

PJC



PRELIMINARY ECOLOGICAL APPRAISAL

**13/15 Farncombe Road
Worthing
West Sussex
BN11 2AY**

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This report has been prepared by
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on behalf of
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arboriculture . ecology . landscape



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1 EXECUTIVE SUMMARY

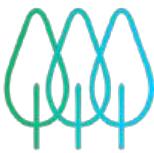
PJC Consultancy Ltd was commissioned by Patagonia Properties to provide a Preliminary Ecological Appraisal in support of the proposed development at 13/15 Farncombe Road, Worthing, West Sussex, BN11 2AY. The purpose was to classify the habitats present, highlight the potential of the site to support protected species, and recommend suitable avoidance, mitigation, compensation and ecological enhancement measures where appropriate. When implemented successfully, these recommendations will ensure that the development proceeds in line with all relevant laws pertaining to protected species and their habitats, as well as contributing to an increase in site biodiversity. This report has been produced in accordance with the National Planning Policy Framework (NPPF) (2023) – more specifically Chapter 15 ‘Conserving and Enhancing the Natural Environment’ as well as the Worthing Borough Council Local Plan 2020-2036 (Worthing Borough Council, 2023).

Based on current proposals, the results of the Preliminary Ecological Appraisal can be summarised in the following table:

Protected Species/Habitats	Suitable Habitat Present	Recommended Further Surveys	Ecological Mitigation
Bats (Foraging and Commuting)	The Site was identified as having some very limited habitat suitability to support commuting and foraging bats.	None required providing the avoidance and mitigation measures are adhered to.	A sensitive lighting mitigation strategy should be adhered to throughout all phases of the proposed development.
Reptiles	The Site was identified as having low potential to support reptiles providing foraging, commuting, basking and hibernating opportunities.	None required providing the avoidance and mitigation measures are adhered to.	Clearance of suitable reptile habitat within the Site should be undertaken using a sensitive vegetation clearance approach during dry, warm weather (between April to September) and in air temperatures of 9°C or above.
Nesting Birds	The Site was identified as having potential to support nesting birds.	None required providing the avoidance and mitigation measures are adhered to.	Habitat clearance works should be undertaken outside the main nesting bird season. Should this not be possible, all trees and buildings must be inspected by an ecologist to determine the presence/absence of any nesting birds immediately prior to clearance.
Invasive Plants	Multiple stands of Virginia creeper were recorded within the southern extent of the Site.	None required.	Any works should be undertaken in accordance with the regulatory position statement (RPS) for invasive plant species adhering to the Environment Agency Treatment and Disposal of Invasive Non-



native Plants: RPS 178. In addition, a specialist contractor should be employed to manage and remove the Virginia creeper the Site in order to prevent its spread.



2 INTRODUCTION

2.1 Instruction

2.1.1 PJC Consultancy Ltd was commissioned by Patagonia Properties to provide a preliminary ecological appraisal (PEA) which includes an ecological walkover survey report in support of the proposed development at 13/15 Farncombe Road, Worthing, West Sussex, BN11 2AY (hereafter referred to as the 'Site').

2.2 Survey Objectives

2.2.1 The aim of this PEA is to identify potential ecological constraints and opportunities associated with the Site by undertaking both an extended phase 1 habitat survey, ecological desk study and DBW. The objectives were to:

- Identify the broad habitat types present on the Site;
- Identify the potential of the Site to support protected and notable habitats and/or species;
- Identify the potential of any trees and buildings within the Site to support roosting bats;
- Highlight known or potential legal or planning policy constraints in relation to ecology and recommend avoidance, mitigation and enhancement measures to satisfy legal and planning policy requirements where appropriate; and
- Identify, where necessary, the requirement for further survey.

2.3 Documents and Information Provided

2.3.1 Development proposal include the clearance of the Site for the construction of two residential properties with associated access and gardens.

2.3.2 The following documents were used to aid the preparation of this report:

- Existing Site Plan, drawing number: 21074B-P-100 (Stickland Wright, 2024);
- Proposed Site Plan, drawing number: 21074B-P-110 (Stickland Wright, 2024); and
- Proposed Plan, drawing number: 21074B-P-111 (Stickland Wright, 2024).

2.4 Scope of Report

2.4.1 This PEA is only concerned with the habitats and features within the property boundaries of the Site, or in areas that have the potential to be affected by the proposed new development.

2.5 Site Description

2.5.1 The Site, approximately 0.1ha in size, is located west of Farncombe Road, within the grounds of properties 13 and 15, centred on OS central grid reference: TQ 15515 02926. The Site straddles both properties boundaries, separated by a stone wall. Located within the centre of Worthing town, the Site is situated within an urban environment, bordered on all boundaries by residential properties and gardens. The location of the Site within its environs is presented in Appendix I.

2.5.2 It should be noted that the northern extent of the Site was previously cleared in 2019 and 2022 as part of a previous planning application on this extent of the Site (Worthing Borough Council planning application reference: AWDM/1190/16 and AWDM/0699/20) and has been occasionally unmanaged since. Before then, according to aerial imagery (Google Earth Pro, 2024), the Site appeared to comprise vegetated garden.

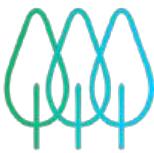


2.6 Legislation and Planning Policy

2.6.1 This PEA has been compiled with reference to relevant wildlife and countryside legislation, planning policy and the UK Biodiversity Framework. Their context and applicability is explained as appropriate in the relevant sections of the report and additional details are presented in Appendix II.

2.6.2 The key articles of relevance are:

- The Conservation of Habitats and Species (Amendment) Regulations 2017;
- The Environment Act 2021;
- The Wildlife and Countryside Act 1981, as amended (WCA);
- The Countryside and Rights of Way (CROW) Act 2000;
- The Natural Environment and Rural Communities (NERC) Act 2006;
- National Planning Policy Framework (NPPF) 2023 (Ministry of Housing, Communities and Local Government, 2023);
- The Protection of Badgers Act 1992;
- The UK Post-2010 Biodiversity Framework (2011-2020); and
- Worthing Borough Council Local Plan 2020-2036 (Worthing Borough Council, 2023).



3 METHODOLOGY

3.1 Desk Study

- 3.1.1 A desk study was undertaken in November 2024 with the objective of collating and reviewing existing ecological information, and obtaining data and information held by relevant third parties.
- 3.1.2 In addition, datasets from Natural England (MAGIC, 2024) were reviewed to identify the presence of UK statutory designated sites and notable habitats within the zone of influence, including woodlands listed on the ancient woodland inventory, habitats of principal importance (HPI) listed on the priority habitat inventory and statutory designated for their nature conservation value at the national scale such as sites of scientific interest (SSSI) and at the European and/or international scale namely: special areas of conservation (SACs), special protection areas (SPAs), and internationally designated wetland (Ramsar) sites. These sites collectively are hereafter referred to as 'European Sites'. Where measurements are included with the record, these provide the distance of the designated site from the closest point of the Site.
- 3.1.3 Data for sites within the zone of influence where European Protected Species Mitigation (EPSM) licences have been granted, were also reviewed. This information allows a greater understanding of the potential for European protected species to be present in the local area.
- 3.1.4 The zone of influence is the area over which ecological features, such as designated sites of nature conservation importance and protected and notable habitats and species, may be affected by the biophysical changes caused by the proposed development and associated activities. Due to the size of the Site and nature of the proposed development, it is considered that a zone of 1km from the centre of the Site is appropriate for the gathering of information for the desk study (CIEEM, 2018).

3.2 Ecological Walkover Survey

- 3.2.1 An ecological walkover survey (formerly referred to as 'extended phase 1 habitat survey') was undertaken on the 8th October 2024 by Nicolle Stevens BSc(Hons) ACIEEM (Natural England class one great crested newt (GCN) *Triturus cristatus* licence holder and class two bat licence holder). As part of the ecological walkover survey, habitats were identified and mapped in accordance with 'UK Habitat Classification 2.0' (UKHab Ltd, 2023) (Appendix III).
- 3.2.2 UK Habitat Classification 2.0 comprises a five-level 'Primary Habitat Hierarchy' and a list of 'Secondary Codes', the latter is sub-divided into Essential and Additional Codes. For the purpose of this assessment, habitats have been allocated a single Primary Habitat Code up to Level 4 as well as all associated Essential Secondary Codes, and where relevant Additional Secondary Codes.
- 3.2.3 The ecological walkover survey was extended to include consideration of protected and notable species in accordance with good practice guidance for preliminary ecological appraisal (CIEEM, 2017). The dominant plant species in each habitat were recorded, as were any evidence of protected and notable species. The potential for the Site to support protected and notable species was also assessed. Those ecological features not classified as a habitat are denoted using a target note.

3.3 Limitations of Survey

- 3.3.1 The protected species assessment provides a preliminary view of the likelihood of protected species occurring on Site, based on the suitability of the habitat and any direct evidence on 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 this assessment it is considered reasonably likely that protected species may be present.
- 3.3.2 The habitats present, and their management are likely to change over time, thus the findings of the ecological walkover survey are only considered valid for a period of up to two years.



- 3.3.3 A full biological record centre desktop study was not undertaken as part of this assessment. This was not considered necessary given the limited scale of the proposed development, the nature of the on-site and surrounding habitats and limited potential for impacts to arise within or outside of the Site.
- 3.3.4 This report includes a preliminary assessment of likely impacts of a development project only. The primary audience for a PEA is the client or developer and relevant members of the project team, such as the architect, planning consultant, and landscape architect. It is normally produced to inform a developer (or other client), and their design team, about the key ecological constraints and opportunities associated with a project, possible mitigation requirements and any detailed further surveys required. Under normal circumstances, it is not considered appropriate to submit a PEA in support of a planning application because the scope of a PEA is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species. In most cases, particularly when further surveys have been recommended within the PEA, a more detailed and comprehensive Ecological Impact Assessment (EIA) should be submitted in support of a planning application instead.
- 3.3.5 This document has been prepared for the stated proposal (2.3.1) and should not be relied upon or used for any other project without an additional check being carried out by the author as to its suitability in relation to any updated proposals. PJC Consultancy accepts no responsibility or liability for the consequence of this document being used for a purpose other than the purposes for which it was commissioned. PJC Consultancy accepts no responsibility or liability for this document to any party other than the person by whom it was commissioned.



4 RESULTS

4.1 Desk Study

Statutory Designated Sites

4.1.1 No statutory designated sites of nature conservation importance were identified within the zone of influence as part of the desk study.

Protected and Notable Habitats

4.1.2 No parcels of ancient woodland listed on the ancient woodland inventory were identified within the zone of influence as part of the desk study.

4.1.3 Overall, nine parcels of HPI listed on the priority habitat inventory, comprised of broadly classified deciduous woodland and coastal vegetated shingle, were identified within the zone of influence as part of the desk study. The closest parcel of which was a parcel of coastal vegetated shingle located approximately 300m south of the Site.

Protected and Notable Species

4.1.4 No EPSM licences granted in relation to protected species were identified within the zone of influence as part of the desk study.

4.2 Ecological Walkover Survey

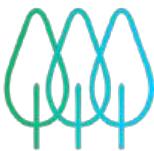
4.2.1 Habitat types and descriptions and associated primary and secondary codes are provided in Table 1 below in accordance with UK Habitat Classification 2.0. The distribution of these habitats are presented in Appendix III, together with Site photographs, which are presented in Appendix IV.

Table 1: Habitat types present within the Site.

Habitat Type				
	Level 2	Level 3	Level 4	Secondary Codes
			Developed land; sealed surface (u1b)	Compacted substrate (511) Active management (516)
				A tarmac and paved driveway and parking area was recorded within the south-eastern extent of the Site.
Urban (u)	Built-up areas and gardens (u1)	Suburban mosaic of developed and natural surface (u1d)	Ruderal or ephemeral (81)	The majority of the Site (predominantly the western extent) comprised a derelict urban site supporting vegetation that had colonised the Site since clearance was undertaken in 2019 and 2022. This extent of the Site was separated into two by a stone wall. A clear dominant species was not recorded but species included both low growing and taller plant species. These included ragwort <i>Jacobaea vulgaris</i> , hedge bindweed <i>Calystegia sepium</i> , Japanese millet <i>Echinochloa crus-galli</i> , tomato <i>Solanum</i> spp., scarlet
			Invasive non-native (524)	



Habitat Type				Description
Level 2	Level 3	Level 4	Secondary Codes	
				<p>pimpernel <i>Anagallis arvensis</i>, wild millet <i>Setaria viridis</i>, common birdsfoot trefoil <i>Lotus corniculatus</i>, dandelion <i>Taraxacum officinale</i>, evening primrose <i>Oenothera glazioviana</i>, Yorkshire fog <i>Holcus lanatus</i>, petty spurge <i>Euphorbia peplus</i>, spotted medick <i>Medicago arabica</i>, fat hen <i>Chenopodium album</i>, spear thistle <i>Cirsium vulgare</i>, grape leaf anemone <i>Eriocapitella vitifolia</i>, pineapple weed <i>Matricaria discoidea</i>, wall barley <i>Hordeum murinum</i>, cocksfoot <i>Dactylis glomerata</i>, <i>Amaranthus</i> sp., ivy leaved toadflax <i>Cymbalaria muralis</i>, fleabane <i>Erigeron</i> sp., bitter dock <i>Rumex obtusifolius</i>, creeping cinquefoil <i>Potentilla reptans</i>, creeping buttercup, false oat grass <i>Arrhenatherum elatius</i>, drooping sedge <i>Carex pendula</i>, ribwort plantain <i>Plantago lanceolata</i>, creeping bent <i>Agrostis stolonifera</i>, bristly oxtongue <i>Helminthotheca echioides</i>, wood sorrel <i>Oxalis</i> sp., corn marigold <i>Glebionis segetum</i>, speedwell <i>Veronica</i> sp., and common mallow <i>Malva sylvestris</i>. Species of <i>Buddleia</i>, fringed willowherb <i>Epilobium ciliatum</i> and Virginia creeper <i>Parthenocissus inserta</i> were recorded within the southern extent of the Site. At this extent, areas of ground matting had also been laid.</p>
			Frequently mown (108)	<p>A small parcel of grassland was recorded within the southern extent of the Site. The parcel appeared to be regularly mown within a communal amenity area, supporting a short sward length of 5cm in height. The parcel was dominated with perennial ryegrass <i>Lolium perenne</i> with rare quantities of creeping buttercup <i>Ranunculus repens</i> and white clover <i>Trifolium repens</i> recorded.</p>
			Active management (516)	<p>Along the southern boundary of this parcel, garden storage was recorded.</p>
			Garden (827)	



5 DISCUSSION AND RECOMMENDATIONS

5.1 Statutory Designated Sites

5.1.1 No statutory designated sites of nature conservation importance were identified within the zone of influence as part of the desk study. On this basis, no adverse impacts are anticipated on statutory designated sites and their qualifying criteria for designation as a result of the proposed development and are therefore not considered an ecological constraint and are not considered further in this report.

5.2 Protected and Notable Habitats

Ancient Woodland

5.2.1 No parcels of ancient woodland were identified within the zone of influence as part of the desk study. On this basis, no adverse impacts are anticipated on ancient woodland and are therefore not considered an ecological constraint and are not considered further in this report.

Habitat of Principal Importance

5.2.2 In total, nine parcels of HPI listed on the priority habitat inventory, comprised of broadly classified deciduous woodland and coastal vegetated shingle, were identified within the zone of influence as part of the desk study. The closest parcel of which was a parcel of coastal vegetated shingle located approximately 300m south of the Site.

5.2.3 Given the distance between the Site and the nearest parcel of ancient woodland and HPI and given the size of the Site and nature of the proposed development, adverse effects upon these protected and notable habitats are not considered likely. Protected and notable habitats are therefore not considered an ecological constraint and are not considered further in this report.

5.3 Protected and Notable Species

5.3.1 The Site was considered to provide opportunities for protected and notable species. The suitability of habitat on Site to support species is considered below.

Bats

5.3.2 All bats are European protected species (EPS) and both individual animals and their roosts are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). Certain bat species are also listed as Species of Principal Importance (SPI) under the NERC Act 2006.

Roosting Suitability

5.3.3 No trees or buildings were recorded within the Site during the ecological walkover survey. On this basis, the Site was identified as providing negligible suitability to support roosting bats.

Foraging and Commuting Suitability

5.3.4 The Site was considered to provide very limited suitable commuting and foraging habitat for bats given the location of the Site within an urbanised environment and absence of linear features such as treelines or hedgerows. However, the ruderal/ephemeral vegetation within the Site surrounded by residential gardens was classified as having low suitability to support foraging and commuting bats.

5.3.5 However, these features are not considered to function as an important corridor for bats given the network of mature, treelined formal gardens located west of the Site and within the wider landscape that also provides foraging and commuting opportunities for bats. On this basis, the proposed development is considered unlikely to result in the loss or degradation of bat foraging and commuting habitat or sever important commuting routes and obstruct access between potential bat roosts and important foraging habitats, providing the mitigation measures in relation to lighting described below



are implemented during the construction and operational phase of the proposed development. It is recommended that any new artificial lighting associated with the proposed development aims to:

- Ensure the Site boundaries and the surrounding gardens are not artificially lit;
- Use minimum light levels necessary. For example, there should be times throughout the evening (when bats are most active) when all outdoor security lights are unlit to avoid affecting bat activity. Lighting can also be installed using a timer or movement sensor to avoid long periods of an area being lit at night;
- Lighting should be a warm white spectrum and feature peak wavelengths higher than 550nm to lower the range of species affected by lighting. Using LED luminaires where possible and avoid luminaires with UV elements, specifically avoiding metal halide and fluorescent sources (Institute of Lighting Professionals, 2023); and
- Internal luminaires can be recessed where installed in proximity to windows to reduce glare (Institute of Lighting Professionals, 2023) and light spill and use hoods, louvres or other similar design features to avoid light spill and direct light away from areas of mature vegetation.

Hazel Dormice

5.3.6 Hazel dormice *Muscardinus avellanarius* are EPS and are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). Dormice are also listed as SPI under the NERC Act 2006.

5.3.7 The Site was considered to provide very limited suitable semi-natural habitat for dormice given the isolation of the Site within a highly urbanised environment and absence of preferred floral species (such as hazel *Corylus avellana* and honeysuckle *Lonicera periclymenum*).

5.3.8 On this basis, the Site was identified as having negligible potential to support dormice and are therefore not considered an ecological constraint and are not considered further in this report.

Great Crested Newts and other Amphibians

5.3.9 GCN are EPS and are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). GCN and common toad *Bufo bufo* are also listed as SPI under the NERC Act 2006.

5.3.10 No waterbodies were identified within the Site or within a 250m radius of the Site as part of the desk study. On this basis, the Site was considered to provide negligible breeding opportunities for breeding GCN. The Site supported grassland of a longer sward and hedgerow, which were considered to provide some foraging and commuting opportunities for GCN during their terrestrial lifecycle phase.

5.3.11 Given the absence of suitable waterbodies for breeding GCN within the Site and immediate surroundings, GCN are considered likely absent from the Site during both their aquatic and terrestrial lifecycle phases. The proposed development is therefore considered highly unlikely to result in the death or injury, or disturbance to GCN or result in the damage or destruction of a GCN breeding site or resting place given the absence of both suitable aquatic and terrestrial habitat within the Site and GCN records identified as part of the desk study. On this basis, GCN are not considered an ecological constraint and are not considered further in this report.

Reptiles

5.3.12 Native, widespread reptile species (common or viviparous lizard *Zootoca vivipara*, adder *Vipera berus*, grass snake *Natrix helvetica* and slow worm *Anguis fragilis*) are protected under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended), making it an offence to kill or injure individual animals. All widespread reptile species are also listed as SPI under the NERC Act 2006.

5.3.13 The habitats recorded within the Site were considered to provide some limited foraging, commuting, basking and sheltering opportunities for reptiles. However, given the Site is bound on all but the eastern and north-western Site boundaries by a stone wall which precludes commuting opportunities



between the Site and surrounding land parcels and that the habitats to the west and east of the Site include regularly maintained residential gardens, the likelihood of reptiles being present within the Site is considered very low.

- 5.3.14 However, the presence of a small number of individual reptiles, such as slow worms, cannot be ruled out. Works therefore associated with any proposed development of the Site, for example habitat clearance, could therefore result in the death or injury of any reptiles present within the Site.
- 5.3.15 In order to comply with legislation protecting reptiles the mitigation measures detailed below should be adhered to.
- 5.3.16 It is recommended that the clearance of the habitats within the Site be undertaken using a sensitive vegetation clearance approach whereby a two phased cut is undertaken, firstly reducing the vegetation to 150mm above ground level, and then after a 24hr period, reducing the vegetation to ground level. Vegetation clearance should be undertaken east to west direction, with the use of hand tools, making these areas unsuitable for reptiles. This will encourage them to disperse into retained semi-natural habitats such as residential gardens surrounding the Site. The timing of these works should coincide with reptiles being active (generally in dry, warm weather and greater than 9°C air temperature).
- 5.3.17 As a further precaution, any excavation works or actions that would impact upon potential reptile hibernation features, such as rubbish piles (Target Note 1), should be carried out outside the reptile hibernation season (i.e. should be undertaken between April – September inclusive) when reptiles are considered active (generally greater than 9°C air temperature).

Birds

- 5.3.18 All birds, their nests and eggs are protected from killing and injury of individuals, damage and destruction of nests and destruction of eggs under the Wildlife and Countryside Act 1981 (as amended). Species listed in Schedule 1 (Part 1) of the Act are also protected from disturbance whilst nesting or whilst with dependent young, by special penalties. Many bird species are also listed as SPI under the NERC Act 2006.
- 5.3.19 The Site supported ruderal/ephemeral vegetation, which was considered to provide some very limited nesting and foraging opportunities to a wide range of common bird species.
- 5.3.20 Works associated with any proposed development of the Site, for example habitat clearance, could therefore result in direct adverse impacts on nesting birds. On this basis, nesting birds are therefore considered a potential ecological constraint. In order to comply with legislation protecting nesting birds the mitigation measures detailed below should be adhered to.
- 5.3.21 It is recommended that habitat clearance works be undertaken outside the main nesting bird season. The nesting bird season for most British bird species is between March and August (inclusive).
- 5.3.22 Should this not be possible, all suitable nesting habitat must be inspected by an ecologist to determine the presence/absence of any nesting birds prior to clearance. In the event of an active nest being identified, a temporary exclusion zone would need to be placed around the nest and development paused until the dependent young have fledged which may be several weeks. The ecologist will determine safe working distances and the distances will be dependent upon the bird species present.

Badgers

- 5.3.23 Badgers *Meles meles* and their setts are protected under The Badger Act (1992).
- 5.3.24 No evidence of badger field signs (for example hairs, latrines, dung pits, snuffle holes, mammal paths or scratching posts) or setts were recorded within the Site and within 30m of the Site boundaries (where access permitted) during the survey.



5.3.25 Habitats throughout the Site were considered to provide very limited sett building and foraging and commuting opportunities for badgers given the isolation of the Site within a highly urbanised environment.

5.3.26 On this basis, the proposed development is considered highly unlikely to result in the damage or destruction of a sett, or obstructing access to a sett, and disturbance to a badger whilst it is occupying a sett. Badgers are therefore not considered an ecological constraint and are not considered further in this report.

Other Mammal Species

Water Voles, Otters and Beavers

5.3.27 Water voles *Arvicola amphibius* and their places of shelter are protected under the Wildlife and Countryside Act, 1981 (as amended) which makes it an offence to kill, injure or take any water vole, damage, destroy or obstruct access to any place of shelter or protection that the animals are using, or disturb voles while they are using such a place. Water voles are also listed as SPI under the NERC Act 2006.

5.3.28 Otters *Lutra lutra* are protected under the Conservation of Habitats and Species Regulations (2017) as amended and under the Wildlife and Countryside Act, 1981 (as amended) which makes it an offence to kill, injure or capture an otter, intentionally or recklessly disturb otters; or to damage, destroy or intentionally or recklessly obstruct access to a holt or other resting places. Otters are also listed as SPI under the NERC Act 2006.

5.3.29 Eurasian beavers *Castor fiber* are protected under the Conservation of Habitats and Species Regulations (2017) as amended and under the Wildlife and Countryside Act, 1981 (as amended) which makes it an offence to kill, injure or capture a beaver, deliberately disturb beavers; or to damage or destroy the breeding site or resting place of a beaver.

5.3.30 No aquatic and very limited suitable terrestrial habitat was recorded within the Site and immediate surroundings.

5.3.31 On this basis, the Site was identified as having negligible potential to support water voles, otters and beavers and are therefore not considered an ecological constraint and are not considered further in this report.

European Hedgehog

5.3.32 The European hedgehog *Erinaceus europaeus* is classified as an SPI under the NERC Act 2006. Therefore, the presence of this species on site would be a material consideration in the planning process.

5.3.33 The Site supported some suitable semi-natural habitat for hedgehogs in the form of ruderal/ephemeral vegetation and rubbish mounds (Target Note 1). However, the proposed development is considered unlikely to result in impacts on European hedgehogs given the size and nature of the Site and presence of other suitable habitat within the wider surroundings and providing mitigation measures detailed below are adhered to.

5.3.34 Hedgehogs should be specifically watched for during the removal of features considered to provide potential sheltering habitat (i.e. ruderal/ephemeral vegetation or mounds). If any hedgehogs are found, they should be carefully moved to retained areas of vegetation outside of the Site.

5.3.35 Furthermore, any new boundaries required as part of the proposed development should be permeable to hedgehogs in order to maintain habitat connectivity across the Site and wider surroundings. This can be achieved by creating ground-level boundary holes (approximately 13cm x 13cm) which should link as many neighbouring land parcels as possible.



5.3.36 In addition, parcels of dense scrub, shrubs and tussocky grassland and features such as deadwood and brash piles should be maintained and/or created across the Site in order to provide important foraging and nesting opportunities for hedgehogs.

Invertebrates

5.3.37 A number of invertebrate species such as stag beetles *Lucanus cervus* are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and under Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended). Many invertebrate species including the stag beetle are also listed as SPI under the NERC Act 2006.

5.3.38 All protected invertebrate species listed on Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended) are considered likely absent from the Site as their preferred food plants were either absent or not recorded in sufficient quantity to otherwise support a viable population.

5.3.39 In addition, the Site was considered to provide very limited opportunities for protected and notable invertebrate species given the absence of invertebrate microhabitats such as woodland edge, herb-rich grassland habitats and deadwood. Protected and notable invertebrate species are therefore not considered an ecological constraint and are not considered further in this report.

Plants

5.3.40 Wild plants are protected under the Wildlife and Countryside Act 1981 (as amended) which prohibits the unauthorised intentional uprooting of any wild plant species and forbids any picking, uprooting or destruction of plants listed on Schedule 8 of which there are over 150 species. In addition, nine plant species are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). Many plant species are also listed as SPI under the NERC Act 2006.

5.3.41 The habitats on Site were common and widespread and therefore provided limited potential to support protected and notable and rare plant species.

5.3.42 Section 14(1) of the Wildlife and Countryside Act 1981 (as amended) makes it illegal to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 of the Act including Virginia creeper.

5.3.43 Multiple strands of Virginia creeper were recorded within the Site, within the southern extent of the Site (Target Note 2).

5.3.44 Works associated with any proposed development of the Site, for example habitat clearance or maintenance, including trimming or pruning, could therefore result in the spread of Virginia creeper. On this basis, invasive plant species are therefore considered a potential ecological constraint. In order to comply with legislation regarding invasive plant species, the mitigation measures detailed below should be adhered to.

5.3.45 Any works associated with the proposed development of the Site should be undertaken in accordance with the regulatory position statement (RPS) for invasive plant species; *Treatment and disposal of invasive non-native plants: RPS 178* (Environment Agency, 2016). In addition, a specialist contractor should be employed to manage and remove Virginia creeper from the Site, if required, in order to prevent its spread.

5.4 Ecological Enhancements

5.4.1 Under Section 40 of the NERC Act 2006 there is a duty to have regard to biodiversity conservation. In addition, the National Planning Policy Framework (NPPF) (2023) and the Worthing Borough Council Local Plan 2020-2036 (Worthing Borough Council, 2023) encourages ecological enhancement to be integrated into development projects in order to achieve an overall net-gain in biodiversity.

5.4.2 Given the above, the following enhancement recommendations should be considered and incorporated into the final design proposals. These enhancement recommendations provide a qualitative opinion-based assessment of how the development can achieve an overall net gain in biodiversity:



- Installation and maintenance of artificial bat bricks or bat tubes (i.e. Schwegler 1FR and 2FR bat tubes and Schwegler 1GS bat brick or similar) into any new buildings to increase the roosting opportunities for bats within the Site. Any artificial roosting features should be placed between 3m and 6m above ground in a variety of locations at slightly different heights and preferably positioned facing a variety of directions.
- Installation and maintenance of artificial bird nest boxes onto any retained trees and new buildings on Site to increase nesting opportunities for many bird species. Given their designation as SPI, particular consideration should be given to installing house sparrow *Passer domesticus* (i.e. Schwegler 1SP or similar) and starling *Sturnus vulgaris* (i.e. Schwegler 3S or similar) nest boxes onto any retained trees and any new buildings within the Site.
- Planting of native species rich hedgerows and/or ‘natural buffer strips’ along the access roads and plot boundaries. Approximately five woody plants should be planted per metre of hedgerow, in double staggered rows. The hedgerow should be managed on an annual rotation, whereby half of each hedgerow is cut in any one year. This will encourage a diverse structure to produce both a wide and dense hedgerow. Woody species planted could include the following species:
 - Oak *Quercus* sp.;
 - Hazel;
 - Hawthorn *Crategous monogyna*;
 - Blackthorn *Prunus spinosa*;
 - Field maple *Acer campestre*;
 - Holly *Ilex aquifolium*;
 - Elder *Sambucus nigra*; and
 - Crab apple *Malus sylvestris*.
- Incorporation of a ‘Beebrick’ into the new building(s). The ‘Beebrick’ should be positioned facing a southerly direction, in an area that receives a lot of light and warmth throughout the day and without vegetational obstruction to the entrances. It is recommended that for every Beebrick installed, a minimum of 1m² of ‘bee friendly’ plant species be planted to support any solitary bees that would likely utilise the feature. The plant species could include:
 - Common yarrow *Achillea millefolium*;
 - Greater knapweed *Cantaurea scabiosa*;
 - Common foxglove *Digitalis purpurea*;
 - Hemp agrimony *Eupatorium cannabinum*;
 - Common honeysuckle *Lonicera periclymenum*;
 - Wild marjoram *Origanum vulgare*; and
 - Guelder rose *Viburnum opulus*.



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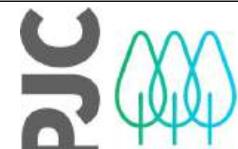
7 APPENDICES

Appendix I: Site Location Plan

**LEGEND:**

Site Boundary

STATUS: FOR INFORMATION ONLY

Sussex Office: Rocks Yard, Victoria Rd, Herstmonceux, Hailsham, BN27 4TQ.
T: 01323 832120.Kent Office: The Watermill, Maidstone Road, Ashford, Kent, TN26 1AE.
T: 01233 225365E: contact@pjconsultancy.comW: <https://www.pjconsultancy.com>

CLIENT: Patagonia Properties

PROJECT:
13/15 Farncombe Road
Worthing
BN11 2AYTITLE:
Appendix I: Site Location Plan

SCALE AT A4: 1:1,526 DRAWN: NS APPROVED: NS

PROJECTION: EPSG:27700 DATE: 13/11/24 DATE: 13/11/24

DRAWING No:
PJC/5845E/24/A1/V1



Appendix II: Legislation and Planning Policy

Legislation

The Conservation of Habitats and Species (Amendment) Regulations 2017

The Conservation of Habitats and Species (Amendment) Regulations 2017 is the UK transposition of the European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, or the 'Habitats Directive'. The directive provides protection of key habitats and species of European importance. Those key habitats and species are listed in Annexes II and IV of the directive.

Those species protected under the regulations and most likely encountered during development include:

- All bat species
- Hazel dormouse
- Great crested newt
- Common otter

The Environment Act (2021)

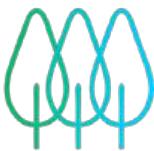
The Environment Act (2021) is the UK's framework of environmental protection, post Brexit, and provides binding targets for improving air quality, water, biodiversity, and waste reduction. The Environment Act requires all development schemes in England (that are subject to Town and Country Planning Act 1990) to deliver a mandatory 10% biodiversity net gain (BNG) to be maintained for a period of at least 30 years. The concept seeks measurable improvements for biodiversity by creating or enhancing habitats in association with development. Key parts of the Environment Act 2021 which relate to BNG and its delivery are Part 6: Nature and Biodiversity and the supporting Schedule 14, particularly sections 9(3), 13(1), 14(2) and 15.

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the primary legislation for the protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/EEC) are implemented in Great Britain. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants respectively. The Countryside and Rights of Way (CRoW) Act 2000 makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site

Those species protected under the act and most likely encountered during development include:

- All bat species
- All nesting birds
- Hazel dormouse
- Great crested newt
- Common otter
- Water vole
- All native reptile species



- White-clawed crayfish

The Protection of Badgers Act 1992

The Protection of Badgers Act 1992 consolidates and strengthens previous legislation (including the Badgers (Further Protection) Act 1991). Under the act, it is an offence to:

- Wilfully kill, injure or take a badger (or attempt to do so).
- Cruelly ill-treat a badger.
- Dig for a badger.
- Intentionally or recklessly damage or destroy a badger sett, or obstruct access to it.
- Cause a dog to enter a badger sett.
- Disturb a badger when it is occupying a sett.

The Natural Environment and Rural Communities Act (NERC) 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 provides a list of habitats and species, which are of 'principal importance for the conservation of biodiversity.' This list aids 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.

Hedgerows Regulations 1997

These regulations were produced to protect important countryside hedges from removal. The regulations only cover hedgerows that are at least 20m long or, if shorter, connected to other hedgerows at both ends or part of a longer hedgerow. They must be in or adjacent to common land, village greens, site of special scientific interest, local nature reserves, or land used for agriculture, forestry or breeding or keeping of horses, ponies or donkeys.

Wild Mammals (Protection) Act 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

This legislation is of relevance when undertaking works with potential to affect wild mammals e.g. works near burrows, warrens or dens, regardless of other legislative protection.

Species and Habitat Specific Legislation

Plants

Wild plants are protected under Section 13 of the Wildlife and Countryside Act 1981 (as amended). It prohibits the unauthorised intentional uprooting of any wild plant species and forbids any picking, uprooting or destruction of plants listed on Schedule 8 of which there are over 150.

The Conservation of Habitats and Species Regulations 2017 (as amended) have nine plants listed within Annex IV these are; creeping marshwort *Apium repens*, early gentian *Gentianella anglica*, fen orchid *Liparis loeselii*, floating-leaved water plantain *Luronium natans*, killamey fern *Trichomanes speciosum*, lady's slipper *Cypripedium calceolus*, shore dock *Rumex rupestris*, slender naiad *Najas flexilis*, and yellow marsh saxifrage *Saxifraga hirculus*. It is an offence to deliberately pick, collect cut, uproot or destroy any protected plant, or keep, transport, sell, or exchange, any live or dead such plant species, this applies to all stages of its life cycle.



Invasive Species

Schedule 9, Section 14 of the Wildlife and Countryside Act (1981, as amended) prohibits the introduction into the wild of any species that is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state, or any species of the 69 plants listed on Schedule 9.

The frequently encountered invasive species within proposed development sites include floating pennywort *Hydrocotyle ranunculoides*, giant hogweed *Heracleum mantegazzianum*, Himalayan balsam *Impatiens glandulifera*, Japanese knotweed *Fallopia japonica*, New Zealand pygmyweed *Crassula helmsii*, rhododendron *Rhododendron ponticum* and certain hybrids of the above, some species may be native yet are listed for conservation purposes.

Plant or soil material contaminated by Japanese knotweed that is to be discarded is considered to be a 'controlled waste' under the Environmental Protection Act 1990 (EPA 1990). It is an offence to deposit, treat, keep, or dispose of controlled waste without a licence. Furthermore, knotweed that has been cut down and removed must be received by an authorised person to be disposed of correctly. A licence can be obtained from the Environment Agency (EA). The release or planting of a listed species in the wild can be permitted under a licence granted by the relevant statutory body.

Invertebrates

A number of invertebrates such as silver studded blue butterfly *Plebejus argus*, stag beetles *Lucanus cervus* and white letter hairstreak *Stymondia w-album* are fully protected under Schedule 5 of the Wildlife and Countryside Act (1981, as amended). This legislation makes it illegal to intentionally kill, injure, or take a protected invertebrate, or to damage, destroy, or obstruct access to any structure or place used for shelter or protection by such a species; and disturb any protected species occupying such a structure or place.

Three invertebrates are listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017, fisher's estuarine moth *Gortyna borelii lunata*, the large blue butterfly *Maculinea arion* and lesser whirlpool ram's-horn snail *Anisus vorticulus*. It is an offence deliberately to kill, capture, or disturb a listed species, or to damage or destroy the breeding site or resting place of such an animal.

Amphibians

There are four widespread amphibian species, common frog *Rana temporaria*, common toad *Bufo bufo*, palmate newt *Lissotriton helveticus* and smooth newt *Lissotriton vulgaris*. All of the four widespread species receive partial protection under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) making it an offence to offer them for sale or trade.

Great crested newts *Triturus cristatus* and natterjack toads *Epidalea calamita* are fully protected under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) of the Wildlife and Countryside Act (1981, as amended) and the Conservation of Habitats and Species Regulations 2017. Reintroduced populations of 'native' pool frogs *Pelophylax lessonae* also receive the same protection. It is illegal to possess a protected species (alive or dead), deliberately capture, injure or kill, to intentionally or recklessly disturb, or to deliberately take or destroy the eggs of these protected species. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to breeding or resting place used by these protected species'. All life stages of each species' are afforded the same level of protection.

In order to undertake any activity, which would, otherwise result in any of the above offences being committed, it may be necessary to obtain a European Protected Species (EPS) licence from the relevant statutory body (Natural England (NE), Countryside Council for Wales (CCW) or Scottish natural Heritage (SNH)). It is possible to undertake surveys which would otherwise involve unlawful acts, such



as disturbance, by obtaining a survey license which provides authorisation for scientific and educational purposes

Reptiles

The four common reptile species, adder *Vipera berus*, grass snake *Natrix helvetica*, common lizard *Zootoca vivipara* and slow worm *Anguis fragilis* are protected under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) against deliberate and/or intentional killing, injuring and trade.

If common reptile species are found to be present or considered potentially present within a proposed development site. To ensure that no subsequent offence will be committed a precautionary method of working (written by a suitably qualified ecologist) and submitted to the relevant authority may be required to enable works to proceed with limited risks of offences being caused.

Birds

All birds, their nests and eggs are protected by the Wildlife and Countryside Act (1981, as amended). It is an offence to intentionally kill, injure, or take any wild bird, or take or destroy an egg of any wild bird. It is also an offence to damage or destroy the nest of any wild bird (whilst being built, or in use). Therefore, clearance of vegetation within the site boundary, or immediately adjacent to the site during the nesting season could result in an offence occurring under the Act. The bird breeding season can be taken to run between the 1 February and 31 August and is subject to geographical and seasonal factors. There are 79 species of birds listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

Barn owls *Tyto alba* are given the highest level of legal protection possible under Schedule 1 of the Wildlife and Countryside Act 1981. It is therefore illegal to kill, injure or take a barn owl, or to take or destroy its eggs. It is also illegal to intentionally or recklessly take, damage, or destroy the nest of any wild bird while it is in use or being built, release or allow the escape of a barn owl into the wild or possess any bird (dead or alive) or part of bird without a licence which is obtainable through the country agencies (EN, SNH, and CCW).

Badgers

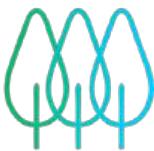
Badgers *Meles meles* are protected under the Protection of Badgers Act (1992) and the Wildlife and Countryside Act (1981, as amended). As such it is an offence to wilfully take, kill, injure or ill-treat a badger, or possess a dead badger or any part of a badger. Under the Act their setts are also protected against obstruction, destruction, or damage in any part.

Sett interference includes damaging or destroying a sett, obstructing access to a sett, and disturbing a badger whilst it is occupying a sett. The Act defines a badger sett as 'any structure or place, which displays signs indicating the current use by a badger' and Natural England takes this definition to include seasonally used setts.

Work that may disturb badgers or their setts is illegal without a development licence from the relevant statutory body (NE, CCW, SNH). As a precautionary principle, a buffer distance between a badger sett and the works will be determined, based upon guidance from an appropriately experienced ecologist. This buffer distance should be based upon the size and activity levels at the sett, the topography between the sett and the works and the nature of the works.

Bats

All native UK bat species are fully protected by UK law under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) and Schedule 6 of the Wildlife and Countryside Act (1981, as amended), and under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. It is illegal to deliberately



capture, injure or kill a bat or to intentionally or recklessly disturb bats. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a breeding or resting place used by a bat.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH). Works or mitigation activities involving interference with bats or bat shelters must be carried out by a licensed bat worker.

Dormice

Dormice *Muscardinus avellanarius* are protected under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) of the Wildlife and Countryside Act (1981, as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Under the current legislation it is illegal to intentionally or deliberately kill, injure or capture dormice, deliberately disturb dormice (whether in a nest or not); or to damage, or destroy dormouse breeding sites or resting places.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH).

Otters

The otter *Lutra lutra* is fully protected under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) of the Wildlife and Countryside Act (1981, as amended) and are listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. It is therefore illegal to deliberately capture, injure or kill an otter, possess an otter (dead or alive), or any other part of an otter, or intentionally or recklessly disturb otters. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a holt or other resting place used by an otter.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH).

Water voles

Water voles *Arvicola amphibius* are protected under Schedule 5 of the Wildlife and Countryside Act (1981, as amended). It is an offence to possess, control or sell water voles or to intentionally kill, injure or take water voles. It is also an offence to intentionally or recklessly damage, destroy or obstruct access to a place that water voles use for shelter or protection or disturb water voles whilst using such a place.

A licence is required for catching/handling water voles, or for field surveys that are intrusive or disturbing where the surveyor suspects' water voles are present. A licence can be obtained by applying to the relevant statutory body (NE, SNH, and CCW,). Please note that the legislation does not permit licences to be issued in relation to development of land.

Biodiversity Policies

National Planning Policy Framework (NPPF) 2023

Published in 2023 the NPPF sets out the Government's planning policies for England and how these are expected to be applied by local authorities. It replaces all the Planning Policy Statements and Guidance (PPSs and PPGs). The NPPF emphasises the need for sustainable development, whilst specifying the need for protection of designated sites and priority habitats and priority species (as listed in section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Paragraph 174 of The National Planning Policy Framework (NPPF) states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:



- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Paragraph 179 states that “to protect and enhance biodiversity and geodiversity, plans should:

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

Furthermore, paragraph 185 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.



Paragraph 181 states:

“The following should be given the same protection as habitats sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

Paragraph 182 states:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

The UK Biodiversity Framework (2011-2020).

The UK Biodiversity Framework is an important framework that is owned, governed and implemented by the four UK countries, assisted by Defra and JNCC in their UK co-ordination capacities. Although differing in details and approach, the four UK countries have published strategies which promote the same principles and address the same global targets: joining-up our approach to biodiversity across sectors; and identifying, valuing and protecting our ‘Natural Capital’ to protect national well-being now and in the future. This new framework has been developed to enhance the recovery of priority habitats and species in England (published under section 41 of the NERC Act 2006), thereby contributing to the delivery of the England Biodiversity Strategy. The framework has been developed and endorsed by the England Biodiversity Group and wider partnership. It is the starting point for a more integrated approach to biodiversity conservation in England, building on the strengths of the former UK Biodiversity Action Plan (BAP) process and improving those areas where insufficient progress was being made.

Worthing Borough Council Local Plan 2020-2036 (Worthing Borough Council, 2023)

Worthing Borough Council Local Plan 2020-2036 (Worthing Borough Council, 2023) sets out the relevant policies for the control of development with regards to the natural environment and biodiversity.

DM18 - BIODIVERSITY

- a) Planning applications should be supported by relevant environmental information, which is informed by appropriate up-to-date ecological information, prior to determination.
- b) All development should ensure the protection, conservation, and enhancement of biodiversity. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts or through design), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then as a last resort such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused. This process is known as the mitigation hierarchy.
- c) Developments which would adversely affect a Site of Special Scientific Interest (SSSI) (individually or cumulatively) will not normally be permitted. Exceptions will only be made where the benefits of the development on the particular site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts. Where an exception is considered the mitigation hierarchy will apply.



- d) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- e) Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Wildlife Site, wildlife corridors, stepping stones or Local Geological Site will not be permitted unless it can be demonstrated the benefits of the proposal outweigh the need to safeguard the nature conservation value of the site/feature. Where an exception is considered the mitigation hierarchy will apply.
- f) Development that is likely to have an adverse effect on notable and priority habitat or species will not be permitted unless it can be demonstrated the benefits of the proposal outweigh the need to safeguard the nature conservation value of the site/feature. Where an exception is considered the mitigation hierarchy will apply.
- g) Where relevant, new development adjacent to the coast will have to demonstrate how it is reducing the impacts of coastal squeeze.
- h) New developments (excluding change of use and householder) should provide a minimum of 10% net gain for biodiversity - where possible this should be onsite. Where it is required/necessary to deliver biodiversity net gain offsite this should be part of a strategic ecological network having regard to Green Infrastructure and Local Nature Recovery strategies. Where it is achievable, a 20%+ onsite net gain is encouraged and is required for development on previously developed sites. Major developments will be expected to demonstrate this at the planning application stage using biodiversity metrics. This should be accompanied by a long term management plan.
- i) Where appropriate, the Council will use planning conditions or obligations to provide appropriate enhancement and site management measures, and where impacts are unavoidable, mitigation or compensatory measures.



Appendix III: Ecological Walkover Survey Map





Appendix IV: Site Photographs

All Site photographs were taken by Nicolle Stevens BSc(Hons) ACIIEM on 8th October 2024.



Photograph 1: The northern extent of the Site.
Photograph showing the ruderal/ephemeral vegetation at this extent.



Photograph 2: The rubbish pile (Target Note 1) within the Site.



Photograph 3: The southern extent of the Site.
Photograph showing the Virginia creeper (Target Note 2) within this extent.



Photograph 4: The southern extent of the Site.
Photograph showing the ground matting within this extent.



Photograph 5: The grassland and shed within the southern extent of the Site.



Photograph 6: The grassland, shed and sealed surface at the south-eastern extent of the Site.
Photograph taken looking east.



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