



# Preliminary Ecological Appraisal and Preliminary Roost Assessment

Rear of 26 and 27 Coach Road, Westhampnett, Chichester PO18 0NX

Tim Quick

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### Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

### Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

## Executive Summary

Arbtech Consulting Limited was instructed by Tim Quick to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Rear of 26 and 27 Coach Road, Westhampnett, Chichester PO18 0NX (hereafter referred to as “the site”). The survey was required to inform a planning application for erection of a single-story dwelling and associated garden, parking and access (hereafter referred to as “the proposed development”).

**The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 8 of this report.**

- Precautionary measures for common reptile species
- Precautionary measures for nesting birds
- Precautionary measures for roosting bats within the shed

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## **1.0 Introduction and Context**

### ***1.1 Background***

Arbtech Consulting Limited was instructed by Tim Quick to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Rear of 26 and 27 Coach Road, Westhampnett, Chichester PO18 0NX (hereafter referred to as “the site”). The survey was required to inform a planning application for erection of a single-story dwelling and associated garden, parking and access (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting.

No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

### ***1.2 Site Location and Landscape Context***

The site is located at National Grid Reference SU 88337 06152 and has an area of approximately 0.07ha comprising vegetated garden, hard standing and sheds. It is surrounded by a mosaic of residential properties/urban land and agricultural land with a solar farm to the southeast, coach road to the west and residential houses to the south, east and north. The wider landscape comprises the town of Chichester to the west and agricultural land in all other directions. A site location plan is provided in Appendix 2.

### ***1.3 Scope of the Report***

The PEA element of this report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

The PRA element of this report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.

- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

## 2.0 Methodology

### 2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database and NBN atlas has also been considered where these are within influencing distance of the site.

### 2.2 Field Survey

The PEA was undertaken by Leah Cook (5 years industry experience) on 2<sup>nd</sup> November 2023 and the PRA was undertaken by Leah Cook and Natalie Evans (Bat Licence 2018-37888-CLS-CLS) on 22<sup>nd</sup> November 2023.

#### Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in The UK Habitat Classification Habitat Definitions Version 2.0 (The UK Habitat Classification Working Group, July 2023). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

For ease of reading, scientific names are omitted from this report for widespread, ubiquitous and well-known species. Scientific names are only included where deemed necessary in conveying correct information to the reader, for example where common names differ regionally or in specialised, notable, unusual or challenging taxa, or if there is any ambiguity in identification (e.g. where a species can only be identified to genus level).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

#### Preliminary Roost Assessment

The PRA focussed on 2 built structures and 4 trees which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

#### For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the buildings for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the buildings was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, any window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space. An endoscope was used to complete a close-up inspection of any accessible features, where appropriate.



For any surveyed trees:

A visual inspection was undertaken from ground level using binoculars to identify any possible roost features.

Suitability Assessment

Built structures and trees were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 and Table 2 below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

*Table 1: Features of a building that are correlated with use by bats*

<b>Classification</b>	<b>Feature of building and its context</b>
High	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats 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 bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Moderate	Buildings or structures with one or more features suitable for more regular roosting due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation value such as maternity or hibernation roosts. Continuous habitat connected to the wider landscape which could be used by bats for commuting such as lines of trees, linked gardens. Foraging habitat in the surrounding area such as trees, scrub, grassland or water.
Low	Buildings or structures with one or more features suitable for use sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but largely isolated in the landscape. Or an isolated site not connected by prominent linear features.
Negligible	Unsuitable for use by bats.

*Table 2: Features of a tree that are correlated with use by bats*

<b>Classification</b>	<b>Feature of tree and its context</b>
Moderate to high  (Difficult to separate moderate or high value trees from ground level without a close up inspection)	A tree with one or more potential roost sites that are obviously suitable for use by bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. Trees with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features seen with only very limited roosting potential to be used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators.
Negligible	Unsuitable for use by bats.

### ***2.3 Limitations***

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present, and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

This limitation has been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

### 3.0 Results and Evaluation

#### 3.1 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 3 below

Table 3: Statutory designated sites within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England
South Downs National Park	1.568 km north of site	The south down is designated a national park for a range of reasons including: <ul style="list-style-type: none"> <li>• High plant and species biodiversity</li> <li>• Several rare and protected species including barn owls, otters and barbastelle bats</li> <li>• Conserved history and high cultural heritage</li> </ul>

#### 3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 4.

Table 4: Weather conditions during the survey

<b>Date:</b>	02/11/2023
<b>Temperature</b>	11°C
<b>Humidity</b>	56%
<b>Cloud Cover</b>	50%
<b>Wind</b>	1mph
<b>Rain</b>	None

#### Habitats and Flora



The following habitats are present within and adjacent to the site:

- Vegetated Garden (u1), with secondary codes 30 – scattered scrub & 32 – scattered trees.
- Artificial unvegetated; unsealed surface (u1c)
- Buildings (u1b5)
- Non-native and ornamental hedgerow (h2b)



A description and photographs of each habitat are provided in Table 5.

Rhododendron was identified on site which is a non-native invasive plant species (as listed under Schedules 8 or 9 of the Wildlife and Countryside Act 1981).

Table 5: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
<p>Vegetated Garden (u1), with secondary codes 30 – scattered scrub &amp; 32 – scattered trees.</p>	<p>The site mainly consisted of vegetated garden in the form of a regularly mown lawn. Species included but was not limited to Yarrow (<i>Achillea millefolium</i>), Ribwort Plantain (<i>Plantago lanceolata</i>), Rye Grass (<i>Lolium perenne</i>), Creeping Buttercup (<i>Ranunculus repens</i>), Daisy (<i>Bellis perennis</i>), Geranium Speedwell (<i>Veronica chamaedrys</i>), Ragwort (<i>Jacobaea vulgaris</i>), and mosses.</p> <p>To the north of the site is an area of scattered Bramble scrub (<i>Rubus fruticosus</i>) where access is proposed.</p> <p>Scattered trees are present around the site, with species including Apple (<i>Malus pumila</i>), Ash (<i>Fraxinus excelsior</i>) and Sycamore (<i>Acer pseudoplatanus</i>).</p>	
<p>Artificial unvegetated; unsealed surface (u1c)</p>	<p>To the far north of the site is a pebble driveway where access is proposed.</p>	
<p>Buildings (u1b5)</p>	<p>Buildings are further described in Table 6.</p>	<p>n/a</p>




<p>Non-native and ornamental hedgerow (h2b)</p>	<p>Along the east, and west borders of the site are 2 mixed hedgerows with species including Rhododendron (<i>Rhododendron sp.</i>), Yew (<i>Taxus baccata</i>), Blackthorn (<i>Prunus spinosa</i>), Cherry Laurel (<i>Prunus laurocerasus</i>), Bramble (<i>Rubus fruticosus</i>), Cypress (<i>Cupressus sempervirens</i>) and Ivy (<i>Hedera helix</i>). These hedgerows are inconsistent in height and width in addition to having gaps in several places.</p>	
<p>Other native hedgerow (h2a6)</p>	<p>To the south of the site is a hedgerow made up of species including Hazel (<i>Corylus avellana</i>), Hawthorn (<i>Crataegus monogyna</i>), Bramble (<i>Rubus fruticosus</i>), Dogwood (<i>Cornus sanguinea</i>), Dog Rose (<i>Rosa canina</i>) and Holly (<i>Ilex aquifolium</i>). Hedge is 2m tall and managed to 1.5m wide and is in a healthy condition and dense with no gap. There is presence of non-native species within the hedgerow similar to species from the other hedges on site, but these make up for less than 20% of the overall hedgerow.</p>	


**Fauna**

Bats

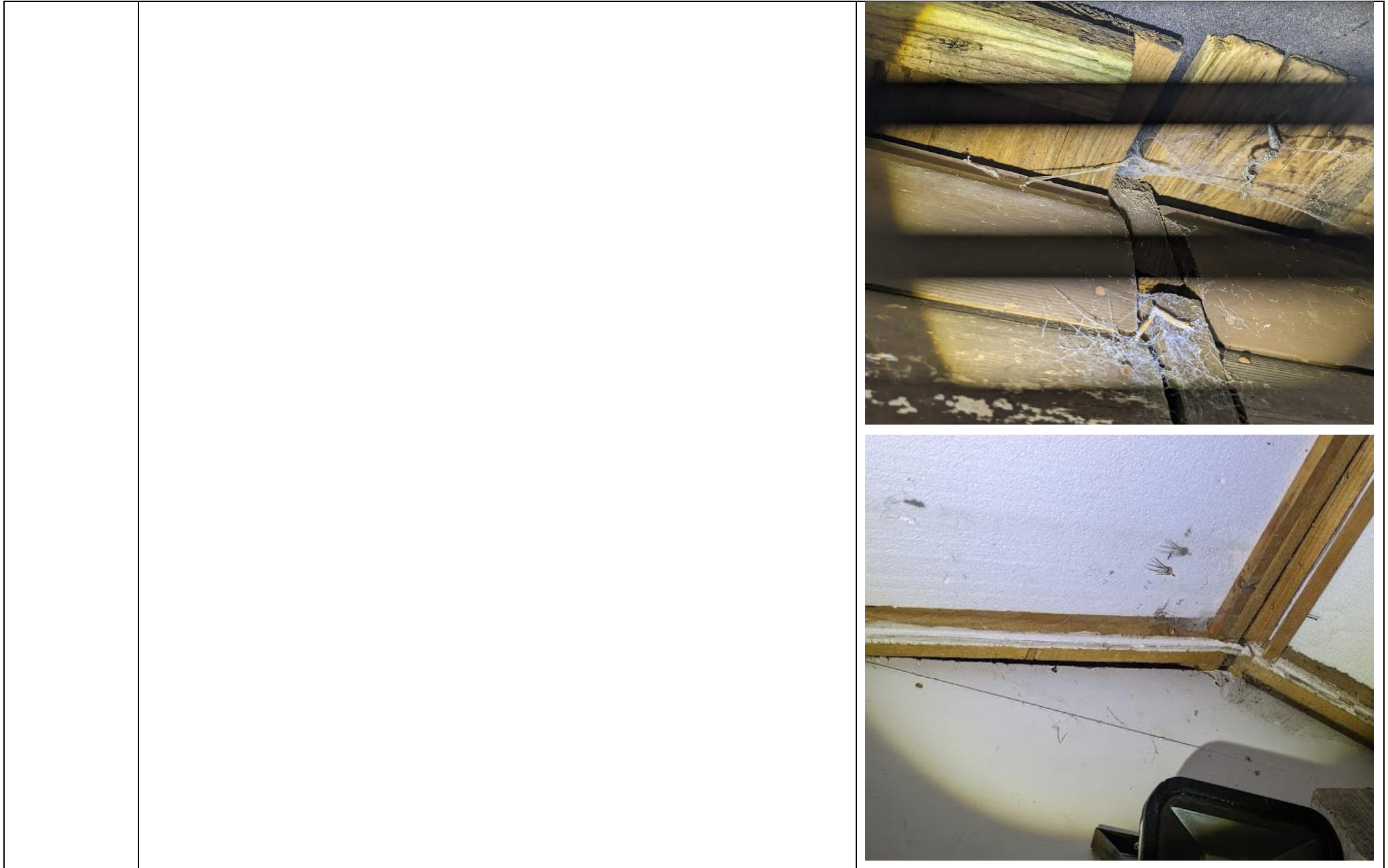
The results of the PRA are provided in Table 6. No evidence of roosting bats was identified during the survey.

Table 6: Assessment of the suitability of the site for bats

Feature	Description	Photographs
Historical records	<p>Four EPSL license returns were found within a 2km radius of the site:</p> <ul style="list-style-type: none"> <li>• 2014-4070-EPS-MIT was granted for destruction of a resting place for common pipistrelle (<i>Pipistrellus pipistrellus</i>) and soprano pipistrelles (<i>Pipistrellus pygmaeus</i>) 1.05km south of the site.</li> <li>• EPSM2012-4878 was granted for destruction of a resting place for common pipistrelle (<i>Pipistrellus pipistrellus</i>) and brown long-eared (<i>Plecotus auritus</i>) 1.25km southeast of the site.</li> <li>• 2014-4721-EPS-MIT was granted for destruction of a resting place for common pipistrelle (<i>Pipistrellus pipistrellus</i>) 1.49 km west of site.</li> <li>• 2020-49354-EPS-MIT-1 was granted for the destruction of a resting place from brown long eared (<i>Plecotus auritus</i>), common pipistrelles (<i>Pipistrellus pipistrellus</i>), natterer's (<i>Myotis nattereri</i>) and soprano pipistrelle (<i>Pipistrellus pygmaeus</i>) 1.69km west of site.</li> </ul>	
Bat foraging and commuting habitat	<p>The grassland, trees and hedgerows onsite offer potential foraging and commuting opportunities for bats as they are favourable to a range of invertebrate species predate on by bats. The hedgerows are linear features connecting the site to the wider environment and are therefore favourable to commuting bats which use these features for navigation. The surrounding habitat and lake adjacent to the site are extremely favourable to species of bats including Soprano Pipistrelle (<i>Pipistrellus pygmaeus</i>) and Daubentons (<i>Myotis daubentonii</i>).</p>	
Overview of shed	<p>Wooden shed with well-sealed wooden cladding and bitumen felt roof. Upon second visit, half of roof had blown away and was replaced with clear plastic. Interior was insulated with plywood lining the walls and cavity between interior and exterior walls. Roof was also insulated with Styrofoam lining being held in place against wooden layer with wooden struts.</p>	

<p>Potential roosting features (PRFs)</p>	<p>Roost features include the cavity between the exterior walls and interior lining with access points including gaps beneath the eaves of the shed on all faces of the shed. The interior of the shed is also suitable for bats due to the gaps between the roof and interior lining and a gap in the ridge and therefore, despite an extensive search revealing no evidence of bats, the potential presence of bats cannot be eliminated. Due to the location and structure of the suitable roosting features, if these were used by bats in any greater capacity than as a transient or opportunistic roost, evidence would have been found as all features were fully visible.</p> <p>This building is considered to be <b>low habitat value</b> for bats due to the lack of structural integrity leaving it very exposed to the elements, the very limited nature of the features present, the lack of any evidence, and the abundance of more favourable potential roosting opportunities in the main house and surrounding residential properties.</p>	 <p>The top photograph shows a corner or joint of wooden framing with a small hole and a gap between the wood and a white surface. The bottom photograph shows a vertical wooden beam with a dark, narrow gap or hole running through it, also adjacent to a white surface.</p>
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<p>Trees</p>	<p>All trees on site were considered to be <i>negligible</i> potential for roosting bats due to the absence of any cracks, fissures, holes or other suitable crevices.</p>	
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Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 7.

Table 7: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability	Biological records data
Amphibians	<p>There are two large lakes within a 500m radius of the site. The closest being 96.7m southwest of site. The lake is 618m in width and is used for recreational purposes making it unsuitable for GCN habitation.</p> <p>The site, however does hold potential for other amphibians such as frogs and toads due to the close proximity to a large water body in addition to the grassland and hedgerow being favourable to commuting amphibians.</p>	No EPSLs, class licence returns and pond survey data for GCN were found within 500m.
Reptiles	The hedgerows and grassland borders on site may be suitable for common species of reptiles such as slow worms due to the more tussocky grass areas. The remaining habitat on site are considered unfavourable to reptiles as they offer minimal shelter and foraging opportunities due to the grassland being managed to a short sward height.	No EPSLs for rare reptile species were returned within a 2km radius of the site.
Badgers	No evidence of badgers was noted on site during the initial walkover but the grassland within the garden could be considered suitable for foraging and commuting badgers.	A search of freely available online resources returned 2 reports of badgers within 2km of the site with both of these sightings being over 1km from the site.
Hazel Dormouse	The hedgerows onsite could be considered suitable for dormice, especially the mixed native hedgerow due to the native fruiting species present within the hedgerow being favourable to dormice. The site, however, lacks the connectivity to more substantial pockets of woodland or hedgerows.	No EPSL licence returns were found within a 2km radius of the site.
Hedgehog	The mosaic of garden habitats including the grassland and hedgerow are considered favourable to hedgehogs as they offer the shelter and foraging opportunities required by the species to thrive.	A search of freely available online resources returned 43 reports of hedgehogs within 2km of the site.
Otter	No watercourses suitable for otters within the site or immediate surroundings.	No EPSL returns were found within a 2km radius of site.
Water Vole	No watercourses suitable for water vole within the site or immediate surroundings.	A search of freely available online resources returned no reports of water voles within 2km of the site.
Birds	The hedgerows, scrub and trees on site offer suitable nesting habitat for common garden species of bird due to the dense nature of the features offering them shelter from predation. There are also foraging opportunities within the immediate surrounding habitat including fruiting plant species and favourable invertebrate habitat.	A search of freely available online resources returned reports of 137 species of birds within 2km of the site.

Invertebrates	Flowering species within the habitats onsite offer suitability for pollinating invertebrate species.	A search of freely available online resources returned reports of no schedule 5 species of invertebrates within 2km of the site.
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## 4.0 Conclusions, Impacts and Recommendations

### 4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

### Likelihood of the Presence of Protected Species

Where physical evidence of the presence of protected species is indeterminate during the survey, the habitats on site are evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Where this report supports a planning application, the ecological interest of the study area (i.e. the area covered by the desk study and field survey) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity.

### 4.2 Evaluation

Taking the desk study and field survey results into account, Table 8 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise erection of a single one story residential dwelling and access.

Table 8: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities <sup>1</sup>
Designated sites	There is 1 statutory site within 2km of the site. The South Downs National Park is located 1.568km north from the site.	No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known) as well as the urban location of the site with surrounding physical barriers.	None.	None.
Habitats and flora	There are no notable habitats within the site but 5 habitats are present within 1km	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban	Best practice measures to minimise the possibility of pollution must be implemented during construction.	None.

<sup>1</sup> The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	<p>of the site, the closest being broadleaved woodland located 200m from the site.</p> <p>Rhododendron was identified on the site which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981.</p>	<p>location of the site with surrounding physical barriers.</p>	<p>Rhododendron should be dug up, including roots, and disposed of in line with appropriate controlled waste measures.</p>	
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<p>Amphibians</p>	<p>GCN are considered to be absent from the site but common amphibian species may be present.</p>	<p>No impacts are anticipated on great crested newt, as a result of the proposed development as this species is considered to be absent from the site.</p>	<p>A precautionary working method will be implemented for common amphibians during construction, including the following measures:</p> <ul style="list-style-type: none"> <li>• Site clearance will be undertaken outside of the amphibian hibernation season (November to February) insofar as is possible.</li> <li>• A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any amphibians to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter amphibians from the working area.</li> <li>• Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent amphibians from utilising these areas.</li> <li>• Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</li> <li>• Best practice pollution prevention measures will be implemented to minimise impacts to nearby aquatic habitats that amphibians could use.</li> <li>• Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</li> </ul> <p>If any common amphibians are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from</p>	<p>None.</p>
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			disturbance. In the unlikely event that GCN are found on site, all works must stop immediately, and a licence should be obtained from Natural England.	
Reptiles	Potential for low numbers of common reptile species around the borders of the site.	Small areas of low conservation value grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.	<p>Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures:</p> <ul style="list-style-type: none"> <li>• Site clearance will be undertaken outside of the reptile hibernation season (November to February) insofar as is possible.</li> <li>• Due to the already short sward of the grassland, the remaining grassland should be cleared to ground level to allow any remaining reptiles to disperse.</li> <li>• Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent reptiles from utilising these areas.</li> <li>• Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</li> <li>• Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</li> <li>• In the unlikely event that a reptile is identified, works must cease and advice must be sought from a suitably qualified ecologist.</li> </ul>	None.
Roosting bats within the shed	Shed has low value for roosting bats.	The proposed development will result in this building being moved in one piece from the rear of the	As stipulated in professional survey guidance, low value buildings typically require one bat emergence or re-entry survey to be completed	The installation of 1 bat brick at the site will provide additional roosting habitat for bats.

		<p>property to the front. This could result in damage/modification/destruction of any bat roosts present and could cause disturbance, death or injury to bats.</p>	<p>during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely absence of a bat roost. However, a single bat emergence or re-entry survey has a low detection rate for bat roosts and is often an unreliable way of identifying the presence of bat roosts. Given the limited suitable bat habitat on the site, it is considered unlikely that bat roosts would be present and that further bat surveys would be disproportional to the anticipated risk posed to bats as a result of the proposed development. It is anticipated that any risk to bats can be reduced to an acceptably low level through the implementation of precautionary working measures including the following measures:</p> <ul style="list-style-type: none"> <li>• Site clearance will be undertaken outside of the bat hibernation season (November to April) insofar as is possible.</li> <li>• The shed should be inspected immediately prior to any works commencing by a suitably trained ecologist.</li> <li>• Any part of the shed to be dismantled should be done so by hand under the supervision of a suitably trained ecologist.</li> </ul> <p>In the unlikely event that bats are found on site, all works must stop immediately, and a licence should be obtained from Natural England.</p>	<p>The bat boxes will be installed within an external wall of the new dwellings. Bat bricks should be positioned at a minimum of 2m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light.</p> <p>The bat brick will be a specification suitable for common bat species such as Ibstock Enclosed bat box C or a similar alternative brand.</p>
<p>Foraging and commuting bats</p>	<p>Grassland and hedgerows could be used by local bat populations for foraging and commuting. These</p>	<p>The proposed development will result in the loss of small areas of grassland but given the presence of more extensive areas of foraging and commuting habitat</p>	<p>None.</p>	<p>None.</p>



	could also be used by bats dispersing from nearby roosts outside of the site.	in the locality, this is likely to be inconsequential for bats.		
Badger	No evidence of badgers was recorded on site but the site does have potential for foraging and commuting badgers.	No works will be undertaken within 30m of a badger sett. Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.	None.	None.
Hazel dormouse	Dormouse are considered to be absent from the site due to the site lacking connectivity to wider dormouse habitat.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	The mosaic of garden habitats are considered favourable to hedgehogs.	Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of hedgehogs, if present.	A precautionary working method will be implemented during construction, including the following measures: <ul style="list-style-type: none"> <li>• Site clearance will be undertaken outside of the hedgehog hibernation season (November to March) insofar as is possible.</li> <li>• A pre-commencement inspection of the site will be undertaken for hedgehogs by a suitably trained ecologist.</li> <li>• Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</li> </ul>	None.

			<ul style="list-style-type: none"> <li>The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use.</li> <li>Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</li> <li>If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.</li> </ul>	
Otter	Considered to be absent from site due to no suitable habitat.	No impacts are anticipated on otters as a result of the proposed development.	None.	None.
Water vole	Considered to be absent from site due to no suitable habitat.	No impacts are anticipated on water vole as a result of the proposed development.	None.	None.
Birds	Nesting birds could be present within the trees and hedgerows.	Trees will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the trees should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of at least 3 swift brick per dwelling at the site will provide additional nesting habitat for birds due to the swift's tendency to nest in groups. The bird boxes will be installed on a non-south facing wall of the dwellings at a height of >5m as close to the eaves as possible. Additional information as well as recommended models can be found at the link below: <a href="https://www.nhbs.com/search?q=swift+brick&amp;qtview=187692">https://www.nhbs.com/search?q=swift+brick&amp;qtview=187692</a>
Invertebrates	Site has suitable habitat for small numbers of pollinating species.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	None.



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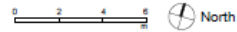
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Appendix 1: Proposed Development Plan

**House at Coach Road, Westhampnett, Chichester PO18 0NX**  
 Architect: Tim Quick RIBA

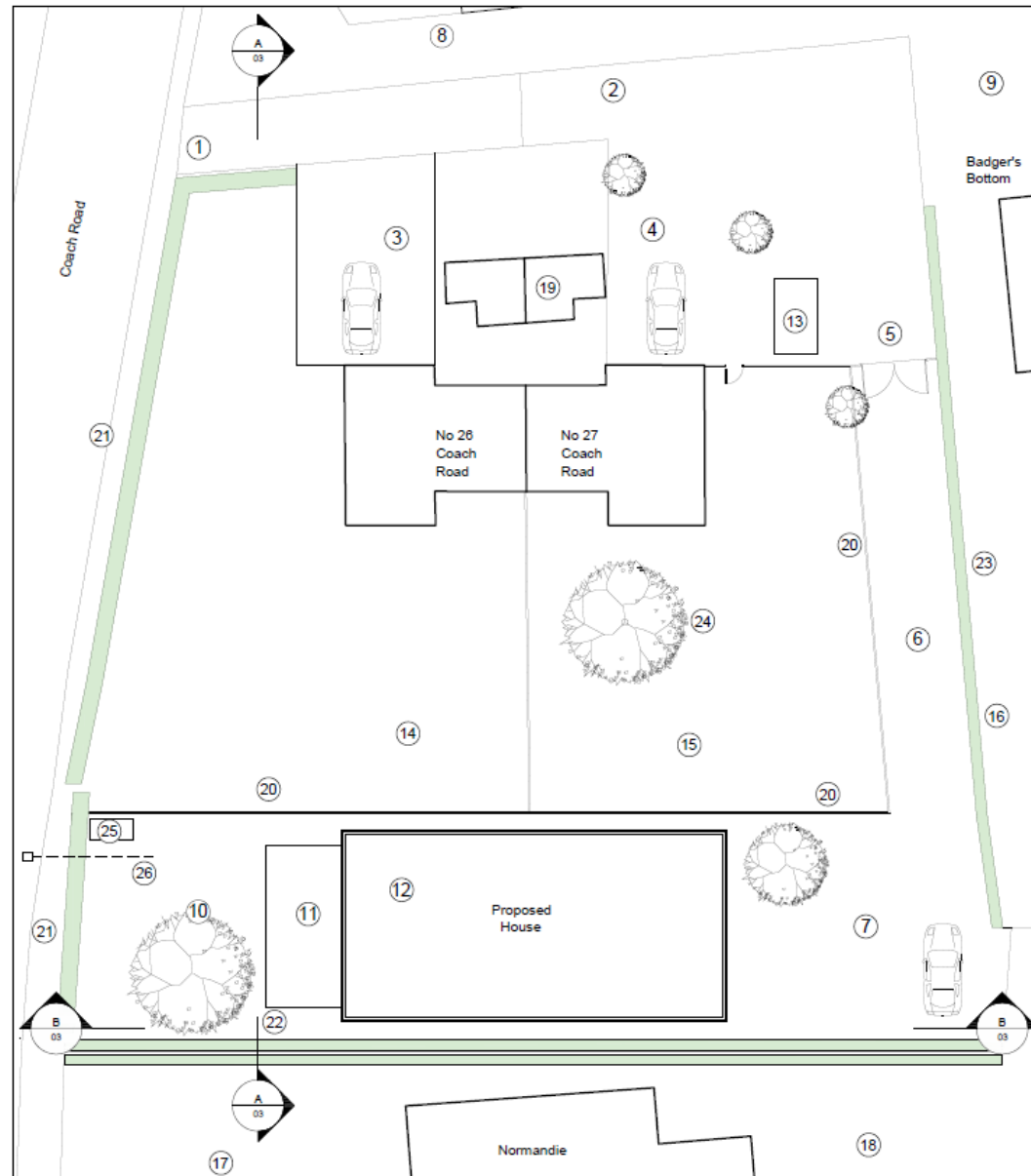
Planning application Drawing No. 02 (revision 00)  
 Site Plan

Scale 1:200 at A3



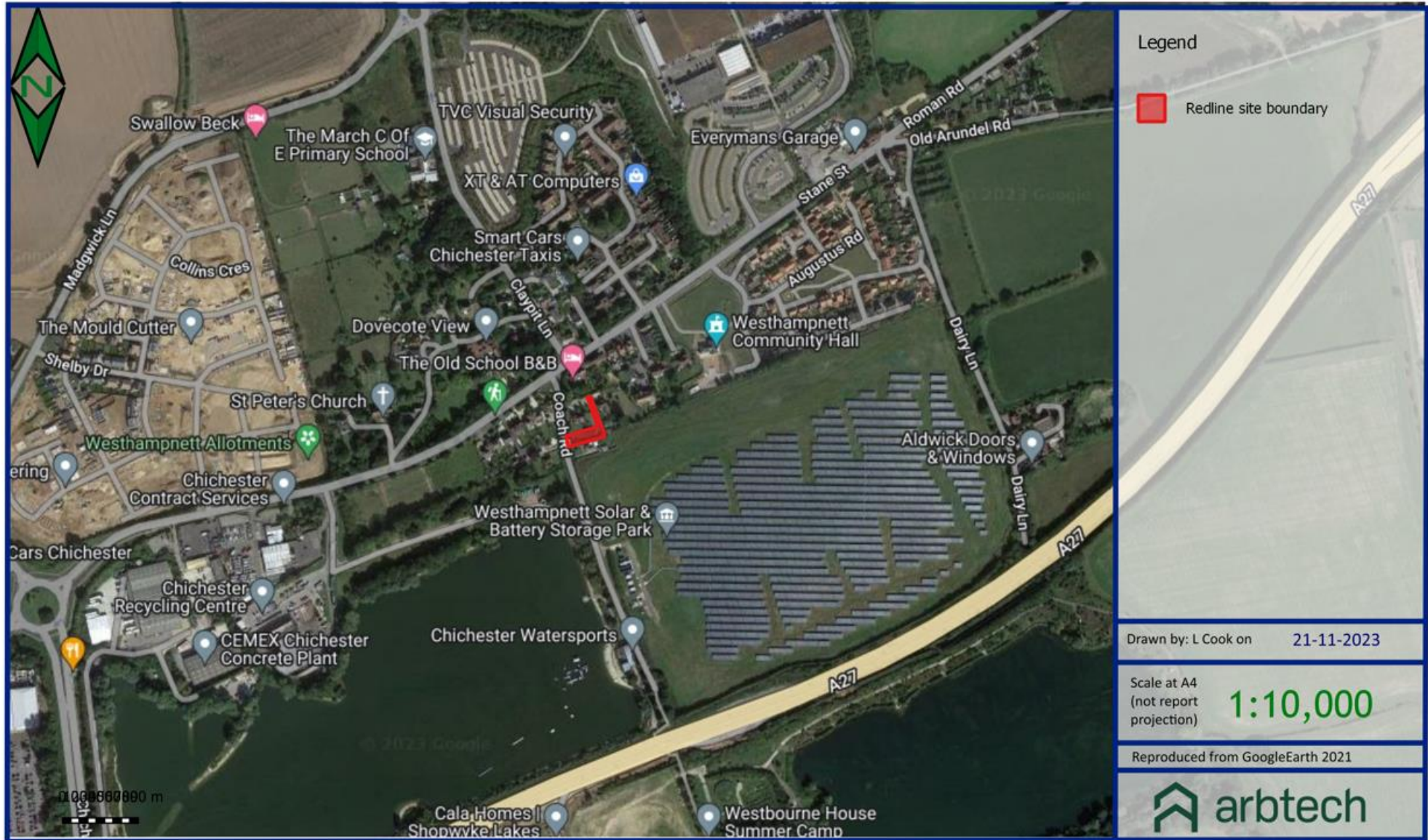
Key

1. Existing vehicular and pedestrian access from Coach Road serving nos. 26 and 27 and Proposed House to rear.
2. Shared driveway serving nos. 26 and 27 with Right of Way for Proposed House to rear. Bound gravel porous surface.
3. Parking court for no. 26 (as existing).
4. Parking court for no. 27. Bound gravel porous surface. Selected planting and trees retained.
5. New gate from shared driveway (with Right of Way for Proposed House) into private driveway.
6. Private driveway to private parking court for Proposed House. Bound gravel porous surface.
7. Parking court for Proposed House. Bound gravel porous surface.
8. Private driveway serving 'Badger's Bottom' house (existing).
9. Parking court for 'Badger's Bottom' (existing).
10. Private landscaped garden to Proposed House including new mature tree.
11. Terraced decking.
12. Roof of Proposed House.
13. New shed for no. 27.
14. Rear garden to no. 26 Coach Road.
15. Rear garden to no. 27 Coach Road.
16. Rear garden to 'Badger's Bottom'.
17. Front garden to 'Normandie' house.
18. Rear garden to 'Normandie' house.
19. Outbuilding in front of nos. 26 and 27 (existing).
20. New timber boarded fence approximately 1.8 metres high defining new property boundary.
21. Existing hedge along property boundary approximately 3 metres high.
22. Existing hedge between Normandie and site approximately 3 metres high.
23. Existing hedge between Badger's Bottom and site, approximately 2 metres high.
24. Existing eucalyptus tree retained.
25. Acoustic enclosure for heat pump.
26. Connection to foul sewer in Coach Road



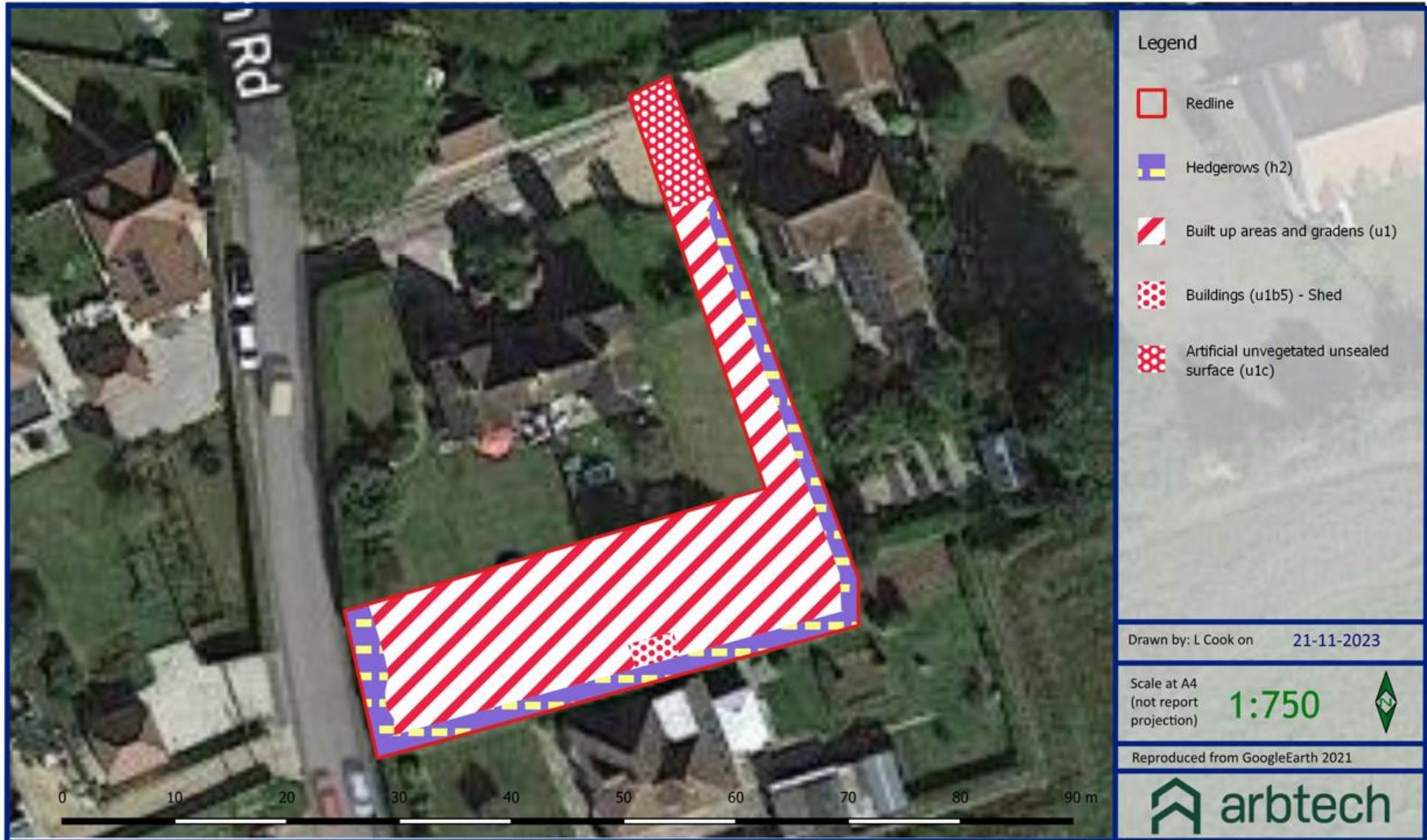


### Appendix 2: Site Location Plan





Appendix 3a: Habitat Survey Plan



## Appendix 4: Legislation and Planning Policy

### LEGAL PROTECTION

#### National and European Legislation Afforded to Habitats

##### ***International Statutory Designations***

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

**Annex II species** (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

**Annex IV species** (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

**Annex V species** (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”.

However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites.

The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

##### ***National Statutory Designations***

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

#### ***Local Statutory Designations***

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

#### ***Non- Statutory Designations***

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

#### **The Hedgerow Regulations 1997**

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

#### **National and European Legislation Afforded to Species**

##### ***The Conservation of Habitats and Species Regulations 2017 (as amended)***

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

### ***The Wildlife and Countryside Act (WCA) 1981 (as amended)***

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

### ***Badgers***

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

**EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A development licence will be required from the relevant countryside agency (i.e. Natural England) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

***Birds***

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

**EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

***Amphibians and Reptiles***

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
  - To impair their ability to hibernate or migrate
  - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

#### **Water Voles**

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

#### ***Otters***

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
  - To impair their ability to hibernate or migrate
  - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

### **Bats**

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
  - To impair their ability to hibernate or migrate
  - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSL. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

### **Hazel Dormice**

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
  - To impair their ability to hibernate or migrate



- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

#### ***White Clawed Crayfish***

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

The relevant countryside agency (i.e. Natural England) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

#### **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.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

### **Legislation Afforded to Plants**

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
  - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
  - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

#### ***Invasive Species***

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

### ***Injurious weeds***

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

**NATIONAL PLANNING POLICY*****Environment Act 2021***

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

***National Planning Policy Framework 2021***

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

***The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty***

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, 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 requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist 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. A developer must show that their protection has been adequately addressed within a development proposal.

**LOCAL PLANNING POLICY*****Local Plan Name (Date Adopted)***

The Chichester Local Plan can be viewed here: [https://www.chichester.gov.uk/media/24759/Chichester-Local-Plan-Key-Policies-2014-2029/pdf/printed\\_version.pdf?m=635738654368370000](https://www.chichester.gov.uk/media/24759/Chichester-Local-Plan-Key-Policies-2014-2029/pdf/printed_version.pdf?m=635738654368370000)

**EUROPEAN PROTECTED SPECIES POLICIES**

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to ‘local populations’ of EPS and not individuals/site populations.