

**LAND ADJACENT TO 1 NORTHWAY ROAD,
WICK, LITTLEHAMPTON**

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: Mr J Boyazis

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	13/01/2020	Jamie Fletcher BSc (Hons) (Senior Ecological Consultant) and Becky Holmes (Ecological Project Officer)	Paul Roebuck MCIEEM (South-East Manager)	David Smith MCIEEM (Ecology and Landscape Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Mr J Boyazis, to carry out an initial ecological appraisal of land adjacent to 1 Northway Road in Wick, Littlehampton. To fulfil this brief an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.

The ecological desk study identified no European statutory sites within 5 km of the survey area, no UK statutory sites within 2 km and no non-statutory sites within 1 km. The desk study also provided records of protected/notable species, including bats, hedgehog, water vole, amphibians, reptiles, birds, invertebrates and plants.

The walkover survey was undertaken on 16th December 2019 by Jamie Fletcher, Senior Ecological Consultant. The surveyed site is a small area of unmanaged land surrounded by residential gardens and housing. The site comprises a mosaic of habitats including tall ruderal, scattered trees, dense scrub and introduced shrub. A small dilapidated concrete shed is located in the north-eastern corner of the survey area.

The key ecological features on site in relation to the works proposed are the semi-mature scattered trees which are of intrinsic value. Also, of consideration is the potential presence of protected/notable species (herpetofauna, nesting birds and foraging terrestrial mammals).

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R1 Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats, including mature trees.
- R2 Biodiversity Enhancement:** In accordance with Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. This will involve, for example:
- Planting of habitats which will be of value to wildlife, such as:
 - native seed/fruit bearing species
 - nectar-rich species to attract bees and butterflies
 - species which attract night flying insects which will be of value to foraging bats including evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.
 - Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow, dense scrub, or native thicket for species such as song thrush, and bat boxes for species such as the common pipistrelle.
 - Inclusion of hedgehog passes under any fence lines to allow connectivity between the site and the wider area.
 - Creation of deadwood habitat for invertebrate species (e.g. stag beetle)
- R3 Nesting Birds:** Vegetation clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August).
- R4 Terrestrial Mammals including Badger and Hedgehog:** Vegetation clearance should be undertaken in a sensitive manner to allow terrestrial mammals to disperse. Any excavations that need to be left overnight should be covered/fitted with mammals ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R5 Foraging and Commuting Bats:** In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012) any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bats.
- R6 Common Amphibians:** Vegetation clearance/removal should be undertaken in a sensitive manner to avoid harming common amphibians.
- R7 Foxes:** Clearance of the fox den on site should be undertaken sensitively to ensure that no animals are injured or harmed during the works.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In December 2019 Mr J Boyazis commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development on land adjacent to 1 Northway Road in Littlehampton. This assessment is required to inform a planning application associated with the development of two semi-detached houses on site, with associated hard and soft landscaping.

Middlemarch Environmental Ltd has previously carried out a Preliminary Ecological Appraisal for John White at this site. The findings of this survey are detailed in Report RT-MME-119568.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 16th December 2019.

1.2 SITE DESCRIPTION AND CONTEXT

The development site is an irregular shaped parcel of land, measuring approximately 0.06 ha in size and centred at National Grid Reference TQ 027 035.

At the time of the survey the site comprised a small area of unmanaged land surrounded by residential gardens and housing. The site comprises a mosaic of habitats including ephemeral/short perennial vegetation, several debris piles, scattered trees and overgrown scrub and introduced shrub. A small dilapidated concrete shed, which is missing its roof and parts of its walls, is located in the north-eastern corner of the survey area. A well-managed grassland verge delineates Northway Road along the northern boundary.

The site is bound to the north by Northway Road and by residential properties and gardens on all other sides. The wider landscape is a mixture of residential and industrial development with several areas of open green space, including recreation grounds, public parks and allotments.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
tp 782 09 20190911_10090904_0001- site & block plan	Peter Wilson

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAGIC* website for statutory conservation sites; and,
- Sussex Biodiversity Record Centre.

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations 2017)

The Habitats Regulations 2017 consolidate and update the Habitats Regulations 2010 (as amended). The Habitats Regulations 2017 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2017 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2017 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

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

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitats Regulations 2017, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In February 2019, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or

veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to incorporate biodiversity improvements in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

3.3 LOCAL PLANNING POLICY

Adopted Arun Local Plan 2018

The Arun Local Plan 2011-2031 was adopted by resolution of Full Council on 18th of July 2018 with Main Modifications in accordance with: -

- Planning and Compulsory Purchase Act 2004 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) Regulations 17, 26 & 35
- Environmental Assessment of Plans and Programmes Regulations 2004 Regulation 16

The plan sets out a spatial vision, objectives and a sustainable strategy for delivering the needed growth of the District over the period 2011- 2031. The Arun Local Plan 2018 will be used to guide decisions on planning, development and regeneration activity over this period including many other decisions shaping corporate investment plans and strategies, as well as those from external providers, delivering services and

infrastructure to the local community. This Arun Local Plan (2011-2031) replaces the Arun Local Plan 2003 and the saved policies within it. The Arun Local Plan 2003 also covers the area of Arun District which falls within the South Downs National Park (SDNP) which is the planning authority and so the 2003 Arun Local Plan remains part of the Development Plan for that area until the SDNP adopt a new Local Plan.

Policies within this local plan that are of relevance to ecology are as follows:

Policy ENV SP1 – Natural Environment

Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. In relation to designated sites, development will be permitted where it protects sites that are recognised for the species and habitats contained within them.

Policy ENV DM1 – Designated Sites of Biodiversity and Geological Importance

- a. Proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance or any subsequently designated sites (either individually or in combination with other developments), will not normally be permitted. Consideration will be given to the exact designated features present on the site, their scarcity/rarity and recognition of the protection offered by their existing status. Development on wildlife sites with the highest value will only be permitted exceptionally where the following can be demonstrated:
 - i. There is no alternative solution (which shall be adequately demonstrated by the developer).
 - ii. There are reasons of public health or public safety or
 - iii. There are benefits of primary importance to the environment or
 - iv. There are imperative reasons of overriding public interest.

Notwithstanding the above however, the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

- b. In determining any planning application affecting Sites of Biodiversity or Geological Importance the Council will ensure that the intrinsic natural features of particular interest are safeguarded or enhanced having regard to;
 - i. The European, National or Local status and designation of the site;
 - ii. The nature and quality of the site's features, including its rarity value;
 - iii. The extent of any adverse impacts on the notified features of interest;
 - iv. The need for compensatory measures in order to re-create remaining features of habitats on or off the site.
- c. Where appropriate the Council will ensure the effective management of designated sites through the imposition of planning conditions or Section 106 agreements as appropriate.

Policy ENV DM3 – Biodiversity Opportunity Areas

Development shall:

- a. Retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones
- b. Be designed in order to minimise disturbance to habitats

Development proposals that do not reasonably address opportunities for enhancing these through their design, layout and landscaping or access/management shall not be permitted. Where a development scheme would result in a habitat loss, mitigation measures will be proposed as part of the proposed scheme and such measures agreed with the Local Planning Authority prior to the determination of any planning application. Within Biodiversity Opportunity Areas (BOAs) identified on the Policies Maps or where likely to have an impact on species or habitats within the BOAs, any application for planning permission shall include a properly conducted survey of the presence of that species and habitat and impact(s) that development may have on the BOA.

Policy ENV DM4 – Protection of Trees

Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity, unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland.

Where planning permission is granted in any of the above instances, conditions shall be used to ensure that, for any trees which are removed as part of a development, at least an equivalent number of a similar species and age (where practical) are planted on the proposed development site. Sufficient space for replacement trees to mature without causing future nuisance or damage shall be provided. The planting of new trees shall form an integral part of the design of any development scheme.

Proper provision must be made for the protection and management of trees or areas of woodland on-site when undertaking development. A management plan shall be provided as part of a planning application in accordance with BS 5837 (2012) in order to ensure that trees are adequately protected during development and appropriately maintained in the future. Conditions for the continued protection of trees on sites shall be included in any planning permission given.

Where there are existing trees on or adjacent to a development site, developers shall be required to provide:

- d. Land and tree surveys
- e. A tree constraints plan
- f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement.

These will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

Policy ENV DM5 – Development and Biodiversity

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.

Littlehampton Neighbourhood Development Plan (2014 – 2029)

The Littlehampton Neighbourhood Development Plan has been prepared in accordance with the Town & Country Planning Act 1990, the Planning & Compulsory Purchase Act 2003, the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 ("the Regulations") and EU Directive 2001/42 on Strategic Environmental Assessment. The LNP establishes a vision of the future of the town and sets out how that vision will be realised through planning and controlling land use and development change. There are no policies of relevance to ecology within this plan.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out in December 2019 by Sussex Biodiversity Record Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

No statutory or non-statutory nature conservation sites are located within proximity to the survey area.

No Sites of Special Scientific Interest (SSSIs) are located within a 2 km radius of the survey area, however the survey area does fall within the SSSI Impact Risk Zone for several SSSI's. The nearest is Climping Beach SSSI which is located 2,330 m south.

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals- Bats					
Common pipistrelle <i>Pipistrellus pipistrellus</i>	4	2012	100 m south	-	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera</i> sp.	1	2009	260 m east	#	#
Serotine bat <i>Eptesicus serotinus</i>	1	2010	610 m south-east	-	ECH 4, WCA 5, WCA 6
Mammals- Other					
Hedgehog <i>Erinaceus europaeus</i>	26	2018	170 m west	✓	WCA 6
Harvest mouse <i>Micromys minutus</i>	1	2016	660 m south-west	✓	-
Water vole <i>Arvicola amphibious</i>	1	2013	880 m north	✓	WCA 5
Amphibians					
Common frog <i>Rana temporaria</i>	8	2010	100 m south	-	WCA 5 S9(5)
Smooth newt <i>Lissotriton vulgaris</i>	2	2010	100 m south	-	WCA 5 S9(5)
Common toad <i>Bufo bufo</i>	2	2009	260 m east	✓	WCA 5 S9(5)
Reptiles					
Common lizard <i>Zootoca vivipara</i>	19	2009	260 m east	✓	WCA 5 S9(1) WCA 5 S9(5)
Grass snake <i>Natrix natrix</i>	2	1991	280 m north	✓	WCA 5 S9(1) WCA 5 S9(5)
Slow worm <i>Anguis fragilis</i>	38	2018	610 m south-east	✓	WCA 5 S9(1) WCA 5 S9(5)
Birds					
Barn owl <i>Tyto alba</i>	14	2016	840 m west	-	WCA1i

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Cetti's warbler <i>Cettia cetti</i>	67	2018	970 m north-west	-	WCA1i
Scaup <i>Aythya marila</i>	3	1991	Potentially within 1 km*	✓	WCA1i
Common scoter <i>Melanitta nigra</i>	3	2016	Potentially within 1 km*	✓	WCA1i
Slavonian grebe <i>Podiceps auratus</i>	1	2011	Potentially within 1 km*	-	WCA1i
Red kite <i>Milvus milvus</i>	9	2018	Potentially within 1 km*	-	WCA1i
Merlin <i>Falco columbarius</i>	5	2018	Potentially within 1 km*	-	WCA1i
Eurasian hobby <i>Falco Subbuteo</i>	12	2017	Potentially within 1 km*	-	WCA1i
Corncrake <i>Crex crex</i>	1	1990	Potentially within 1 km*	✓	WCA1i
Kingfisher <i>Alcedo atthis</i>	16	2016	Potentially within 1 km*	-	WCA1i
Bewick's swan <i>Cygnus columbianus</i>	2	2017	Potentially within 1 km**	✓	WCA1i
Little ringed plover <i>Charadrius dubius</i>	2	2017	Potentially within 1 km**	-	WCA1i
Ruff <i>Calidris pugnax</i>	1	2016	Potentially within 1 km**	-	WCA1i
Black-tailed godwit <i>Limosa limosa</i>	3	2018	Potentially within 1 km**	✓	WCA1i
Bony fish					
European eel <i>Anguilla Anguilla</i>	1	2005	880 m north	✓	-
Key: #: Dependent on species. *: Grid reference provided was four figures only. **: Grid reference provided was two figures only. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. Species of Principal Importance: Species of Principal Importance for Nature Conservation in England. Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).					

Table 4.2 continued: Summary of Protected/Notable Species Records Within 1 km of Survey Area

Birds

The desk study provided records of 22 species of bird listed as Species of Principal Importance within 1 km of the survey area. These included; lapwing *Vanellus vanellus*, skylark *Alauda arvensis*, curlew *Numenius arquata*, wood warbler *Phylloscopus sibilatrix*, yellow wagtail *Motacilla flava*, ring ouzel *Turdus torquatus*, song thrush *Turdus philomelos*, starling *Sturnus vulgaris*, yellowhammer *Emberiza citrinella* and tree sparrow *Passer montanus*.

The desk study also provided records of four RSPB red list bird species and 19 RSPB Amber list bird species. These included; mistle thrush *Turdus viscivorus*, woodcock *Scolopax rusticola*, ringed plover *Charadrius hiaticula*, nightingale *Luscinia megarhynchos*, house martin *Delichon urbicum*, swift *Apus apus*, tawny owl *Strix aluco*, kestrel *Falco tinnunculus* and mallard *Anas platyrhynchos*.

Invertebrates

The desk study provided records of two species of butterfly and 19 species of moth listed as Species of Principal Importance within 1 km of the survey area. These included; small heath butterfly *Coenonympha pamphilus*, brown hairstreak butterfly *Thecla betulae*, mottled rustic moth *Caradrina Morpheus*, dot moth *Melanchra persicariae*, small square-spot moth *Diarsia rubi*, large wainscot moth *Rhizedra lutosa* and cinnabar moth *Tyria jacobaeae*.

Plants

The desk study provided records of two species of plants listed as Species of Principal Importance within 1 km of the survey area. These comprised fine-leaved sandwort *Minuartia hybrida* and sharp-leaved pondweed *Potamogeton acutifolius*.

The desk study also provided records of 10 species of plant listed as 'Near Threatened' and three species of plants listed as 'Vulnerable' on the Red Data List for Great Britain. These included henbane *Hyoscyamus niger*, mousetail *Myosurus minimus*, oak-leaved goosefoot *Chenopodium glaucum*, wild strawberry *Fragaria vesca* and field pepperwort *Lepidium campestre*.

4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Three-cornered garlic <i>Allium triquetrum</i>	3	2012	Potentially within 1 km ⁺	WCA 9
Nuttall's waterweed <i>Elodea nuttallii</i>	2	2010	Potentially within 1 km ⁺	WCA 9
Cotoneaster <i>Cotoneaster horizontalis</i>	1	2006	Potentially within 1 km ^{**}	WCA 9
Montbretia <i>Crocasmia x crocosmiiflora</i>	2	2011	Potentially within 1 km ^{**}	WCA 9
Japanese knotweed <i>Fallopia japonica</i>	4	2010	Potentially within 1 km ^{**}	WCA 9
Himalayan balsam <i>Impatiens glandulifera</i>	2	2006	Potentially within 1 km ^{**}	WCA 9
Yellow archangel <i>Lamium galeobdolon</i> subsp. <i>Argentatum</i>	1	2010	Potentially within 1 km ^{**}	WCA 9
Key: ⁺ : Grid reference provided was six figures and as such, the record may be located within 100 m of the study site. ^{**} : Grid reference provided was two figures only. WCA9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.				

Table 4.3: Summary of Invasive Species Records Within 1 km of Survey Area

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing 151396-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 16th December 2019 by Jamie Fletcher (Senior Ecological Consultant). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	7
Cloud (%)	100
Wind (Beaufort)	F1
Precipitation	Light Rain

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

December is not an optimal time for completing botanical assessments, however, given the nature of the habitats present, this was not considered to be a significant constraint to a robust initial site assessment.

Due to the dense growth of vegetation and presence of general waste in places, it was not possible to access all areas of the site and undertake a full inspection.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity Grassland;
- Bare Ground;
- Building;
- Dense Scrub;
- Fence;
- Introduced Shrub;
- Other Habitat: Debris piles colonised by ivy;
- Scattered Trees; and
- Tall Ruderal/Ruderal.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Amenity Grassland

An intensively managed amenity grassland verge was situated on the northern boundary of the site. The verge abutted Northway Road to the north and comprised shortly mown perennial ryegrass *Lolium perenne* with a sward of approximately 5 cm in height. Dominant species recorded included daisy *Bellis perennis*, dandelion *Taraxacum officinale* agg., ribwort plantain *Plantago lanceolata* and cock's-foot *Dactylis glomerata*.

Bare Ground

A narrow strip of bare soil, which formed an unofficial pathway onto site from Northway Road was located along the sites north-western boundary.

Building

A small dilapidated single-story concrete shed was located in the north-eastern part of the site. The shed was missing its roof and large sections of some of its walls. The shed contained a considerable amount of general and garden waste and was heavily overgrown, with tall ruderal, ivy *Hedera helix* and bramble *Rubus fruticosus* agg. scrub all either growing in, over or around the building.

Dense Scrub

Dense scrub dominated patches of the site in the north-east and south-west and was not subject to any form of management (Plate 9.5). Bramble was the dominant species, with scattered elder *Sambucus nigra*, spindle *Euonymus europaeus* and holly *Ilex aquifolium* also recorded.

Fence

The site was lined by wooden garden fences, which formed the boundaries of neighboring residential gardens to the south, east and west (Plate 9.2). Fencing also formed the northern boundary of the site between the amenity grassland in the northern section of the site and Northway Road.

The fencing was a combination of feather edge and close board wooden fencing and varied in measurement between 1.5 and 2 m in height. Much of the fencing was in a fairly poor condition, with a number of panels either collapsed or damaged. Ivy was also growing on multiple sections of fencing on site, further impacting its condition.

Introduced Shrub

The southern part of the site was dominated by introduced shrub, which was well established, dense and not subject to any form of management (Plate 9.1). Buddleia *Buddleia davidii* was the dominant species, although Wilson's honeysuckle *Lonicera nitida* was well established within the buddleia in the southern/central part of the site. Due to the density of the introduced shrub and dense scrub in the southern-most part of the site, it was not possible to fully access the area.

A mature mahonia *Mahonia* sp. shrub was also present within an area of amenity grassland verge, forming the sites northern boundary and abutting Northway Road to the north.

Other Habitat: Debris piles colonised by ivy

Ivy was the dominant ground flora on site, covering much of the site (Plate 9.4), and was only absent / less prevalent in areas where other vegetation/habitat types had already established e.g. dense scrub and tall ruderal.

Scattered Trees

A number of young-mature scattered trees are located in the central section of the site, with a small number of trees also present close to the eastern and western boundaries of the site.

The trees on site measured between 8-12 m in height and were around 0.3-0.6 m in width (Plate 9.3). Species recorded on site included silver birch *Betula pendula*, cherry *Prunus avium* and sycamore *Acer pseudoplatanus*. The majority of trees recorded on site had a moderate covering of ivy. Several sycamore and holly saplings were also recorded throughout the site.

Tall ruderal/ruderal

Tall ruderal was present throughout much of the site, with the greatest concentrations being in the northern and southern parts of the site. Species present included nettle *Urtica dioica*, white dead-nettle *Lamium album*, dock *Rumex* sp., dandelion *Taraxacum officinale* agg. and bindweed *Convolvulus* sp (Plate 9.2).

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Mammals

An active fox earth/den was identified in the northern section of the site at the southern end of the large debris pile. The earth/den comprised a single hole which extended northwards. The hole was considered to be active due to the distinctive smell of fox and fresh paw prints present outside and around the hole.

A brown rat *Rattus norvegicus* was also observed on site during the survey.

Birds

The following bird species were observed on site during the field survey: blackbird *Turdus merula*, wren *Troglodytes troglodytes* and robin *Erithacus rubecula*.

5.5 INVASIVE PLANT SPECIES

No invasive plant species were recorded during the field survey.

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

The proposals involve the development of two semi-detached houses on site, with associated hard and soft landscaping. However, there are currently no defined proposals for the site, and therefore a precautionary approach has been adopted when discussing the potential for impacting nature conservation sites, and which habitats and species are notable considerations.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified no European statutory sites within 5 km of the survey area, no UK statutory sites within 2 km and no non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

SSSI Impact Risk Zones

Although no Sites of Special Scientific Interest (SSSI) are located within the search radius, the survey area falls within the SSSI Impact Risk Zone for several SSSI's. The closest is Climping Beach SSSI which is located 2,330 m south. Residential planning proposals are not listed as a category of concern and therefore no impacts upon SSSIs are anticipated as a result of the development (see Appendix 1 for more information).

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

Scattered trees

The semi-mature and mature trees on site are of intrinsic value as they cannot be easily replaced in the short to medium term. Scattered trees are therefore a notable consideration and should be retained where possible. Any trees to be retained could be subject to root compaction during the construction phase of the development. Recommendations are provided within Section 7.2.

Remaining habitats

The remaining habitats on site are not Habitats of Principal Importance or listed on the Local BAP. The habitats are also well represented locally, have low-species diversity or can easily be replaced within the new development. These habitats are therefore not a notable consideration in relation to the proposed works.

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals

Bats

The desk study provided six records of bats within a 1 km radius of the survey area. The closest record was located 100 m south. The building on site was considered to have negligible potential to support roosting bats due to a lack of roosting locations in part owing to the absence of a roof and large sections of wall.

The trees on site were found to be absent of suitable roosting features and were considered too thin to provide roosting habitat for bats.

The scattered trees and scrub provide suitable foraging habitat for bats and are connected to suitable habitat in the surroundings (residential gardens). Loss of these habitats and use of excessive lighting has the potential to adversely impact foraging bat species. As such a recommendation regarding foraging and commuting bats is made within Section 7.3.

Badger

The desk study provided no records of badger within a 1 km radius of the survey area. No evidence of badger such as setts, foraging signs or latrines were noted during the field survey. The site is considered sub-optimal for sett creation; however, it provides some suitable foraging habitat, albeit across small areas. No evidence of badger was recorded; however, a precautionary recommendation is made within Section 7.3.

Fox

An active fox earth/den was identified on site during the field survey, indicating their presence on site. Although not a protected or notable species, foxes must not be subject to undue harm during clearance of the site. Therefore, a recommendation is provided in Section 7.3.

Harvest Mouse

The desk study provided a single record of harvest mouse located 660 m south-west of the survey area. The habitats on site are considered unsuitable for harvest mice and therefore are not a notable consideration in relation to the development of the site.

Hedgehog

The desk study provided 26 records of hedgehog within a 1 km radius of the survey area. The closest record was located 170 m west. The scrub and rubble piles provide highly suitable habitat for foraging, hibernation and nesting for hedgehog. The fencing around the site was poorly maintained increasing the connectivity to neighbouring gardens. Clearance of the site could therefore result in direct harm/injury to hedgehog. A recommendation is made within Section 7.3. Sympathetic landscape design should also be considered post-development (please refer to Section 7.2).

Water vole

The desk study provided a single record of water vole located 880 m north of the survey area. No aquatic habitat is located on or immediately adjacent to the survey area. Water vole are therefore not a notable consideration in relation to the development of the site.

Amphibians

The desk study provided records of common frog, smooth newt and common toad within a 1 km radius of the survey area. The closest record was located 100 m south. No records of great crested newt were provided.

The debris piles and scrub provide small areas of suitable habitat for amphibians during the terrestrial phase of their life cycle. However, no suitable breeding habitat is present on site and reference to Ordnance Survey mapped data and aerial imagery indicates that there are no ponds located within a 500 m radius of the survey area. Given the lack of obvious breeding habitat in the vicinity and the relatively small areas of suitable terrestrial habitat on site, the risk of amphibians being present is considered low. However, as suitable habitat is present on site, to reduce the risk of direct harm/injury to amphibians, precautionary recommendations are provided within Section 7.3.

Reptiles

The desk study provided records of grass snake, slow worm and common lizard within a 1 km radius of the survey area. The closest record was located 260 m east. The scrub and debris piles provide suitable habitat for reptiles providing opportunities for foraging, refuge and hibernation. The surrounding residential gardens may also provide some suitable habitat however this is not connected to any significant areas of optimal habitat. Given the small size and relatively isolated nature of the site, the risk of reptiles being present is considered low. A precautionary recommendation regarding vegetation clearance is made within Section 7.2.

Birds

The desk study provided records of 14 birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). These species are unlikely to nest on site because it does not fall within their specific breeding ranges and/or contain their specific habitat requirements.

A number of common bird species were recorded on site during the field survey. The scattered trees and scrub provide suitable nesting habitat for a variety of bird species. If works are undertaken during the nesting season, then there is potential to directly impact nesting birds. A recommendation has been made in Section 7.3. However, taking into consideration the presence of alternative nesting and foraging habitat within the surrounding area, no long-term impact on this species group is anticipated as a result of the proposals. Nevertheless, as some losses are likely to occur, potential enhancement recommendations are provided within Section 7.2.

Bony fish

The desk study provided a single record of European eel located 880 m north of the survey area. No aquatic habitat is located on or immediately adjacent to the survey area. Bony fish are therefore not a notable consideration in relation to the development of the site.

Terrestrial invertebrates

The desk study provided records of numerous notable invertebrates including Species of Principal Importance. The site provides suitable habitat for some of these species, however due to the small size of the site and the presence of alternative habitat within the surroundings, no long-term impacts upon this species group is anticipated as a result of any development. Nevertheless, habitat enhancement recommendations are provided within Section 7.2.

Plants

The desk study provided records of numerous plant species considered notable within a 1 km radius. No notable plant species were recorded on site. Although it was not an optimal time for completing botanical assessments, given the nature of the habitats present on site, it is considered unlikely that the proposals will have any significant impacts to this species group. Therefore, no recommendations are provided.

Other Species

The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings: otter *Lutra lutra*, white-clawed crayfish *Austropotamobius pallipes*, pine marten *Martes martes*, polecat *Mustela putorius*, and hazel dormouse *Muscardinus avellanarius*.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 5.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	#	Loss of suitable habitat, disturbance through increases in lighting
Badger	-	Direct harm/injury, habitat loss
Hedgehog	✓	Direct harm/injury, habitat loss
Fox	-	Direct harm/injury, habitat loss
Amphibians	#	Direct harm/injury, habitat loss
Reptiles	#	Direct harm/injury, habitat loss
Birds	#	Direct harm/injury, habitat loss
#: Species dependent		

Table 5.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

Records of seven non-native invasive plant species within a 1 km radius of the site were identified in the desk study. However, none were identified during the field survey and they are considered unlikely to be present within the areas that could not be fully surveyed. Therefore, invasive plants are not of notable consideration in relation to the proposed works.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

There are no recommendations regarding nature conservation sites.

7.2 HABITATS

The following recommendations are made regarding the habitats present on site:

- R1 Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including semi-mature and mature trees. Protection measures comprise:
- Trees/Hedgerows: Any trees/hedgerows on or overhanging the site, which are retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.

If retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy. Only native and/or wildlife attracting species should be planted.

- R2 Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. This will involve, for example:
- Planting of habitats which will be of value to wildlife, such as:
 - native seed/fruit bearing species
 - nectar-rich species to attract bees and butterflies
 - species which attract night flying insects which will be of value to foraging bats including evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.
 - Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow, dense scrub, or native thicket for species such as song thrush, and bat boxes for species such as the common pipistrelle.
 - Inclusion of hedgehog passes under any fence lines to allow connectivity between the site and the wider area.
 - Creation of deadwood habitat for invertebrate species (e.g. stag beetle)

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R3 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them should be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- R4 Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R5 Foraging and Commuting Bats:** In accordance with best practise guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bats. Examples of good practice include:
- Avoiding the installation of new lighting in proximity to key ecological features, such as the vegetation along the south-eastern boundary and scrub/grassland mosaic.
 - Using modern LED fittings rather than metal halide or sodium fittings, as modern LEDs emit negligible UV radiation.
 - The use of directional lighting to reduce light spill, e.g. by installing bespoke fittings or using hoods or shields. For example, downlighting can be used to illuminate features such as footpaths whilst reducing the horizontal and vertical spill of light.
 - Where the use of bollard lighting is proposed, columns should be designed to reduce horizontal light spill.
 - Implementing controls to ensure lighting is only active when needed, e.g. the use of timers or motion sensors.
 - Use of floor surface materials with low reflective quality. This will ensure that bats using the site and surrounding area are not affected by reflected illumination.
- R6 Common Amphibians:** Vegetation clearance/removal should be undertaken in a sensitive manner to avoid harming common amphibians. If any are found during the course of site-based works they should be removed carefully to a suitably undisturbed location within the near vicinity. This should be completed when these species are active. This is weather dependent but generally extends between March and October inclusive.
- R7 Foxes:** Foxes are protected against acts of cruelty under the Wild Mammals Protection Act (1996). As such, it is recommended that clearance of the fox den on site is undertaken sensitively to ensure that no animals are injured or harmed during the works. Clearance of the den should be completed carefully and slowly, to allow any foxes present to escape and disperse to surrounding habitats.

7.4 INVASIVE PLANT SPECIES

No recommendations are made regarding invasive plant species.

8. DRAWINGS

Drawing C151396-01 Phase 1 Habitat Map



Legend

- Site boundary
- Scattered tree
- Fence
- Wall
- A Amenity grassland
- Bare ground
- Building
- Dense scrub
- Ephemeral / short perennial
- Introduced shrub
- Tall ruderal

- ⊙ Target note
 - 1 Active fox earth/den
 - 2 Large amount of garden waste in shed
 - 3 General/garden waste
 - 4 Area previously 'Other habitat - debris piles' has since been colonised by ephemeral / short perennial and tall ruderal vegetation

Project	Land Adjacent to 1 Northway Road, Wick, Littlehampton		
Drawing	Phase 1 Habitat Map		
Client	Mr J. Boyazis		
Drawing Number	C151396-01	Revision	00
Scale @ A4	1:250	Date	December 2019
Approved By	JF	Drawn By	VO
 MIDDLEMARCH ENVIRONMENTAL Triumph House, Birmingham Road, Allesley, Coventry CV5 9AZ T:01676 525880 F:01676 521400 E:admin@middlemarch-environmental.com			
This map is reproduced from the Ordnance Survey material with the permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationary Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings. Licence Number: 100040519			

C151396-01

9. PHOTOGRAPHS



Plate 9.1: Introduced Shrub



Plate 9.2: Tall ruderal, Fencing and Ivy



Plate 9.3: Scattered Trees



Plate 9.4: Ivy cover



Plate 9.5: Dense Scrub



Plate 9.6: Fox Earth/Den

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

Site Check Report Report generated on Wed Jan 08 2020

You selected the location: Centroid Grid Ref: TQ02730350

The following features have been found in your search area:

Ancient Woodland (England)

No Features found

Local Nature Reserves (England)

No Features found

National Nature Reserves (England)

No Features found

Sites of Special Scientific Interest (England)

No Features found

SSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications

Infrastructure

Airports, helipads and other aviation proposals.

Wind & Solar Energy

Wind turbines.

Minerals, Oil & Gas

Rural Non Residential

Residential

Rural Residential

Air Pollution

Livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t.

Combustion

Waste

Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.

Composting

Discharges

Water Supply

Notes 1

Notes 2

GUIDANCE - How to use the Impact Risk Zones

[/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)

Site Check Report Report generated on Wed Jan 08 2020

You selected the location: Centroid Grid Ref: TQ02730350

The following features have been found in your search area:

Ramsar Sites (England)

No Features found

Proposed Ramsar Sites (England)

No Features found

Special Areas of Conservation (England)

No Features found

Possible Special Areas of Conservation (England)

No Features found

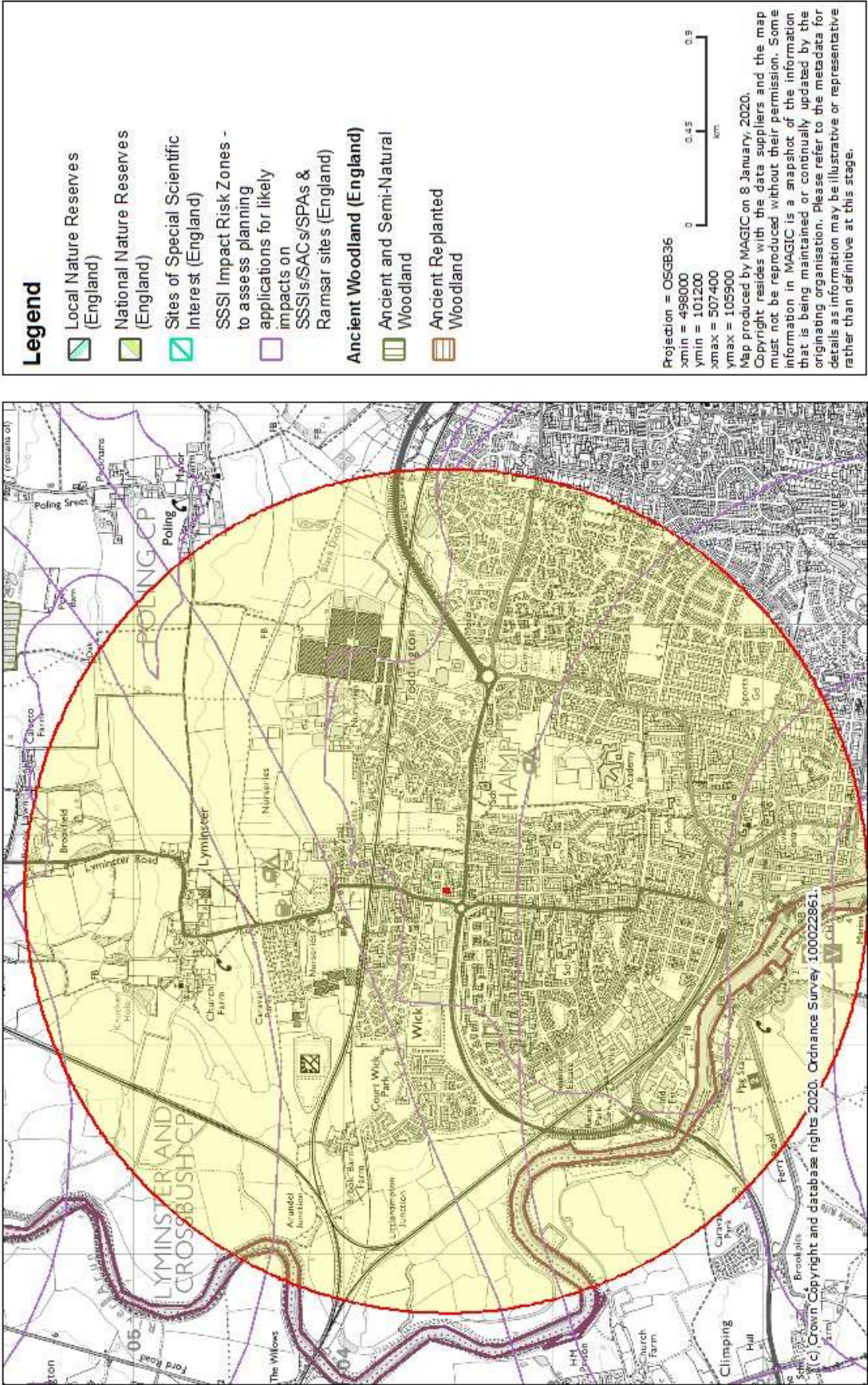
Special Protection Areas (England)

No Features found

Potential Special Protection Areas (England)

No Features found

MAGiC UK statutory sites within 2 km



APPENDIX 2

Overview of Relevant Species Specific Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- '*Any structure or place that displays signs indicating current use by a badger*'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England³⁰. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) – benefit from the greatest protection; however, these two species are not known to occur on site. Common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected under the Wildlife and Countryside Act 1981 as amended from intentional killing or injuring.

In England and Wales, this Act has been amended by the Countryside and Rights of Way Act 2000 (CROW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions and increases penalties. The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Government Departments to have regard for the conservation of biodiversity and maintains lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. All native reptile species are included on these lists.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

Common amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.

Birds

The Conservation of Habitats and Species Regulations 2010 (as amended) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or

- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.