This gives Welsh Ministers similar powers in Welsh offshore waters to those currently exercised by Scottish Ministers in Scottish offshore waters. These regulations transpose into national law Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive), and elements of Council Directive 2009/147/EC on the conservation of wild birds (Wild Birds Directive) in the UK offshore area. They came into force on 30th November 2017. These regulations apply to the UK's offshore marine area which covers waters beyond 12 nautical miles, within British Fishery Limits and the seabed within the UK Continental Shelf Designated Area. The Conservation of Habitats and Species Regulations 2017 form the legal basis for the implementation of the

Habitats and Birds Directives in terrestrial areas and territorial waters out to 12nm in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”. However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect ‘important’ countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Habitats Directive

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2017 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). This has been amended by the ***Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations (2019)*** which continue the same provision for European protected species, licensing requirements and protected sites after the UK leaves the EU.

The following notes are relevant for all species protected under the EC Habitats Directive:

In the Directive, the term ‘deliberate’ is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of ‘migration’ and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

In order to obtain a European Protected Species Licence (EPSL), the application must demonstrate that it meets all of the following three ‘tests’:

- The action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;
- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Effects on development works:

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

NATIONAL PLANNING POLICY (ENGLAND)

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

Local Planning Policy

The Arun Local Plan 2018 outlines the spatial vision for the district and covers the site. Notably, the local plan includes policies that relate to biodiversity. Policies of relevance to this report are detailed below:

Policy ENV DM5: “Development and Biodiversity” states:

“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.

Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where appropriate, suitably licensed person.

All developments shall have regard to Natural England's standing advice for protected species."

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.