



Unit 4 Langham Stables, Langham Lane, Lodsworth, West Sussex, GU28 9BU

18th September 2020

Repeat Walkover - Land West of Tye Lane, Walberton, West Sussex – Update on Ecological Considerations.

Introduction

The purpose of this letter report is to accompany an outline application for a new residential development within the Land West of Tye Lane, Walberton comprising up to 155 residential units on behalf of David Wilson Homes. This letter report provides a summary of surveys undertaken across 2018 at Land West of Tye Lane, Walberton along with findings of the repeat walkover assessment undertaken in August 2020.

A Preliminary Ecological Appraisal (PEA) and Phase 1 Habitat Survey¹ was completed by the Ecology Co-op at Land West of Tye Lane, Walberton in February 2018 to inform a planning application for a residential development. This was followed by protected species surveys at the site throughout 2018². The results of these surveys are summarised as follows;

- The site comprises a large arable field with rough grassland and scrub edges along with four fields of pasture bordered by species-rich and species-poor hedgerows with trees. The fields of pasture are grazed heavily by horses throughout the year. There are a number of ditches throughout the site which are dry for most of the year. Residential properties border the site to the west, south and east with arable fields, the A27 and Ancient woodland to the north.
- A 'low' population of slow worm *Anguis fragilis* and grass snake *Natrix helvetica* were identified within the site.
- A dormouse presence/likely absence survey was undertaken between April and September 2018 and dormouse presence was identified on the second check in May 2018.
- Bat activity surveys were carried out in conjunction with the deployment of bat loggers and a bat tree climbing assessment. Moderate species diversity was recorded during the bat activity surveys in 2018 with seven species recorded including the rare Barbastelle bat *Barbastella barbastellus*.
- All trees climbed and assessed within the proposed development site were deemed to have negligible potential to support roosting bats and no evidence of bats was identified.

¹ The Ecology Co-op (2018) – Preliminary Ecological Appraisal and Phase 1 Habitat Survey - Land West of Tye Lane, Walberton, West Sussex P2367.

² The Ecology Co-op (2018) – Phase 2 Holding Document – Land West of Tye Lane, Walberton, West Sussex P2367.

- Breeding bird surveys identified a good range of common and widespread bird species however no ground nesting bird species were identified throughout the surveys across April, May and June 2018.

A revised layout plan has been produced in 2020 (see Figure 2 in Appendix 1) for this site and therefore, a further site visit has been undertaken on the 13th August 2020 to determine whether there have been any significant changes to the habitat condition at the site in the intervening period.

The purpose of this briefing note is to record the findings of the site visit. It will be submitted with the original PEA and Phase 2 Holding Document to update the planning authority on the potential ecological constraints pertaining to the proposed development within the site. The walkover survey was undertaken by Consultant Ecologist Jess Burkitt BSc (Hons), GradCIEEM.

Repeat Walkover Survey Findings – 13th August 2020

The site conditions have not changed significantly since the original surveys undertaken in 2018. The site remains predominantly heavily grazed improved grassland and a large arable field with no significant changes to the structure of composition of the grassland sward. The boundary habitats and ditches remain as previously recorded with large sections of scrub surrounding the dry ditches in Field 2 and Field 3. No evidence of badger activity was identified during the site visit, only some rabbit burrows along the eastern boundary of the site.

The new proposed layout produced in 2020 shows the addition of a small residential garden to the scheme and this was assessed during the repeat walkover survey on the 13th August. The residential garden is located along the southern boundary of the proposed development site and comprises short mown, amenity grassland with tree lines and ornamental shrubs along the boundaries along with a large mature oak tree along the northern boundary.

A small ornamental pond is located just outside the site boundary which underwent a Habitat Suitability Index (HSI) assessment and scored 'poor' (see Appendix 1 Figure 3 and 4). The pond is surrounded by low value terrestrial habitat and there is a high fish population present within the pond which makes it unsuitable for great crested newts. The pond has concrete sides and is covered by a wire mesh to prevent the fish from being predated by herons.



Figure 1. The residential garden added to the existing scheme in 2020 which comprises amenity grassland which is mown short and a variety of orchard trees and ornamental shrubs.



Figure 2. The heavily grazed fields within the site as seen during the walkover in August 2020.



Figure 3. The large arable field within the proposed site as seen in August 2020.

Conclusions

The walkover survey has revealed that the habitats present at the site have not significantly changed since the original Phase 1 Habitat Survey and protected species surveys were undertaken in 2018. This indicates that the results from these surveys remain valid for the context of a planning application to be made within 6 months of this assessment, after which new survey information may need to be considered. Further, the prescribed mitigation measures outlined in the Phase 2 Holding Document are still considered appropriate for the development proposal. In addition, a Mitigation and Enhancement Report will provide further detailed and prescriptive measures that can be tailored to a future full planning application.

Should you have any queries, please do not hesitate to contact The Ecology Co-op.



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Consultant Ecologist

APPENDIX 1 – Layout Figures



Figure 1. Aerial image showing the location of the Land West of Tye Lane, Walberton (red arrow). Images produced courtesy of Google maps (Map data ©2020 Google).



Figure 2. The proposed layout for the Land West of Tye Lane, Walberton, West Sussex produced by Barratt Homes.

	Pond 1	
NGR	SU 969062	
SI attribute	SI value	Notes
Location	1.00	SE England
Pond area	0.05	10m ²
Pond drying	0.9	Never
Water quality	0.67	Moderate
Shade cover	1.00	5%
Waterfowl	0.67	Minor
Fish presence	0	Major
No. ponds	1.00	>12
Terrestrial habitat	0.33	Poor
Macrophytes	0.3	>1%
H.S.I. value	0.3389	'Poor'

Figure 3. The Habitat Suitability Index (HSI) assessment undertaken on Pond 1.



Figure 4. The ornamental pond within the residential garden added to the scheme in 2020 – the pond is located just outside the proposed development site boundary to the south.

APPENDIX 2 – Wildlife Legislation and National Planning Policy

The following text is intended for general guidance only and does not constitute comprehensive professional legal advice. It provides a summary of the current legal protection afforded to bats.

All bat species in the UK are included in Schedule II of the Habitats Regulations 2017, which transpose Annex II of the Council Directive 92/43/EEC 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora ("The EC Habitats Directive"). As such all bat species in the UK are defined as 'European Protected Species (EPS).

Four species of bat (Bechstein's bat *Myotis bechsteinii*, Barbastelle bat *Barbastella barbastellus*, greater and lesser horseshoe bats, *Rhinolophus ferrumequinum* and *R. hipposideros*) are also listed on Annex IV of the EC Habitats Directive. This requires the designation of a series of sites which contain important populations of these species as Special Areas of Conservation (SACs).

All species of British bat are also fully protected under the Wildlife and Countryside Act (1981), as amended, through inclusion in Schedule V.

All species of bat are listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006). Section 41 of the NERC Act lists the habitats and species of principle importance. This places a statutory duty on all public bodies, including planning authorities, under Section 40, to take, or promote the taking by others, steps to further the conservation of habitats and species of principal importance for the conservation of biodiversity in England (commonly referred to as the 'Biodiversity Duty'). This duty extends to all public bodies the biodiversity duty of Section 74 of the Countryside and Rights of Way (CROW) Act 2000, which placed a duty only on Government and Ministers.

Under the above legislation it is an offence to:

- Kill, injure or take any individual bat of any species;
- possess any part of an individual bat, either alive or dead;
- intentionally or recklessly damage, destroy or obstruct access to any place or structure used by bats for shelter, rest, protection, or breeding;
- intentionally or recklessly disturb these species whilst using any place of shelter or protection; or
- deliberately disturb bats in such a way as to be likely to impair their ability to:
 - survive, to breed or reproduce, to rear or nurture their young; to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong;
- keep (possess), transport, sell or exchange, or offer for sale or exchange, any live or dead bat, or any part of, or anything derived from a bat.

It is also an offence to set and use articles capable of catching, injuring, or killing bats (for example a trap or poison), or knowingly cause or permit such an action. There is also protection under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended) relating specifically to trapping and direct pursuit of bats.

A European Protected Species License (EPSL) in relation to bats is required from Natural England for any work that would result in an otherwise unlawful activity (e.g. damage to a bat roost). A license can only be issued to permit otherwise prohibited acts if Natural England are satisfied that all the following three tests are met:

- The proposal is for 'preserving public health or public safety, or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- There is no satisfactory alternative; and
- The action authorised by the license will not be detrimental to the maintenance of bat populations at a favourable conservation status in their natural range.

A bat roost is defined by the Bat Conservation Trust's Bat Surveys—Good Practice Guidelines 3rd Edition as "the resting place of a bat". In general, the word roost is interpreted as "any structure or place, which any wild bat uses for shelter or protection."

Bats tend to re-use the same roosts; therefore, legal opinion is guided by recent case law precedents, that a roost is protected, whether or not the bats are present at the time. This includes summer roosts used for resting during the day and/or breeding; or winter roosts, used for hibernating.