

Strategic Housing Land Availability Assessment, Site A01 Ore Valley Hastings, East Sussex

Extended Phase One Habitat Survey and
Site Evaluation

Report for Hastings Borough Council

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Status	Date	Approved by
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Draft 2	19/06/2009	John Newton
Final	22/06/2009	John Newton
EC job number	2009/216	

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Executive Summary

- A Phase One Habitat survey and protected species assessment of the A01 Ore Valley site in Hastings was carried out on 08th May 2009. This was supported by a desk study. The survey covered the whole of site A01, comprising the Northern and Southern Sections proposed for housing, and the Central Section for which development is not proposed.
- The purpose of the survey was to collect baseline ecological information that will be used to assess the relative ecological value of the site and identify any likely constraints to the development of the site for housing. To provide a robust evaluation of the site, two separate sets of evaluation criteria have been followed and the results presented and discussed.
- The results of the Phase One Habitat survey have also been used to identify options for enhancing the site for wildlife.
- The main findings of the survey are as follows:
 - The site is not situated within or adjacent to any statutory or non-statutory designated nature conservation sites. The nearest site statutorily designated for nature conservation is Hastings Cliffs Special Area for Conservation (SAC) and Site of Special Scientific Interest (SSSI) situated approximately 1,000 metres to the south-east of the site. The nearest non-statutorily designated site is Broomgrove Site of Nature Conservation Importance (SNCI) located approximately 200m west of the site.
 - Using the data collected from the Phase 1 survey and the desk study, the site was assessed as to its ecological value against criteria published by the IEEM. On this basis the site as a whole is considered to be of ecological value in the local context only.
 - When assessed against criteria published by Defra the site does not currently qualify as being sufficiently important to be designated as a local wildlife site.

- The primary habitat on the site is secondary woodland which is densely overgrown and impenetrable in parts and suffering from a lack of management. This situation is exacerbated by the dumping of green and domestic refuse by local residents.
- There are extensive stands of Japanese knotweed throughout the Central and Northern Sections. These stands are out-competing the native flora and lowering the plant diversity on the site.
- There appeared to be no significant ecological differences between the three sections of the site and there are no significant constraints to development.
- Key proposals for habitat retention and enhancement include;
 - The eradication of all stands of Japanese knotweed throughout the site
 - The retention of the Central Section of Site A01
 - The writing and implementation of a ten year management plan for the Central Section of the site
 - The provision of a series of green corridors to run through the Northern and Southern Sections into the Central Section
 - The retention of various mature trees found throughout the site, this includes isolated white willows *Salix alba* and a row of hornbeam *Carpinus betulus*.
 - Additional surveys for badgers, bats and reptiles.

1 Introduction

BACKGROUND

- 1.1 The Ecology Consultancy was commissioned by Hastings Borough Council to carry out an ecological assessment of land known as, Site A01, Ore Valley. The two large tracts of land or Northern and Southern Sections that make up Site A01 comprise approximately 70% of a larger area of open green space. The remaining 30% being made up of the Central Section that falls outside of the housing allocation area. Site A01 has been allocated for housing in the Hastings Local Plan and is identified as being suitable under the draft Strategic Housing Land Availability Assessment (SHLAA). Following recent public consultation on sites identified under the SHLAA a number of detailed objections to development were received regarding Site A01. Those objections were based in part on the value of the site for local wildlife including bats and badgers *Meles meles*, as well as the amenity value of the wider area. The Council is seeking an independent opinion as to the relative ecological value of Northern and Southern Sections of Site A01 (see Plan 1).
- 1.2 It is understood that detailed planning permission has been granted for the construction of 51 dwellings and associated infrastructure in the eastern part of the Northern Section.
- 1.3 The surveys carried out by The Ecology Consultancy comprised an extended Phase One habitat survey and a protected species assessment, supported by a desk-top study. This was to provide an overview of the site's ecological interest and provide the data used in the assessments of relative value.

SCOPE OF THE REPORT

- 1.4 This report is based on a desk top study, and a field survey using standard Phase One survey methodology (JNCC 1993). This approach is designed to identify broad habitat types at a site, to identify the potential of habitats to support protected species, and to assist in providing an overview of the ecological interest at a site. It is generally the most widely used and professionally recognised method for initial ecological site appraisal.

- 1.5 The habitat survey covered the whole of the wider site and this report breaks down the results of the survey to describe the northern and southern blocks that are proposed for housing.
- 1.6 The site evaluation is based on two separate sets of criteria, one published by Defra and the other by the Institute for Ecology and Environmental Management (IEEM). The purpose of using two evaluations is to attempt to provide a more robust valuation of the local, regional or national significance of any ecological receptors within the site.
- 1.7 This document does not provide a formal impact assessment of any proposals to develop the site or provide any detailed measures for mitigation. Some proposals are made to enhance the site for wildlife and to retain some habitat features.

SITE CONTEXT AND STATUS

- 1.8 Site A01 is situated in the east of Hastings in the Ore/Broomgrove area. The site is bordered by Victoria Avenue to the east, Church Street to the north, Graystone Lane and the Old London Road to the south and Frederick Road to the west (See Appendix 1).
- 1.9 The different sections of Site A01 are referred to in this document as: Northern Section (allocated for housing and within A01), Central Section (not allocated for housing and without A01) and the Southern Section (allocated for housing and within A01). The different sections are outlined in the Habitat Plan in Appendix One.
- 1.10 The site occupies an area of approximately 3.6 hectares (ha.) and the National Grid Reference for the centre of the site is TQ 834 113.
- 1.11 There are no statutory or non-statutory designated sites for nature conservation that apply to the site. The nearest statutory designated nature conservation site is Hastings Cliffs Site of Special Scientific Interest (SSSI) situated approximately 1km to the south east of the site (see Table 1). Hastings Cliff is also designated as a Special Area of Conservation (SAC). There are two statutory Local Nature Reserves (LNR) and five Sites of Nature Conservation Importance (SNCI) within a two kilometre radius of the site (see Table 2). The High Weald AONB is approximately 500m north of the site at its closest point.

1.12 Within 2km of the site are nine blocks of Semi Natural Ancient Woodland and six blocks of Ghyll Woodland.

1.13 There are also a series of areas of open green space that have been designated as Wildlife Corridors under Policy NC7 of the Hastings Local Plan. These areas are situated; 200m due east of the site, 200m south, 300m south east and 200m north east of the boundary. Some of these areas coincide with local SNCIs.

DEVELOPMENT PROPOSALS

1.14 There is currently full planning permission for 51 residential units with 36 garages and 17 car parking spaces plus 10 visitors' car spaces, enclosed children's play areas and community amenity area. This permission relates to the north east corner of the Northern Section.

1.15 It is understood that the northern and southern blocks have been allocated for housing under the Hastings Local Plan and that the Council is seeking to adopt this allocation into the Local Development Framework.

2 Methodology

DESK TOP STUDY

Data search

- 2.1 Information regarding the present and historical ecological interest at the site and within a 2 kilometre (km) radius was commissioned from Sussex Biological Records Centre (SxBRC, 2009). A search was also completed of an on-line mapping service (www.magic.gov.uk) for information on statutory designated sites. In addition, the UK (JNCC, 2009) and Sussex Biodiversity Action Plan (2001) were reviewed for those species and habitats that may, or have the potential to be, present at the site.

Existing ecological reports

- 2.2 There is a small number of pre-existing publicly available ecology reports produced by independent consultants for the proposed development in the north east corner of the site. These reports have been used as background information for this report but have not been used to inform the site evaluation.

- WSP (2006) *Bat tree assessment and emergence survey* Land off Victoria Avenue Hastings.
- WSP (2006) *Badger licence, Method Statement* Land off Victoria Avenue Hastings.
- WSP (2006) *Ecological Constraints Report* Land off Victoria Avenue Hastings.

HABITAT SURVEY

- 2.3 A Phase One habitat survey of the site was carried out on the 08th and 21st May 2009. Habitats were described and mapped following standard Phase One survey methodology (JNCC 1993). The survey was conducted by two experienced ecologists and took 10 hours. A full list of plant species identifiable at the site during this survey, along with an assessment of their abundance, appears in Appendix 3.
- 2.4 Incidental records of birds and other fauna noted during the course of the survey were also compiled. Scientific names are given after the first mention of a species, thereafter, common names only are used. Nomenclature follows Stace (1997) for vascular plant species.

PRELIMINARY PROTECTED SPECIES ASSESSMENT

2.5 The protected species assessment was carried out concurrently with the first visit for the Phase 1 survey and was carried out by an experienced field ecologist who holds survey licences for bats and great crested newts. The potential of the site to provide habitat for protected species was assessed from field observations carried out at the same time as the habitat survey, combined with the results of the desk study (see Table 3). The site was inspected for indications of the presence of protected species (using binoculars from ground level where necessary) as follows:

- Evidence of badger *Meles meles*, including setts, runs, snuffle holes and hairs
- Inspection for the presence of features in and on trees such as fissures, holes, loose bark and ivy indicating potential for roosting bats, as well as any direct evidence of the presence of bats such as staining, droppings and feeding remains
- Scrub/grassland mosaic and potential hibernation sites for common species of reptile
- Water bodies and surrounding habitat with potential to support great crested newt *Triturus cristatus*
- Assessment of the presence of nesting habitat for breeding birds, such as mature trees, dense scrub, hedgerows, planted shrubbery and buildings and evidence of bird nesting including bird song, old nests, faecal marks etc
- An assessment of the trees and scrub on the site to support dormouse *Muscardinus avellanarius* and any field signs for such, including feeding remains and nests.

2.6 The likelihood of occurrence is ranked as follows and relies on the findings of the current survey and an evaluation of existing data.

- Negligible – while presence cannot be absolutely discounted, the site includes very limited or poor quality habitat for a particular species or species group. No local returns from a data search, surrounding habitat considered unlikely to support wider populations of a species/species group. The site may also be outside or peripheral to known national range for a species,
- Low – on-site habitat of poor to moderate quality for a given species/species group. Few or no returns from data search, but presence cannot be discounted

on the basis of national distribution, nature of surrounding habitats, habitat fragmentation, recent on-site disturbance etc.

- Medium – on-site habitat of moderate quality, providing all of the known key requirements of given species/species group. Local returns form the data search, within national distribution, suitable surrounding habitat. Factors limiting the likelihood of occurrence may include small habitat area, habitat severance, and disturbance.
- High – on-site habitat of high quality for given a species/species group. Local records provided by desk-top study. The site is within/peripheral to a national or regional stronghold. Good quality surrounding habitat and good connectivity.
- Present – presence confirmed from the current survey or by recent, confirmed records.

2.7 The purpose of this assessment is to provide additional information with which to evaluate the site and to identify whether more comprehensive Phase Two surveys for protected species should be recommended.

SITE EVALUATION

2.8 The site is evaluated following two sets of standard criteria developed by Defra and the IEEM.

2.9 Department for Environment, Food and Rural Affairs (DEFRA, 2006) has developed criteria to identify sites of local importance for nature conservation in England. This methodology has also been developed to promote the use of generic terminology and a common understanding of the social and ecological value of 'Local Sites' as identified in the Government's Planning Policy Statement (PPS9): Biodiversity and Geological Conservation.

2.10 PPS9 notes that, "Criteria-based policies should be established in local development documents against which proposals for any development on, or affecting, such sites (of nature conservation importance) will be judged. These policies should be distinguished from those applied to nationally important sites". The Defra selection criteria used to identify local sites is listed below;

- Size or Extent
- Diversity
- Naturalness

- Rare or Exceptional feature
- Fragility
- Typicalness
- Recorded history and cultural associations
- Connectivity within the landscape
- Value for appreciation of nature
- Value for learning

2.11 The site has also been evaluated by broadly following guidance issued by the Institute of Ecology and Environmental Management (IEEM 2006) which evaluates sites according to a geographic scale (significance at the international level down to the local level) and using a range of criteria for assigning ecological value, as follows:

- Presence of sites or features designated for their nature conservation interest. Examples include internationally or nationally designated sites such as Special Areas of Conservation (SACs) and SSSIs, locally designated sites such as Local Nature Reserves (LNRs) and Sites of Nature Conservation Importance (SNCIs);
- Biodiversity value, for example, habitats or species which are rare or uncommon, species rich assemblages, species which are endemic or on the edge of their range, large populations or concentrations of uncommon or threatened species, and/or plant communities that are typical of valued natural/semi-natural vegetation types;
- Potential value, as addressed by targets to increase the biodiversity value for example of SSSIs, international sites and some BAP species and habitats. If detailed plans exist to enhance the value of such areas then it may be appropriate to value them as if the intended resource already existed;
- Secondary and supporting value, for example, habitats or features which provide a buffer to valued features or which serve to link otherwise isolated features;
- Social value in regard to the extent to which a site and its wildlife provide a resource that people use or enjoy;

- Economic value for example those relating to impacts on ecological features and resources that are financially viable such as paying for visits to bird hides or a shell fishery in an estuary;
- Presence of legally protected sites or species; and
- Presence of UKBAP, and/or East Sussex BAP habitats and species.

LIMITATIONS

- 2.12 It should be noted that whilst every effort has been made to provide a comprehensive description of the site, no investigation can ensure the complete characterisation and prediction of the natural environment. Some parts of the site were difficult to access and required significant effort on the part of the surveyors to reach all areas.
- 2.13 The Phase One habitat survey does not constitute a full botanical survey, or a Phase Two pre-construction survey that would include accurate GIS mapping for invasive or protected plant species. As the survey was carried out in early summer a proportion of the plant species that may have been present would not have been recorded.
- 2.14 The protected species assessment provides a preliminary view of the likelihood of protected species occurring on the site, based on the suitability of the habitat, known distribution of the species in the local area provided in response to our enquiries and any direct evidence on the site. It should not be taken as providing a full and definitive survey of any protected species group. It is only valid at the time the survey was carried out. Additional surveys may be recommended if, on the basis of the preliminary assessment or during subsequent surveys, it is considered reasonably likely that other protected species may be present.

3 Results

DESK TOP STUDY

3.1 The following information regarding the present and historical ecological interest of the site was supplied by SxBRC (2009). Data covers a 2 km radius of the site and includes information on the following:

- Sites designated as SNCIs at a county level as being of local conservation importance (equivalent to Local Sites) and often recognised in Local Authority development plans.
- Protected, rare, BAP priority and other notable species. This excludes records for badgers which are not provided by the SxBRC Protected Species Register.
- Species and Habitat Action Plans in the Sussex BAP, which may be relevant to the site.

3.2 The Sussex Rare Species Inventory covers 3,400 species, which are selected according to strict criteria of their rarity in Sussex. This is complemented with the Sussex Protected Species Register that identifies species which have, or whose habitats have, legal protection.

3.3 It is important to note that, even where data is held, a lack of records for a defined geographical area does not necessarily mean that there is a lack of ecological interest; the area may be simply under-recorded.

3.4 Records include information on the following:

Nature conservation designations

3.5 There are two statutory sites of nature conservation importance in the search area, details are provided in Table 1 below.

Table 1 – Statutory sites within a 2km radius of Site A01

Site Name	Reason for designation	Area (ha)	Distance from site (m)
Special Area of Conservation¹			
Hastings Cliffs	This area has been designated for 30% cover of an Annex 1 habitat: Vegetated sea cliffs of the Atlantic and Baltic coasts.	299.4	1km south-east
Sites of Special Scientific Interest²			
Hastings Cliff to Pett Beach	A coastal site of great geological and biological importance. A number of habitats are represented including woodland (much of it ancient), scrub, maritime grassland and a vegetated shingle beach. These support a number of rare bryophytes (mosses and liverworts), lichens, flowering plants and beetles <i>Coleoptera</i> .	299.4	1km south-east
Local Nature Reserves³			
St Helen's Wood	<i>"An area of ancient woodland and grassland meadows with ponds and streams within the urban area of Hastings. There are two areas of wood pasture meadow, which form a part of an ancient forest area, much of which is now a Local Nature Reserve. The meadows are herb-rich, grazing pastures and are presently under a robust grazing regime with horses. There is a continuous presence of flowering herbs throughout the season".</i>	34.5	1.8Km north-west
Hastings Country Park	<i>"Hastings Country Park Nature Reserve is a unique 345ha area of maritime cliff with a cliff top area of maritime acid grassland and heath, gill woodland (including some ancient woodland), scrub, neutral grassland, and amenity grassland. The cliffs at Hastings Country Park constitute the largest area of the High Weald ridge that meets the sea". (Wild Hastings 2009).</i>	334.3	1km south-east

¹ Designated by Member States under the EC Habitats Directive

² Designated under the Wildlife and Countryside Act 1981 (as amended)

³ Designated by Hastings Borough Council

3.6 The SxBRC report confirmed that there are four SNCIs in the search area, details are provided in Table 2 below.

Table 2 – Non-statutory sites within a 2km radius of Site A01

Site Name	Reason for designation ⁴	Area (ha)	Distance from site (m)
Broomgrove	This site forms part of a Wildlife Corridor under Local Policy NC7. The site consists of a mature scrub complex and It forms one of the largest and more significant scrub habitats to be found in the borough. The relatively undisturbed aspect of the site has allowed the habitat to evolve with an extensive diversity of plants and animals including resident populations of badgers.	10.67	200m west
Clive Vale	This site forms part of a Wildlife Corridor under Local Policy NC7. The Clive Vale SNCI forms a semi-natural wooded valley in the eastern part of the Borough, between Harold Road and Barley Lane. The site is, in the main, an enclosed habitat flanked by houses and in some areas is entirely inaccessible except from the ends of gardens. The Bourne stream runs through the vale and contributes to some wet flushes on the valley floor. This site provides a visual amenity function where people are surrounded by the mature valley landscape.	10.7	600 south east
Ochiltree woods	The site is predominantly a semi-natural broad-leaved woodland within which issues a spring providing a small stream along the bottom of the steep sides of the Valley. The field displays an excellent abundance of daisies, hawkweeds, as well as field and germander speedwell.	2.9	1.1Km north-west
Hastings Borough Cemetery	A small area in the north eastern corner of the cemetery with some semi-natural woodland. The woodland is of a mixed age with native species of ash, oak, birch and hornbeam planted as screening for the cemetery. The ground flora is variable with some areas species poor and others with a more characteristic woodland ground flora.	2.5	1.2 north-west
East Hill	The site forms a rocky outcrop on the periphery of the Country Park, a short herb and grass structure to the south graduates to dense bracken/gorse habitat. A semi-natural scrub habitat and small woodland situated at the corner of Barley Lane. The diversity of provides an excellent site for a range of wildlife from insects to birds and small mammals.	5.08	1.1 south-west

⁴ Taken from SxBRC 2009

Rare Species Inventory

- 3.7 The data search produced in excess of 180 records for a wide variety of plant and animal species. Many of these records were for mosses and other lower plants recorded during surveys of the local wildlife sites mentioned above.
- 3.8 A wide variety of invertebrate species have been recorded within the search area (SxBRC 2009). Of a total of 95 species, 53 were nationally scarce⁵ (16 Category A and 35 Category B). Some of the records for hymenoptera species may have relevance to the site as there are some south facing slopes with bare exposed ground favoured by ants and bees.
- 3.9 There was a single record for a Red Data Book⁶ (RDB) species, the large tortoiseshell *Aglais polychloros* recorded in Hastings Country Park in 1998, this record is likely to be a migrant and not relevant to Site A01.

Protected Species

- 3.10 There were records for 199 bird species including 24 red listed⁷ birds of Conservation Concern and 95 amber list species. Of these 41 species are given special protection under Schedule 1 of the Wildlife and Countryside Act, 1981 (as amended). However, many of the species recorded are birds such as waders, seabirds and raptors that are associated with habitats that are not found within the site.
- 3.11 It is expected that a range of bird species utilise the site, although likely to be mainly birds associated with habitats such as gardens and scrub that can be found in an urban setting. Red list birds of conservation concern returned from the data search which may utilise the site are, starling *Sturnus vulgaris*, house sparrow *Passer domesticus*, goldcrest *Regulus regulus*, mistle thrush *Turdus viscivorus*, song thrush

⁵ Nationally scarce invertebrates do not fall within RDB categories but are nonetheless uncommon in Great Britain. Category A species are thought to occur in less than 30 of the UK's 10km national grid squares (hectads) and Category B species between 31 and 100 (Eversham 1983).

⁶ RDB Endangered species are known or believed to occur as only a single population within one 10km square of the National Grid. RDB Rare are species which are estimated to exist in only 15 of less 10km squares. This criterion may be relaxed where populations are likely to exist in over 15 10km squares but occupy small areas of especially vulnerable habitat (Shirt 1987).

⁷ Birds of Conservation Concern (BoCC) are placed on the Red List (high concern), Amber List (medium concern) or Green List (low concern) with Red List species exhibiting the most rapid (>50%) decline in UK breeding populations over last 25 years and Amber list species exhibiting moderate levels of decline (25-49%) (Gregory *et al*, 2002).

T. philomelos, nightingale *Luscinia megarhynchos* and lesser spotted woodpecker *Dendrocopos minor*.

3.12 Text Removed

3.13 Sixteen nationally scarce plants⁸ have been recorded within the search area including green flowered helleborine *Epipactis phyllanthes*, stinking hellebore *Helleborus foetidus*, toothwort *Lathraea squamaria* and shepherd's-needle *Scandix pecten-veneris*. However, none of these species were recorded during the Phase One habitat survey and the habitats on the site may not readily support them.

3.14 There were numerous records for four species of reptile within the 2Km search area dated between 1988 and 2007. Eleven records for grass snake *Natrix natrix*, 23 records for adder *Vipera berus*, 12 records for common lizard *Zootoca vivipara* and 12 records for slow worm *Anguis fragilis*.

Table 3 – Reptile records closest to Site A01

Species	Location	Date	Distance from site (m)
Slow worm	TQ835115 Victoria Avenue	2007	<100
Common lizard	TQ827109 Broomgrove	1990	<500
Adder	TQ834099 Hastings Country Park	1997	>1000
Grass snake	TQ818120 St Helens	1999	>1000

⁸ Nationally rare plants are present in 1-16 of the UK's 10km grid squares and nationally scarce plants are found in 16-100 of the UK's 10km grid squares. Updated 2005 by the JNCC following publication of the New Atlas of the British and Irish Flora, C.D. Preston, D.A. Pearman, T.D. Dines (Eds.). OUP, Oxford, 2002.

- 3.15 The Ecology Consultancy holds records from 2006 for slow worm from an area of scrub and grassland less than 700m south east of the site (The Ecology Consultancy 2006).
- 3.16 There were three records for great crested newts *Triturus cristatus* within the search area between 1990 and 1998, both records in excess of 1km from the site. Desktop resources show ten ponds or similar areas of standing water within 1km from the site but none of these were within 500m, which is the distance within which surveys for this species may be required.
- 3.17 Common pipistrelle *Pipistrellus pipistrellus* was recorded in 1994 approximately 1.4km west of the site. Brown long eared *Plecotus auritus* bats were recorded over 1.5Km west of the site in 1987. The remainder of the species specific records returned were from 1858 and 1950 with additional non specific records from 1992 to 1999.
- 3.18 The Ecology Consultancy holds records from 2006 for common pipistrelle and soprano pipistrelle *Pipistrellus pygmaeus* from an area of scrub and woodland less than 700m south east of the site (The Ecology Consultancy 2006).
- 3.19 The WSP *Bat tree and activity report* for Land off Victoria Avenue Hastings (WSP 2006) recorded some limited foraging and commuting activity by common pipistrelles.
- 3.20 There were eight records for dormouse *Muscardinus avellanarius* within the search area. The most recent was a 1999 record from Hastings Country Park.

Regional and Local Biodiversity Action Plans (LBAPs)

- 3.21 The Sussex BAP currently contains action plans for 21 species and 23 habitats (Sussex Biodiversity Project, 2001). Action plans of potential relevance to the site are listed below, with the objectives of each of these action plans given in Appendix 5.
- stag beetle *Lucanus cervus*
 - pipistrelle bats *Pipistrellus spp.*
 - woodland

PHASE ONE SURVEY

Overview

- 3.22 The site comprises the former site of a large number of domestic dwellings and allotments that were built onto a series of raised terraces on either side of a steep valley. There are almost no physical remains of the former houses with only a small number of rubble patches and concrete footings remaining. The former use of the land is most evident within the southern section of the site. Within the northern block and in particular the north east section, the remaining evidence of former use is the strips of gardens. These features are marked out in numerous places around the site and delineated by the overgrown remnants of garden hedges and tree planting.
- 3.23 The habitats and species within the valley would appear to originate primarily from trees and shrubs that were formally planted within domestic gardens, with extensive self seeding of some tree species. A stream or drainage channel runs through the length of the central section after exiting the ground in the north east and running open to the western boundary.
- 3.24 The A01 site and the wider area of open green space are used extensively as an informal amenity area. There was evidence of some informal habitat management within the south west of the site with trees and scrub cut back to provide access. It was apparent that most of the amenity use was by children and young adults with some use by dog walkers. In many sections and in particular the north east of the site the overgrown vegetation was too dense to allow access without significant effort.
- 3.25 The site largely comprised secondary broad-leaved woodland that had developed around the steeply sloping sides of a small valley lying in an east-west orientation and containing a small stream. Remnants of former gardens such as outgrown hedges were particularly evident in land to the south of the stream. Parts of the woodland especially towards the eastern boundaries were densely vegetated and difficult to access. The more accessible areas of the woodland were regularly used by the public which over time has rendered them disturbed, with fly-tipping present in many places.

Site A01 Ore Valley: Northern Section

- 3.26 This area proposed for development runs the length of the woodland, is narrow in the central section and wider towards western and eastern boundaries. It comprises

groups of mature willow trees, secondary broad-leaved woodland, scrub, ruderal vegetation and a small area of amenity grass.

Amenity Grass

- 3.27 A small triangle of amenity grassland was present in the extreme north westerly corner between Clifton road and Church Street. This area was dominated by grass species common to this habitat such as rye grass *Lolium perenne*, annual meadow grass *Poa annua* and cock's-foot *Dactylis glomerata*. Broad-leaved species present included creeping buttercup *Ranunculus repens*, white clover *Trifolium repens*, daisy *Bellis perennis*, dandelion *Taraxacum officinalis* dove's-foot crane's-bill *Geranium molle* and ribwort plantain *Plantago lanceolata*. Occasional species also present were cat's-ear *Hypochaeris radicata*, lesser burdock *Arctium minor*, creeping thistle *Cirsium arvense* and common mallow *Malva sylvestris*.

Tall ruderal vegetation dominated by Japanese knotweed *Fallopia japonica* (Target Note 1)

- 3.28 On the northern site boundary and to the south of Church Road an extensive area of Japanese knotweed was present (Photograph 2). Other tall ruderal species present were hemp agrimony *Eupatorium cannabinum*, green alkanet *Pentaglottis sempervirens*, great willow-herb *Epilobium hirsutum*, common nettle *Urtica dioica*, mugwort *Artemisia vulgaris*, creeping thistle, Alexanders *Smyrniolum olusatrum* and hemlock *Conium maculatum*. Occasional garden-escape plants such as columbine *Aquilegia sp.* and wood geranium *Geranium maculatum* were also present. Tall ruderals also dominated edge habitat along Church Street.

Woodland to the north of the stream

- 3.29 The western-most part of this section was characterised by semi-mature sycamore *Acer pseudoplatanus* and crack willow *Salix fragilis*, occasional apple *Malus domestica* and tall hawthorn *Crataegus monogyna* and elder *Sambucus nigra* scrub, with a ground flora of ruderals dominated by common nettle and creeping buttercup *Ranunculus repens*.
- 3.30 The eastern-most part of this section was densely vegetated and rose steeply on three sides towards the north up to Victoria Avenue, to the south-east bordering the gardens of the properties on Old London Road, and to the north-west on Church Street. The canopy layer here featured several mature ivy-clad ash *Fraxinus excelsior* and occasional young pedunculate oak *Quercus robur*, goat willow *Salix caprea*, crack willow, hybrid poplar *Populus x canadensis* and horse chestnut *Aesculus*

hippocastanum. The under-storey vegetation included frequent holly *Ilex aquifolium*, hawthorn and elder together with introduced species such as evergreen spindle *Euonymus japonicus*, snowberry *Symphoricarpos albus* and Wilson's honeysuckle *Lonicera nitida*. Ground flora was generally species-poor due to the lack of light penetration and ivy *Hedera helix* was often dominant. It was however noticeable that the woodland was regenerating with an abundance of ash and sycamore saplings. Woodland herbs and ferns occasionally present were wood avens *Geranium urbanum*, hedge woundwort *Stachys sylvatica*, pendulous sedge *Carex pendula*, male fern *Dryopteris filix-mas* and broad-buckler fern *Dryopteris dilatata*.

Stream and streamside habitat

- 3.31 The stream arose in the north-east section of the surveyed site. Its route which was frequently blocked with rubbish, fallen trees and tipped vegetation was in a westerly direction through the length of the site. The stream was steep-sided and had very shallow water at the time of survey. The stream bed was rocky in some places and had no aquatic vegetation.
- 3.32 Streamside vegetation featured occasional pteridophytes and bryophytes but this was limited in extent. Male fern, broad buckler fern and hart's-tongue *Phyllitis scolopendrium* fern were all occasional and hard fern *Blechnum spicant* was rare. Both bluebell *Hyacinthoides non-scripta* and Spanish bluebells *H. hispanica* were present, the native species only being present locally in small numbers. Forest star moss was *Mnium hornum* and dripwort *Pellia epiphylla* were locally frequent. Japanese knotweed was present in varying degrees along the length of the stream and in particular towards the western end. The western-most streamside habitat was more open than that to the east with more sunlight reaching ground level, tall perennial vegetation here included frequent pendulous sedge, wood avens and occasional meadow buttercup *Ranunculus acris*.
- 3.33 Several groups of trees close to the stream were notable for their form and maturity.
- Target Note 2; A line of planted mature common lime *Tilia x europaeus* in the north-western end of the valley on the northern side of the stream.
 - Target Note 3; Crack willow *Salix fragilis* A group of mature trees close to and bridging the stream towards the western site boundary

- Target Note 4; A group of multi-stemmed mature white willow *Salix alba* in the centre of the site, on either side of the stream. Several of which were ivy-clad.

SITE A01 ORE VALLEY: SOUTHERN SECTION

3.34 The proposed development area to the south of the stream is bounded on three sides by gardens associated with properties on School Road (to the west) Old London Road (to the south) and Graystone Road (to the east). The southern-most area section slopes gently down towards the north-west, whereas the land closest to the stream is steeply terraced.

Woodland to the south of the stream

3.35 The southern-most part of this section on largely level ground is broadleaved woodland dominated by semi-mature sycamore, several of which were ivy-clad. Other trees frequently present were goat willow, crack willow and white willow. The woodland here had a generally open structure. The under-storey layer was dominated by mature holly, hawthorn and elder together with occasional garden remnant planting and/or garden escapes such as Highclere holly *Ilex altaclerensis*, evergreen spindle, cherry laurel *Prunus laurocerasus*, garden privet, butterfly-bush *Buddleja davidii* and bay *Laurus nobilis*. Ground flora included frequent pendulous sedge, Spanish bluebell, wood forget-me-not *Myosotis sylvestris*, wood dock *Rumex sanguinea*, hedge woundwort, garlic mustard *Alliaria petiolata*, ivy-leaved speedwell *Veronica hederacea*, cow parsley *Anthriscus sylvestris* and rough meadow-grass *Poa trivialis* with occasional thyme-leaved speedwell *Veronica serpyllifolia* and honesty *Lunaria annua*.

3.36 Vegetation on the terraced slopes immediately to north of the above area was sparse in places with large areas of bare disturbed ground. Copious amounts of old building materials were present in this area. The canopy layer was dominated by young sycamore with occasional wild cherry *Prunus avium*, and the shrub layer by bramble *Rubus fruticosus*, hawthorn and holly. Common nettle and bramble were frequently abundant in areas where the canopy was not closed.

Scrub

3.37 Areas of scrub were present at edges of woodland, in remnant garden areas and where the canopy had not closed over. Scrub species were dominated by bramble, hawthorn and elder, together with occasional; non-native species of evergreen spindle, Wilson's honeysuckle and garden privet *Ligustrum ovalifolium*.

- (Target Note 5) A large group of mature white willow was present on the south-western boundary (Photograph 6).
- (Target Note 6) Line of mature hornbeam on the edge of a terrace of bare ground, possibly a former garden boundary.
- (Target Note 7) An outgrown mature hawthorn hedge planted on the steep slope leading down towards the stream.

FAUNA

- 3.38 Birds species recorded during the Phase 1 survey included; blackbird *Turdus merula*, carrion crow *Corvus corone*, chaffinch *Fringilla coelebs*, great-tit *Parus major*, magpie *Pica pica*, robin *Erithacus rubecula*, wren *Troglodytes troglodytes* and woodpigeon *Columba palumbus*.
- 3.39 Invertebrate species recorded included the following butterflies - small white *Pieris rapae*, large white *Pieris brassicae*, orange tip *Anthocharis cardamines*, speckled wood *Pararge aegeria* and holly blue *Celastrina argiolus*, and the red-tailed bumble bee *Bombus lapidarius*.

PROTECTED SPECIES ASSESSMENT

- 3.40 The habitats at the site were evaluated as to their likelihood to provide sheltering, roosting, nesting and foraging habitat for a range of species potentially present at the site. The evaluation is based on the results of the desk top survey, any direct observations made during the site survey, an assessment of the suitability of on-site and adjoining habitat for the species included, and information on the wider distribution of these species in the UK and locally. The relevant legislation and policies relating to protected species and habitats are set out in Appendix 4A. The following species are included in the assessment provided in Table 4 below;
- Breeding birds
 - Badger
 - Bats
 - Reptiles
 - Great crested newt
 - Invasive plant species

Table 4 - Assessment of potential presence of protected, notifiable and BAP priority species and habitats within Site A01 and surrounding land.

Species	Main legislation and policy (see Appendix 4)	Reason for consideration	Likelihood of occurrence
Bat	Wildlife and Countryside Act 1981 (as amended). Schedule 5. Schedule 2 of the Conservation (Natural Habitats, & c.) Regulations 1994.	A small number of trees at the site contain splits, rot holes notably a white willow in the centre valley between the north and south block and a group of white willows adjacent to the south west of the southern section (Target note 5 Map 1). Close to the latter group of willows but within the southern section were some remnant sections of wall constructed from brick and breeze block with suitable crevices for roosting bats (See constraints Plan Appendix 3). In the north west corner of the southern section was a mature ash tree with a number of visible features suitable for bats (See constraints Plan Appendix 3). Scattered throughout the site but found predominantly within the north in the northern section and to the west in the central section were a number of mature trees with a heavy covering of arboreal ivy. The relatively undisturbed nature of the site and the extensive areas of overgrown vegetation provide a suitable foraging area for a number of open habitat, woodland and edge foraging bat species.	HIGH. Common pipistrelles were recorded commuting through the site in surveys targeting the north east corner of the northern section in 2007 (WSP 2007). The greatest number of roosting opportunities comes from the mature trees with a heavy ivy cover which are more suitable for opportunistic roosting by single bats than for colony roosts. The mature trees within the central section and within or adjacent to the southern section provide opportunities for maternity and hibernation roosts. The remnant of wall in the southern section also provides suitable roost sites for crevice dwelling species. The site provides an open green space within an urban setting with extensive foraging opportunities. The site also provides a dark corridor for movement and is connected through strong linear features to other open green space adjacent to the west. The habitats within the site and its position within an urban area may not prove suitable for any of the UK's rarer bat species.

Table 4 - Assessment of potential presence of protected, notifiable and BAP priority species and habitats within Site A01 and surrounding land.

Species	Main legislation and policy (see Appendix 4)	Reason for consideration	Likelihood of occurrence
Reptiles	Wildlife and Countryside Act, 1981 (as amended). Schedule 5 (partial protection)	There were seen to be a number of open grassy areas that provided suitable cover, foraging and basking opportunities that could be exploited by slow worms and common lizards. These areas were found mainly at the northern edges of the northern section (See constraints Plan Appendix 3). There are some restricted areas of rubble and a mosaic of edge vegetation more favoured by common lizards in the southern section of the site.	HIGH. The open grassy areas provide a high value habitat for slow worms which habituate to gardens, allotments and other similar urban green space. The surrounding domestic gardens and the close proximity of a data search record to the site also make their present more likely. However, the areas that are suitable cover only a few selected areas mainly along the northern boundary. Overall the site is likely to be too shaded and densely overgrown to be suitable for reptiles which are likely to be absent from anywhere other than edge habitats. The site is unsuitable for adders and grass snakes as there are no suitable foraging areas for these species.
Badger	Protection of Badgers Act, 1992	Widespread species in UK. Site located in open green space within the urban area of Hastings that is known to have a high population density of badgers. The extensive and well vegetated slopes that form much of the northern and southern sections provide ideal locations for sett building. The woodland within the site and the adjacent domestic gardens provide suitable cover and foraging areas.	Text Removed

Table 4 - Assessment of potential presence of protected, notifiable and BAP priority species and habitats within Site A01 and surrounding land.

Species	Main legislation and policy (see Appendix 4)	Reason for consideration	Likelihood of occurrence
Great crested newt	Wildlife and Countryside Act 1981 (as amended). Schedule 5. Schedule 2 of the Conservation (Natural Habitats, & c.) Regulations 1994	Much of the site provides suitable terrestrial habitat for great crested newts including foraging habitat and hibernation sites. There are a number of ponds and other patches of standing water within 1Km of the site. This includes a small number of ponds just outside a 500m buffer of the site to the south east.	LOW. There were not seen to be any water bodies suitable for a breeding population of great crested newts anywhere within the site. The nearest potentially suitable ponds were over 500m from the site and there are numerous barriers to movement such as both major and minor roads.
Breeding birds	Wildlife and Countryside Act 1981 (as amended)	There is good breeding habitat at the site suitable for common scrub-nesting, woodland and garden associated species. The relatively undisturbed nature of the site and the density of overgrown vegetation and unmanaged trees provide a valuable resource for birds within an urban setting.	HIGH/PRESENT. A number of old (i.e. not from this breeding season) nests were seen during the current survey and there were generally high activity levels throughout the site. The old nests were built by a variety of species including blackbird and blue tit.
Dormouse	Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation (Natural Habitats, &c) Regulations 1994 (as amended).	Dormouse will utilise mature hedgerows and broad-leaved woodland, but have been known to occupy, conifer forest, scrub and reed-bed. The species composition and the density of scrub and trees on the site provide suitable cover and foraging opportunities. Dormouse are known to occur regularly within woodland and hedgerows in East Sussex.	LOW. The tree and scrub species that were recorded during the Phase One survey would provide only a very limited resource for dormouse in terms of cover and foraging. The relatively recent formation of the woodland is likely to preclude the presence of historic populations.
Japanese knotweed <i>Fallopia japonica</i> Giant hogweed <i>Heracleum mantegazzianum</i>	Section 14 and Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).	Japanese knotweed widespread in many habitats, commonly found on disturbed sites, old gardens and herb/grassland/scrub mosaics around woodland and stream/ditch edges. Giant hogweed common along water courses.	PRESENT. There were extensive stands of Japanese Knotweed throughout the site. Over 50% of the northern section was seen to be completely covered with further significant stands found throughout the western side of the Central Section. There was also seen to be significant stands in the north west of the Southern Section. Smaller isolated stands were present in other areas.

4 Evaluation

DEFRA: LOCAL SITES SELECTION

- 4.1 On the basis of the information available from the survey and from a review of national and regional Biodiversity Action Plans (BAPs), an evaluation of the nature conservation value of the site (see Table 5 below) using standard criteria developed by the Department for Environment Food and Rural Affairs (DEFRA, 2006) is provided below.

Table 5 - Site evaluation based on Local Sites criteria

Criteria	Remarks
Size or Extent	The site is approximately 3.6ha in extent and is therefore of sufficient size to have potential to support large numbers and moderate diversity of some species groups such as birds and smaller populations of reptiles. There is enough suitable terrain and habitat to provide territory for more than one social group of badgers. The main habitat type (woodland) covers the majority of the site and is a significantly sized area in the immediate local context. Although, there are numerous patches of woodland of a greater size in and around Hastings.
Diversity	A limited number of vegetation types were present, including woodland, scattered trees, scrub, and grassland, short perennial, bare ground. Plant species richness was moderate (111 species recorded) given that approximately half the site was dominated by woodland. None of the habitats on the site were species rich.
Naturalness	The principle habitat on the site is immature secondary woodland much of it resulting from self seeding sycamore as well as oak saplings and more mature lime and ash trees. The character of the area is taken largely from overgrown domestic gardens and plants that are garden escapes were well recorded in all areas. This included the Spanish bluebell, cherry laurel and buddleia. The site was of recent origin but had arisen largely through natural colonisation.
Rare or Exceptional feature	There were no particularly rare or exceptional features recorded within the site during the current survey and the main habitat is common and widespread in the local area. No bird or invertebrate species of conservation concern were recorded during the survey and none of the recorded plant species are particularly rare or exceptional. There is potential for only one or two of the UK's 10 reptile/amphibian species (slow worm, grass snake) to be present on the site. Slow worms would if present be restricted to small areas in the Northern Section. There are also some suitable roosting sites that could be utilised by bat species although the rarer UK bat species would be very unlikely to occur.
Fragility	The main woodland species, sycamore regenerates quickly when disturbed, the mature lime, ash and willow trees on the site if lost could not be readily replaced. Grassland and ruderal vegetation and pioneer scrub habitats are not vulnerable to disturbance as are comprised of competitive species that will regenerate naturally following most forms of disturbance.
Typicalness	The secondary woodland that forms the main habitat on site comprised

Criteria	Remarks
	species commonly present in recent broadleaved woodland. Plant species recorded along the course of the stream are typical of stream side habitat.
Recorded history and cultural associations	The site does not include any known ancient trees but there are more than one notable mature white willow in the Centre Section and a row of mature hawthorn and hornbeam pollards are present in the Southern Section.
Connectivity within the landscape	To the west, the site is a short distance from a large open green space that is dominated by Broomgrove SNCI and designated as a wildlife corridor in the Hastings Local Plan. This corridor radiates north and south along the rail corridor from the Broomgrove/Ore area. Site A01 and the SNCI are currently partially connected via a linear green space between the gardens of Valley Side Road and Ticehurst. In addition there is currently an area of open green space of scrub and grassland south of Deepdene Gardens. It is understood that the latter area is also designated for housing as Site A02 and is subject to outline planning permission. Both of these features are partially separated from the site by Frederick Road. The other parts of the site are separated from other green space by main and secondary roads and the surrounding urban conurbation.
Value for appreciation of nature	Much of the site provides a valuable area of open green space within an urban setting and is readily accessible by the surrounding households. This large site also provides an important visual amenity for residents overlooking or passing by the site. The biodiversity value of the whole site could be improved greatly through the management and eradication of Japanese Knotweed, the cessation of fly tipping of green waste and domestic refuse, and by implementing woodland management. The active management and use of the site would accord with the objectives of the Sussex BAP for urban habitats.
Value for learning	There are clear opportunities and potential for educational use of the site by local schools or community groups but only if the site is bought into active and formal management.

- 4.2 On the basis of the above criteria (DEFRA 2006) Site A01 and the intervening land is considered to be of ecological value in the local context, based primarily on the site's potential to support a wide range of common and protected species, and the potential for increased management and public use of the site
- 4.3 The site is not considered suitable for selection as a local wildlife site (SNCI) on the basis of the current survey and the above criteria. This situation could be reviewed if the site was managed to increase diversity and habitat quality, including the eradication of Japanese Knotweed and control of fly tipping, and to improve access and interpretation.

IEEM EVALUATION

Features of International Importance

- 4.4 Features of international importance are principally sites covered by international legislation or conventions. The Habitats Regulations implements the Natural Habitats and Wild Fauna and Flora (92/43/EC) (Habitats Directive) in England and Wales. The Regulations mainly deal with the protection of sites that are important for nature conservation in a European context (Special Areas for Conservation (SACs) and Special Protection Areas (SPAs). However, they also give protection to certain species of flora and fauna including bats and great crested newts.
- 4.4 There are no habitats within the site that are included in Annex 1 of the Habitats Directive 1992. The closest site of International importance in the vicinity is Hastings Cliff SAC primarily designated for maritime habitats such as shingle and sea cliffs. None of these habitats are replicated within site A01 which does not provide any supporting habitat that maintains the integrity of the SAC.
- 4.5 No species listed on Annex II of the Habitats Directive 1992⁹ have been recorded on the site or in close proximity to it. None of the habitats on the site are considered to be likely to support any Annex II species.
- 4.6 No IUCN red list species or Red List Birds of Conservation Concern were noted during the current survey. There does remain the potential for some red list bird species to be present including starling and song thrush.

Features of National Importance

- 4.7 Features of national importance include SSSIs which are designated under the Wildlife and Countryside Act 1981 (as amended) as well as species such as common reptile species which are subject to national legislation rather than international legislation.
- 4.8 The closest SSSI, is Hastings Cliff 1km away from the site, and there is no potential for adverse effects as a result of a development at the site. There are no National Nature Reserves within 2km of the site.

⁹ In the UK the Conservation (Natural Habitats &c.) Regulations 1994, implement EC Directive 92/43/EEC, known as The Habitats Directive. This has been law since 1994 and makes it an offence deliberately to kill, capture, or disturb a European Protected Species, or to damage or destroy the breeding site or resting place of such an animal.

4.9 The site could potentially support a population of reptiles. However, given the limited extent any suitable habitat only low numbers of one or possibly two common species are likely. In terms of the conservation of these species, this would be significant at the local level only.

4.10 There no UK BAP priority habitats within the site and no vascular plants that are recorded on the UK BAP priority list were found during the Phase One survey. There is the potential for amongst others the following animal species on the UK BAP priority list to be present at the site:

- Noctule bat *Nyctalus noctula*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Brown long eared bat *Plecotus auritus*
- Common toad *Bufo bufo*
- House sparrow *Passer domesticus*
- Starling *Sturnus vulgaris*
- Slow worm
- Stag beetle *Lucanus cervus*

4.11 While the above species may occur at the site, they would be present in very low numbers only, with the populations' present unlikely to exceed local value.

Features of Regional Value

4.12 It is considered that none of the habitats present at the site would meet criteria for designation as a Local Wildlife Site using Defra criteria. Similarly, it is very unlikely that the site supports rare species, or populations or assemblages of species that are significant at this level.

4.13 There are no habitats on the site that are identified in the Sussex BAP. The main habitat on the site is secondary woodland and does not fit within the woodland BAP category. The Sussex BAP for Urban Habitats focuses on remnants of ancient natural habitats and those remaining from, pre-industrial rural landscapes. It does not include recent, partially planted and largely unmanaged the open green space found within the site. No vascular or non vascular plant species that are listed in the Sussex BAP were recorded during the Phase One habitat survey.

Features of Local (i.e. Hastings District) Importance

- 4.14 As noted above, any populations of reptiles, bats or national or local BAP species present at the site may be of significance at this level.
- 4.15 The breeding bird assemblage likely to be present within the site is regarded as being of value in a local context. The site provides a significantly large and relatively undisturbed area of woodland that affords cover and foraging opportunities likely to support bird populations of local significance.
- 4.16 The site is not likely to be selected as a Site of Nature Conservation Importance on the basis of the current survey unless brought into an appropriate management regime.

Features of Value within the Zone of Influence of the Project

- 4.17 The habitats present are considered to have a Low to Moderate intrinsic ecological value as all the habitats present are common and widespread, and those on site are of poor quality.

Features of Secondary and Supporting Value

- 4.18 The site does provide some secondary and supporting value to similar habitats in the wider area. There is unlikely to be any ecological receptors on site that provide any significant supporting value to any off site receptors. However, the site may acting as a corridor for movement for badgers and bats to suitable habitat within Broomgrove SNCI and other local open green space.

Social Value

- 4.19 The primary value of this site is in its social and amenity value to residents in the surrounding and adjoining streets. It is well used by children and young adults and provides an area in which they can socialise.
- 4.20 The site is also of value in the local landscape for those nearby residents whose premises overlook the site and for passers by.

Economic Value

- 4.21 The habitats and species within the site do not provide a resource that could be exploited for their economic value.

EVALUATION

4.22 When judged against the above criteria the Site A01 is assessed as having value in a **Local** context only.

LOCAL PLANNING POLICY

4.23 On the basis of the Phase One survey and protected species assessment it is considered that three of the saved local plan policies relating to nature conservation and contained in the, Statutory Hastings Local Plan 2004 Chapter 8a Nature Conservation, are relevant to site. See Table 6 below.

Table 6 – Hastings Local Plan polices relevant to the site.

Policy	Relevance to the site
<p>Policy NC8: General Planning Requirements Development proposals will be required to minimise damage to wildlife and habitats. Wherever possible, development should:- (a) Retain features of biodiversity importance such as woodland, trees, hedgerows, wetland habitats, herb rich grassland, watercourses, geological features and other natural features or habitats and protect them during construction; (b) Avoid fragmenting habitats and isolating species; (c) Where the loss of existing wildlife habitats or geological features is unavoidable, keep the loss to a minimum and provide compensation through the creation of replacement habitats or other appropriate measures; (d) Incorporate, wherever appropriate, creative conservation measures which contribute to a net gain in biodiversity such as the development of new wildlife habitats; (e) Incorporate the greatest possible proportion of appropriate native vegetation in any landscaping or planting scheme, except where special requirements of purpose or location dictate otherwise; Incorporate the maximum possible area of permeable ground surface and take such steps as are necessary to regulate surface water flows from impermeable surfaces in the interests of nature conservation; (g) Seek to incorporate wildlife habitats in the design of built structures; and (h) Positively address adjacent or proximate nature conservation interests. These measures will be achieved through the use of planning conditions or Section 106 agreements where appropriate.</p>	<p>The site was observed to support or is considered to have potential for national and/or local BAP species and habitats.</p>

5 Conclusions and recommendations

CONCLUSION

Overview

- 5.1 The site is not designated for its nature conservation interest nor is it adjacent to any statutory or non-statutory designated land. The nearest statutory designated site is Hastings Cliffs, sections of which are designated as SSSI, SAC and Country Park, and which is located approximately 1km to the south east of the site. There are five non-statutory designated sites within a 2km radius of Site A01. Any development within Site A01 is considered highly unlikely to have a significant impact on any of the statutory or non statutory designated sites in the local area.
- 5.2 The primary habitat on the site is secondary woodland dominated by self seeded immature sycamore with occasional mature trees, and which is largely unmanaged. The overall plant diversity was moderate, but no uncommon species were recorded and there were a number of garden escapes and other non-native species present. Extensive stands of the invasive plant Japanese knotweed were noted throughout the northern and western parts of the site. The site is characterised in the main by a lack of management and the dumping of garden and household refuse. Its main wildlife value is the presence of a large number of active badger setts with at least one main sett and possibly more than one social grouping. Badgers and badger setts in this type of urban setting often do not conform to the behaviour exhibited in a rural setting. It is therefore not always possible to correctly identify which setts belong to a particular social group.
- Text Removed.
- 5.3 There were few signs of use of the site by other mammal species although a reasonable density of small mammals such as wood mouse *Apodemus sylvaticus* and bank voles *Clethrionomys glareolus* is likely. A study carried out in 2007 (WSP 2007) proved that bats use the site for foraging and commuting. There is some potential for a bat roost to be present within the site although there were only a small number of suitable trees in which a roost could potentially be located. The site almost certainly serves a greater value for bats as foraging habitat and as a dark corridor for movement through the urban environment.
- 5.4 The site provides good habitat for a variety of common bird species, the dense and undisturbed nature of the woodland providing ideal nesting and foraging habitat.

- 5.5 The few discrete patches of grassland throughout the site do provide suitable habitat for slow worms although the presence of other reptile species is less likely. If slow worms are on the site it is likely that they will be present in low numbers only.
- 5.6 The site would not currently be suitable for selection as an SNCI. This is based upon the survey results and site details being judged against accepted criteria for the selection of local wildlife sites. The site could be suitable for selection as an SNCI if bought into sympathetic management. Site A01 and the intervening land are judged to be of local value when considered on a geographical scale. This assessment is based upon the lack of any significant ecological receptors such as rare habitats or species that are important at a regional scale or above. Disregarding the presence of Japanese knotweed there was not perceived to be any significant changes in plant community composition between the different sections of the site. Neither the Northern nor Southern Sections were judged to have a higher ecological value than the other nor provide a greater potential for protected species.
- 5.7 The site clearly provides an important social resource and visual amenity for local residents and if bought into active and sympathetic management this resource could be enhanced. If Site A01 is developed for housing then the Central Section that is expected to be retained could benefit greatly from being managed. The development of areas within Site A01 could be used to provide the funding needed to bring the Central Section into management. The eradication of Japanese knotweed and other management practises potentially being funded through developer contribution. In the absence of management and with the development of Site A01, the Central Section will degrade further through isolation. This situation will be further compounded if the Japanese knotweed in the Central Section remains untreated and allowed to take over more of the site. The Central Section should remain accessible to the local residents who currently make use of the area, and not just residents of any new development on Site A01. This could be facilitated through the use of green corridors leading through the Northern and Southern Sections into the Central Section (See Constraints Plan, Appendix 2). The provision of green corridors would have the additional bonus of providing a link between the habitats of the domestic gardens and other nearby green space and the habitats in the centre of the site.
- 5.8 At present the site is likely to provide some functionality as green corridor and allow the movement of plant and animal species through the urban landscape. The wider countryside is less than 400m distant heading either north or east and Site A01 may

provide a stepping stone with significant areas of open green space such as Broom grove and Clive Vale.

- 5.9 The current survey has been used to produce an outline plan of likely constraints to development around the site. The main issues for consideration are the badger setts, areas of potential reptile habitat, trees with bat potential and significant trees such as the white willows that are recommended for retention. The constraints plan is presented in the Appendices along with the Phase One habitat plan.
- 5.10 The following section outlines recommendations for habitat retention and protection and enhancement, as well as any additional surveys.

RECOMMENDATIONS

Habitat retention and protection

- 5.10 The Central Section of the site that sits between the two sections of Site A01 should be retained as currently planned Measures to protect this area from adverse impacts caused by the proximity of new housing should be employed during construction and operations. This should include intercepting run off and prevent further pollution of the open stream both during and post construction and the prevention of light spillage onto the Central Section.
- 5.11 To enable the continued movement of both wildlife and people into the retained Central Section it is suggested that a series of green corridors be designed into any master planning for the site. These corridors should remain without any significant hard landscaping or additional light spillage from street lighting or new housing units. The width of any retained corridor should be approximately 6m.
- 5.12 It is understood that the development which has full planning permission in the Northern Section will occupy most of the eastern part of the site. However, if practicable, some effort could be made to retain a green pathway along either the northern or southern boundary. This pathway could be linked up with retained habitat within the Central Section and/or any retained green corridors leading into the centre.
- 5.13 Any future development within the site should proceed on the assumption that any main setts or others of primary importance will be retained, and all other badger setts will be retained wherever possible. Any future development must be designed in such a way as to allow the continued movement of badgers between setts and foraging areas. This may necessitate the provision of buffer strips along the boundaries of developed areas in addition to any green corridors. Any future hard landscaping

should be designed in sympathy with the presence of badgers and their setts. This may include measures to avoid impacting setts directly or interrupting any known badger pathways. Hard landscaping should also avoid separating setts from each other and keep any busy roads away from areas of high badger activity. It may prove necessary to erect badger fencing or under passes to minimise the risk of badger fatalities from road traffic accidents.

5.14 Effort should be made to guide the design of any future lighting schemes in either of the development sections so as to be ecologically sensitive. Bats in particular are sensitive to excess levels of artificial light during the night (IEEM 2006) and may benefit from the retained area remaining free from light pollution. Particular effort should be made to avoid high light levels in proximity to any trees that are suitable for a bat roost or any new artificial roosts.

5.15 Although the habitats on the site are of limited ecological value there are isolated features that are worthy of retention under any development scheme. These features have been marked onto the constraints plan and are as follows:

- The mature white willow trees
- A mature ash tree
- The row of hornbeam and hawthorn trees
- A series of mature lime trees

Vegetation clearance

5.16 Ongoing control of Japanese knotweed using an approved herbicide should be carried out. Due to the density and extent of the knotweed this may have to be carried out over the course of more than one growing season. Herbicides such as Tordon 22K or Picloram should not be used due to the proximity of the water course. Any spraying programme should be carried out by a specialist company and the dead material removed from the site or burnt in situ. Any control measures for Japanese knotweed should take account of the surrounding Net Regulations produced by the Environment Agency (Environment Agency 2006).

5.17 Any vegetation clearance whether to facilitate development or as part of a woodland management plan must take place outside of the bird breeding season, taken to run from early March to late August.

Enhancement

5.18 To enhance the Central Section of the site and any other areas retained free from development for their wildlife value a Management Plan should be drawn up to guide works over a five or ten year period.

5.19 The Management Plan should include the following sections;

- Management objectives
- General principles
- Detailed management prescriptions, including specific recommendations for;
 - Eradication of Japanese knotweed
 - Enhancement and management of the woodland
 - Enhancement and management of the stream
 - Removal of domestic refuse
 - Removal of dumped green waste
 - Installation of bird and bat boxes
 - Managing public access
 - The protection of badger setts
 - The retention of standing and fallen dead wood
- Potential partnerships with the Council and other landowners within the site, residents and local voluntary conservation groups
- Timing of management activities over a five or ten year period

Bird and Bat Boxes

5.20 To enhance the site as a whole for nesting birds and to compensate for any loss of available nesting habitat, artificial bird and bat boxes should be employed. The populations of some bird species, especially hole-nesting species, can be limited by the availability of suitable nest sites. It would therefore be worthwhile erecting nest boxes on some of the larger trees. The British Trust for Ornithology recommends starting with an assortment of 10 well spaced, small bird boxes per hectare (du Feu, 1989). A number of boxes of different designs should be employed (e.g. hole fronted, open fronted, etc) to maximise the number of species that use them. Boxes should be erected above 2m, on semi-mature trees and away from potential predation or disturbance.

- 5.21 Bat boxes should be erected to provide potential roosting sites on larger trees throughout the Central Section, following specification laid down in English Nature's Bat Mitigation Guidelines (Jones, 2004). This recommends that boxes should be at least 4m from the ground and as a general rule should be sited with their front facing southwest to southeast. A more common practice is to have 3 boxes facing different aspects on one individual tree to cater for seasonal and species requirements. Schwegler produce a range of 'woodcrete' bird and bat boxes which retain more warmth and are longer lasting than ordinary wooden boxes.
- 5.22 Bat roosting boxes should generally be left undisturbed and should only be examined by licensed bat workers.
- 5.23 Any new housing development on the site could provide additional provision of bird and bat boxes attached to or integral to, any new housing units. Those units which were designed to back onto the Central Section or along any retained green corridors would be best. Artificial bird boxes can be placed onto trees or fencelines or recessed into the walls of a new building although further advice should be sought on final positioning. Bat boxes can be designed into the upper walls of new buildings using proprietary roost boxes (Schwegler 2008). Additional roosting opportunities for bats could be easily designed into the pitched roof space of any new buildings through the provision of bat access points.

Green Roofs

- 5.24 There is a good opportunity to compensate for the loss of any open green space within the site through the provision of green roofs and walls.
- 5.25 In addition to providing screening, building insulation and enhancing green space for residents, green walls also provide foraging and nesting habitat for insects and birds (and potentially bats if plants are night scented). It is recommended that mixed species green walls comprised of plants of known wildlife value are planted and trained onto suitable wall space e.g. along the boundary of the Central Section. They should be supported with a strong framework which is firmly attached to the wall. This should be constructed so that a minimum of a 10cm gap is present between the framework and wall, increasing nesting habitat for birds and invertebrates. Further information on green walls is given in Building Green - a guide to using plants on roofs, walls and pavements (Johnston & Newton, 1992).

5.26 Areas of biodiverse living roof and sedum green roof could be constructed on roofs throughout each section of the site. Green bio-diverse roofs will potentially compensate for habitat loss and retain some biodiversity that would otherwise be lost. The system proposed for a biodiverse roof is an extensive substrate-based system with a variety of depths ranging from 100-150mm to include bare areas and a variety of vegetation types including plug-planted sedums and native wildflower seed mixes. The sedum green roof also should also be supplemented with plug planting of native species indigenousness to the local area.

Additional Survey

5.27 To comply ensure compliance with the relevant legislation and to fully evaluate the wildlife interest at the site a series of further surveys are recommended. This will also ensure that any potential future works has minimal impact on less-common species or protected species, to inform mitigation and future management plans at the site and assess the success of habitat creation and enhancement schemes e.g. bird boxes.

5.28 A detailed badger survey should be carried out, in order to accurately map any badger setts present and assess their status i.e. active or unused. Any disturbance to a badger sett is a contravention of National legislation (The Badgers Act 1992 see Appendix 4) and any proposed activities that could cause disturbance must be carried out under licence to Natural England. If any badger setts are proposed for closure to facilitate future development, a detailed bait marking survey should be carried out to more accurately assess the status of one or more badger social groups on the site and the affiliation of different setts. The aim of this would be to produce a territory map that could inform site layout and any sett closures.

5.29 Bat surveys should be carried out in order to assess the status of bats across the whole of the site, including the use of the site as a commuting or foraging area and the presence of any roosts. Surveys should assess both the immediate footprint of the development concerned as well as the site as a whole, Surveys would follow the Bat Survey Guidelines (Bat Conservation Trust 2007).

5.30 Any works either felling or remedial, to any fully mature trees on the site may have to take place outside of the times when bats are most vulnerable i.e. either maternity or hibernation seasons. The best time for work on trees with bat potential is between March and early May or early September and late November.

5.31 If reptiles are present on the site they are likely to only be found a small number of discrete areas within the Northern Section. A targeted reptile survey should be carried out and a suitable mitigation plan designed if found to be present.

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Appendix 1: Habitat Plan



KEY

Assessed site boundary	Bare ground
Development boundary	Tall ruderal
Target note	Stream
Footpath	
Short perennial	
Scattered trees	
Broadleaved woodland	
Amenity grassland	
Scattered scrub	
Scattered scrub and scattered trees	

This plan is provided solely for the purpose of supporting the description of the ecological features of the site as contained in the accompanying report. Base map provided by Hastings Borough Council, reproduced from Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationary office. © Crown Copyright Reserved. License number 100021328.

Appendix 2: Constraints Plan

Plan Removed

Appendix 3: Photographs

Photograph 1:
Looking west across the
Northern Section from Victoria
Avenue



Photograph 2
South-eastern boundary
vegetation featuring locally
abundant Japanese knotweed
in foreground



Photograph 3
Line of hornbeams on terraced
north-western slope of site, a
remnant feature from former
planting.



Photograph 4
Crack willows in the central area close to stream



Photograph 5
Northern section of the site featuring open areas and dominated by self-established sycamore.



Photograph 6
White willows and ground flora dominated by common nettle in the northeast corner of the proposed development area



Photograph 7: Japanese knotweed and rubbish in the stream



Photograph 8

Photograph Removed

Photograph 9: Potential bat roost in white willow



Photograph 10: Row of hornbeam.



Photograph 11: Suitable reptile habitat in west side of the Northern Section.



Photograph 12:

Photograph Removed

Appendix 4: Plant Species List

**Plant Species List for Ore Valley compiled from the Extended Phase 1 Survey carried out
on the 8th and 20th May 2009**

Scientific nomenclature follows Stace (1997) for vascular plant species and Blockeel & Long (1998) for bryophyte species. Vascular plant common names follow the Botanical Society of the British Isles 2003 list, published on its web site, www.bsbi.org.uk. Please note that this plant species list was generated as part of a Phase 1 Habitat survey, does not constitute a full botanical survey and should be read in conjunction with the associated Phase 1 Report.

Abundance was estimated using the DAFOR scale as follows:

D = dominant, A = abundant, F = frequent, O = occasional, R = rare

c=clumped, e=edge only, g=garden origin, p=planted, s=seedling or sucker, t=tree, h = hedge, ? = identification uncertain

BINOMIAL	ENGLISH	Abundance	Qualifier
<i>Acer pseudoplatanus</i>	Sycamore	f	t, y
<i>Aegopodium podagraria</i>	Ground-elder	lf	e
<i>Aesculus hippocastanum</i>	Horse chestnut	o	t
<i>Agrostis stolonifera</i>	Creeping bent	lf	
<i>Alliaria petiolata</i>	Garlic mustard	lf	
<i>Alopecurus pratense</i>	Meadow foxtail	o	
<i>Anisantha sterilis</i>	Barren brome	lf	
<i>Anthriscus sylvestris</i>	Cow parsley	lf	
<i>Aquilegia vulgaris</i>	Columbine	o	g
<i>Arctium minor</i>	Lesser burdock	lf	
<i>Arum italicum neglectum</i>	Italian Lords and Ladies	r	g
<i>Arum maculatum</i>	Lords-and-Ladies	o	
<i>Aucuba japonica</i>	Spotted-laurel	o	g
<i>Bellis perennis</i>	Daisy	lf	
<i>Betula pendula</i>	Silver birch	o	t
<i>Blechnum spicant</i>	Hard fern	r	
<i>Brassica napa</i>	Rape	r	
<i>Calystegia sepium</i>	Hedge bindweed	lf	
<i>Campanula poscharskyana</i>	Trailing bellflower	r	
<i>Cardamine sp.</i>	Bitter-cress	o	
<i>Cardamine flexuosa</i>	Wavy bitter-cress	lf	
<i>Carex pendula</i>	Pendulous sedge	f	
<i>Carpinus betulus</i>	Hornbeam	lf	t
<i>Chamerion angustifolium</i>	Rosebay willow-herb	lf	
<i>Cirsium arvense</i>	Creeping thistle	f	
<i>Circaea lutetiana</i>	Enchanter's-nightshade	lf	
<i>Conium maculatum</i>	Hemlock	o	

BINOMIAL	ENGLISH	Abundance	Qualifier
<i>Convolvulus arvensis</i>	Field bindweed	o	
<i>Cornus sanguinea</i>	Dogwood	o	
<i>Corylus avellana</i>	Hazel	o	
<i>Crataegus monogyna</i>	Hawthorn	f	
<i>Crataegus sp</i>	Pink hawthorn	r	
<i>Dactylis glomerata</i>	Cock's-foot	f	
<i>Dryopteris dilatata</i>	Broad buckler-fern	o	
<i>Dryopteris filix-mas</i>	Male-fern	lf	
<i>Epilobium hirsutum</i>	Great willow-herb	lf	
<i>Euonymus japonicus</i>	Evergreen spindle	lf	
<i>Eupatorium cannabinum</i>	Hemp agrimony	lf	
<i>Fagus sylvatica</i>	Beech	r	t
<i>Fagus sylvatica purpurea</i>	Copper beech	r	t
<i>Fallopia japonica</i>	Japanese knotweed	la	
<i>Fraxinus excelsior</i>	Ash	f	t,y
<i>Galega officinalis</i>	Goat's rue	o	
<i>Galium aparine</i>	Cleavers	lf	
<i>Geranium molle</i>	Dove's-foot crane's-bill	lf	
<i>Geranium sylvaticum</i>	Wood Crane's-bill	r	g
<i>Geranium robertianum</i>	Herb-Robert	lf	
<i>Geum urbanum</i>	Wood avens	f	
<i>Hedera helix</i>	Ivy	lf	
<i>Heracleum sphondylium</i>	Hogweed	lf	
<i>Holcus lanatus</i>	Yorkshire-fog	o	
<i>Hyacinthoides hispanica</i>	Spanish bluebell	o	
<i>Hyacinthoides non-scripta</i>	Bluebell	o	
<i>Hypericum androsaemum</i>	Tutsan	r	
<i>Hypochaeris radicata</i>	Common cat's-ear	o	
<i>Ilex x altaclerensis</i>	Highclere holly	lf	y
<i>Ilex aquifolium</i>	Holly	f	y
<i>Juncus inflexus</i>	Hard rush	o	
<i>Kerria japonica</i>	Kerria	lf	g
<i>Laurus nobilis</i>	Bay	r	t
<i>Lepidium draba</i>	Hoary cress	lf	
<i>Ligustrum ovalifolium</i>	Garden privet	lf	
<i>Lolium perenne</i>	Perennial rye-grass	lf	
<i>Lonicera nitida</i>	Wilson's honeysuckle	o	g
<i>Lonicera periclymenum</i>	Honeysuckle	lf	
<i>Lunaria annua</i>	Honesty	o	
<i>Malus domestica</i>	Apple	o	
<i>Malus sylvatica</i>	crab apple	r	
<i>Myosotis arvensis</i>	Field forget-me-not	o	
<i>Myosotis sylvatica</i>	Wood forget-me-not	lf	
<i>Oxalis latifolia</i>	Pink garden sorrel	lf	g
<i>Papaver rhoeas</i>	Common poppy	o	

BINOMIAL	ENGLISH	Abundance	Qualifier
<i>Pentaglottis sempervirens</i>	Green alkanet	lf	
<i>Phyllitis scolopendrium</i>	Hart's-tongue	o	
<i>Plantago lanceolata</i>	Ribwort plantain	f	
<i>Plantago major</i>	Greater plantain	lf	
<i>Poa trivialis</i>	Rough meadow-grass	lf	
<i>Populus alba</i>	White poplar	r	t
<i>Populus x canadensis</i>	Hybrid black-poplar	r	t
<i>Prunus cerasifera</i>	Cherry plum	o	y
<i>Prunus laurocerasus</i>	Cherry laurel	lf	
<i>Prunella vulgaris</i>	Selfheal	o	
<i>Quercus ilex</i>	Holm oak	o	
<i>Quercus robur</i>	Pedunculate oak	r	t,y
<i>Ranunculus acris</i>	Meadow buttercup	o	
<i>Ranunculus ficaria</i>	Lesser celandine	lf	
<i>Ranunculus repens</i>	Creeping buttercup	la	
<i>Rubus fruticosus agg.</i>	Bramble	la	
<i>Rumex obtusifolius</i>	Broad-leaved dock	f	
<i>Rumex sanguineus</i>	Wood dock	lf	
<i>Salix alba</i>	White willow	lf	t
<i>Salix caprea</i>	Goat willow	o	
<i>Salix fragilis</i>	Crack-willow	lf	t
<i>Salix viminalis</i>	Osier	o	t,y
<i>Sambucus nigra</i>	Elder	f	
<i>Senecio jacobaea</i>	Common ragwort	lf	
<i>Sisymbrium officinalis</i>	Hedge mustard	o	
<i>Smyrnium olusatrum</i>	Alexanders	lf	
<i>Sonchus oleraceus</i>	Smooth sow-thistle	o	
<i>Stachys sylvatica</i>	Hedge woundwort	lf	
<i>Symphoricarpos albus</i>	Snowberry	o	
<i>Taraxacum sp.</i>	Dandelion	lf	
<i>Tilia x vulgaris</i>	Common lime	lf	t
<i>Trifolium pratense</i>	Red clover	o	
<i>Trifolium repens</i>	White clover	lf	
<i>Urtica dioica</i>	Common nettle	la	
<i>Veronica hederifolia</i>	Ivy-leaved speedwell	o	
<i>Veronica serpyllifolia</i>	Thyme-leaved speedwell	r	
<i>Verbascum thapsus</i>	Great mullein	r	
<i>Viburnum opulus</i>	Guelder-rose	r	
<i>Vicia sepium</i>	Bush vetch	lf	

Appendix 5: Legislation and Policy

IMPORTANT NOTICE: This section contains details of legislation and planning policy applicable in Britain only (i.e. not including the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

A NATIONAL LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive¹ is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (commonly referred to as the Habitats Regulations) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 79/409/EEC on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CRoW) Act (2000) and Nature Conservation (Scotland) Act 2004.

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

- Deer Act 1991
- Countryside and Rights of Way (CRoW) Act 2000
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Species and species groups that are protected or otherwise regulated under the aforementioned domestic and European legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds, dormouse, invasive plant species, otter, plants, red squirrel, water vole and white clawed crayfish. A summary of the protection afforded these species or species groups is given below.

HERPETOFAUNA (AMPHIBIANS AND REPTILES)

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita* and great crested newt *Triturus cristatus* receive full protection of Schedule 2 of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). From the 1st October 2008, the pool frog *Pelophylax lessonae* was also afforded full protection under the same legislation. Regulation 39 prohibits:

- Deliberate² killing, injuring or taking of species listed on Schedule 2
- Deliberate² disturbance of any Schedule 2 species as:
 - a) to impair their ability:

- - (i) to survive, breed, or reproduce, or to rear or nurture young;
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate³
- b) to affect significantly the local distribution or abundance of the species
- Deliberate² taking or destroying of the eggs of a Schedule 2 species
- Damage or destruction of a breeding site or resting place
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

With the exception of the pool frog, these species are also currently listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of herpetofauna are protected solely under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). Species such as the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis* are listed in respect to Section 9(1) & (5). For these species, it is prohibited to:

- Intentionally (or recklessly in Scotland) kill or injure these species
- Sell, offer or expose for sale, possess or transport for purpose of sale these species, or any part thereof.

Common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Lissotriton vulgaris* and palmate newt *L. helveticus* are listed in respect to Section 9(5) only which affords them protection against sale, offering or exposing for sale, possession or transport for the purpose of sale.

How is the legislation pertaining to herpetofauna liable to affect development works?

A European Protected Species (EPS) Licence issued by the relevant countryside agency (e.g. Natural England)⁴ will be required for works liable to affect the breeding sites or resting places of those amphibian and reptile species protected under The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). 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 Wildlife and Countryside Act 1981 (as amended).

BADGER

Badgers *Meles meles* receive protection under The Protection of Badgers Act 1992 which consolidates the previous Badger Acts of 1973 and 1991. The Act 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 sett⁴ or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett⁴
- Intentionally or recklessly cause a dog to enter a badger sett⁴
- Sell or offers for sale, possesses or has under his control, a live badger

How is the legislation pertaining to badgers liable to affect development works?

A Development Licence⁶ will be required from the relevant countryside agency (e.g. Natural England) for any development works liable to affect an active badger sett, or to disturb badgers whilst in the sett. Depending on the nature of the works and the specifics of the sett and its environs, badgers could be disturbed by work near the sett even if there is no direct interference or damage to the sett itself. The countryside agencies have issued guidelines on what constitutes a licensable activity⁷. N.B. there is no provision in law for the capture of badgers for development purposes and therefore it is not possible to obtain a licence to translocate badgers from one area to another.

BATS

All species of bat are fully protected under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) through their inclusion on Schedule 2. Regulation 39 prohibits:

- Deliberate² killing, injuring or taking (capture) of Schedule 2 species (e.g. bats)
- Deliberate² disturbance of bat species as:
 - a) to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young;
 - (ii) to hibernate or migrate³
 - b) to affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also currently protected under the Wildlife and Countryside Act 1981 (as amended) 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
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

How is the legislation pertaining to bats liable to affect development works?

A European Protected Species (EPS) Licence issued by the relevant countryside agency (e.g. Natural England)⁴ will be required for works liable to affect a bat roost 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, rear young and hibernate). 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.

Though there is no case law to date, the legislation *may* also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost⁸.

BIRDS

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) 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.
- In Scotland only, intentionally or recklessly obstruct or prevent any wild bird from using its nest

Certain species of bird, for example the barn owl, black redstart, hobby, bittern and kingfisher receive additional special protection under Schedule 1 of the Act and Annex 1 of the European Community Directive on the Conservation of Wild Birds (79/409/EEC). 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
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

How is the legislation pertaining to birds liable to affect development works?

To avoid contravention of the Wildlife and Countryside Act 1981 (as amended), 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 August⁹. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Those species of bird listed on Schedule 1 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.

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.

PLANTS

With certain exceptions, all wild plants are protected under the Wildlife and Countryside Act 1981 (as amended). 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:

- Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)
- 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 4 of The Conservation (Natural Habitats, &c.) Regulations 1994. These are species of European importance. Regulation 43 makes it an offence to:

- Deliberately² pick, collect, cut, uproot or destroy a wild Schedule 4 species
- Keep, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 4 species

How is the legislation pertaining to protected plants liable to affect development works?

A European Protected Species (EPS) Licence issued by the relevant countryside agency (e.g. Natural England)⁴ will be required for works liable to affect species of plant listed under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). 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.

INVASIVE PLANT SPECIES

Certain species of plant, including Japanese knotweed *Fallopia japonica* and giant hogweed *Heracleum mantegazzianum* are listed on Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2). Such species are generally non-natives whose establishment or spread in the wild may be detrimental to native wildlife. Inclusion on Part II of Schedule 9 therefore makes it an offence to plant or otherwise cause these species to grow in the wild.

How is the legislation pertaining to invasive plants liable to affect development works?

Although it is not an offence to have these plants on your land *per se*, it is an offence to *cause* these species to grow in the wild. Therefore, if they are present on site and development activities (for example movement of spoil, disposal of cut waste or vehicular movements) have the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures are in place to prevent this happening prior to the commencement of works.

PLANTS: INJURIOUS WEEDS

Under the Weeds Act 1959 any land owner or occupier may be required prevent the spread of certain 'injurious weeds' such as spear thistle *Cirsium vulgare*, creeping thistle *Cirsium arvense*, curled dock *Rumex crispus*, broad-leaved dock *Rumex obtusifolius*, and common ragwort *Senecio jacobaea*. 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.

FOOTNOTES TO SECTION A

¹Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

²In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

³The recent 2009 amendment to The Conservation (Natural Habitats, &c.) Regulations 1994 does not define the act of 'migration' and therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

⁴In order to obtain an EPS licence, the application must demonstrate that it meets all of the following three 'tests': i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

⁵A badger sett is defined in the legislation as "any structure or place which displays signs indicating current use by a badger". This includes seasonally used setts and latest guidance from Natural England⁶ suggests a sett can be considered to be in current use if there have been "signs of occupation within the past few months". Setts may be classified as main, annexe, subsidiary & outlier.

⁶Natural England will only consider issuing a licence where detailed planning permission (if applicable to operation) has already been granted

⁷Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing. www.naturalengland.org.uk/conservation/wildlife-management/licensing/forms.htm

Scottish Natural Heritage (2002) Badgers & Development. www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp

Countryside Council for Wales (date) Badgers: A Guide for Developers. www.ccw.gov

⁸Garland & Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. 150. The Mammal Society, Southampton.

⁹It should be noted that this is the main breeding period. Breeding activity may occur outwith this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

B NATIONAL AND EUROPEAN LEGISLATION AFFORDED TO HABITATS

STATUTORY DESIGNATIONS: NATIONAL

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory **Sites of Special Scientific Interest** (SSSIs) under the National Parks and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as **National Nature Reserves** which are declared by the countryside agencies under the same legislation), the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (Natura 2000 network) and globally (such as Wetlands of International Importance). See subsequent sections for details of these designations. Improved provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

The Wildlife & Countryside Act 1981 (as amended) also provides for the making of **Limestone Pavement Orders**, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of **Marine Nature Reserves**, for which byelaws must be made to protect them.

STATUTORY DESIGNATIONS: INTERNATIONAL

Special Protection Areas (SPAs), together with **Special Areas of Conservation** (SACs) form the **Natura 2000** network. The Government is obliged to identify and classify SPAs under the EC Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds). SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation (Natural Habitats, &c. Regulations 1994 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SPAs in UK offshore waters (from 12-200 nm).

The Government is obliged to identify and designate SACs under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nautical miles are protected under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SACs in UK offshore waters (from 12- 200 nm).

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 wise use, in particular recognizing wetlands as ecosystems that are globally important for biodiversity conservation. Wetlands can include areas of marsh, fen, peatland or water and may be natural or artificial, permanent or temporary. Wetlands may also incorporate riparian and coastal zones adjacent to the wetlands. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSIs) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) 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. This effectively extends the level of protection to that

afforded to sites which have been designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs).

STATUTORY DESIGNATIONS: LOCAL

Under the National Parks and Access to the Countryside Act 1949 **Local Nature Reserves** (LNRs) may be declared by local authorities after consultation with the relevant countryside agency. LNRs are declared for sites holding special wildlife or geological interest at a local level and are managed for nature conservation, and provide opportunities for research and education and enjoyment of nature.

NON-STATUTORY DESIGNATIONS

Areas considered to be of local conservation interest may be designated by local authorities as a **Wildlife Site**, under a variety of names such as **County Wildlife Sites** (CWS), **Listed Wildlife Sites** (LWS), **Local Nature Conservation Sites** (LNCS), **Sites of Biological Importance** (SBIs), **Sites of Importance for Nature Conservation** (SINCs), or **Sites of Nature Conservation Importance** (SNCIs). The criteria for designation may vary between counties.

Together with the statutory designations, these are defined in local and structure plans under the Town and Country Planning system and are a material consideration when planning applications are being determined. The level of protection afforded to these sites through local planning policies and development frameworks may vary between counties.

Regionally Important Geological and Geomorphological Sites (RIGS) are the most important places for geology and geomorphology outside land holding statutory designations such as SSSIs. Locally-developed criteria are used to select these sites, according to their value for education, scientific study, historical significance or aesthetic qualities. As with local Wildlife Sites, RIGS are a material consideration when planning applications are being determined.

THE HEDGEROW REGULATIONS 1997

The Hedgerow Regulations 1997 are intended to protect 'important' countryside hedgerows from destruction or damage. A hedgerow is considered important if (a) has existed for 30 years or more; and (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 certain hedgerows without permission from the local planning authority. 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 are covered by these regulations. Hedgerows *'within or marking the boundary of the curtilage of a dwelling-house'* are not.

C NATIONAL PLANNING POLICY

Guidance on nature conservation is issued by the Government in the form of Planning Policy Statement 9: Biodiversity & Geological Conservation (PPS 9) and Circular 06/2005 on biodiversity and geological conservation within the planning system. The key principles in this guidance include the aim that all planning decisions should prevent harm to biodiversity.

PPS 9 offers the following guidance on Species and Habitats of Principal Importance for Biodiversity defined under section 74 of the Countryside and Rights of Way Act 2000 (which generally comprise UK Biodiversity Action Plan priority habitats species):

“Planning authorities should ensure that these species and habitats are protected from the adverse effects of development, where appropriate, by using planning conditions and obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for and benefits of the development clearly outweigh that harm.”

PPS 9 also states that in the case of previously developed land or ‘wasteland’:

“where such sites have significant biodiversity interest of recognised local importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site.”

In general, planning authorities should also;

“maximise opportunities for building in beneficial biodiversity features as part of good design ... using planning obligations where appropriate.”

D REGIONAL PLANNING POLICY

The South East Plan May 2009 includes the following policies that are relevant to the site.

POLICY NRM5: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY

Local planning authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region. They must give the highest level of protection to sites of international nature conservation importance (European sites (6)). Plans or projects implementing policies in this RSS are subject to the Habitats Directive. Where a likely significant effect of a plan or project on European sites cannot be excluded, an appropriate assessment in line with the Habitats Directive and associated regulations will be required.

ii. If after completing an appropriate assessment of a plan or project local planning authorities and other bodies are unable to conclude that there will be no adverse effect on the integrity of any European sites, the plan or project will not be approved, irrespective of conformity with other policies in the RSS, unless otherwise in compliance with 6(4) of the Habitats Directive.

iii. For example when deciding on the distribution of housing allocations, local planning authorities should consider a range of alternative distributions within their area and should distribute an allocation in such a way that it avoids adversely affecting the integrity of European sites. In the event that a local planning authority concludes that it cannot distribute an allocation accordingly, or otherwise avoid or adequately mitigate any adverse effect, it should make provision up to the level closest to its original allocation for which it can be concluded that it can be distributed without adversely affecting the integrity of any European sites.

iv. They shall avoid damage to nationally important sites of special scientific interest and seek to ensure that damage to county wildlife sites and locally important wildlife and geological sites is avoided, including additional areas outside the boundaries 6 ‘European sites’ is the term used to encompass sites that have the highest level of protection in the UK either through legislation or policy. These are Special Areas of Conservation (SACs), candidate SACs (cSACs), Special Protection Areas (SPAs), proposed SPAs (pSPAs) and Ramsar sites. Natural Resource Management 919 The South East Plan - Regional Spatial

Strategy for the South East of European sites where these support the species for which that site has been selected.

v. They shall ensure appropriate access to areas of wildlife importance, identifying areas of opportunity for biodiversity improvement and setting targets reflecting those in the table headed 'Regional Biodiversity Targets - Summary for 2010 and 2026' below. Opportunities for biodiversity improvement, including connection of sites, large-scale habitat restoration, enhancement and re-creation in the areas of strategic opportunity for biodiversity improvement (Diagram NRM3) should be pursued

vi. They shall influence and applying agri-environment schemes, forestry, flood defence, restoration of mineral extraction sites and other land management practices to: deliver biodiversity targets increase the wildlife value of land reduce diffuse pollution protect soil resources.

vi. They shall promote policies that integrate the need to accommodate the changes taking place in agriculture with the potential implications of resultant development in the countryside.

vii. They shall require green infrastructure to be identified, developed and implemented in conjunction with new development.

E LOCAL PLANNING POLICY

Hastings Borough Council's Local Plan (2004) contains the following policies from Chapter 8: Nature Conservation that are relevant to the site;

Policy NC8: General Planning Requirements

Development proposals will be required to minimise damage to wildlife and habitats. Wherever possible, development should:-

- Retain features of biodiversity importance such as woodland, trees, hedgerows, wetland habitats, herb rich grassland, watercourses, geological features and other natural features or habitats and protect them during construction;
- Avoid fragmenting habitats and isolating species;
- Where the loss of existing wildlife habitats or geological features is unavoidable, keep the loss to a minimum and provide compensation through the creation of replacement habitats or other appropriate measures;
- Incorporate, wherever appropriate, creative conservation measures which contribute to a net gain in biodiversity such as the development of new wildlife habitats;
- Incorporate the greatest possible proportion of appropriate native vegetation in any landscaping or planting scheme, except where special requirements of purpose or location dictate otherwise; Incorporate the maximum possible area of permeable ground surface and take such steps as are necessary to regulate surface water flows from impermeable surfaces in the interests of nature conservation;
- Seek to incorporate wildlife habitats in the design of built structures;
- Positively address adjacent or proximate nature

F UK BIODIVERSITY ACTION PLAN

The UK BAP was initiated to comply with obligations under the Convention on Biological Diversity, 1992. It describes the UK's biological resources and commits to developing detailed plans to conserve these resources. The UK BAP comprises Habitat Action Plans

(HAPs) and Species Action Plans (SAPs). In addition, local authorities promote habitat and species conservation at a regional level through development of Local BAPs (LBAPs).

UK Priority BAP species and habitats, that are potentially relevant to the site include;

-
- Mammals i.e. hedgehog and bats (soprano pipistrelle and brown long-eared)
- Birds i.e. dunnoek, starling, skylark
- Common reptiles (slow worm, grass snake, common lizard)
- Habitats i.e. ponds, rivers, reedbeds and hedgerows
- Amphibians i.e. great crested newt and common toad

G LOCAL BIODIVERSITY ACTION PLAN

Sussex Priority BAP (2001) species and habitats, that are potentially relevant to the site include;

Objectives in the action plan for pipistrelle bats, that are relevant to the site, include;

- Maintain and enhance existing populations and ranges of pipistrelles in Sussex.
- Work with developers and other stakeholders to ensure large-scale building development does not cause significant local reductions in the populations of pipistrelles in Sussex.

Objectives in the action plan for stag beetle, that are relevant to the site, include;

- To improve our knowledge of the status and biology of the stag beetle.
- To minimise the unnecessary destruction of colonies.
- Raise awareness of the European importance and habitat requirements of *Lucanus cervus*.

Objectives in the action plan for woodland, that are relevant to the site, include;

- Maintain the existing area of ancient semi-natural woodland.
- Achieve favourable condition in woodlands through appropriate management.
- Restore gill woods and sandrock outcrops to enhance their conservation value.
- Expand the area of new native woods:
 - In locations which will deliver the greatest ecological gains and which do not cause damage to existing interest (examples might be locations which fill gaps, form linkages between existing woods and which recreate rare woodland types, for example riverine woodland).
 - In locations which enhance the near-natural functioning of the forest matrix at a landscape scale (this requires an approach based on the interconnectedness of woodland, volume of habitat and structural diversity within an area).
- Ensure woodland and forestry management fully considers non-wooded habitats.



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