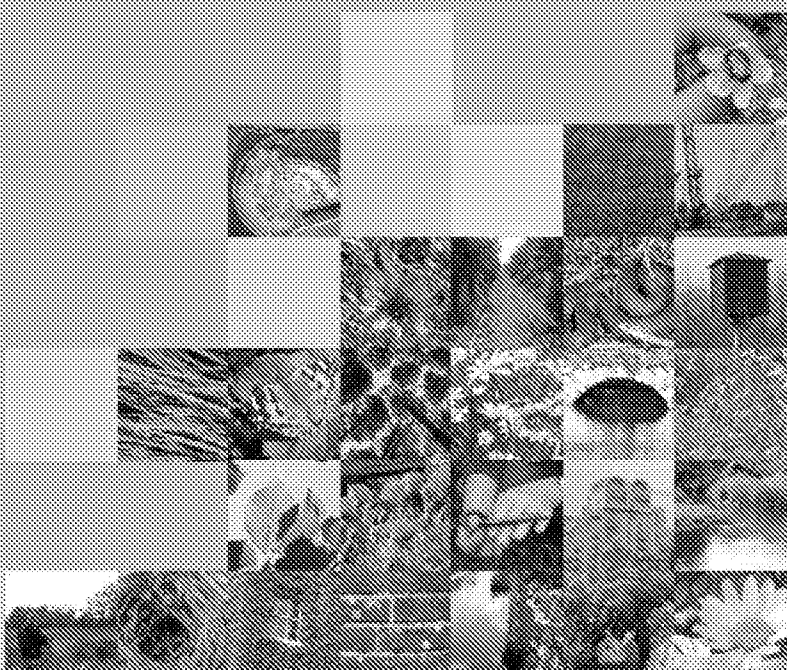




Rustington Hall, Littlehampton

Preliminary Ecological Appraisal

Report for Caldotecc

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Version	Checked by	Approved by	Date	Type
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Summary of key issues

The Ecology Consultancy was commissioned to carry out a Preliminary Ecological Appraisal (PEA), comprising a Phase 1 habitat survey, protected species assessment and ecological evaluation of land at Rustington Hall, Littlehampton. The main findings of the PEA are as follows:

- » The site consisted of a mixture of hardstanding, amenity grassland and hedgerow with an area of semi-natural vegetation in the eastern extent comprising poor semi-improved grassland and dense scrub.
- » The site is not subject to any statutory or non-statutory nature conservation designations. There are no designated sites within a 2km radius.
- » Habitats present are considered to be of value within the immediate vicinity of the site only. Whilst common, compensation for the loss of these habitats should nevertheless be sought when working under the principle of 'net-gain' in line with national planning policy. This should be achieved through the provision of wildlife planting within the soft landscape plans.
- » **Reptiles** - the site has low potential to support reptiles in areas of poor semi-improved grassland and dense scrub. Management of suitable habitat should be to dissuade reptiles from using the site (should they be present), to avoid any potential impacts on reptiles and to comply with legislation. This will involve cutting and maintaining the grassland on site as a regularly-mown sward (maximum height 50mm) that is unsuitable for reptiles until just before works commence.
- » **Breeding birds** – habitat with moderate suitability for breeding birds was present on site in areas of dense scrub and intact species-poor hedgerow. Removal of this habitat should be carried out September to February inclusive, to avoid any potential offences relating to breeding birds during their main bird breeding season. If vegetation removal during the breeding season is unavoidable then potential nesting habitat must be inspected shortly before work commences to identify active birds' nests. Should they be present, the nest and a suitable buffer of habitat around it must be retained until the young have left the nest.
- » **Hedgehogs** – To meet objectives in Section 41 of the NERC Act 2006, if the proposed development will include the use of fencing to divide the site from adjacent residential properties and gardens, it is recommended that connectivity for hedgehogs is maintained by installing wildlife-friendly fencing, with gaps or tunnels in the bottom panels/gravel

boards to allow easy passage for hedgehogs and other small mammals to continue foraging in this area.; and

- » Recommendations to enhance the biodiversity value of the site in accordance with national and local planning policies comprise the provision of a biodiverse green wall and the provision of bird boxes and nesting habitat.

1 Introduction

BACKGROUND TO COMMISSION

- 1.1 The Ecology Consultancy was commissioned by Caldotec in January 2018, to carry out a Preliminary Ecological Appraisal (PEA) of land at Rustington Hall, Littlehampton. The appraisal was carried out in order to provide ecological information to inform a planning application for a proposed mixed commercial and residential development. This appraisal considers land within the planning application site boundary (hereon referred to as 'the site') as indicated on the plan provided by the client (Caldotec, 2017).

SCOPE OF THE REPORT

- 1.2 This aim of this appraisal is to provide baseline ecological information about the site. This will be used to identify any potential ecological constraints associated with the proposed development and/or to identify the need for additional survey work to further evaluate any impact that may risk contravention of legislation or policy relating to protected species and nature conservation. Where necessary, avoidance, mitigation/compensation and/or enhancement measures have been recommended to ensure compliance.
- 1.3 This appraisal is based on the following information sources:
- ✧ a desk study of the site and land within a 2 kilometre (km) surrounding radius;
 - ✧ a Phase 1 habitat survey (JNCC, 2010) of the site to identify and map the habitats present;
 - ✧ a protected species assessment of the site to identify features with potential to support legally protected species; and
 - ✧ an evaluation of the site's importance for nature conservation.
- 1.4 This appraisal has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2017) and as detailed in British Standard 42020:2013 *Biodiversity - Code of Practice for Biodiversity and Development* (BSI, 2013).
- 1.5 The survey, assessment and report were conducted and written by Robin Searle BSc ACIEEM, an Ecologist with five years' experience who is competent in carrying out Phase 1 habitat surveys and protected species assessments.

SITE CONTEXT AND STATUS

- 1.6 The proposed development site is 1319.62 metres squared (m²) in size and is centred on Ordnance Survey National Grid reference TQ 06190 02549. The site lies within a sub-urban area of Littlehampton and is not subject to any nature conservation designations. It is bordered by residential buildings and garden space to the north, east and south and Rustington Hall lies adjacent to the west. The wider landscape is predominantly sub-urban and dominated by buildings and road infrastructure, with the majority of vegetation restricted to residential gardens and small areas of open space.

DEVELOPMENT PROPOSALS

- 1.7 The development proposals for the site, based on current plans provided by the client (Caldotec, 2017), are to construct a building for residential use with surrounding areas of paving, communal grass areas and shrub planting.

RELEVANT LEGISLATION AND PLANNING POLICY

- 1.8 The following key pieces of nature conservation legislation are relevant to this appraisal. A more detailed description of legislation is provided in Appendix 5:
- ✧ The Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations);
 - ✧ Wildlife and Countryside Act 1981 (as amended); and
 - ✧ Natural Environment and Rural Communities Act 2006.
- 1.9 The National Planning Policy Framework (Department of Communities and Local Government, 2012) requires local authorities to avoid and minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity when taking planning decisions.
- 1.10 Other planning policies at the local level which are of relevance to this development include the Arun District Council Local Plan (2014). Further information is provided in Appendix 5.

2 Methodology

DESK STUDY

- 2.1 The following data sources were reviewed to provide information on the location of non-statutory designated sites¹, legally protected species² - specifically bats, Species and Habitats of Principal Importance³ within a 2km radius of the site.
- ✧ Sussex Biodiversity Records Centre (SxBRC), the local Biological Records Centre, principally for biological records and information on non-statutory sites;
 - ✧ MAGIC (<http://www.magic.gov.uk/>) - the Government's on-line mapping service for nature conservation information; and
 - ✧ Ordnance Survey mapping and publicly available aerial photography.

HABITAT SURVEY

- 2.2 A habitat survey of the site was carried out on 23 January 2018 in clear, dry conditions. It covered the entire site including boundary features. Habitats were described and mapped following standard Phase 1 habitat survey methodology (JNCC, 2010). Habitats were marked on a paper base map and subsequently digitised using ESRI ArcGIS software. Habitats were also assessed against descriptions of Habitats of Principal Importance as set-out by the JNCC (BRIG, 2008)⁵.
- 2.3 Records for dominant and notable plants are provided, as are incidental records of birds and other fauna noted during the course of the habitat survey.
- 2.4 Common names are used where widely accepted – for amphibians, birds, fish, mammals, reptiles and vascular plants. Scientific names are provided for other groups but at first mention only if there is also an accepted common name.

¹ Non-statutory sites are designated by local authorities (e.g. Sites of Importance for Nature Conservation or Local Wildlife Sites).

² **Legally protected species** include those listed in Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981; Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended); or in the Protection of Badgers Act 1992 (as amended).

³ **Species/ Habitats of Principal Importance** are those listed on Section 41 of the Natural Environment and Rural Communities Act, 2006.

⁵ Data required to confirm that certain habitats (including rivers and ponds) meet criteria for Habitats of Principle Importance is beyond that obtained during a Phase 1 habitat survey. In these cases the potential for such habitats to meet relevant criteria is noted but further surveys to confirm this assessment may be recommended

- 2.5 The site was also surveyed for the presence of invasive plant species as defined by Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, detailed mapping of such species is beyond the scope of this commission and the location on habitat plan are indicative only.
- 2.6 Target notes are used to provide information on specific features of ecological interest (e.g. a badger sett) or habitat features that were too small to be mapped.

PROTECTED AND NOTABLE SPECIES ASSESSMENT

- 2.7 The suitability of the site for legally protected species was assessed on the basis of relevant desk study records⁶ combined with field observations from the habitat survey. The likely value of habitat for protected species occurrence was ranked on a scale from 'negligible' to 'present' as described in Table 2.1.
- 2.8 The assessment of habitat suitability for protected or notable species was based on professional judgement drawing on experience of carrying out surveys of a large number of urban and rural sites and best practice survey guidance on identifying field signs which includes that for the following species: badger (e.g. Roper, 2010); bats (Collins (ed.), 2016); hazel dormouse (English Nature, 2006); great crested newt (Langton *et al.* 2001); otter (Chanin, 2003); reptiles (Gent and Gibson, 2003); and water vole (Dean *et al.* 2016).

Table 2.1: Protected species assessment categories

Category	Description
Present	Presence confirmed from the current survey or by recent, confirmed records.
High	Habitat present provides all of the known key requirements for a given species/species group. Local records are provided by desk study. The site is within or close to a national or regional stronghold for a particular species. Good quality surrounding habitat and good connectivity.
Moderate	Habitat present provides all of the known key requirements for a given species/species group. Several desk study records and/or site within national distribution and with suitable surrounding habitat. Factors limiting the likelihood of occurrence may include small habitat area, barriers to movement and disturbance.
Low	Habitat present is of relatively poor quality for a given species/species group. Few or no desk study records. However, presence cannot be discounted on the basis of national distribution, nature of surrounding habitats or habitat fragmentation.
Negligible	Habitat is either absent or of very poor quality for a particular species or species group. There were no desk study records. Surrounding habitat unlikely to support wider populations of a species/species group. The

⁶ Primarily dependent on the age of the records, distance from the site and types of habitats at the site.

	site may also be outside or peripheral to known national range for a species.
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- 2.9 The findings of this assessment establish the need for protected species surveys that are required to achieve compliance with relevant legislation. Surveys are commonly required for widespread species such as bats, great crested newt, reptiles and badger; but may be necessary for other species if suitable habitat is present.
- 2.10 Surveys may be required where a site is judged to be of low suitability for a particular species/ species group. However, in some cases there may be opportunities to comply with legislation, without further survey, through precautionary measures prior to and during construction.

SITE EVALUATION

- 2.11 The site's ecological value has been evaluated broadly following guidance issued by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2016) which ranks the nature conservation value of a site according to a geographic scale of reference: international, national, regional, county/metropolitan, district/borough, local/parish or of value at the site scale. In evaluating the nature conservation value of the site the following factors were considered: nature conservation designations; species/habitat rarity; naturalness; fragility and connectivity to other habitats.

DATA VALIDITY AND LIMITATIONS

- 2.12 Every effort has been made to provide a comprehensive description of the site, however, the following limitations apply to this assessment.
- ✧ The protected species assessment provides a preliminary view of the likelihood of protected species occurring on the site. It should not be taken as providing a full and definitive survey of any protected species group. Additional surveys may be recommended if on the basis of the preliminary assessment or during subsequent surveys it is considered reasonably likely that protected species may be present.
 - ✧ The ecological evaluation is preliminary and may change subject to the findings of further ecological surveys (should these be required).
 - ✧ Even where data for a particular species group is provided in the desk study, a lack of records for a defined geographical area does not necessarily mean that there is a lack of ecological interest, the area may simply be under-recorded.

- » Where only four figure grid references are provided for protected species by third parties, the precise location of species records can be difficult to determine and they could potentially be present anywhere within the given 1km x 1km square. Equally six figure grid references may be accurate to the nearest 100m only.
- » The Phase 1 habitat survey does not constitute a full botanical survey or provide accurate mapping of invasive plant species.
- » The Phase 1 habitat survey was undertaken in January which is a suboptimal time of year to survey flora. The habitats on site were dominated by hardstanding and managed grassland that are unlikely to vary in their floral composition through the year, and accordingly the survey was considered sufficient to assess the quality of the habitats present.
- » Ecological survey data is typically valid for two years unless otherwise specified.
- » Desk study records were not requested for birds or reptiles as the results of the site survey were considered sufficient enough to assess the likelihood of these species being present at the site.

2.13 Despite these limitations, it is considered that this report accurately reflects the habitats present, their biodiversity values and the potential of the site to support protected and notable species.

3 Results

DESIGNATED SITES

Statutory designated nature conservation sites

- 3.1 The proposed development site is not subject to any statutory nature conservation designations and no statutory designated sites are present within 2km.

Sites of Special Scientific Interest: Impact Risk Zones

- 3.2 Impact Risk Zones (IRZ's) are intended as a tool for local planning authorities to identify when specific types of development may require consultation with Natural England regarding their potential impact on SSSIs. The site lies within the IRZ for the Climping Beach SSSI located 3.6km south-east of the site, however as a small residential development this does not trigger the need for consultation with Natural England.

Non-statutory designated nature conservation sites

- 3.3 The proposed development site is not subject to any non-statutory nature conservation designations and none are present within 2km of the site.

PHASE 1 HABITAT SURVEY

Overview

- 3.4 The site consists of a mixture of hardstanding, amenity grassland and hedgerow with an area of semi-natural vegetation in the eastern extent comprising poor semi-improved grassland and dense scrub.
- 3.5 Phase 1 habitats types are mapped in Figure 1, areas are given in Table 3.1. A description of dominant and notable species and the composition of each habitat is provided below.

Table 3.1: Phase 1 Habitat Areas

Phase 1 Habitat	Extent (m ²)	%
Hardstanding	529.86	40
Semi-improved grassland	380.95	29
Amenity grassland	295.92	22
Species-poor intact hedgerow	46.44	4
Dense scrub	66.45	5
Total site area	1319.62	

Habitat description

Hardstanding & boundaries

- 3.6 Hardstanding was present on the site consisting of tarmac which formed the rear car park for Rustington Hall and driveway leading to the second hall immediately outside the northern site boundary.
- 3.7 A stone wall with exposed flint was present forming part of the eastern boundary. Sow thistle and ivy were present occasionally.

Amenity grassland

- 3.8 Amenity grassland was present surrounding the Rustington Hall and along the northern boundary which extended into residential garden space. The grass was well managed to a short sward and dominated by red fescue and perennial ryegrass with occasional white clover and daisy.

Poor semi-improved grassland

- 3.9 The eastern extent of the site was dominated by an area of poor semi-improved grassland. Yorkshire fog and perennial ryegrass were abundant and wall barley occasional in the sward. Wildflowers recorded frequently were creeping buttercup, dock and lesser celandine. The southern extent of this habitat appeared to have been seeded with wildflower species and species recorded included evening primrose, yarrow, cornflower and red clover. A pile of brash/ rubbish is present (see Target Note 1, Appendix 2) along the eastern boundary of this habitat.

Intact Species-Poor Hedgerow

- 3.10 A section of intact-species poor hedgerow was present bordering the residential gardens in the northern site boundary. The hedge was well managed to an approximate height of 2m and dominated by escallonia.

Dense scrub

- 3.11 An area of dense scrub was present in the southern site extent. Bramble was frequent with scattered small shrubs including butterfly bush, elder and Portuguese laurel.

PROTECTED AND INVASIVE SPECIES ASSESSMENT

- 3.12 The potential for the site to support protected species has been assessed using criteria provided in Table 3.2, based on the results of the desk study and observations made

during the site survey of habitats at the site. Other legally protected species are not referred to as it is considered that the site does not contain habitats that would be suitable to support them. The following species/species groups are potentially present at the site:

- ✧ great crested newt;
- ✧ reptiles;
- ✧ breeding birds; and
- ✧ invasive plant species.

3.13 The table also summarises relevant legislation and policies relating to protected and invasive species. Key pieces of statute are summarised in Section 1 and set-out in greater detail in Appendix 5.

Table 3.2: Protected and Invasive Species Assessment

Habitat/ species	Status 7, 8	Likelihood of occurrence
Great crested newt	WCA S5 SPI	NEGLIGIBLE: There were no records for great crested newt within 2km of the site. There are ten waterbodies located within 500m of the site. The majority of these (eight) were located over 400m away to the north and were poorly connected to the site due to the presence of buildings and road infrastructure between them. The two waterbodies within 250m of the site were also poorly connected to the site. Suitable terrestrial habitat suitable for great crested newt was limited to the area of poor semi-improved grassland and scattered scrub located in the eastern extent of the site. This habitat was well-linked to residential gardens to the south and east which provide additional off-site terrestrial habitat for great crested newt; however extensive habitat suitable for these species is not present in the immediate surrounds. The site has negligible potential to support great crested newt and as such they are not considered further in this report.
Reptiles	WCA S5 SPI	LOW: Desk study records were not requested for this species. Suitable habitat for reptiles was limited to the area of poor semi-improved grassland and scattered scrub and brash/ rubble located in the eastern extent of the site (see Target Note 1, Appendix 2). This habitat was well-linked to residential gardens to the south and east which provide additional off-site habitat for reptiles; however extensive habitat suitable for these species was not present in the immediate surrounds. The site has low suitability for reptiles and as such they are considered further in Section 4 of this report.
Breeding birds	WCA S5	MEDIUM: Desk study records were not requested for this species. The areas of dense scrub and intact species-poor hedgerow provided potential to support common and widespread breeding birds. It is likely that breeding birds will occur at the site in low numbers and as such they are considered further in Section 4 of this report.
Invasive Species	WCA S9	NEGLIGIBLE: Desk study records were not requested for these species.

⁷ The following abbreviations have been used to signify the legislation regarding different species: HR = Conservation of Habitats and Species Regulations 2010 (as amended); WCA S1 = Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); WCA S5 = Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); WCA S9 = Schedule 9 of the Wildlife and Countryside Act 1981 (as amended); PBA = Protection of Badgers Act, 1992.

⁸ The following abbreviations have been used to signify the policy of conservation assessments applying to notable species: SPI = Species of Principal Importance under the NERC Act 2006; LBAP = Local Biodiversity Action Plan species; BoCC = Birds of Conservation Concern - amber list / red list (Eaton *et al.*, 2015); and/or RD/NN = red data book/nationally notable species (JNCC, undated).

Table 3.2: Protected and Invasive Species Assessment

Habitat/ species	Status 1, 2	Likelihood of occurrence
		No evidence of invasive plant species were recorded during the survey. Although the site survey was undertaken outside of the growing season, it is still possible to identify over-wintering or dead parts of a plant, such as the old stems of Japanese knotweed, therefore the survey is considered to provide robust evidence for absence. As there is a negligible likelihood of presence, invasive species listed on Schedule 9 are not considered further in this report.

NATURE CONSERVATION EVALUATION

- 3.14 The proposed development site is not subject to any nature conservation designations. It consisted entirely of common and widespread habitats in the area and is distant from any sites of nature conservation importance.
- 3.15 The site supported areas of poor semi-improved grassland and scrub which had low potential to support protected species including reptiles and a range of invertebrate and amphibian Priority Species including hedgehog, slow worm, common toad and wall butterfly. Overall, the habitats on site were of value within the immediate vicinity only and were suitable for common and widespread species.
- 3.16 The habitats at the site and populations of species, if present, are likely to be of value within the immediate vicinity of the site only. It is unlikely that the site would support rare species, or diverse assemblages or large populations of any noteworthy species.

4 Potential Impacts and Recommendations

4.1 This section summarises the potential impacts on habitats and notable species that may be present at this site. The impact assessment is preliminary and further detailed assessment and surveys will be required to assess impacts and design suitable mitigation, where appropriate.

4.2 The following key ecological issues have been identified:

- ✧ Habitats with ecological value within the immediate vicinity of the site will be removed to facilitate the development – measures should be taken to compensate for the loss of this habitat under the principle of ‘net-gain’ according to national planning policy (Department of Communities and Local Government, 2012);
- ✧ habitat suitable for reptiles is present – measures must be taken to avoid killing or injuring individual reptiles to avoid committing an offence under the Wildlife and Countryside Act 1981 (as amended);
- ✧ habitat suitable for breeding birds is present – measures must be taken to avoid killing birds or destroying their nests to avoid committing an offence under the Wildlife and Countryside Act 1981 (as amended);
- ✧ habitat suitable for hedgehogs is present – measures should be taken to continue accommodating this species on site post-development to meet the objectives of Section 41 of the NERC Act 2006; and
- ✧ a range of measures should be undertaken to satisfy the requirement for ecological enhancement included in planning policy.

CONSTRAINTS AND MITIGATION/COMPENSATION

Designated Nature Conservation Sites

4.3 No impacts are envisaged on statutory or non-statutory designated sites due to the small scale of the proposed development and distance of the site from any designated site. Therefore, there are no constraints to the proposed development in this regard.

Habitats

4.4 Approximately 380m² of poor semi-improved grassland, 100m² of amenity grassland as well as areas of dense scrub and intact species-poor hedgerow each less than 100m² will be removed for construction of the new building. These habitats are common and widespread in Sussex and of value within the immediate vicinity of the site only. No

particular constraints were identified in relation to the intrinsic value of the habitats present.

- 4.5 Whilst common, compensation for the loss of these habitats should nevertheless be sought when working under the principle of 'net-gain' as supported by National Planning Policy Framework (Department of Communities and Local Government, 2012).
- 4.6 Compensation should be achieved through the provision of wildlife planting within the soft landscape plans and should include native species and/or species of recognised wildlife value⁹. The use of nectar-rich and berry producing plants will attract a wider range of insects, birds and mammals and continue to accommodate those already recorded at the site. Trees should also be provided and can be under-planted to improve structure and cover for wildlife. Consideration should also be given to creation of species-rich native hedgerows.
- 4.7 Good horticultural practice should be utilised, including the use of peat-free composts, mulches and soil conditioners, native plants with local provenance and avoidance of the use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).
- 4.8 Landscaping should include the use of climbing plants growing on a support structure to provide vertical nesting habitat and foraging resources for birds and invertebrates. The support structure should ideally be placed 50-100 millimetres (mm) off the façade. Plants should comprise native species or non-native species of recognised wildlife value and either deciduous or evergreen species depending on the specification.

Reptiles

- 4.9 All species of reptile are protected from killing or injuring under the Wildlife and Countryside Act 1981 (as amended).
- 4.10 Habitats on site with potential to support reptiles were restricted to areas of poor semi-improved grassland and dense scrub. Consequently, there is limited potential for

⁹ For example The Royal Horticultural Society (RHS) Perfect for Pollinators Scheme <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/encourage-wildlife-to-your-garden/plants-for-pollinators> and the joint RHS/Wildlife Trust's Gardening With Wildlife In Mind Database <http://www.joyofplants.com/wildlife/home.php>

reptiles to be present at the site and any populations present are likely to be small and comprised of widespread species such as slow-worm.

- 4.11 It is not necessary to carry out reptile surveys but management of suitable habitat is required to dissuade reptiles from using the site (should they be present), to avoid any potential impacts on reptiles and to comply with legislation. This will involve cutting and maintaining the grassland on site as a regularly-mown sward (maximum height 50mm) that is unsuitable for reptiles until just before works commences. This should be conditioned and monitored as part of planning.

Breeding birds

- 4.12 All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). The site is likely to support common and widespread species of breeding birds within areas of dense scrub and intact species-poor hedgerow. Removal of this habitat should be carried out September to February inclusive, to avoid any potential offences relating to breeding birds during their main bird breeding season (Newton *et al.*, 2011).
- 4.13 If vegetation removal during the breeding season is unavoidable then potential nesting habitat must be inspected by an ecologist 48 hours before work commences to identify active birds' nests. Should they be present, the nest and a suitable buffer of habitat around it must be retained until an ecologist has confirmed that the young have left the nest.

Hedgehogs and other small mammals.

- 4.14 If the proposed development will include the use of fencing to divide the site from adjacent residential properties and gardens, this will fragment an area of foraging and nesting habitat of value to generalist wildlife such as hedgehogs and other small mammals. It is therefore recommended that connectivity is maintained between the adjacent gardens by installing wildlife-friendly fencing, with gaps or tunnels in the bottom panels/gravel boards to allow easy passage for small mammals to continue foraging in this area. This can be achieved for example by cutting a hole (approximately 10cm²) in certain gravel boards, which is large enough for small mammals to pass through, but small enough to contain pets.

Other protected species

- 4.15 Works must stop immediately, and advice sought from a suitably qualified ecologist in the unlikely event that any protected species are found during site clearance or construction.

OPPORTUNITIES FOR ECOLOGICAL ENHANCEMENT

- 4.16 Planning policy at the national and local level and strategic biodiversity partnerships encourage inclusion of ecological enhancements in development projects. Ecological enhancements can also contribute to green infrastructure and ecosystem services such as storm water attenuation and reducing the urban heat island effect. The following measures would be suitable for integration into the site's design but would require a more detailed design to successfully implement.

Biodiverse green wall

- 4.17 Green roofs are not considered to be appropriate for this development given the roof configuration of the proposed buildings.
- 4.18 Instead, the aspiration should be to install biodiverse green walls on retaining walls (subject to loading capacity) as they deliver multiple green infrastructure benefits, including being of high wildlife value. The retaining wall can be made into a green wall by incorporating wildlife planting inside gaps in the structure or climbers planted at its base and allowed to grow up it.
- 4.19 It is advised that any green wall should meet minimum standards published by the Green Roof Organisation (GRO, 2011) and professional advice is sought (e.g. The Green Infrastructure Consultancy - www.greeninfrastructureconsultancy.com) in order to align the technical specification with the environmental goals of the development.

Provision of bird boxes and nesting habitat

- 4.20 To both compensate for the loss of breeding bird habitat and increase the overall provision of nesting habitat at the site it is recommended that bird boxes are erected on/in buildings or within the newly created garden space. Many different designs are available including nest cups to support house martins or boxes to support colonial species such as starling or house sparrow.
- 4.21 Woodcrete/woodstone bird boxes (or equivalent sustainable material) are recommended as they are long lasting compared to wooden boxes, insulate occupants

from extremes of temperature and condensation and are available in a broad range of designs.

- 4.22 Landscape planting (as detailed in para. 4.6) could also provide compensatory breeding habitat for bird species in the form of dense scrub/shrubs/hedgerows/trees etc.

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Appendix 1: Habitat Map

Figure 1: Habitat Survey Map



Appendix 2: Target Notes

Target Notes List for Rustington Hall, Littlehampton from the Phase 1 habitat survey and protected and notable species assessment carried out on 23 Jan 2018.

Target note (TN)	Description
1	Brash and rubbish pile suitable as potential reptile hibernacula.

Appendix 3: Photographs

Photograph 1

Poor semi-improved grassland habitat in foreground and dense scrub along the southern boundary.

These habitats will be removed to facilitate the development. View looking south.



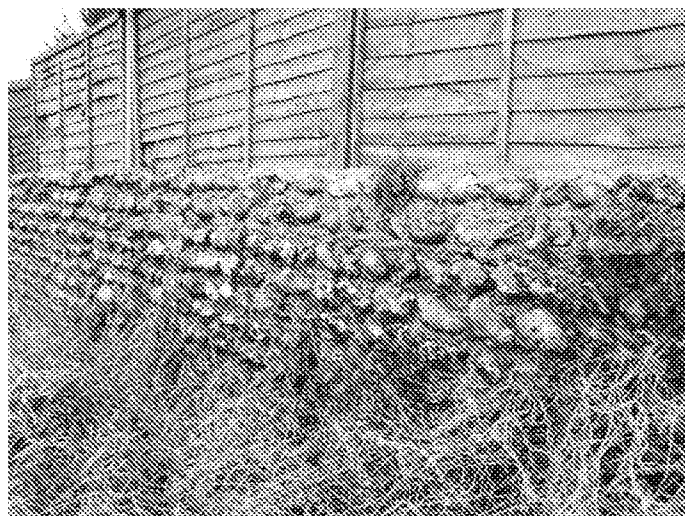
Photograph 2

Intact species-poor hedge lining the driveway will be removed to facilitate the development. View looking north.



Photograph 3

Stone wall with flint lining the western boundary.



Photograph 4
Brash and rubbish pile
suitable for reptile
hibernacula. Located along
the western site boundary
(see Target Note 1).



Appendix 4: Plant Species List

Plant Species List for Rustington Hall, Littlehampton compiled from Phase 1 habitat survey carried out on 23 January 2018.

Scientific nomenclature and common names for vascular plants follow Stace (2010). Please note that this plant species list was generated as part of a Phase 1 habitat survey, does not constitute a full botanical survey and should be read in conjunction with the associated results section of this PEA.

Abundance was estimated using the DAFOR scale as follows:

D = dominant, A = abundant, F = frequent, O = occasional, R = rare, L = locally
c=clumped, e=edge only, g=garden origin, p=planted, y = young, s=seedling or sucker,
t=tree, h=hedgerow, w=water

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	QUALIFIER
<i>Achillea millefolium</i>	Yarrow	O	
<i>Aethusa cynapium</i>	Fool's parsley	R	
<i>Arum italicum</i>	Italian lords-and-ladies	R	g
<i>Bellis perennis</i>	Daisy	LO	
<i>Buddleja davidii</i>	Buddleia	R	
<i>Calendula officinalis</i>	Pot marigold	R	p
<i>Centaurea cyanus</i>	Cornflower	R	p
<i>Chrysanthemum segetum</i>	Corn marigold	R	p
<i>Cirsium vulgare</i>	Spear thistle	R	
<i>Epilobium</i> sp.	Willowherbs	O	
<i>Escallonia</i> sp.	Redclaws	LD	p, h
<i>Festuca</i> sp.	Fescues	A/ LD	
<i>Galium aparine</i>	Cleavers	R/ LO	
<i>Geranium</i> sp.	Crane's-bill	O	
<i>Geum urbanum</i>	Wood avens	R	
<i>Hedera helix</i>	Ivy	O	
<i>Hordeum murinum</i>	Wall barley	O	
<i>Holcus lanatus</i>	Yorkshire-fog	LA	
<i>Ilex aquifolium</i>	Holly	R	
<i>Lamium purpureum</i>	Red dead-nettle	R	h, p
<i>Lolium perenne</i>	Perennial rye-grass	LA	
<i>Oenothera</i> sp.	Evening-primrose	R	g
<i>Pentaglottis sempervirens</i>	Green alkanet	R	r
<i>Plantago lanceolata</i>	Ribwort plantain	O	
<i>Poa annua</i>	Annual meadow-grass	R	
<i>Prunus lusitanica</i>	Portugal laurel	R	p
<i>Pulicaria dysenterica</i>	Common fleabane	R	
<i>Ranunculus ficaria</i>	Lesser celandine	O	
<i>Ranunculus repens</i>	Creeping buttercup	O	
<i>Rubus fruticosus</i> agg.	Bramble	O	
<i>Rumex obtusifolius</i>	Broad-leaved dock	O	
<i>Sambucus nigra</i>	Elder	R	
<i>Senecio jacobaea</i>	Common ragwort	R	
<i>Sonchus</i> sp.	Sow-thistles	LO	
<i>Taraxacum</i> sp.	Dandelion	LO	
<i>Trifolium repens</i>	White clover	LO	
<i>Trifolium pratense</i>	Red clover	R	
<i>Urtica dioica</i>	Common nettle	LO	
<i>Veronica</i> sp.	Speedwell	R	

Appendix 5: Legislation and Planning Policy

Important notice: This section contains details of legislation and planning policy applicable in Britain only (i.e. not including the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

A NATIONAL LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive¹⁰ is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CRoW) Act (2000).

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

- ✧ Deer Act 1991;
- ✧ Countryside and Rights of Way (CRoW) Act 2000;
- ✧ Natural Environment & Rural Communities (NERC) Act 2006;
- ✧ Protection of Badgers Act 1992;
- ✧ Wild Mammals (Protection) Act 1996.

Species and species groups that are protected or otherwise regulated under the aforementioned domestic and European legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds,

¹⁰ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

dormouse, invasive plant species, otter, plants, red squirrel, water vole and white clawed crayfish.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2010 (as amended) (which includes smooth snake, sand lizard, great crested newt and natterjack toad), all bat species, otter, dormouse and some plant species) are given below. **These should be read in conjunction with the relevant species sections that follow.**

- ✧ In the Directive, the term ‘deliberate’ is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.
- ✧ The Conservation of Habitats and Species Regulations 2010 (as amended) does not define the act of ‘migration’ and therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.
- ✧ In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three ‘tests’: i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

Bats

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- ✧ Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats)
- ✧ Deliberate disturbance of bat species as:
 - a) to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young;
 - (ii) to hibernate or migrate³
 - b) to affect significantly the local distribution or abundance of the species
- ✧ Damage or destruction of a breeding site or resting place

- ❖ Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also currently protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- ❖ Intentional or reckless disturbance (at any level)
- ❖ Intentional or reckless obstruction of access to any place of shelter or protection
- ❖ Selling, offering or exposing for sale, possession or transporting for purpose of sale.

How is the legislation pertaining to bats liable to affect development works?

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded de facto protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost¹¹.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). Among other things, this makes it an offence to:

- ❖ Intentionally kill, injure or take any wild bird;
- ❖ Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- ❖ Intentionally take or destroy an egg of any wild bird:

¹¹ Garland & Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. **150**. The Mammal Society, Southampton.

- ✧ Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, black redstart, hobby, bittern and kingfisher receive additional special protection under Schedule 1 of the Act and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC). This affords them protection against:

- ✧ Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young;
- ✧ Intentional or reckless disturbance of dependent young of such a bird.

How is the legislation pertaining to birds liable to affect development works?

To avoid contravention of the Wildlife and Countryside Act 1981 (as amended), works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird breeding season which typically runs from March to August¹². Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

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

B NATIONAL AND EUROPEAN LEGISLATION AFFORDED TO HABITATS

Statutory Designations: National

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory *Sites of Special Scientific Interest* (SSSIs) under the National Sites and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as *National Nature Reserves* which are declared by the countryside agencies under the same legislation), the system also provides

¹² It should be noted that this is the main breeding period. Breeding activity may occur out with this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

statutory protection for terrestrial and coastal sites which are important within a European context (Natura 2000 network) and globally (such as Wetlands of International Importance). See subsequent sections for details of these designations. Improved provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales).

The Wildlife & Countryside Act 1981 (as amended) also provides for the making of *Limestone Pavement Orders*, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of *Marine Nature Reserves*, for which byelaws must be made to protect them.

Statutory Designations: International

Special Protection Areas (SPAs), together with *Special Areas of Conservation (SACs)* form the *Natura 2000* network. The Government is obliged to identify and classify SPAs under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds). SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation of Habitats & Species Regulations 2010 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SPAs in UK offshore waters (from 12-200 nm).

The Government is obliged to identify and designate SACs under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nm are protected under The Conservation of Habitats & Species Regulations 2010 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SACs in UK offshore waters (from 12-200 nm).

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and wise use, in particular recognizing wetlands as ecosystems that are globally important for biodiversity conservation. Wetlands can include areas of marsh, fen, peatland or water and may be natural or artificial, permanent or temporary. Wetlands may also incorporate

riparian and coastal zones adjacent to the wetlands. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSIs) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. This effectively extends the level of protection to that afforded to sites which have been designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs).

Statutory Designations: Local

Under the National Sites and Access to the Countryside Act 1949 Local Nature Reserves (LNRs) may be declared by local authorities after consultation with the relevant countryside agency. LNRs are declared for sites holding special wildlife or geological interest at a local level and are managed for nature conservation, and provide opportunities for research and education and enjoyment of nature.

Non-Statutory Designations

Areas considered to be of local conservation interest may be designated by local authorities as a Wildlife Site, under a variety of names such as County Wildlife Sites (CWS), Listed Wildlife Sites (LWS), Local Nature Conservation Sites (LNCS), Sites of Biological Importance (SBIs), Sites of Importance for Nature Conservation (SINCs), or Sites of Nature Conservation Importance (SNCIs). The criteria for designation may vary between counties.

Together with the statutory designations, these are defined in local and structure plans under the Town and Country Planning system and are a material consideration when planning applications are being determined. The level of protection afforded to these sites through local planning policies and development frameworks may vary between counties.

Regionally Important Geological and Geomorphological Sites (RIGS) are the most important places for geology and geomorphology outside land holding statutory designations such as SSSIs. Locally-developed criteria are used to select these sites, according to their value for education, scientific study, historical significance or aesthetic qualities. As with local Wildlife Sites, RIGS are a material consideration when planning applications are being determined.

C NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) replaced Planning Policy Statement (PPS9) in April 2012 as the key national planning policy concerning nature conservation. The NPPF emphasises the need for suitable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species – that is those listed as UK Biodiversity Action Plan priority species – is also listed as a requirement of planning policy. In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

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

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' They are referred to in this report as Species of Principal Importance and Habitats or Principal Importance. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

D LOCAL PLANNING POLICY

The Arun District Council Local Plan (2014) deals with matters of strategic importance for Arun. Key chapters include Chapter 17 – Natural Environment, the main strategic objective being "*To plan for climate change and work in harmony with the environment to conserve natural resources and increase biodiversity.*"

Policy ENV SP1: Natural environment

Arun District Council will encourage and promote the conservation 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 listed in Tables 17.1-17.6 that are recognised for the species and habitats contained within them.

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 to do so:

- 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 consent 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. Developments shall also be consistent with all other Local Plan policies.

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.

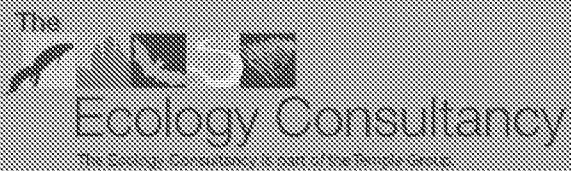
Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts 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. Developments shall also be consistent with all other Local Plan policies.

F REGIONAL AND LOCAL BAPS

Many local authorities in the UK have also produced a local Biodiversity Action Plan (LBAP) at the County or District level. The Hampshire Biodiversity Action Plan is based on the UK list

of Species and Habitats of Principal Importance and contains 493 species and 14 habitats. Those which are relevant to the site include:

- ❖ Urban habitat;
- ❖ Common pipistrelle; and
- ❖ Serotine.



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