

# ECOLOGICAL IMPACT ASSESSMENT

## Proposed Development of a Care Home Middleton-on-Sea

Prepared for: Frontier Estates Limited

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SLR



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## CONTENTS

|            |                                                            |           |
|------------|------------------------------------------------------------|-----------|
| <b>1.0</b> | <b>INTRODUCTION .....</b>                                  | <b>1</b>  |
| 1.1        | Details of Proposed Development .....                      | 1         |
| 1.2        | Purpose of this Report .....                               | 1         |
| 1.3        | Evidence of Technical Competence and Experience .....      | 1         |
| 1.4        | Relevant Legislation and Policy .....                      | 1         |
| <b>2.0</b> | <b>METHODOLOGY .....</b>                                   | <b>2</b>  |
| 2.1        | Study Area .....                                           | 2         |
| 2.2        | Baseline Data Collection .....                             | 2         |
| 2.3        | Bat Survey .....                                           | 3         |
| 2.4        | Reptile survey .....                                       | 4         |
| 2.5        | Personnel .....                                            | 6         |
| 2.6        | Collation of Baseline Data – Constraints .....             | 6         |
| 2.7        | Assessment Approach .....                                  | 7         |
| <b>3.0</b> | <b>BASELINE ECOLOGICAL CONDITIONS .....</b>                | <b>10</b> |
| 3.1        | Statutory Designated Sites for Nature Conservation .....   | 10        |
| 3.2        | Non-statutory Sites for Nature Conservation .....          | 10        |
| 3.3        | Ancient Woodland and S41 NERC Act (2006) Habitats .....    | 10        |
| 3.4        | Habitats .....                                             | 10        |
| 3.5        | Flora .....                                                | 12        |
| 3.6        | Fauna .....                                                | 12        |
| 3.7        | Summary of Important Ecological Features .....             | 19        |
| <b>4.0</b> | <b>ASSESSMENT OF EFFECTS AND MITIGATION MEASURES .....</b> | <b>21</b> |
| 4.1        | Bats .....                                                 | 21        |
| 4.2        | Slow worm and common lizard .....                          | 22        |
| 4.3        | Breeding Birds .....                                       | 23        |
| 4.4        | Hedgehog .....                                             | 23        |
| 4.5        | Habitats .....                                             | 24        |
| 4.6        | Proposed Biodiversity Enhancements .....                   | 24        |
| <b>5.0</b> | <b>SUMMARY &amp; CONCLUSIONS .....</b>                     | <b>26</b> |

## DRAWINGS

DRAWING 01 HABITAT PLAN

DRAWING 02 BAT SURVEY RESULTS

## APPENDICES

APPENDIX 01 PROPOSED SITE LAYOUT

APPENDIX 02 RELEVANT LEGISLATION AND POLICY

## 1.0 Introduction

SLR Consulting Limited (SLR) was instructed in June 2019 by Frontier Estates Limited to undertake an Ecological Impact Assessment to inform the design and planning process for the development of a proposed care home at the site of a disused poultry farm on land west of Yapton Road, Middleton-on-Sea, Arun, West Sussex (central National Grid Reference SU 97395 00750).

This report provides details of the ecological baseline before presenting an Ecological Impact Assessment (EcIA) undertaken in accordance with the guidelines published by the Chartered Institute of Ecology and Environmental Management (CIEEM)<sup>1</sup>.

### 1.1 Details of Proposed Development

The proposal includes demolition of the existing buildings on site and redevelopment thereafter to provide a care home, which will comprise:

- ✦ 66No. en-suite bedrooms, along with internal communal and operational areas;
- ✦ Car parking and cycle storage, and
- ✦ Managed landscaped gardens.

The proposed site layout plan is provided in Appendix 01.

### 1.2 Purpose of this Report

The purpose of this report is to:

- Describe the baseline data collection and assessment methodologies used;
- Summarise the baseline ecological conditions;
- Identify and describe all potentially significant ecological effects associated with the proposed development;
- Set out the mitigation and compensation measures required to ensure compliance with nature conservation legislation and to address any potentially significant ecological effects;
- Identify how mitigation and compensation measures will be delivered;
- Provide an assessment of the significance of any residual effects on biodiversity and the legal and policy implications;
- Identify appropriate enhancement measures and how these will be delivered; and to
- Set out the requirements for post-construction monitoring.

### 1.3 Evidence of Technical Competence and Experience

This report has been prepared by Dave Harwood BSc (Hons), GradCIEEM, Senior Field Ecologist at SLR Consulting, with over 5 years experience as a professional ecologist. It has been subject to technical review by Jess Colebrook BSc (Hons), CEnv, MCIEEM, Associate at SLR Consulting and who has 19 years experience as a professional ecologist.

### 1.4 Relevant Legislation and Policy

An overview of wildlife legislation and national planning policies that are potentially relevant to this study is provided at Appendix 02.

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<sup>1</sup> Chartered Institute of Ecology and Environmental Management (2018) Guidelines for Ecological Impact Assessment 3<sup>rd</sup> Edition.

## 2.0 Methodology

### 2.1 Study Area

The Study Area comprises all land within the redline shown on Drawing 01 Habitat Plan.

### 2.2 Baseline Data Collection

#### 2.2.1 Desk Study

In August 2019 a desk study was undertaken for the site and land within a one kilometre (km) radius. The desk study included a review of the following sources of information:

- [www.magic.gov.uk](http://www.magic.gov.uk) for statutory designated sites, European Protected Species (EPS) Licences, Annex 1 and Section 41 Habitats;
- Sussex Biodiversity Record Centre (SBRC, the local biological records centre) for protected and notable species records and Local Wildlife Sites.

In addition, the following previous ecological reports were referred to:

- Land at Yapton Road, Middleton-on-Sea. Preliminary Ecological Appraisal. Internal and External Bat Survey. Barn Owl Survey. A report for Strutt & Parker. PJC Ecology. September 2015;
- Reptile Mitigation Strategy. Yapton Poultry Farm. Middleton-on-Sea. The Ecology Partnership. November 2016;
- Proposed signalised Junction of the A259/B2132, Comet Corner, Middleton-on-Sea. CH2MHill. November 2014; and.
- NCN2 Cycle Route, Littlehampton to Bognor Regis. Great Crested Newt Survey. WSP. Parsons Brinkerhoff. August 2016.

#### 2.2.2 Field Survey

##### *Habitat Survey and Protected Species Assessment*

The study area was subject to survey on 18<sup>th</sup> June 2019, broadly following the Joint Nature Conservation Committee (JNCC) Phase 1 survey guidelines<sup>2</sup>, extended to include an assessment of the potential of the site to support legally protected or notable species.

Whilst not a full botanical or protected species survey, the Extended Phase 1 methodology of survey enables experienced ecologists to obtain an understanding of the ecology of a site such that it is possible either:

- To confirm the conservation significance of the site and assess the potential for impacts on habitats/species likely to represent a material consideration in planning terms, or
- To establish the scope and extent of any additional specialist ecological surveys that will be required before such confirmation can be made.

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<sup>2</sup> Nature Conservation Council (1990). Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit, 2003 reprint. JNCC, Peterborough.

## 2.3 Bat Survey

The survey methods described below are in accordance with published best practice<sup>3</sup> unless otherwise stated.

### 2.3.1 Bats: Preliminary Roost Assessment

An experienced licensed batworker visited the site on 17<sup>th</sup> June 2019, to undertake a Preliminary Roost Assessment of the buildings and trees. The survey consisted of a walkover of the study site during daylight hours to visually inspect the buildings and trees for the potential to provide opportunities for roosting bats, such as crevices, holes, loft spaces and loose or damaged tiles. Binoculars and high-powered torch (1M candle power) were used to search for the presence of potential roost features, with an endoscope used to view inside cavities where necessary/possible. Evidence searched for included:

- Staining, beneath or around a hole or crack, caused by natural oils in the bat fur;
- Scratch marks around a hole/crack caused by bat claws;
- Bat droppings beneath a hole/crack, or resting area;
- Bat droppings and/or insect remains beneath a feeding area;
- A characteristic odour of bats and/or droppings/urine; and
- Dead bats – usually young from a nursery roost site.

### 2.3.2 Bats: Presence/absence survey

Following the Preliminary Roost Assessment, all buildings were assessed to have low potential to support bats, with the exception of Building 1 (the farmhouse) which was considered to have high potential<sup>4</sup>. To comply with best practice guidance, the amount of survey effort to determine bat presence/absence is set by the likelihood of bat presence, as follows:

- Building with low potential = one dusk emergence or dawn re-entry visit;
- Building with moderate potential = two dusk emergence or dawn re-entry visits; and
- Building with high potential = three dusk emergence or dawn re-entry visits.

As all buildings on site were located closed together it was possible to survey the entire site using four observation points as shown in Drawing 02.

Table 2-1  
Survey Dates, Observation Points

| Building No and Name | Potential Bat Presence | Obs points | Survey Date(s)                                                                |
|----------------------|------------------------|------------|-------------------------------------------------------------------------------|
| Building 1           | High                   | 2 & 4      | 17.06.19 (dusk) and 18.06.19 (dawn). Counts as one survey of entire building. |
|                      |                        | 2 & 4      | 30.06.19 (dawn)                                                               |
|                      |                        | 2 & 4      | 15.08.19 (dusk)                                                               |

<sup>3</sup> Bat Surveys for Professional Ecologist: Good Practice Guidelines, 3<sup>rd</sup> Edition (2016) Bat Conservation Trust

<sup>4</sup> Table 4.1 Bat Survey for Professional Ecologists: Good Practice Guidelines, 3<sup>rd</sup> Edition (2016) Bat Conservation Trust.

| Building No and Name | Potential Bat Presence | Obs. points | Survey Date(s)                                                                |
|----------------------|------------------------|-------------|-------------------------------------------------------------------------------|
| Building 2           | Low                    | 1 & 3       | 17.06.19 (dusk) and 18.06.19 (dawn). Counts as one survey of entire building. |
| Building 3           | Low                    | 1 & 3       | 17.06.19 (dusk) and 18.06.19 (dawn). Counts as one survey of entire building. |
| Building 4           | Low                    | 1 & 3       | 17.06.19 (dusk) and 18.06.19 (dawn). Counts as one survey of entire building. |
| Building 5           | Low                    | 1 & 3       | 17.06.19 (dusk) and 18.06.19 (dawn). Counts as one survey of entire building. |
| Building 6           | Low                    | 1 & 3       | 17.06.19 (dusk) and 18.06.19 (dawn). Counts as one survey of entire building. |
| Building 7           | Low                    | 1 & 3       | 17.06.19 (dusk) and 18.06.19 (dawn). Counts as one survey of entire building. |
| Building 8           | Low                    | 1 & 3       | 17.06.19 (dusk) and 18.06.19 (dawn). Counts as one survey of entire building. |

The four observation points were used to enable the optimal view of all potential roost access points, each was closely watched from 15 minutes before dusk until 90 minutes afterward, or in the case of dawn surveys from 90 minutes prior to sunrise until sunrise. All bat activity was recorded using frequency division, zero crossing and/or heterodyne bat detector equipment, identifying bats to species through computer analysis (using AnaLookW software).

Weather conditions during the majority of surveys were considered optimal. Wind was slightly high on the 29<sup>th</sup> July dawn survey. Specific details listed below:

- ✦ 17<sup>th</sup> June 2019 dusk - 14°C, 1/8 cloud, and no wind.
- ✦ 18<sup>th</sup> June 2019 dawn - 12°C, 7/8 cloud, and no wind.
- ✦ 29<sup>th</sup> July 2019 dawn - 18°C, 0/8 cloud, wind force 4, with occasional stronger gusts
- ✦ 15<sup>th</sup> August 2019 dusk - 17°C, 0/8 cloud, wind force 2.

## 2.4 Reptile survey

Prior to commencing the reptile survey, site habitats were assessed for their potential to support reptiles based on the known habitat requirements of the species group. The factors considered included:

- ✧ vegetation structure – reptiles prefer variation in vegetation structure and cover to provide refuge, basking areas and foraging opportunities;
- ✧ aspect and shading – to ensure suitable basking areas are present;
- ✧ connectivity to other areas of potential habitat; and
- ✧ presence of hibernacula.

This initial exercise identified that the majority of the site had the potential to support reptiles in the form of the rank grassland, ruderals and scrub. Habitats found to meet the habitat requirements of reptiles and that may be impacted through site activities were then surveyed through the use of artificial refuges.

On 17<sup>th</sup> June 2019 50 reptile refugia tiles comprising 50cm x 50cm squares of roofing felt were distributed across suitable reptile habitat within the site<sup>5</sup>. The refuges covered an area of approximately 0.25 hectares (ha) of the most suitable reptile habitats within the site, this being the equivalent to a density of approximately 200 refuges per hectare. This exceeds the recommended<sup>6</sup> 10 refuges per hectare and therefore increases the effectiveness of survey effort and the likelihood of recording reptiles.

Refugia were then left to settle into the vegetation for 10 days and to allow any reptiles present time to find them.. They were then checked for basking and/or sheltering reptiles eight times when suitable weather conditions prevailed during the reptile active season. Each reptile survey also used direct observation of the edges of tall/short vegetation or other likely basking spots such as vegetation tussocks.

Dates and weather conditions can be found in Table 2-1 below.

Table 2-1  
Reptile survey dates and weather conditions

| Survey date | Date       | Time  | Temperature/°C | Cloud Cover | Wind force |
|-------------|------------|-------|----------------|-------------|------------|
| 1           | 26/06/2019 | 06:30 | 16.0           | 6/8         | -          |
| 2           | 03/07/2019 | 10:00 | 19.0           | 5/8         | -          |
| 3           | 03/07/2019 | 17:25 | 19.5           | 1/8         | -          |
| 4           | 04/07/2019 | 08:25 | 16.5           | 0/8         | -          |
| 5           | 29/07/2019 | 18:00 | 21.0           | 4/8         | 4          |
| 6           | 30/07/2019 | 06:00 | 18.0           | 0/8         | 5          |
| 7           | 15/08/2019 | 19:30 | 18.0           | 0/8         | 2          |
| 8           | 16/08/2019 | 09:00 | 17.0           | 6/8         | 4          |

<sup>5</sup> Gent, T. and Gibson, S (1998). *Herpetofauna Workers' Manual*. Joint Nature Conservation Committee, Peterborough.

<sup>6</sup> Froglife (1999). *Reptile Survey: An Introduction to Planning, Conducting and Interpreting Surveys for Snakes and Lizard Conservation*. Froglife Advice Sheet 10. Froglife, Halesworth.

## 2.5 Personnel

Survey design, preliminary assessment and technical review of this report was undertaken by Jess Colebrook CEnv, MCIEEM an Associate at SLR Consulting Ltd. Jess has 19 years' experience as a professional ecologist and holds survey and development licences for bats throughout the UK (Natural England Class licence reference 2015-11002-CLS-CLS). She is experienced at undertaking ecological appraisals, ecological impact assessment and the production of ecological mitigation and enhancement plans; she meets the requirements as "Suitably Qualified Ecologist" for the purposes of BREEAM assessment.

David Harwood GradCIEEM, a Senior Field Ecologist at SLR Consulting Ltd led all surveys thereafter. David is experienced in a range of protected species survey and holds survey licences for bats (NE bat license reference Class 2 2019-39210-CLS-CLS) and great crested newts (NE GCN licence reference 2015-18766-CLS-CLS). David was assisted during the bat presence/absence survey on 17<sup>th</sup> and 18<sup>th</sup> June by Jess and on 30<sup>th</sup> June and 15<sup>th</sup> August by Rebecca Rooney GradCIEEM, of SLR Consulting, who is also an experienced bat surveyor. Reptile survey assistance was provided by Rebecca, and also Emily Kate Rogers, Andrew Dannatt and Zarina McGuire, all of SLR Consulting Ltd.

## 2.6 Collation of Baseline Data – Constraints

An ecological study provides only a "snapshot" of the conditions prevailing at the time of survey. Lack of evidence of any one protected species in particular does not necessarily preclude them from being present on site at a later date. For example, some species, such as bats, are highly mobile and can move between roosts in response to changes in environmental factors; the activity level of an identified roost may therefore fluctuate during the year.

### Bat survey

Due to the derelict nature of the buildings, interior access was not possible for health and safety reasons. Due to the dusk/dawn survey effort conducted, the lack of interior access is not considered a significant constraint to the survey objectives (i.e. determining whether the buildings were being used by roosting bats).

The weather during the dawn bat survey on the 29<sup>th</sup> July was sub-optimal with regards to wind. The constant wind speed was acceptable, however there were occasional stronger gusts. Bat activity recorded was at similar levels to other surveys, therefore the wind did not appear to have a negative effect on bat behaviour, and was not considered to limit the ability of the survey to meet the objectives.

The view of buildings was restricted to a degree by high vegetation growth. Prior to survey, the best possible view was sought, reducing this limitation somewhat. Observation point 2 was close to the eastern aspects of buildings 2-8 allowing simultaneous survey of these aspects during the survey of building 1. It was considered that as four night-time bat surveys were conducted on what is a very small site, bats would have been seen should they have either emerged or return to roost, even if exact roost access points could not be determined. Overall, it is considered that this limitation did not have an overall impact on the ability of these surveys to meet the objectives.

### Reptile survey

The survey overall was conducted at a sub-optimal time of year, due to high average temperatures; survey visits 2, 3 and 5 were conducted at temperatures of 19, 19.5 and 21°C respectively; which is marginally higher than recommended. To reduce the impact of these limitations on the validity of the survey effort, visits were conducted at a wide range of times of day, including very early in the morning, and an additional survey visit was conducted above and beyond the minimum 7 visits. As a result, this limitation was not considered to have had a significant detrimental impact on the survey's ability to meet the objectives.

## 2.7 Assessment Approach

The ecological evaluation and impact assessment approach used in this report is based on Guidelines for Ecological Impact Assessment in the United Kingdom and Ireland ("CIEEM guidelines") (CIEEM, 2018).

### 2.7.1 Important Ecological Features

Ecological features can be important for a variety of reasons and the rationale used to identify them is explained in the text. Importance may relate, for example, to the quality or extent of the site or habitats therein; habitat and/ or species rarity; the extent to which such habitats and/ or species are threatened throughout their range, or to their rate of decline.

### 2.7.2 Determining Importance

The importance of an ecological feature should be considered within a defined geographical context. The following frame of reference has been used in this case, relying on known/ published accounts of distribution and rarity where available, and professional experience:

- ✦ International;
- ✦ National (i.e. UK/England etc);
- ✦ Regional (i.e. South);
- ✦ County (i.e. Sussex); and
- ✦ Local (i.e. within 1km of Application Site).

The above frame of reference is applied to the ecological features identified during the desk study and surveys to inform this report.

The value of habitats has been measured against published selection criteria where available. Examples of relevant criteria include: descriptions of habitats listed on Annex 1 of the Habitats Directive; descriptions of habitats of principal importance for biodiversity under Section 41 of Natural Environment and Rural Communities (NERC) Act 2006; Local Wildlife Site Selection Criteria; and Habitat Action Plans (HAPs) contained within Local Biodiversity Action Plans.

In assigning a level of value to a species, it is necessary to consider its distribution and status, including a consideration of trends based on available historical records. Reference has therefore been made to published lists and criteria where available. Examples of relevant lists and criteria include: species of European conservation importance (as listed on Annexes II, IV and V of the Habitats Directive); species of principal importance for biodiversity under Section 41 of the NERC Act 2006 and Birds of Conservation Concern<sup>1</sup>.

For the purposes of this report ecological features of local importance or greater and/or subject to legal protection have been subject to detailed assessment. Effects on other ecological features are considered unlikely to be significant in legal or policy terms.

### 2.7.3 Impact Assessment

The impact assessment process involves the following steps:

- ✦ identifying and characterising impacts;
- ✦ incorporating measures to avoid and mitigate (reduce) these impacts;
- ✦ assessing the significance of any residual effects after mitigation;

- ✦ identifying appropriate compensation measures to offset significant residual effects (if required); and
- ✦ identifying opportunities for ecological enhancement.

When describing impacts, reference has been made to the following characteristics, as appropriate:

- ✦ positive or negative;
- ✦ extent;
- ✦ magnitude;
- ✦ duration;
- ✦ timing;
- ✦ frequency; and
- ✦ reversibility.

The impact assessment process considers both direct and indirect impacts: direct ecological impacts are changes that are directly attributable to a defined action, e.g. the physical loss of habitat occupied by a species during the construction process. Indirect ecological impacts are attributable to an action, but which affect ecological resources through effects on an intermediary ecosystem, process or feature, e.g. the creation of roads which cause hydrological changes, which, in the absence of mitigation, could lead to the drying out of wet grassland. Consideration of conservation status is important for evaluating the effects of impacts on individual habitats and species and assessing their significance:

- ✦ Habitats – conservation status is determined by the sum of the influences acting on the habitat that may affect its extent, structure and functions as well as its distribution and its typical species within a given geographical area.
- ✦ Species – conservation status is determined by the sum of influences acting on the species concerned that may affect its abundance and distribution within a given geographical area.

#### 2.7.4 Significant Effects

The concept of ecological significance is addressed in paragraphs 5.24 through to 5.28 of CIEEM guidelines. Significance is a concept related to the weight that should be attached to effects when decisions are made. For the purpose of EcIA, a 'significant effect' is an effect that either supports or undermines biodiversity conservation objectives for 'important ecological features' or for biodiversity in general. Conservation objectives may be specific (e.g. for a designated site) or broad (e.g. national/local nature conservation policy) or more wide-ranging (enhancement of biodiversity). Effects can be considered significant at a wide range of scales from international to local and the scale of significance of an effect may or may not be the same as the geographic context in which the feature is considered important.

#### 2.7.5 Avoidance, Mitigation, Compensation and Enhancement

When seeking mitigation or compensation solutions, efforts should be consistent with the geographical scale at which an effect is significant. For example, mitigation and compensation for effects on a species population significant at a county scale should ensure no net loss of the population at a county scale. The relative geographical scale at which the effect is significant will have a bearing on the required outcome which must be achieved.

Where potentially significant effects have been identified, the mitigation hierarchy has been applied, as recommended in the CIEEM Guidelines. The mitigation hierarchy sets out a sequential approach beginning with the avoidance of impacts where possible, the application of mitigation measures to minimise unavoidable impacts and then compensation for any remaining impacts. Once avoidance and mitigation measures have been

applied residual effects are then identified along with any necessary compensation measures, and incorporation of opportunities for enhancement.

It is important for the EcIA to clearly differentiate between avoidance mitigation, compensation and enhancement and these terms are defined here as follows:

- ✧ Avoidance is used where an impact has been avoided, e.g. through changes in scheme design;
- ✧ Mitigation is used to refer to measures to reduce or remedy a specific negative impact in situ;
- ✧ Compensation describes measures taken to offset residual effects, i.e. where mitigation in situ is not possible; and
- ✧ Enhancement is the provision of new benefits for biodiversity that are additional to those provided as part of mitigation or compensation measures, although they can be complementary.

## 3.0 Baseline Ecological Conditions

### 3.1 Statutory Designated Sites for Nature Conservation

Magic.defra.gov.uk and the SBRC data confirms that there were no statutory designated sites within 1km of the site boundary.

### 3.2 Non-statutory Sites for Nature Conservation

SBRC confirmed that there is one Local Wildlife Site (LWS) within 1km of the site boundary; Middleton Shingle LWS occurs approximately 950m to the south. It consists of a strip of vegetated shingle along the seafront at Middleton-on-Sea with a large proportion of Sea Radish *Raphanus raphanus ssp. Maritimus*, a plant that occurs in only three other sites in Sussex. The strip of vegetated shingle is backed by regularly mown grass and then housing.

### 3.3 Ancient Woodland and S41 NERC Act (2006) Habitats

Ancient Woodland is not a formal designation as such, but is a term applied to sites in England and Wales whose documented history shows them to have been continuously wooded since approximately 1600, and which are by extension considered likely to have been continuously wooded since the last Ice Age. Ancient Woodland sites and their mature soils are considerably more complex and biodiverse ecosystems than secondarily wooded sites, and therefore represent environmental capital that should be considered to be a finite resource, as it is not renewable in a human timescale.

The MAGIC website and SBRC data confirms that there is no Ancient Semi-Natural Woodland (ASNW) within 1km of the site. These sources also confirm that there are three areas of Section 41 NERC habitat within 1km of the site, comprised coastal vegetated shingle, coastal & floodplain grazing marsh and deciduous woodland. The closest of these is a small section of deciduous woodland approximately 450m to the south.

### 3.4 Habitats

The 0.5ha site comprises a former poultry farm, and now supports a dilapidated farmhouse and seven small agricultural buildings, surrounded by scrub, tall ruderals and trees. A habitat plan is included at Drawing 01, further descriptions are included in the table below.

Table 3-1  
Target Notes

| Target Note number & Photograph                                                              | Details                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1</p>   | <p>Ruderal/scrub/tall ruderal mosaic, typical throughout the site. Scrub and trees are dense along the southern and eastern boundaries.</p> <p>Species list includes:</p> <p>Ash (<i>Fraxinus excelsior</i>), silver birch (<i>Betula pendula</i>), common nettle (<i>Urtica dioica</i>), elder (<i>Sambucus nigra</i>), bramble (<i>Rubus fruticosus</i>), butterfly bush (<i>Buddleia davidii</i>), Yorkshire fog (<i>Holcus lanatus</i>), bittersweet (<i>Solanum dulcamara</i>), creeping thistle (<i>Cirsium arvense</i>), cleavers (<i>Galium aparine</i>), cock's foot (<i>Dactylis glomerata</i>), plus other agricultural grasses.</p> <p>Small patches of bare earth are present as a result of previous site investigation works and rabbit digging.</p> |
| <p>2</p>  | <p>Dilapidated farmhouse building and associated outbuildings. Further description of each is provided in Table 4.2.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Target Note number & Photograph                                                             | Details                                                         |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <p>3</p>   | <p>Tree and scrub lined hardstanding lane to south of site.</p> |
| <p>4</p>  | <p>Dense scrub and trees along the east boundary.</p>           |

### 3.5 Flora

No notable, rare or legally protected species were recorded during the habitat survey nor were they assessed as being likely to occur within the Study Area given the types of habitat.

In addition, no invasive non-native species (including those on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)) were recorded during the habitat survey.

### 3.6 Fauna

The following section considers the protected species/species groups that could potentially occur within the site based on the presence of pre-existing biological records being returned by the data search, or, the general geographic setting of the site meaning the presence is possible.

Each section identifies whether background records exist, whether (in the absence of existing records) a species could potentially occur due to the site being within the range of the species and then considers the likelihood of presence taking these factors into account together with professional judgement of the EcIA author.

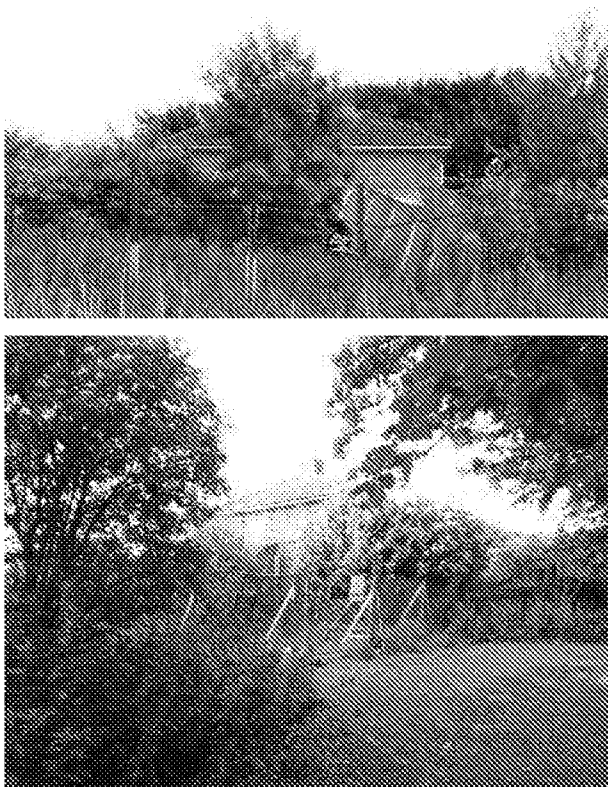
### 3.6.1 Bats

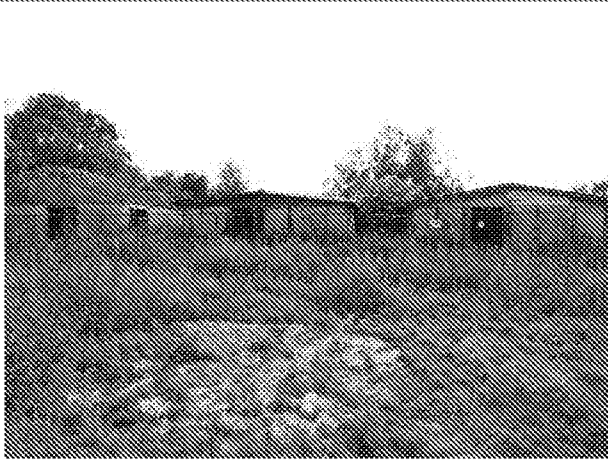
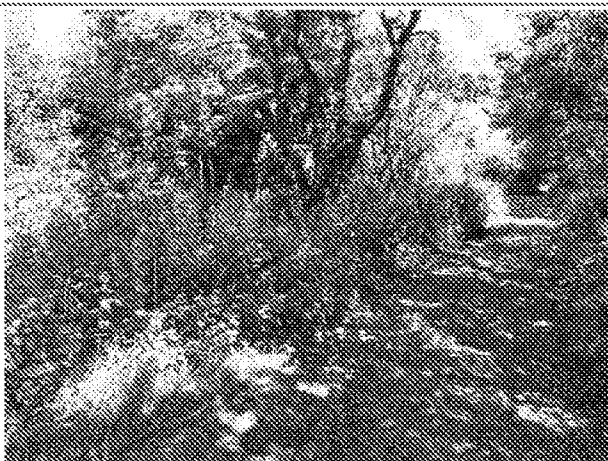
The MAGIC website confirms no EPS licences in respect of bats have been granted within 1km of the site.

SBRC confirmed that common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, long-eared bat species *Plecotus sp.*, Natterer's bat *Myotis nattereri*, Myotis species *Myotis sp.*, noctule *Nyctalus noctula*, serotine *Eptesicus serotinus*, Barbastelle *Barbastella barbastellus*, Daubenton's bat *Myotis daubentonii*, and whiskered bat *Myotis mystacinus* have been recorded in the surrounding 1km. It holds no records of roosts within 1km of the site.

During the preliminary roost assessment, the buildings and one tree on site were found to have Potential Roost Features (PRF). However, no evidence of roosting bats was recorded at any of the buildings or at the tree during surveys. Survey results are provided in the table below, with locations indicated on Drawing 2.

Table 4-2  
 Buildings and Trees with Potential Roost Features

| Building no. | Photograph                                                                         | Details                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Bat roost potential | Presence/Absence Survey result             |
|--------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------|
| 1            |  | <p>Farmhouse</p> <p>The farmhouse building is of brick construction, with a cavity wall, and a hipped tile roof. Although internal access to the building was not possible, it was thought to have a loft void. It is understood that the building was boarded up approximately eight years prior to survey. This building had numerous PRFs, including slipped and missing roof tiles, gaps in soffit boxes and fascias, and slipped/missing mortar from under the ridge and hip tiles.</p> <p>Outbuildings nearest the house (to the north and west) have collapsed and offer no potential for roosting bats.</p> | High                | No evidence of roosting bats was recorded. |

| Building no.  | Photograph                                                                         | Details                                                                                                                                                                                                                                                               | Bat roost potential                                                                            | Presence/Absence Survey result         |
|---------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------|
| 2, 3, 4, 5, 6 |   | <p>Sheds</p> <p>Single skin construction of steel and timber frame with no loft void. Swallows noted to nest in Building 2 (on the right in the picture).</p> <p>Limited, poor quality (ie illuminated and with weather ingress) potential roost features (PRFs).</p> | Low suitability for opportunistic, individual crevice-dwelling bat species only <sup>7</sup> . | No evidence of roosting bats recorded. |
| 7             |  | <p>Shed - Single skin construction of steel and timber frame.</p> <p>Limited, poor quality (ie illuminated and with weather ingress) PRFs.</p>                                                                                                                        | As above                                                                                       | No evidence of roosting bats recorded. |

<sup>7</sup> As described by Table 4.1 in the Bat Survey for Professional Ecologists: Good Practice Guidelines, 3<sup>rd</sup> Edition. Bat Conservation Trust, 2016.

| Building no. | Photograph                                                                        | Details                                                                                                                                 | Bat roost potential | Presence/Absence Survey result         |
|--------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------|
| 8            | No photo available                                                                | Shed - Single skin construction of steel and timber frame.<br><br>Limited, poor quality (ie illuminated and with weather ingress) PRfs. | As above            | No evidence of roosting bats recorded. |
| 9            |  | Shed - Single skin construction of steel and timber frame.<br><br>Limited, poor quality (ie illuminated and with weather ingress) PRfs. | As above            | No evidence of roosting bats recorded. |

| Building no. | Photograph                                                                         | Details                                                                                                                                        | Bat roost potential | Presence/Absence Survey result         |
|--------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------|
| 10           |   | <p>Shed - Single skin construction of steel and timber frame.</p> <p>Limited, poor quality (ie illuminated and with weather ingress) PRfs.</p> | As above.           | No evidence of roosting bats recorded. |
| n/a          |  | Multi stemmed ash, with several shallow rot holes.                                                                                             | Low                 | No evidence of roosting bats recorded. |

Vegetated habitats at the site boundary are suitable for use for commuting and foraging bats, and link with adjacent mature trees and hedges to join with the wider habitat network present locally, particularly to the north. Foraging bats were noted to use the site during the presence/absence surveys, and included common pipistrelle and soprano pipistrelle, with a maximum of two individuals seen at any one time. Overall, however, activity was considered to be low.

Due to its small size, low levels of bat activity and lack of roosting bats, the site is not considered to be of critical importance to the conservation status of the local bat population.

### 3.6.2 Amphibians, including Great Crested Newt

SBRC confirmed that common frog *Rana temporaria*, smooth newt *Lissotriton vulgaris*, and great crested newt (GCN) *Triturus cristatus* have been recorded within 1km of site. The closest GCN record is in Middleton-on-Sea (SU966000), almost 1km to the south west. MAGIC confirms no EPS licences have been issued in respect to GCN within 1km of the site, and WSP Parsons Brinkerhoff's August 2016 GCN report for West Sussex County Council did not survey any waterbodies within 500m of the site, as all ponds surveyed fell outside of this buffer.

There are no ponds or waterbodies on site. Two waterbodies are shown on OS 1:25,000 plans within approximately 500m of the site boundary, however the pond to the north of the site no longer exists (confirmed on the ground and via aerial images), and the pond to the south is separated by almost 500m of build environment. The potential presence of GCN at the site is considered extremely low, based on the types of habitat present, its isolation from the wider pond network and distance from recorded breeding sites.

Vegetated habitats within the site are suitable for use by foraging and sheltering common amphibians, if present locally. However, no amphibians were incidentally recorded during the reptile surveys. Due to the types and extent of habitat present and the lack of potential breeding ponds, the site is not considered to be critical to the maintenance of the local amphibian population.

### 3.6.3 Reptiles

SBRC confirms that slow-worm *Anguis fragilis*, grass snake *Natrix Helvetica*, and common lizard *Zootoca vivipara* have all been recorded within 1km of the site, the closest for each species being at the following locations:

- ✦ Slow worm – approximately 400m south.
- ✦ Grass snake – approximately 1.3km west; and
- ✦ Common lizard – approximately 1.4km south east.

The reptile survey confirmed the presence of slow worm and common lizard at the site, as follows:

- ✦ 29<sup>th</sup> July 2019 - two juvenile slow worms;
- ✦ 15<sup>th</sup> August 2019 – one common lizard; and
- ✦ 16<sup>th</sup> August 2019 - a single juvenile slow worm.

Using the Froglife Population Size Class Assessments table<sup>8</sup>, these results indicate a small/low population for common lizard, and a small/low breeding population of slow worm.

The tall ruderals, scrub and (limited) bare ground mosaic at the site are suitable for use by foraging and sheltering slow-worm and common lizard, with scrub and woodland potentially also used for hibernation. However, the site as a whole is considered unlikely to be critical for the maintenance of the local population due to its small size, and as shown by the small population size estimates found during surveys.

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<sup>8</sup> Reptile Survey Advice Sheet 10, Froglife 1999.

### 3.6.4 Birds

SBRC provided details for a number of bird species that had been recorded locally including S41 NERC Act (2006) priority and Wildlife and Countryside Act Schedule 1 species.

During the various site visits common species of bird were recorded including chaffinch *Fringilla coelebs*, wood pigeon *Columba palumbus*, blackbird *Turdus merula*, wren *Troglodytes troglodytes*, robin *Erithacus rubecula*, swallow *Hirundo rustica*, and swift *Apus apus*. A single active swallow nest was noted to be present in building 2 during the bat surveys.

Habitats, in particular derelict buildings, mature trees and dense scrub areas have potential to be used by a range of bird species during the breeding season.

### 3.6.5 Other species

SBRC data confirms records for hedgehog within 1km, the Big Hedgehog map<sup>9</sup> shows several live and dead hedgehog records within 1km of the site in addition to a hedgehog carcass during noted during the visit on the 29<sup>th</sup> July 2019 (grid ref – SU 97357 00718). The boundary hedgerows, trees and dense scrub vegetation are suitable for foraging and shelter for this wide-ranging species.

BRC keeps badger records confidential, therefore no records of badger were received. No signs of badger (such as setts, foraging signs or paths) were recorded during any of the site visits, and this species assumed absent at the site at the current time.

No additional species/groups have been identified as being in need of further consideration in this assessment based upon the types of habitat present and proposed development under consideration.

## 3.7 Summary of Important Ecological Features

Based upon the information available to date, the Table 4-2, below, provides a summary of the important ecological features for which detailed assessment is required (i.e. all features of at least local level of importance and/or subject to legal protection), the geographical context within which each is considered to be important and their legal status.

Table 3-2  
Important Ecological Features

| Feature                     | Reason for importance                                                                                                                                                                                                                                | Presence on site                                                                                                                                  |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Bats                        | All species of UK bat are protected under UK and European legislation. Many species are S41 NERC Act priority species and so are protected under national and local planning policies                                                                | No evidence of roosting.<br>Low levels of foraging recorded within site during building surveys.                                                  |
| Common lizard and slow worm | Common lizard and slow worm are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); slow worm is additionally listed on S41 of the NERC Act.<br><br>National and local planning policies protect the S41 NERC species. | Small population of slow worm and common lizard present. Majority of vegetated habitats suitable for use for basking, shelter and/or hibernation. |

<sup>9</sup> <https://bighedgehogmap.org/> 2019

| Feature        | Reason for importance                                                                                                                                                                                                | Presence on site                                                                          |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Breeding Birds | All bird species are protected from damage during the nesting season under UK legislation. Many species are S41 NERC Act priority species and so protected under national and local planning policies.               | Nesting is possible across all parts of the site, including the buildings.                |
| Hedgehog       | A S41 NERC Priority species protected under national and local planning policies.                                                                                                                                    | Potentially present; habitats suitable for foraging, shelter and hibernation are present. |
| Habitats       | Habitats within the site help support the species identified above.<br><br>None of the vegetated habitats at the site meet the definition of a S41 NERC Act Priority Habitat, all are locally and nationally common. | Common habitats on site, in form of buildings, ruderals, scrub and trees.                 |

## 4.0 Assessment of Effects and Mitigation Measures

### 4.1 Bats

#### 4.1.1 Potential Impacts

No trees with PRF are scheduled for felling. However, the proposal includes demolition of the buildings which will result in loss of both high and low quality PRF available to the local bat population in the future. In the absence of mitigation, this is not considered likely to affect the favourable conservation status of the local bat population since alternative habitats are abundant locally.

Increased illumination of site and adjacent habitats may deter usage of potential foraging habitats at and adjacent to the site.

#### 4.1.2 Proposed Mitigation Measures

As a highly mobile species group and since there may be significant time elapse between planning consent (if granted) and building demolition work, the future presence of individual bats cannot be entirely ruled out. The following measures will be implemented:

- ✦ If demolition occurs after February 2020, an update daytime inspection, dusk emergence and/or dawn re-entry survey shall be undertaken in advance, between April-October, to identify any bats leaving/returning to roost. This would allow for the identification of any previously unidentified roosts which may be in use. If roosts are recorded, demolition activities would not occur until further assessment and an EPS licence obtained if required.
- ✦ If a bat is discovered at any point during work, work will cease on that section until the advice of a licensed batworker and/or Natural England has been sought. An EPS licence maybe necessary before work could resume.
- ✦ To mitigate for loss of potential roost features at the building, the new property will include a minimum of six integrated bat boxes, built into the fabric of the property at eaves height or above. Suitable boxes include (but are not limited to) 1FR Schwegler bat tube, and products available from brick manufacturers such as the Ibstock Enclosed Bat Box. The location of these boxes will be as per the advice of a licensed batworker.
- ✦ In the event that a bat roost is located prior to or during redevelopment work, the proposed bat boxes within the new building are considered to represent sufficient replacement roosting opportunities as mitigation for the loss of a low conservation value roost.
- ✦ All lighting associated with the scheme will be minimised, whilst allowing safe use of the site. It will be designed to minimise light spill and will not increase the illuminance of the vegetated site boundaries which may be used by foraging bats. The specification for lamps will comply with the latest guidance in respect of bats and lighting in the UK<sup>10</sup> as follows:
  - All luminaires will lack UV elements when manufactured. Metal halide, fluorescent sources will not be used.
  - LED luminaires will be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.

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<sup>10</sup> Institute of Lighting Professionals and Bat Conservation Trust Guidance Note 08/08 Bats and Artificial Lighting in the UK (October 2018)

- A warm white spectrum (ideally <2700Kelvin) will be adopted to reduce blue light component.
- Luminaires will feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012).
- Only luminaires with an upward light ratio of 0% and with good optical control will be used;
- Luminaires will always be mounted on the horizontal, i.e. no upward tilt;
- Any external security lighting will be set on motion-sensors and short (1min) timers; and
- As a last resort, accessories such as baffles, hoods or louvres will be used to reduce light spill and direct it only to where it is needed.

#### 4.1.3 Significance of Residual Effects

Assuming the above survey is undertaken, and requisite mitigation implemented, no significant residual impacts are anticipated.

### 4.2 Slow worm and common lizard

#### 4.2.1 Potential Impacts

The majority of the vegetated habitat loss associated with the scheme includes areas suitable for foraging use and shelter by these species' groups (ruderal, scrub, rank grassland, collapsed building debris). In the absence of mitigation, there is a risk of killing and injury to individual animals during the demolition/construction stage of the project. Nevertheless, habitat loss per se is not considered likely to affect the favourable conservation status of the local slow worm or common lizard populations since alternative similar habitats are abundant locally.

#### 4.2.2 Proposed Mitigation Measures

To minimise the risk of killing and injury the following measures will be implemented:

- ✦ Vegetation/site clearance will be undertaken during the reptile active season (March – October).
- ✦ Reptile refugia (these remain in place) will be checked by an ecologist for sheltering animals, any found would be immediately moved to suitable habitat at the site boundary.
- ✦ An initial vegetation cut will then be made to 15-20cm with all arisings removed.
- ✦ Destructive hand-searches of rubble piles, debris and other suitable habitat would then be conducted by an experienced ecologist. All such materials would be removed from site or placed in skips so as to prevent reptiles using them. Any reptiles found would be immediately moved to suitable habitat at the site boundary.
- ✦ 24-48 hours later reptile refugia will be rechecked by the ecologist, and a second vegetation cut to 5cm would be made with arisings removed.
- ✦ A destructive hand search would then be completed over the following 2-3 days, with all vegetation removed immediately after the ecologist confirms areas are "clear".

- ※ All works will be conducted during suitable weather conditions to ensure any reptiles/amphibians present are in an active state. Suitable weather conditions are as follows; dry, with an ambient air temperature of at least 9°C<sup>11</sup>. Rainy, frosty or windy conditions are unsuitable.

To mitigate for habitat loss, one large hibernaculum, and three smaller refugia will be included at the site boundaries. The large hibernaculum will comprise materials (logs, rubble and earth) salvaged from the site and be approximately 1m<sup>2</sup> in volume, while the three smaller refugia will comprise of two log-piles and one constructed from materials salvaged from site (as above). All three will be at least 0.5m<sup>2</sup>.

#### 4.2.3 Significance of Residual Effects

No significant residual effects are anticipated.

### 4.3 Breeding Birds

#### 4.3.1 Potential Impacts

The proposed development will result in the permanent loss of habitats for foraging, shelter and nesting. Once operational, the proposed development may also result in increased illumination of site and adjacent habitats, which could affect bird behaviours.

#### 4.3.2 Proposed Mitigation Measures

To minimise impacts to breeding birds, removal of vegetation or buildings which may be used for nesting should be undertaken during autumn and winter, thereby avoiding the bird breeding season (which is typically March to August, inclusive). If this is not possible, a check for nesting birds will be undertaken by an ecologist immediately prior to removal of the habitat. If nesting birds are confirmed present vegetation clearance will be delayed until any young have fledged.

Replacement nesting locations will be provided via incorporation of seven integrated bird boxes, including a three-cell sparrow terrace, three artificial swallow nests and three bird boxes within or upon the new building (such as Schwegler 1SP Sparrow Terrace, Schwegler 10 swallow nest and Type 24 Brick Nest Boxes or equivalent). An additional four boxes (Schwegler 1B Nest Boxes or equivalent) will be erected within trees around the perimeter of the site).

#### 4.3.3 Significance of Residual Effects

No significant residual effects are anticipated.

### 4.4 Hedgehog

#### 4.4.1 Potential Impacts

The proposal will result in the permanent loss of habitats suitable for foraging and sheltering hedgehog, increased fragmentation and barriers to movement, as well as increased risk of injury from traffic.

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<sup>11</sup> Froglife (1999) Reptile Survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife, Halesworth.

#### 4.4.2 Proposed Mitigation Measures

Vegetation clearance will be undertaken during the period that hedgehog are active (April – October). If this is not possible, a careful search will be made by an ecologist for sheltering hedgehogs immediately prior to work commencing.

Any hedgehogs found during the process of site clearance will be immediately removed by hand to an area of undisturbed habitat at the site boundary.

All fences will remain permeable to hedgehogs, with gaps measuring at least 15cm square incorporated at least every 10m.

A single hedgehog house (Schwegler Hedgehog Dome or equivalent) will be included at the southern boundary of the site.

The proposed mitigation for reptiles at Section 4.2.2 will also minimise impacts to hedgehog.

#### 4.4.3 Significance of Residual Effects

No significant residual effects are anticipated.

### 4.5 Habitats

#### 4.5.1 Potential Impacts

0.5ha of rank grassland, immature trees, scrub, tall ruderals and derelict buildings will be lost as a result of the proposal. Whilst none of the habitats are of significant ecological importance, they do help to support the above noted species and to sustain local biodiversity.

#### 4.5.2 Proposed Mitigation Measures

Retained habitats will be marked out at the start of work and protected from inadvertent damage such as by vehicle success or storage of materials.

Good site management will be implemented to avoid/minimise generation of excessive human disturbance, dust and noise. This will include keeping vehicle movements to a practicable minimum and undertaking the work as quickly as is safely possible.

It is not possible to mitigate for loss of vegetated habitat (primarily ruderals and scrub) on a like for like basis within the Application Site. However, biodiversity loss would be compensated for via the following measures:

- ✦ wildflower meadow/flowering lawn mix used in amenity areas;
- ✦ species rich, predominantly native, herbaceous border planting;
- ✦ creation of a bog garden; and
- ✦ native hedgerow planting.

#### 4.5.3 Significance of Residual Effects

No residual effects anticipated.

### 4.6 Proposed Biodiversity Enhancements

The following items have been included within the scheme design for the enhancement of the biodiversity value of the site (this is in addition to the mitigation measures already committed to):

- ✦ at least 3 integrated bat boxes (Schwegler 1FR bat tube/lbstock Enclosed Bat Box or similar) and at least 2 tree/pole mounted bat boxes (Schwegler 2F or 2FN bat boxes or equivalent) will be incorporated at suitable locations on the new building and surrounding trees, the exact locations to be advised by a suitably qualified ecologist;
- ✦ at least 4 bird boxes will be erected at suitable locations at new building and retained trees, as advised by a suitably qualified ecologist;
- ✦ 2 refugia/log piles of at least 0.5m<sup>2</sup> will be created at the site boundary;
- ✦ a bird table and two additional feeding areas will be included;
- ✦ two traditional compost heaps will be incorporated within the site;
- ✦ peat-free composts to be used throughout for planting purposes;
- ✦ native hedgerow planting around boundary of site; and
- ✦ species rich, herbaceous border planting, with at least 80% of species used in planting schemes to be of benefit to wildlife (such as those listed within the Natural England booklet here <http://wlgf.org/linked/plants.pdf>).

## 5.0 Summary & Conclusions

SLR Consulting Limited was instructed by Frontier Estates Limited to undertake an Ecological Impact Assessment to provide technical input into a Planning Application for the development of a residential care home at Middleton-on-Sea, West Sussex.

A desk-top study, habitat survey, reptile survey and bat survey has been undertaken at the site and surroundings. The scope of work has been developed based on comprehensive site knowledge and a review of information available from a range of other sources.

A small population of common lizard and slow worm is present on site. No evidence of other protected or notable species has been recorded at the site or surroundings to date, and the potential presence of significant populations of any such species is considered to be very low. The site is not considered critical for populations of any species of fauna or flora of nature conservation importance.

Mitigation measures are proposed during demolition and construction to minimise the risks to individual animals and to ensure that wildlife legislation is adhered to. Further enhancement measures are proposed to increase the site's biodiversity value. Assuming the above mitigation and enhancement measures are implemented, no locally significant permanent adverse ecological impacts are anticipated.

## Drawing 01

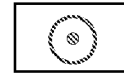
### Habitat Plan



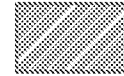
#### LEGEND



SITE BOUNDARY



INDIVIDUAL BROADLEAVED  
TREE



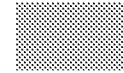
TALL RUDERAL AND SCRUB  
MOSAIC



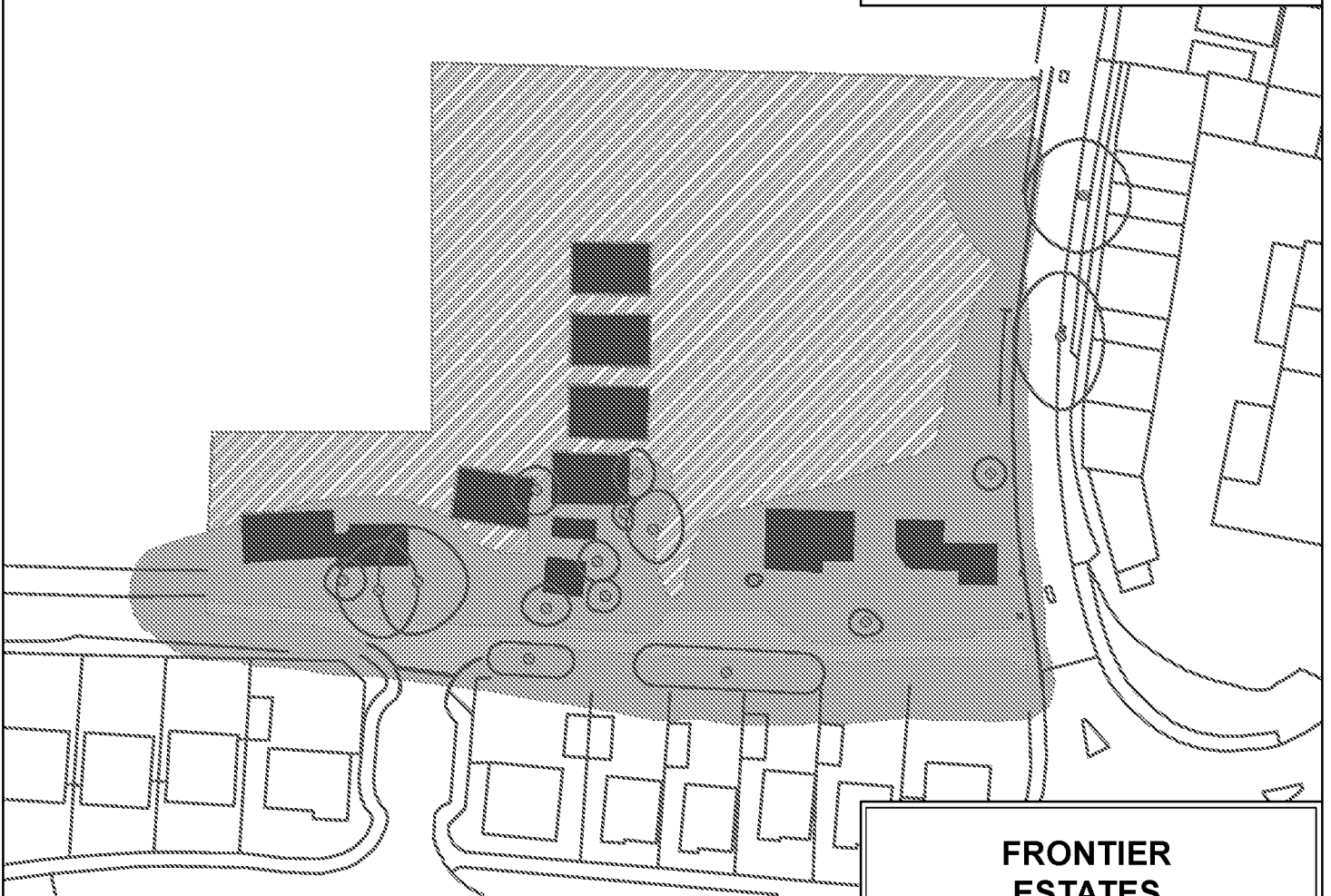
DENSE SCRUB AND TREES



BUILDING



HARDSTANDING



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### MIDDLETON-ON -SEA ECOLOGICAL IMPACT ASSESSMENT HABITAT PLAN

1

Scale  
1:850 @ A4

Date  
JULY 2019

## Drawing 02

### Bat Survey Results



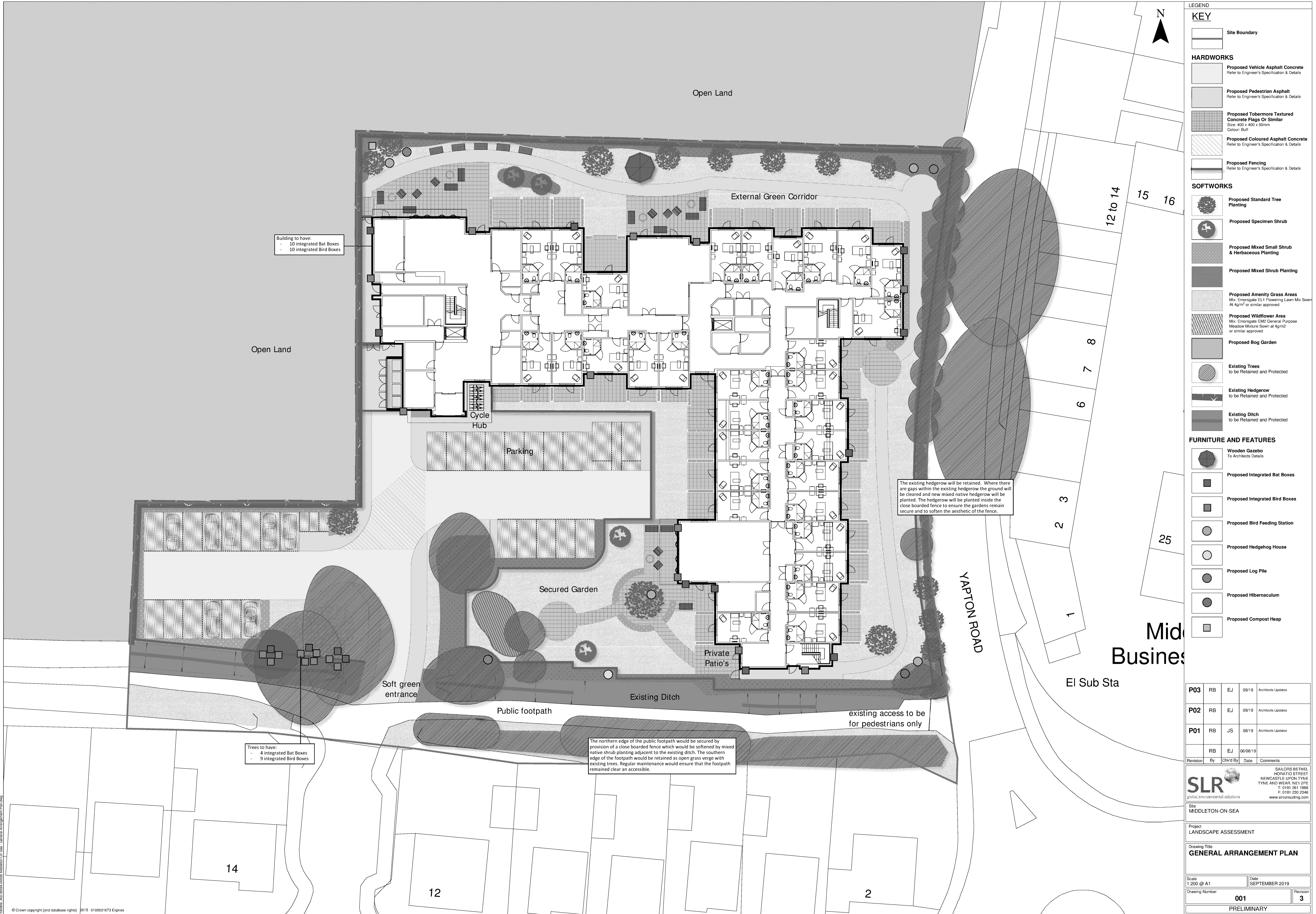
| LEGEND |                             |
|--------|-----------------------------|
|        | SITE BOUNDARY               |
|        | SURVEYOR LOCATION           |
|        | TREE WITH LOW BAT POTENTIAL |
|        | HIGH BAT POTENTIAL          |
|        | LOW BAT POTENTIAL           |

|                                                                                              |                                                                                                                     |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>FRONTIER<br/>ESTATES<br/>LIMITED</b>                                                      |                                                                                                                     |
| <br><small>global environmental solutions</small>                                            | 4/5 LOCHSIDE VIEW<br>EDINBURGH PARK<br>EDINBURGH<br>EH12 9DH<br><br>T: +44 (0)131 335 6830<br>www.slrconsulting.com |
|                                                                                              |                                                                                                                     |
| <b>MIDDLETON-ON -SEA</b><br><b>ECOLOGICAL IMPACT ASSESSMENT</b><br><b>BAT SURVEY RESULTS</b> |                                                                                                                     |
| <b>2</b>                                                                                     |                                                                                                                     |
| Scale<br>1:850 @ A4                                                                          | Date<br>JULY 2019                                                                                                   |

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## Appendix 01

### Proposed Site Layout



## Appendix 02

### Relevant Legislation and Policy

## Planning Policies

### National

The recently revised National Planning Policy Framework (NPPF) published by the Ministry of Housing, Communities and Local Government in July 2018 sets out several recommendations as to how Local Planning Authorities should address and consider biodiversity matters in their local plans. Further to this the NPPF sets out measures to be taken when considering planning applications, as follows:

*“175. When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists; and*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

*176. The following should be given the same protection as habitats sites:*

*a) potential Special Protection Areas and possible Special Areas of Conservation;*

*b) listed or proposed Ramsar sites<sup>59</sup>; and*

*c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

*177. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.”<sup>1</sup>*

#### Local

The Adopted Arun Local Plan 2011 – 2031 was adopted by resolution of Full Council on 18<sup>th</sup> July 2018 with Main Modifications.

The Adopted Arun Plan includes five specific nature conservation policies which are of particular relevance to the proposal:

#### *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 creations of new areas for habitats and species. In relation to designated sites, development will be permitted where it protects sites listed in Tables 17.1-17.7 that are recognised for the species and habitats contained within them.*

#### *Policy ENV DM1*

##### *Designated Sites of Biodiversity or 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 as listed in Tables 17.1-17.7 or any subsequent designated sites (Either individually or in combination with other developments), will not normally be permitted. Consideration will be given to the exact designation 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 (where 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 Directive 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;*

---

<sup>1</sup> National Planning Policy Framework (July 2018) Ministry of Housing, Communities and Local Government.

- iv. *The need for compensatory measures in order to re-create remaining features of habitat 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 EMV/DM3*

##### *Biodiversity Opportunity Areas*

##### **Development shall:**

- a. *Retain and sympathetically incorporate locally valued important habitats, including wildlife corridors and steppingstones;*
- 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 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 contribution 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 interest 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 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 site 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. 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 DMS*

##### *Development and Biodiversity*

*Development schemes shall, in the first instance, seek to achieve 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 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 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 licenced person.*

*All developments shall have regards to Natural England's standing advice for protected species.*

## EUROPEAN OFFICES

### United Kingdom

