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Phase 1 Habitat and Scoping Bat Survey

Summary of Recommendations

If all protected species or their habitats are absent from the site then no further survey effort needs to be performed. Otherwise, a Phase 1 Habitat Survey in which protected species or their habitats are present is not normally considered sufficient.

Taking into consideration the desk study and site survey findings, this report concludes that it is not possible to adequately manage or exclude the risk of harm to protected species or habitats without the need for further survey effort.

Therefore, in order to provide adequate support for this planning application, the following protected species require further surveys:

- Reptiles

A full specification for these surveys that are appropriate to the scale and scope of the proposed development can be found in the 'Conclusions' and 'Recommendations' sections of this report.

The Company and Contact Information

Established in 2005, Arbtech Consulting Limited provides arboricultural and ecological consultancy services in respect to planning and development, throughout the UK.

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The Surveyor

The surveyor and principal author of this report is Craig Williams BSc MSc GradIIEEM.

Protected Species Licenses

Bats

England: 20123554.

Great Crested Newts

England: CLS02760.

The Client

The client is Mr Stephen Crossley.

The Site of Proposed Development

The client is preparing a planning application to demolish the existing structures and rebuild on the site of 'The Old Coal Yard. Yapton, North End Rd, West Sussex, BN18 0DN'.

The Survey Brief

The client commissioned Arbtech to undertake a Phase 1 Habitat Survey; referring to a method of ecological assessment outlined in the Joint Nature Conservation Committee ("JNCC") Handbook for Phase 1 Habitat Survey a technique for environmental audit (2010).

These guidelines state that the aim of the Phase 1 Survey is to observe, map and catalogue "*the potential value of the habitat.*" Since its publication the ecological

consultancy industry has adapted the survey to make recommendations for further survey work as appropriate.

Limitations

This survey provides a ‘snap-shot’ of the potential habitat and wildlife value of the sites at the time of survey only and may require further survey effort to provide robust, scientifically valid evidence of species absence.

Data Searches

The author’s preparation of this report has been assisted by a search of the National Biodiversity Network Gateway.

A biological records search was ordered from the Sussex Biological Records Centre (SxBRC).

Date of the Survey

7th November 2013.

Seasonality

This survey can be conducted at any time of year.

Informative

Table 1: Summary of Pertinent Legislation and Planning Policy Relevant to the Protection of Bats in the UK

Location of Site	Transposing EC Habitats Directive	Other Relevant Legislation	Planning Policy
England	Conservation of Habitats and Species Regulations 2010.	Wildlife and Countryside Act 1981 as amended. Countrywide and Rights of Way Act 2000. Natural Environment and Rural Communities Act 2006.	National Planning Policy Framework (“NPPF”).
Wales	Conservation of Habitats and Species Regulations 2010.	Wildlife and Countryside Act 1981 as amended. Countrywide and Rights of Way Act 2000. Natural Environment and Rural Communities Act 2006.	Technical Advice Note (“TAN”) 5.
Scotland	Conservation (Natural Habitat & c.) Regulations 1994 as amended.	Wildlife and Countryside Act 1981 as amended. The Nature conservation (Scotland) Act 2004.	National Planning Policy Guidance (“NPPG”) 14 and Planning Advice Note (“PAN”) 60.

A summary of legislation relevant to individual species can be found at Appendix IV.

The Survey Methodology

In order to fully assess the potential value of habitats at the site, the surveyor has observed widely accepted national standards set out in the JNCC (2010) publication Handbook for Phase 1 Habitat Survey: a technique for environmental audit.

The survey includes for a mapping exercise (found at Appendix I), in addition to a full species list and target notes (found at Appendix II.)

Inspections make use of binoculars and cameras where appropriate.

The survey is performed during daylight hours and provides an opportunity to exclude the need for further survey work, if the following species and features suitable for use by the following species can be confirmed absent from the site of proposed development:

1. Amphibians.
2. Bats.
3. Birds.
4. Reptiles.
5. Terrestrial mammals e.g. badger, dormouse and water vole.

If evidence of recent activity and or features suitable for the species cannot be confirmed absent from the site of proposed development, this report will make recommendations for further survey work and or mitigation where this is consistent with national guidelines and considered appropriate by the surveyor in the context of the proposed development.

Species Potential

Table 2: Species potential defined by integrating national guidelines e.g. Hundt 2012

Confirmed	Species are found to be present during the survey. Evidence of species' activity is found to be present during the survey.
High	Buildings, trees or other structures with features of particular significance for use by protected species e.g. nesting habitat, roosting opportunities, ponds. Habitat of high quality for foraging e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting species e.g. river and or stream valleys and hedgerows. Site is close to known locations of records for protected species.
Medium	Several potential habitat opportunities in buildings, trees or other structures. Habitat could be used for foraging e.g. trees, shrub, grassland or water. Site is connected with the wider landscape by linear features that could be used by commuting species e.g. lines of trees and scrub or linked back gardens.
Low	A small number of less significant habitat opportunities. Isolated habitat for foraging e.g. a lone tree or patch of scrub. An isolated site not connected by prominent linear landscape features.
Negligible	No suitable habitats observed.

Table 2 (above) presents a scale continuum against which the significance of habitat value and opportunities for protected species at the site can be graded. By referring to this continuum and using their expert judgment, surveyors classify features such as habitats, buildings etc. as representing low, medium, high value or confirmed presence.

Survey Results

Table 3: Desk study results, habitats and species recorded on site

Desk Study
Records

A study of data from the National Biodiversity Network Gateway for the grid square (SU90) SU980043 has informed the preparation of this report.

A biological records search was ordered from the Sussex Biological Records Centre (SxBRC). The results are summarized below:

Local Sites (within 2km)

Site	Designation	Grid Reference	Size (ha)	Type
Binsted Wood Complex	Site Of Nature Conservation Importance (SNCI)	SU995068	217.3	Mixed Woodland

Relevant Protected Species (within 2km)

Common Name	Taxon Name
Great Crested Newt	<i>Triturus cristatus</i>
Slow-Worm	<i>Anguis fragilis</i>
Common Lizard	<i>Zootoca vivipara</i>
Adder	<i>Vipera berus</i>
Grass Snake	<i>Natrix natrix</i>
West European Hedgehog	<i>Erinaceus europaeus</i>
European Water Vole	<i>Arvicola terrestris</i>
Hazel Dormouse	<i>Muscardinus avellanarius</i>
BATS	
Common Name	Taxon Name
Serotine Bat	<i>Eptesicus serotinus</i>

	Natterer's Bat	<i>Myotis nattereri</i>
	Noctule Bat	<i>Nyctalus noctula</i>
	Pipistrelle Bat (45kHz)	<i>Pipistrellus pipistrellus</i>
	Long-eared Bat (Brown)	<i>Plecotus auritus</i>
Local Environment	The local area around the site is largely comprised of arable and pasture fields in all directions for many kilometres. A railway line runs East-West ~40m to the North of the survey site. This is tree lined along its course and may provide an important commuting route to and from the site. A pond exists over this railway line, ~80m to the north. A larger pond is located ~600m to the East. Weather conditions [at time of survey]: Temperature: 12 °C Cloud Cover: 100% Precipitation: None. Wind: 1/8	
Habitats	Description of Features	
Buildings	There are four buildings on site, designated as B1 to B4. B1 is a depilated open faced shack building. It has a timber frame, with a corrugated, rusty iron roof. It has corrugated asbestos walls. B2 is a timber framed, corrugated iron roofed shack. It also has a corrugated iron rear wall. B3 is a sloping timber framed shack, with a corrugated iron roof. It appears to be held together with a small chain. B4 is a timber framed shack, behind B2 and B3.	

Hard Standing	There is an asphalt drive leading into the site.	
Improved Grass	Much of the site consists of nutrient-improved and species poor grass, where Perennial Rye Grass (<i>Lolium perenne</i>) is dominant. Also present are white clover, Meadow Buttercup, Daisy and Dandelion as representative common weeds.	
Nettle/Bramble scrub	In the centre of the site and around the boundaries there is dense Nettle (<i>Urtica dioica</i>) and Bramble (<i>Rubus fruticosus</i> agg.) scrub. Aside from these, common species within this include Bramble (<i>Rubus fruticosus</i>), Thistle (<i>Cirsium arvense</i>), Hogweed (<i>Heracleum spp.</i>), Broad Leaved Dock (<i>Rumex obtusifolius</i>) and Galium (<i>Galium aparine</i>).	
Scattered Trees	Around the site are several trees, of various species such as Holly, Hawthorn, Sycamore and Ash. All are relatively small and thin, without holes, peeling bark or crevices.	
Species	Species potential defined in Table 2.	Description of features suitable to support a population OR external habitat connectivity to the site
Amphibian	Negligible	There is no suitable habitat for protected amphibians. There are no ponds on site.
Badger	Negligible	No badger setts were found on site, also no other evidence such as foraging marks or latrines was found.
Bats	Negligible	None of the buildings or trees on site has any features of use as potential bat roosts. The buildings are all small, without suitable internal or external features and very exposed. The trees are thin and without holes.
Bird	Low	Although no nests were found on site, birds could use the trees or hedges for this in the future.
Other terrestrial mammals e.g. otter, water vole	Negligible	No evidence of any other protected mammals was found.
Reptile	High	The nettle scrub, grass and log piles on site could be used by reptiles for foraging, basking and as refugia. The surrounding habitat is of an excellent quality for reptiles with various fields and hedges. The data search from the local biological records centre highlighted that 4 reptile species have been found within 2km of the site. As reptiles are known to be in the local area, the site's potential for these animals is increased.

A Phase 1 map can be found at Appendix I illustrating the habitats.

Conclusions and Recommendations

The NPPF and ODPM Circular 06/05 require that planning decisions are based on complete and timely ecological information. Further, it is required by Natural England's 'Standing Advice' that protected species information must be available before a decision can be made.

Following this guidance, it is highly unlikely that the local planning authority will defer the provision of further protected species survey work as a condition of any planning consent.

At this time we have no reason to believe the local planning authority will consider that this level of survey will provide them with inadequate information or lacks scientific rigour. On occasion though, it can become necessary to perform further surveys even after planning consent is given, where there are extenuating circumstances e.g. if protected species or habitats are found at a later date.

However, separately to mitigating and compensating for unavoidable ecological impacts, government has made it clear through the NPPF and circular 06/05 that development requires the enhancement of the quantity and quality of biodiversity and habitat.

Where the local planning authority is minded to grant consent for the proposed development, some basic and cost effective forms of ecological enhancement could be adequately secured through the use of an appropriately worded condition. Suggestions for such measures are referred to below, in Table 4.

Table 4: Conclusions and Recommendations

Species/Habitats	Species potential defined in Table 2.	Conclusions	Survey Recommendations	Enhancements
Habitat	Negligible	All plant species and habitats found are common and widespread, no rare plants or habitats were found. The site is not close enough to any legally protected areas to radiate negative effects from the proposed development.	No further surveys	
Amphibian	Negligible	There is no suitable habitat for protected amphibians. There are no ponds on site.	No further surveys	
Badger	Negligible	No badger setts were found on site, also no other evidence such as foraging marks or latrines was found.	No further surveys.	
Bats	Negligible	None of the buildings or trees on site has any features of use as potential bat roosts. The buildings are all small, without suitable internal or external features and very exposed. The trees are thin and without holes.	No further surveys.	
Bird	Low	Although no nests were found on site, birds could use the trees or hedges for this in the future.	Any works which affect the trees and shrubs on site could have an impact on nesting birds. Since all in-use bird's nests and their contents are protected from damage or destruction, any tree and shrub removal should be undertaken outside the period 1st March to 31st August. If this time frame cannot be avoided, a close inspection of trees and shrubs to be removed should be undertaken prior to clearance. Work should not be carried out within 5.0m of any in-use nest and with an Ecological Clerk of Works present	

Other terrestrial mammals e.g. otter, water vole	Negligible	No evidence of any other protected mammals was found.	No further surveys	
Reptile	High	The nettle scrub, grass and log piles on site could be used by reptiles for foraging, basking and as refugia. The surrounding habitat is of an excellent quality for reptiles with various fields and hedges. The data search from the local biological records centre highlighted that 4 reptile species have been found within 2km of the site. As reptiles are known to be in the local area, the site's potential for these animals is increased.	Full Reptile Surveys. A minimum of 8 visits in suitable weather are required, one of these is to set-up the survey. Refuge(s) are place out on a grid and these are then checked from April to October, with the optimal being April, May and September.	

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Paul Edgar, Jim Foster and John Baker (2010). Reptile Habitat Management Handbook. Amphibian and Reptile Conservation, Bournemouth

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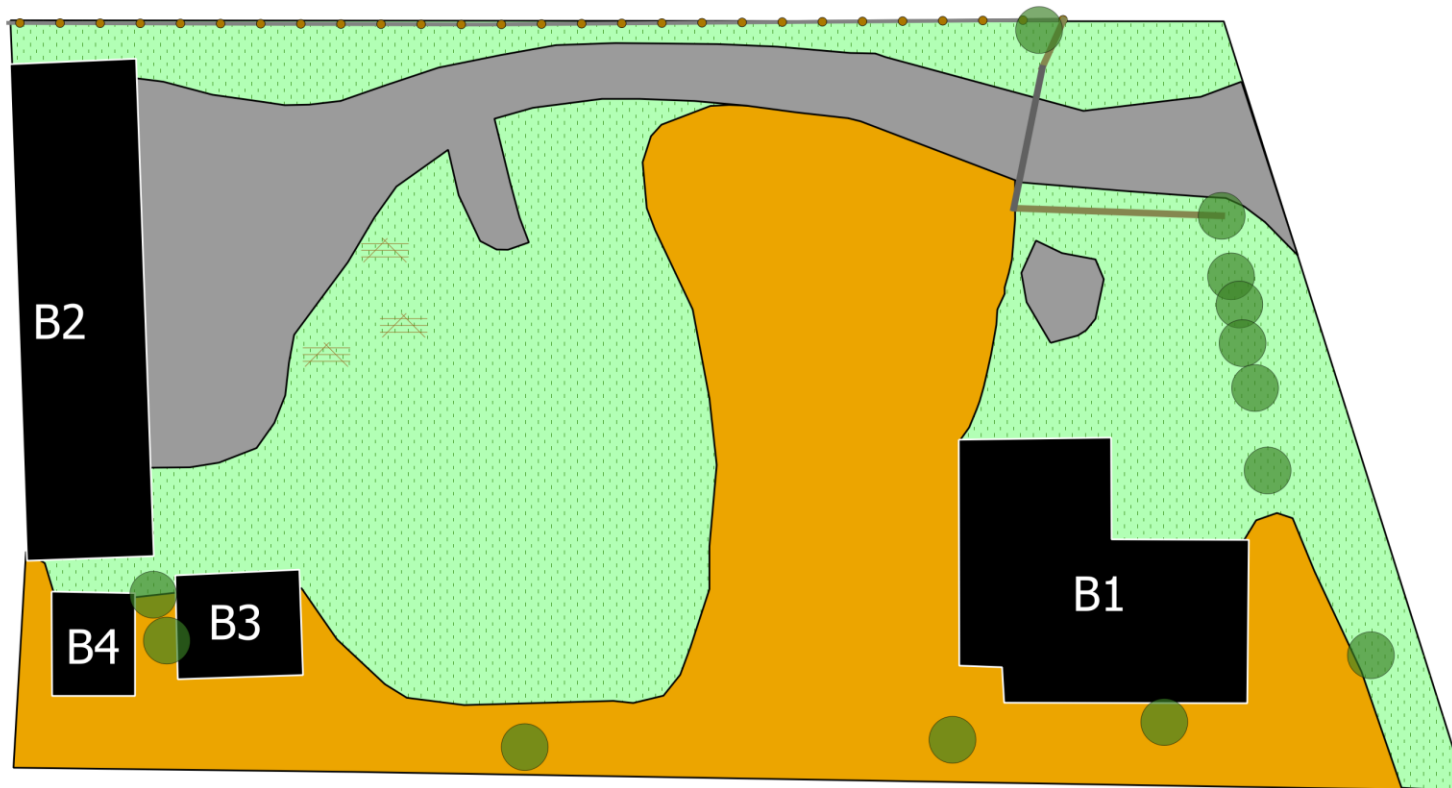
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Appendix I Phase 1 Habitat Map



Legend

Survey Building



Hard Standing



Improved Grass



Bramble and Nettle Scrub



Scattered Trees



Log Piles



Wire and Post fence



Close Board Fence



Metal Gate



Drawn by: CW

Scale

North

Not to Scale



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Appendix II Species List

Ash (*Fraxinus excelsior*)

Bramble (*Rubus fruticosus*)

Broad Leaved Dock (*Rumex obtusifolius*)

Common Hogweed (*Heracleum sphondylium*)

Creeping buttercup (*Ranunculus repens*)

Dandelion (*Taraxacum spp.*)

Hawthorn (*Crataegus monogyna*)

Holly (*Ilex spp.*)

Ivy (*Hedera helix*)

Perennial Rye Grass (*Lolium perenne*)

Ragwort (*Jacobaea vulgaris*)

Stinging Nettle (*Urtica dioica*)

Sycamore (*Acer pseudoplatanus*)

White Clover (*Trifolium repens*)

Yarrow (*Achillea millefolium*)

Appendix III Site Photos



Figure 1: Front of the site, looking East towards B2 and showing nettle scrub



Figure 2: Building B1



Figure 3: Building B2



Figure 4: Building B3



Figure 5: Site looking West towards gate



Figure 6: The log piles on site, providing possible reptile habitat.

Appendix IV Summary of Legislation for Various Species

Bats

All 18 species of bat common in the U.K (17 known to be breeding) are fully protected under the Wildlife and Countryside Act 1981 as amended through inclusion in Schedule V. All bat species in the UK. are also included in Schedule II of the Habitats Regulations 2010 which transpose Annex II of the Council Directive 92/43/EEC 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (“EC Habitats Directive”) which defines European protected species of animals.

Bats species are afforded further protection by the Countryside and Rights of Way Act 2000; and the Natural Environment and Rural Communities Act 2006.

This combined legislation makes it an offence to:

1. Intentionally or deliberately kill, injure or capture bats.
2. Deliberately disturb bats, whether at roost or not.
3. Damage, destroy or obstruct access to bat roosts.
4. Possess or transport bats, unless acquired legally.
5. Sell, barter or exchange bats.

A bat roost is defined by the Bat Conservation Trust publication Bat Surveys—Good Practice Guidelines 2nd Edition as “the resting place of a bat” (BCT 2012). Generally however, 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 precedents¹, that a roost is protected whether or not the bats are present at the time. This can include for summer roosts, used for breeding; or winter roosts, used for hibernating.

Common Birds

All common wild birds are protected under The Wildlife and Countryside Act 1981.

This legislation makes it an offence to:

¹ Internet search for e.g. the Woolley case (R. Simon Woolley v. Cheshire East Borough Council) and see here: http://www.naturalengland.org.uk/Images/WoolleyVsCheshireEastBC_tcm6-12832.pdf

1. Kill, injure or take wild birds.
2. Take, damage or destroy the nest of wild birds while it is in use or being built.
3. Take or destroy the eggs of wild birds.

Certain rare breeding birds are listed on Schedule I of The Wildlife and Countryside Act 1981. Under this legislation they are afforded the same protection as common wild birds and are also protected against disturbance whilst building a nest or on or near a nest containing eggs and or unfledged young e.g. Barn Owl *Tyto alba*.

Reptiles

There are six species of reptiles in Great Britain (Edgar et al. 2010) and four of these are commonly found; the grass snake *Natrix natrix*, adder *Viper aberus*, common lizard *Zootoca vivipara* and slow worm *Anguis fragilis* (“common reptiles.”)

All native British species of reptiles are legally protected through their inclusion in Schedule V of the Wildlife and Countryside Act 1981. As such, all species are protected from deliberate killing or injury. Therefore, where development is permitted, and there will be a significant change in land use, a reasonable effort must be undertaken to avoid committing an offence. The same act makes the trading of native reptile species a criminal offence without appropriate licensing.

Two species of reptile; the smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis*, are further protected through their inclusion in Schedule II of the Habitats Regulations 2010 which transposes Annex II of the Council Directive 92/43/EEC 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (“EC Habitats Directive”), which defines European protected species of animals (“rare reptiles.”)

This legislation makes it an offence to:

1. Intentionally or deliberately kill, injure common and rare reptiles.
2. Deliberately disturb or capture rare reptiles.
3. Damage, destroy or obstruct access to rare reptile habitat.
4. Possess or transport a rare reptile or any part of a rare reptile, unless acquired legally.
5. Sell, barter or exchange common and rare reptiles.

Rare reptile species occupy only highly restricted ranges in the extreme south east of coastal England, with isolated populations of sand lizard in e.g. coastal Wales and Cornwall. Smooth snake populations are isolated to lowland heaths in e.g. Surrey, Hampshire, Dorset and West Sussex.

Badgers

Badgers *Meles meles* are vulnerable to baiting, hunting and the detrimental impacts of development on their habitat. Both the badger and its habitat are protected under

The Protection of Badgers Act 1992, Schedule V of the Wildlife and Countryside Act 1981, and Appendix III of the Bern Convention 1979.

This legislation makes it an offence to:

1. Kill, injure, take or possess a badger.
2. Interfere with, damage or destroy a badger sett including e.g. obstruct access to a badger sett.
3. Cruelly treat or harm a badger.
4. Disturb a badger in a sett.

Penalties for offences are documented (NE 2010) as fines of up to £5,000 and imprisonment for each illegal sett interference or damage or death to a badger.

Great Crested Newts

Populations of great crested newts *Triturus cristatus* declined considerably in the late twentieth century (Langton et al. 2001) due to the intensification of agriculture. They require ponds with good water quality and as they spend most of their life on land these ponds must be surrounded by high quality terrestrial habitat.

Great crested newts are listed in both Annex IV of the EC Habitats Directive and in Schedule V of the Wildlife and Countryside Act 1981.

GCN are afforded further protection by the Countryside and Rights of Way Act 2000; and the Natural Environment and Rural Communities Act 2006.

This combined legislation makes it an offence to:

1. Deliberately kill, injure or capture a great crested newt.
2. Deliberately disturb a great crested newt.
3. Damage, destroy or obstruct access to a structure used for shelter or protection by a great crested newt.
4. Possess or transport a great crested newt.