

Ecology Technical Note

Land East of Tye Lane, Walberton, December 2020

This technical note has been prepared by CSA Environmental on behalf Vistry South East, in relation to land East of Tye Lane, Walberton (hereafter the 'Site'). It provides a review of the potential ecological impacts considered likely as a result of the construction of a new main vehicle access point off of Tye Lane (Drawing Ref: 183248-002) where an emergency access road has been approved under the existing planning consent. This note also provides an outline of the proposed mitigation and avoidance measures required.

1.0 Introduction

- 1.1 An outline application for the erection of 175 no. dwellings and associated car parking, access roads and areas of open space at Land East of Tye Lane, Walberton was approved (REF: WA/44/17/OUT) in February 2018. This was followed by a Reserved Matters Application (REF: WA/95/18/RES) which included conditions in relation to ecology (condition 12 and 13), which were discharged in April 2019. Construction is now underway.
- 1.2 Consented proposals included the construction of a new vehicular access point off of Tye Lane (western site boundary), which would serve emergency vehicles accessing the Site. It has now been concluded that the proposed new A27 route is likely to cross the northern extent of the Site, including the vehicle access point off Yapton Lane, which has already been constructed. As such, a new vehicle access road will need to be constructed to allow access to the consented development which is already under construction. It is proposed that the consented emergency access point off of Tye Lane be used as the new main vehicular access as shown on the Proposed Access Improvements Plan (Drawing Ref: 183248-002).
- 1.3 It has been established that the ecological impacts are considered to be minor, given that much of the vegetation clearance required in this area has already been completed to facilitate the consented emergency access. Impacts include the removal of scrub and a few small trees and leaning tree limbs, to ensure that the required visibility splays for the vehicular access can be achieved, given the intensification of use from the consented emergency access.
- 1.4 This technical note outlines the proposed mitigation and working methods to be implemented in relation to important ecological receptors, and is informed by the findings previously recorded within the following documents:
 - Ecological Assessment (EPR Ltd, June 2017; Ref. P17/01-1C)
 - Addendum Reports detailing survey results in relation to reptiles and bats (EPR Ltd, 31 August 2017 and 21 September 2017)

- Ecological Technical Note (CSA/3823/01) which included an update Phase 1 Habitats survey and assessment of the potential for protected species to inform the Reserved Matters application (REF: WA/95/18/RES)

2.0 Potential Constraints

Bats

- 2.1 Bats and their habitats (roosts) are afforded protection under the Conservation of Habitats and Species Regulations 2017 (known as the 'Habitats Regulations') and the Wildlife and Countryside Act 1981 (as amended). Many British bat species are species of principle importance for conservation under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.
- 2.2 A Preliminary Roost Assessment of trees providing suitable features for roosting bats within the Site was undertaken in 2017 and no trees along the western boundary of the Site were considered to provide suitable roosting opportunities for bats. However, it is recommended that an update assessment prior to felling works in undertaken to check if any additional trees that require removal have any potential for roosting bats.
- 2.3 However, a number of bat boxes were installed on trees along the western boundary in 2019 by way of enhancement, as shown on the Ecological Mitigation and Enhancements Plan (CSA/3823/114), however the locations shown on the plans do not reflect the locations where boxes were able to be installed. Where the new access proposals would result in trees with bat boxes on / or trees within close proximity to the new access road which could be affected by new street lighting (should this be required), these will need to be relocated to more suitable positions on the site margins.
- 2.4 Whilst it can take some length of time for bats to find and inhabit new bat boxes, and the potential for this may be reduced given the current construction activities on-site, it is recommended that any boxes which need to be relocated be checked for the presence / any evidence of roosting bats by a suitable experienced Natural England licenced bat ecologist. In the event that any evidence of roosting bats be identified, then further discussion with Natural England on how to proceed would be required and further monitoring and European Protected Species (EPS) licencing may be required.

Badger

- 2.5 Badgers and their setts are afforded protection under the Protection of Badgers Act 1992. No signs of badger or their setts have been identified at the Site; however, habitats present, including woodland along the western boundary

provide potential for badgers to disperse onto Site and dig new excavations. Therefore, an update survey prior to commencement of works will be undertaken.

Nesting Birds

- 2.6 Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to kill, injure or take any wild bird, or to take, damage or the nest of a wild bird, or to take or destroy eggs. The vegetation along the western boundary includes trees and scrub which provide suitable nesting habitats for nesting birds.
- 2.7 It is understood that some further tree and scrub removal will be required to facilitate construction of the road and as such the potential for impacts to nesting birds nesting during vegetation clearance exists. As such, vegetation removal should be undertaken outside of the nesting season (March to August). If this is not possible, then a nesting bird check by an ecologist to confirm absence of any active nests will need to be undertaken immediately prior to vegetation removal works.
- 2.8 In the event that an active bird's nest is found, an exclusion zone will be set up around the nest, and no works will take place until the ecologist has verified that all dependent young have fledged. The radius of this exclusion zone is species-dependent, varying according to the conservation status and vulnerability to disturbance of the species in question.
- 2.9 Additionally, a number of bird boxes were installed on trees along the western boundary in 2019 by way of enhancement. If any of the trees which require felling have bird boxes installed on them then these should be relocated to an alternative nearby tree by an Ecologist. However, if any of the boxes contain active nests, then the boxes cannot be moved until any young have fledged.

Reptiles

- 2.10 All native British reptile species are listed within Schedule 5 of the Wildlife and Countryside Act 1981 and are afforded protection against killing and injury. In addition, all native British reptile species are Section 41 Species of Principle Importance in England.
- 2.11 Surveys undertaken at the Site in 2017 found no reptiles present within the Site. However, on two occasions during the construction phase, individual grass snakes were observed along the retained margins within the eastern extent of the Site, where some suitable habitat exists. Therefore, there is the potential for direct impacts to individuals present.
- 2.12 As a result, the working area will be subject to a visual search for reptiles by an Ecologist, prior to any vegetation removal works commencing. Vegetation will be cut to c. 20cm above ground level, unless already at this level or below and a

fingertip search for reptiles then undertaken. As a final stage, turf will be stripped from the construction zone to remove any habitat resource which may attract reptiles to recolonise before site works commence. No hibernation features are present within the working area and as such, no seasonal constraints to the works need apply.

3.0 Conclusions

3.1 The number of ecological constraints identified at this Site in regards to the proposed works is limited is restricted to a fairly typical range of protected species issues. As the majority of vegetation removal required to facilitate the new vehicular access has largely already been completed in regards to the consented emergency access, the scope of works required and its potential impacts are considered to be fairly limited. However, the following precautionary works should be undertaken:

- Check and relocation of bat and bird boxes, if required;
- Pre-felling ground based roost assessment of trees that require felling;
- Pre-construction nesting bird check if vegetation removal cannot be undertaken outside of the nesting season (March to August, inclusive);
- An update badger survey prior to any ground works commencing; and
- A precautionary approach to works in relation to reptiles.

3.2 No overriding constraints to proposed new Site access have been identified and subject to the implementation of the above measures the scheme is considered to accord with all relevant nature conservation legislation, as well as with the provisions of Arun Local Plan (2011-2031) Adopted July 2018,