

Land rear of 53-59 Southview Road Southwick Brighton BN42 4TS

Preliminary Ecological Appraisal

June 2025



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Land rear of 53-59 Southview Road – Preliminary Ecological Appraisal

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1 Introduction

- 1.1 Plumb Associates Ltd was commissioned by S.D. Holdings Ltd to undertake a preliminary ecological appraisal of land to the rear of 53-59 Southview Road, Southwick where planning permission is being sought to construct two new dwellings on part of the site.
- 1.2 The purpose of this report is to ensure that the proposed scheme does not adversely affect any habitats, plants or animals that are legally protected and is in accordance with the National Planning Policy Framework. The report considers:-
- The potential of the site and its environs to support important habitats, protected species or other notable species of wildlife;
 - The conservation value of habitats and species both on the site and its environs;
 - The likely ecological effects of the development;
 - Mitigation measures to be taken to avoid or minimise these effects and identify opportunities to provide enhancement measures to achieve biodiversity net gain.

Methodology

- 1.3 The assessment was carried out in accordance with the Chartered Institute of Ecology and Environmental Management's Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).
- 1.4 A desk study was undertaken which included reviewing Magic Maps (the results are summarised in Appendices 1 & 2), and the Adur District Council's local plan evidence base. A Preliminary Ecological Assessment prepared by ASW Ecology Ltd in January 2023 for the site was also reviewed to identify any changes in the habitat present on site.
- 1.5 A site survey was undertaken on 22nd May 2025 by Steve Plumb MCIEEM CEnv CMLI, an ecologist with over 35 years of professional experience. The purpose of the survey was to establish the ecological value of the existing habitats on and adjacent to the site and to assess the site's suitability to support protected species and Species of Principal Conservation Interest.
- 1.6 The habitat features are recorded in accordance with the UK Habitat Classification Version 2.0 User's Manual (Butcher et al 2020).
- 1.7 The results of the survey have also been used to inform the completion of the BNG metric.

Limitations

- 1.8 The survey was carried out in good weather conditions and there was access to the whole site. The survey was carried out at an optimal time of year. It is considered that there were no significant limitations to the survey.

2 Summary of relevant wildlife legislation

Wildlife and Countryside Act 1981 (as amended)

2.1 The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive). Under this legislation it is an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 of the Act or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 of the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 of the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.
- Carry out any works or management that might damage or destroy the 'interest' for which a Site of Scientific Interest has been designated.

The Conservation of Habitats and Species Regulations 2017

2.2 These regulations transpose Council Directive 92/43/EEC into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is an offence to damage or destroy a breeding site or resting place of such an animal, even if the animal is not present at the time. These Regulations were consolidated into the Conservation of Habitats and Species (Amendment) (EU exit) Regulations 2019 and the Wildlife and Countryside Act 1981(as amended).

Natural Communities & Rural Communities (NERC) Act 2006

2.3 The NERC Act places a duty on public bodies to have due regard for biodiversity and nature conservation during the course of their operations.

2.4 Section 41 requires the Secretary of State to publish lists of habitats and species that are of principal importance for the conservation of biodiversity in England. Species and habitats on this list are material considerations in planning.

The Protection of Badgers Act 1992

- 2.5 The Protection of Badgers Act 1992 makes it is an offence to kill, injure, take, possess or cruelly mistreat a badger or to interfere with, or obstruct access to a sett.

Environment Act 2021

- 2.6 The Environment Act introduced the requirement for most development to achieve mandatory Biodiversity Net Gain of at least 10%. There are some exceptions, e.g. householder applications, retrospective applications, small self-build/custom schemes, and those that are below the de minimis levels of affected habitat (i.e. below 25sqm by area or 5 linear metres for hedges and watercourses); however all other schemes will need to achieve at least a 10% BNG uplift.



Image 1 – The survey area in context

3 Site description and existing habitat features

- 3.1 The site is within an established residential area with existing residential properties on all sides. Vegetation surrounding the site is limited to domestic gardens. The access into the site is between two houses. Image 1 shows the site (outlined in red) in context.
- 3.2 The site does not contain any buildings. It is currently unused. The site is mainly grassland comprising Cock's-foot and False Oatgrass with patches of Common Bent. The main forb present within the grassland was Field Bindweed. There are patches of bramble on the site boundaries. The vegetation is usually cut at least once a year to prevent it causing issues to neighbouring properties. The grassland meets the classification of g4 modified grassland in poor condition.
- 3.3 There is a large Horse Chestnut to the southwest of the site, but this is outside the application boundary. There are small sycamores growing on the southern boundary. There are small areas of hawthorn scrub in the northern part of the site.

4.0 Protected species assessment

The site and adjacent areas were assessed for their suitability to support protected species.

Badgers

- 4.1 Badgers (*Meles meles*) are afforded protection under The Protection of Badgers Act 1992, under which it is an offence to kill, injure, take, possess or cruelly mistreat a badger or to interfere with, or obstruct access to a sett.
- 4.2 The site was fully surveyed however no setts or field signs such as trails, latrines pits or foraging were recorded. No further surveys are considered necessary.
- 4.3 The site is surrounded by developed land with no suitable habitat locally.
- 4.4 Badgers have been recorded in the wider area and they are a highly mobile species. Although unlikely, there is potential that badger could access the site. It is recommended that a precautionary working method statement be adopted during any construction works to avoid any risk of animals being impacted. This method statement would also be appropriate to avoid impacts on other small mammals such as hedgehogs. The method statement is set out in Section 6 below.

Bats

- 4.5 All bat species are afforded legal protection on a European and national basis, under the Conservation of Species and Habitat Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit) Regulations 2019). In addition to it being an offence to kill or injure an animal it is a criminal offence to disturb or obstruct a bat roost.
- 4.6 No European Protected Species licence have been issued within 1km of the site.
- 4.7 The site is in an established residential area with associated street lighting and few trees or other potential bat habitat features.
- 4.8 There are no buildings or other structures present on the site.
- 4.9 The large horse chestnut close to the site boundary is a multi-stemmed specimen in generally good condition (Photo 4). It contains no features such as cracks, crevices or woodpecker holes that would be suitable for roosting bats. The trees within the site are small, early-mature sycamores with no features present. There was some ivy climbing up the trunks. This provided some potential opportunities for roosting bats; however given their limited nature, the site's urban location and lack of suitable connecting habitat it is considered that they offer no real potential for roosting bats.

- 4.10 The site has negligible potential for supporting roosting, foraging or commuting bats due to the lack of features on site and within the surrounding area.
- 4.11 No further surveys are required for bats.

Reptiles

- 4.12 Protection is afforded to the Slow-worm (*Anguis fragilis*), Common Lizard (*Zootoca vivipara*) Adder (*Vipera berus*) and Grass Snake (*Natrix natrix*) under Section 9 (1) and 9 (5) of the Wildlife & Countryside Act 1981 (as amended).
- 4.13 A reptile survey was undertaken on the site in 2019. This recorded a medium-sized breeding population of slow-worm. No other reptile species were recorded.
- 4.14 The site still retains some habitat features that are suitable for slow-worms. It is proposed therefore to adopt a precautionary approach and assume that the site still supports a medium-sized population. There will be a large area of grassland to the west of the application site that will be retained and can be used by any reptiles moved from the development area. If planning permission is granted the protection of the slow-worms and the creation and management of the receptor can be secured through a condition.
- 4.15 No further surveys are required at this time.

Birds

- 4.16 All wild species of breeding birds and their nests are protected under Part 1 of the Wildlife and Countryside Act 1981, as amended by later legislation including the Countryside and Rights of Way (CROW) Act 2000. The species listed on Schedule 1 of the Wildlife and Countryside Act are given additional protection.
- 4.17 There are trees and shrubs that have some potential for supporting nesting birds. These will require removal to facilitate development.
- 4.18 Their loss will not have any significant impact on nesting birds so long as any vegetation clearance is undertaken in accordance with the precautionary method statement set out in Section 6. New nesting opportunities can be provided as part of the biodiversity enhancement scheme.

Great Crested Newts

- 4.19 Great Crested Newts (*Triturus cristatus*) are afforded legal protection on a European and national basis, under the Conservation of Species and Habitat Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit)

Regulations 2019). In addition to it being an offence to kill or injure an animal it is a criminal offence to disturb or obstruct their breeding or resting places.

- 4.20 No ponds were identified within 250m the site using Magic Maps and Google Earth.
- 4.21 The site is within the centre of a residential area and is surrounded by residential properties divided by roads. The site contains no waterbodies. The grassland and scrub have some value as terrestrial habitat for great crested newts. However given its isolation from breeding ponds and connecting habitat it is considered that the site has negligible potential for supporting great crested newts. No further surveys are required for this species.

Hedgehogs

- 4.22 Hedgehogs are a priority species as identified in section 41 of the Natural Environment and Communities Act 2006 (as amended).
- 4.23 The site contains habitat that could be suitable for supporting hedgehogs although no evidence of presence was recorded.
- 4.24 The badger method statement within section 6 would be applicable to hedgehogs. If planning permission was granted additional habitat enhancement measures should be provided. These include maintaining gaps within any fencing to allow animals to move through the site and the provision of hedgehog houses.

Other protected species

- 4.25 The site does not contain habitat suitable to support Dormice, Otter, Water Vole, or White-clawed Crayfish. No legally protected plant species were recorded.

Invasive species

- 4.26 The site contains small quantities of buddleia and snowberry which can be invasive if left unmanaged.

5 Discussion of Results

- 5.1 The desktop survey comprised an analysis using Defra's Magic Maps (see Appendices 1 & 2), the Adur District Council's planning constraints mapping and reviewing the previous ecological assessment prepared by ASW Ecology Ltd in January 2023.
- 5.2 There are no statutory designated sites within 1km of the site.
- 5.3 There are no priority habitats within 1km of the site.
- 5.4 The site comprises a vacant plot within a residential location that is principally grassland, small self-sown sycamores and patches of scrub.
- 5.5 In 2019 a medium size population of slow-worms were recorded. The site is isolated from other suitable habitat therefore it is considered that there would not be an increase in number or the presence of other reptile species. An area of suitable habitat in the applicant's ownership adjacent to the site will be retained. This area can be enhanced and used as a receptor for any animals found within the development area. Otherwise the site is considered to have a low ecological value and has negligible habitat features to support other protected species other than nesting birds. There is potential for badgers and hedgehogs, if present within the locality, to access the site, although no evidence of their presence was recorded during the survey. No additional surveys are required.
- 5.6 Precautionary method statements for badgers and other mammals and for nesting birds have been recommended.

6 Precautionary mitigation measures

Badgers and other animals

- 6.1 There is a possibility that badgers could access the site from the surrounding area, although no evidence of badger activity was recorded during the survey. The following measures however should be fully implemented to reduce the impact on wildlife using the site and to avoid contravention of current legislation:
- All site personnel will be given a toolbox talk to inform them about the potential presence of badgers and other protected species and the legal protection they are afforded;
 - Any deep excavations that are to be left open overnight should include a means of escape for any animals that may fall in, using planks of wood to act as ramps;
 - No pipework should remain open with any exposed ends capped off at the end of the working day to prevent any animals entering the pipework;
 - Any fresh animal excavations recorded on the site should immediately reported and fully investigated;
 - The creation of large stockpiles of earth should be avoided as these may prove attractive for badgers to excavate new setts.
- 6.2 In the unlikely event that any active holes are recorded during the construction phase, works within the immediate area will cease and the area made safe with a suitable protective buffer provided. A suitably qualified ecologist should then be contacted so that the hole can be investigated and appropriate controls applied.

Nesting birds

- 6.3 Nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended). While there is no fixed period defined in law the 'bird nesting season' is normally 1st March- mid-August. Works should be carried out outside this period if possible. As some birds sometimes breed outside this period, if an active nest is found all works in the vicinity must cease immediately.
- 6.4 It is possible to remove buildings, trees or shrubs within the nesting season so long as it can be demonstrated that no active nests are present. If this option is to adopted it is essential for a survey of the vegetation to be carried out by a suitably qualified ecologist immediately prior to any works to ensure that there are no nesting birds present.

Reptiles

- 6.5 Previous surveys in 2019 found a population of slow-worm on site.

- 6.6 Protection is afforded to the Slow-worm (*Anguis fragilis*) under Section 9 (1) and 9 (5) of the Wildlife & Countryside Act 1981 (as amended). It is essential therefore that a reptile method statement is prepared and followed to ensure that any animals present within the development area are captured and moved to the retained biodiversity area. This can be enhanced to increase its carrying capacity through the provision of hibernacula and more appropriate habitat management.
- 6.7 Prior to any works on site it will be necessary to install reptile fencing on the boundary of the development area, then to manage the grass to allow animals to be captured. Only once an ecologist can confirmed the absence of slow-worms can the development site be cleared.
- 6.8 The detailed reptile method statement can be secured by condition.

7 Biodiversity Net Gain

- 7.1 The proposal would be subject to mandatory BNG. The results of this PEA have been used to inform the baseline habitat units and what is required to achieve the 10% uplift.
- 7.2 The site is currently unused and predominantly modified grassland was assessed as a vacant plot.
- 7.3 It will not be possible to achieve the BNG onsite.
- 7.4 In addition to BNG requirements, development is expected to achieve wider enhancements. On a scheme of this scale measures could include the installation of bird boxes on the new houses and the provision of 'hedgehog highways' within boundary fences and hedgehog houses within the gardens.

8 Conclusions

- 8.1 The site comprises a vacant plot within a residential area comprising modified grassland and individual trees. The applicant seeks permission to construct two new dwellings with associated gardens and parking on part of the site.
- 8.2 The site within an extensive residential area and has generally low ecological value and negligible potential for supporting protected or important species other than slow-worms. Habitat within the site comprises modified grassland in poor condition and several trees. The large horse chestnut will be retained.
- 8.3 The proposal will have no adverse effects on protected or other notable species if the precautionary mitigation measures set out in Section 6 are followed. The results of the PEA have been used to inform the BNG calculations.

Site Photographs

Photo 1 – Site access



Photo 2 – The grassland lacks species and structural diversity



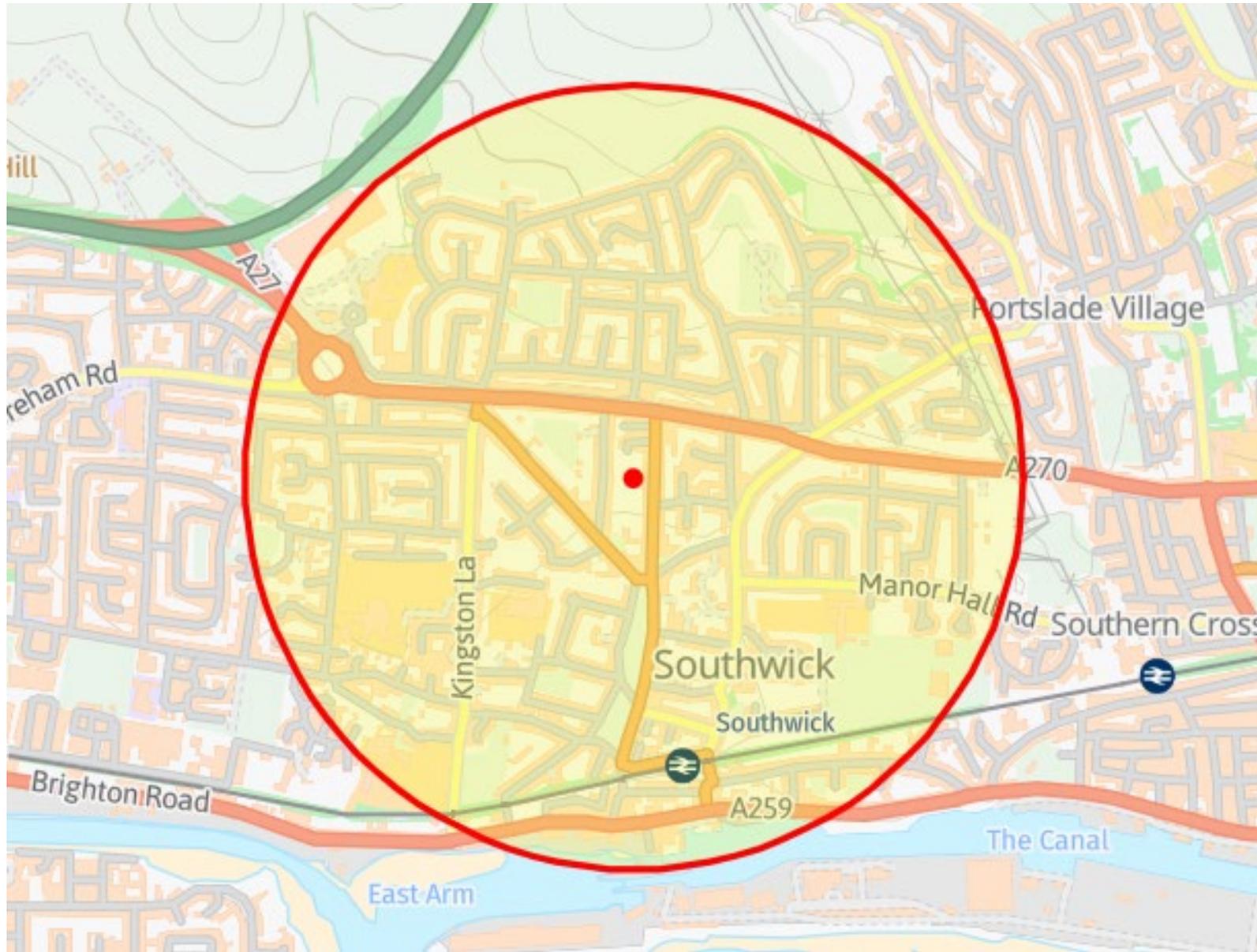
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Photo 3 – – The Horse Chestnut outside the site boundary. No bat roost features



Photo 5 – Small trees on site





Appendix 2 - Magic Map – Priority habitats and protected species licences within 1km buffer



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