The Ecology Consultancy

Upper Ore Valley, Hastings / Preliminary Ecological Appraisal / **Hastings Borough Council**

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Upper Ore Valley, Hastings, East Sussex

Preliminary Ecological Appraisal

Report for Hastings Borough Council

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Executive Summary

The Ecology Consultancy was commissioned by Hastings Borough Council to undertake a Preliminary Ecological Appraisal (PEA) of the upper Ore Valley, also known locally as 'Speckled Wood', Hastings, East Sussex. This was commissioned by the council to provide an independent update to the previous appraisal and a better understanding of the ecological value of the area. The PEA is augmented by a high level appraisal of the potential constraints to the development of the three sub areas (CV01, CV03 and CV04), opportunities for enhancing the ecological value of the sites and the open green space in between.

The main findings of the PEA are as follows:

- The survey area is not subject to any statutory or non-statutory nature conservation designations. The nearest statutory designated site is Hastings Country Park Local Nature Reserve (LNR) located 0.58km east. The nearest non-statutory designated sites are Broomgrove Site of Nature Conservation Importance (SNCI) located 0.20km west and Clive Vale SNCI 0.44Km to the south.
- The survey area is also located within close proximity (0.92km) to Hastings Cliffs Special Area for Conservation (SAC) and Hastings Cliffs to Pett Beach Site of Special Scientific Interest (SSSI). The sites proximity to the SSSI means that it falls within one of Natural England's Impact Risk Zones. However, the cumulative number of houses allocated across the three sites falls below the threshold of 100 that Natural England's guidance sets for pre-application advice.
- The PEA comprises, inter alia, a Phase 1 habitat survey of the survey area. This survey identified a limited range of habitats as being present including: broadleaved semi-natural woodland, dense scrub, poor semi-improved grassland, running water, tall ruderal vegetation and buildings.
- Much of the woodland within the survey area is listed as 'deciduous woodland' on Natural England's Priority Habitat Inventory (Natural England, 2014) and is therefore thought to qualify as the habitat of principal importance 'Lowland Mixed Deciduous Woodland'. The exception to this is CV04.
- The survey area has potential to support protected species groups including: Badgers **present** (CV01 and wider site), **high** potential for breeding birds (all areas), **medium** potential for widespread species of reptile (CV04 and section of wider site), and **high** potential for roosting bats (CV01, CV03 and wider site). There is **Low** potential for reptiles in CV01 and CV03.

- There is **Negligible** potential for great crested newts and hazel dormouse throughout the site. The invasive plant species Japanese knotweed is confirmed as being **present** in CV01 and the wider site, but absent from CV03 and CV04.
- The ecological value of the woodland which makes up the dominant habitat of the survey area is significantly undermined by the presence of dense stands of Japanese knotweed, the density of growth of sycamore, and the consequent lack of woodland structure in the scrub and ground layers.
- This report also provides an Ecological Constraints and Opportunities Plan (ECOP) for the area. The ECOP illustrates both the constraints to development as well as broad opportunities for future management. It has been drafted after consultation with three local stakeholder groups; Friends of Speckled Wood, Sad Owls and the Ore Valley Community Land Trust. Copies of the notes of the meeting are attached as an Appendix to this report.
- Under Defra criteria for local sites selection it is advised that the 75% of open green space be retained and is suitable for designation as a Local Wildlife Site (LWS). The potential for selection is based on the site fulfilling the following criteria: recorded history and cultural associations; connectivity within the landscape; value for appreciation of nature; and, value for learning.
- To provide a viable long term resource for the local community it is recommended that a 10 year ecological management plan for the proposed LWS is drawn up. This should balance the joint requirements of wildlife conservation and access to nature.
- The following are recommended as aims for long term management of any retained open greenspace:
    - to remove all Japanese knotweed;
    - to establish new glade areas within the woodland;
    - to establish new areas of species rich grassland on south facing slopes;
    - to create an ecologically healthy riparian corridor and functioning drainage;
    - to create a more open woodland canopy and good structure of shrub and ground layers;
    - to provide a safe, accessible area for all residents to benefit from direct access to the natural environment; and
    - to provide a learning/activity resource for local schools and community groups

- It is recommended that the development of the three housing allocation areas should be subject to an overarching management plan for the whole of the site. The hard and soft landscaping designs for CV01, CV03 and CV04 should both be informed by and tie into the Ecological Opportunities and Constraints Plan.
- The following detailed designs elements are recommended for management plan for development to maximise the ecological potential for the area:
    - use of wildlife friendly lighting design;
    - protection of any main badger setts and provision for foraging;
    - tree protection measures;
    - bird boxes;
    - landscape planting only of species of known value to wildlife;
    - Sustainable Urban Drainage Systems;
    - the use of biodiverse green roofs for both visual amenity and value to wildlife;
    - rain gardens;
    - removal/control of Japanese knotweed;
    - pedestrian and disabled access;
    - creation of new reptile habitat; and,
    - ecological connectivity.

1 Introduction

BACKGROUND

1.1 The Ecology Consultancy was commissioned by Hastings Borough Council to undertake a Preliminary Ecological Appraisal (PEA) of the Upper Ore Valley, also referred to locally as 'Speckled Wood', Hastings, East Sussex. The whole area was included previously as site A01 within the Strategic Housing Land Availability Assessment carried out by the council to inform the drafting of the Local Plan in 2008.

1.2 In 2012 the council reduced the proposed development areas to CV01, CV03 and CV04 and it is these areas, along with the Local Greenspace designation, that are covered in this report. The CV01 area has approved planning consent for 51 house, CV03 is allocated for 10 residential properties and CV04 for six.

1.3 This survey and report updates a 2009 assessment carried out by The Ecology Consultancy for Hastings Borough Council (The Ecology Consultancy, 2009) to provide an independent opinion on the ecological value of the area. There have been a number of ecology surveys carried out to inform development proposals for CV01 and these have also covered the wider area. Previous surveys include those for Phase 1 habitats, badgers, bats and Japanese Knotweed and the results have been used to inform this report.

1.4 There is strong local interest in Speckled Wood with at least three active groups having some form of involvement, including carrying out ad-hoc management tasks as well as making representations to the planning authority. Notes from the meetings with each group are attached in Appendix 7. Current proposals from the Ore Community Land Trust (OCLT) include a Village Green Project. This is promoting the use of a small section of the site as a community space that would encompass amongst other things: performance space, art installations, access for the disabled, woodland play, education, allotments and ecological restoration (OCLT, 2014).

1.5 There are also proposals to run a new cycle route through the north section of the area, along the route of what was once Church Street and then exiting via Frederick Road. This cycle link is promoted through Hastings Borough Council's Development Management Plan and the Hastings Greenway Project and supported by the OCLT and 'Sustrans'.

SCOPE OF THE REPORT

1.6 The PEA is based on a desk study, and a field survey using standard Phase 1 survey methodology (JNCC, 2010). The Phase 1 survey is designed to identify the broad habitat types present, to assess 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.

1.7 The PEA is augmented by a high level appraisal of the potential constraints to development of the three sub areas (CV01, CV03 and CV04), opportunities for enhancing the ecological value of the wider survey area, and the potential for the future management of the retained open green space.

1.8 This report also provides an Ecological Constraints and Opportunities Plan (ECOP) for the wider survey area. The ECOP illustrates both constraints to development as well as broad brush opportunities for future management and has been drafted in consultation with three local stakeholder groups; Friends of Speckled Wood, Sad Owls (now, Church Street Conservation Trust) and the Ore Community Land Trust.

1.9 The appraisal has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2013) and as detailed in British Standard 42020:2013 *Biodiversity - Code of Practice for Biodiversity and Development* (BSI, 2013).

SITE CONTEXT AND STATUS

1.10 The survey comprised a large area of open greenspace in Ore, Hastings. The survey area is known as the Upper Ore Valley and also locally as Speckled Wood. Within the survey area there are three sub-areas that are currently allocated for housing in the emerging local plan.

1.11 The survey area included the proposed development areas of CV01, CV03 and CV04 as well as the intervening woodland marked as Local Green Space on Hastings Borough Council's Development Management Plan Policies Map.

1.12 CV01 is in the north-east section of the site and abuts Victoria Road and Church Street. It is within an area of dense woodland and much of the area is characterised by a steep incline running down from Victoria Road.

1.13 CV03 is a smaller area of land dominated by woodland and located in the south-west corner of the survey area just north of Old London Road with School Lane to the west.

1.14 CV04 is in the north-west of the survey area at the junction of Church Street and Clifton Road, close to Frederick Road.

1.15 The area is bounded by Victoria Road to the north-east, the rear of Greville Road properties to the north-west, Frederick Road to the west and Old London Road to the south-east. Graystone Lane enters the Local Greenspace from Old London Road, there is also access from a lane to the west of 334 Old London Road, from Frederick Road and from the cul-de-sac Speckled Wood. The remnants of Church Street, where houses were demolished in 1958, runs along the north-west boundary.

1.16 Much of the character of the woodland derives from the rows of terraced houses that used to line Church Street and also those that used to line the north facing slopes above Old London Road below the historic route of Graystone Lane. None of the houses now remain although there are remnant sections of slab work, foundations and low walls as well as old garden boundaries marked out by garden privet *Ligustrum ovalifolium.*

1.17 The National Grid Reference for the centre of the survey area is TQ 8344 1130.

2 Methodology

DESK STUDY

2.1 The Ecology Consultancy is a partner organisation with the Sussex Biodiversity Records Centre (SxBRC) that holds biological data sets compiled by the SxBRC from records provided by local recorders. Data is provided to the SxBRC by a range of individual biological recorders, recording groups, private, public and charitable sector organisations. Data remains the property of the original recorder and is reproduced with permission.

2.2 A biological data search for the survey area and surrounding land within 2 kilometres (km) of its boundary was undertaken in October 2014. A search was also completed using an on-line mapping service for information on statutory designated sites (MAGIC, 2014).

2.3 Information sourced from the desk-top study included:

- statutory sites of nature conservation importance;
- non-statutory sites designated as Sites of Nature Conservation Importance (SNCIs) or Local Wildlife Sites (LWS)at county level, recognised as being of local conservation importance and often recognised in Local Planning Authority (LPA) development plans;
- protected, rare and/or other noteworthy species;
- Habitats and Species of Principal Importance for the Conservation of Biodiversity in England as listed in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006[1] which may be relevant to the site (hereby referred to as 'species or habitats of principal importance'); and
- Other landscape and habitat classifications such as ancient woodland and Biodiversity Opportunity Areas.

[1] Section 41 (S41) of the NERC Act (2006) includes a published list of habitats and species which are of principal importance for the conservation of biodiversity in England. It is used to guide decision-makers such as LPAs in implementing their duty under section 40 of the NERC Act (2006), to have regard to the conservation of biodiversity in England, when carrying out their normal functions Further details of the NERC Act can be found at: www.opsi.gov.uk/acts/acts2006/ukpga_20060016_en_1 (see Chapters 16 and 17).

HABITAT SURVEY

2.4 The habitat survey following standard Phase 1 survey methodology (JNCC, 2010), was carried out on 2 October 2014 and covered the entire site, including boundary features. Habitats were described and mapped. A habitat map of the site is included in Appendix 1 together with photographs in Appendix 4. A list of plant species was compiled (Appendix 5), together with an estimate of abundance made according to the DAFOR[2] scale.

2.5 Incidental records of birds and other fauna noted during the course of the habitat survey were also compiled. Scientific names are given after the first mention of a species, thereafter, common names only are used. Nomenclature follows Stace (2010) for vascular plant species.

2.6 The Phase 1 habitat survey was conducted and written up by Rosie Marston BSc, MSc, GradCIEEM, an ecologist with over two years' commercial experience who is competent in carrying out botanical surveys and protected species assessments.

PROTECTED SPECIES ASSESSMENT

2.7 An assessment of the survey area's potential to support protected species was carried out. This was based on the results of the desk-top survey, observations made during the site survey, an assessment of the suitability of on-site and adjoining habitat, and information on the distribution of these species. Those species considered potentially present owing to the presence of suitable habitat within the site were evaluated further, as follows:

- the presence of nesting habitat for breeding birds, such as mature trees, dense scrub, hedgerows, and buildings, and field margins suitable for ground nesting birds; and evidence of bird nesting including bird song, old nests, faecal marks etc;
- the presence of features in, and on trees, indicating potential for roosting bats *Chiroptera* such as fissures, holes, loose bark and ivy *Hedera helix* and those

[2] The DAFOR scale has been used to try and measure the frequency and cover of the different plant species as follows: Dominant (D) - >75% cover, Abundant (A) – 51-75% cover, Frequent (F) – 26-50% cover, Occasional (O) – 11-25% cover, Rare (R) – 1-10% cover, Locally Frequent (LF) is also used where the frequency and distribution is patchy.

associated with buildings such as cavities, roof voids, hanging tiles, unenclosed soffits etc. A search for direct evidence, such as the presence of bats, staining, droppings and feeding remains was also carried out;

- cover and topography suitable for badger *Meles meles* sett construction, as well as evidence of badger activity including runs, push-throughs, setts, hair and latrines; and
- assessment of any on-site water bodies as to their potential to support breeding amphibians, specifically great crested newts *Triturus cristatus*, and suitable terrestrial habitats including rough grassland, scrub, hedgerows, woodland and refuges (logs and rubble piles);
- suitable habitat for dormice *Muscardinus avellanarius* such as woodland and scrub, particularly when connected to suitable habitats across the wider landscape.
- scrub/grassland mosaic and potential hibernation sites for widespread species of reptile;

2.8 Due to the lack of suitable habitat and/or their known distribution, it is considered unlikely that the survey area will support any other protected species. Therefore, only those species listed above are included in the protected species risk assessment in Section 3 of this report.

2.9 The survey area was also assessed for its potential to support invasive plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended).

2.10 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 records 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 records 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 records 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.

2.11 The purpose of this assessment is to identify whether more comprehensive Phase 2 surveys for protected species or mitigation should be recommended.

EVALUATION

2.12 The whole survey area has been evaluated by broadly following guidance issued by the Institute of Ecology and Environmental Management (IEEM, 2006)[3] 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), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs), locally designated sites such as Local Nature Reserves (LNRs) and LWS;
- 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;
- secondary and supporting value, for example, habitats or features which provide a buffer to valued features or which serve to link otherwise isolated features;
- presence of legally protected sites or species; and
- species or habitats of principal importance.

[3] now the Chartered Institute of Ecology and Environmental Management (CIEEM)

2.13 A second evaluation has been carried out for the proposed Open Greenspace only (excluding the development areas) to determine it's suitability as a Local Wildlife Site. The 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' and is the criteria currently used by Hastings Borough Council for the selection of a Local Wildlife Site[4].

2.14 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.

LIMITATIONS

2.13 It should be noted that whilst every effort has been made to provide a comprehensive description of the survey area, no investigation can ensure the complete characterisation and prediction of the natural environment.

Data Search

2.14 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 simply be under-recorded.

[4] The term Local Wildlife Site is commensurate with that of Site of Nature Conservation Importance (SNCI) this is a non-statutory designation for sites which are identified at a county level and often forming a network of local sites that are of conservation importance. Other names for this type of site are Sites of Nature Conservation Importance (SINC) or County Wildlife site.

2.15 Where only four figure grid references are provided for protected species by recorders submitting data, their precise location can be difficult to determine and they could potentially be present anywhere within the given 1km x 1km National grid square.

Habitat Survey

2.16 The Phase 1 habitat survey does not constitute a full botanical survey, or a Phase 2 pre-construction survey that would include accurate GIS mapping for invasive or protected plant species. As the survey was carried out in October any plants with an earlier flowering phenology may have been under-recorded. However, this report can be read in conjunction with the 2009 survey which was carried out in May and recorded a slightly greater number of flowering plants.

Protected Species Assessment

2.17 The protected species assessment provides a preliminary view of the likelihood of protected species occurring within the survey area. This is 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 protected species may be present.

2.18 The search for badger field signs did not aim to accurately map all of the badger setts or foraging activity within the survey area. The aim was to make a general assessment of the status of badgers and to confirm the findings of previous surveys.

3 Results

DESK STUDY

Designated Nature Conservation Sites

3.1 The survey area is not designated by either statutory[5] or non-statutory[6] means for its nature conservation value. Within a 2km radius of the site there are four statutory sites, including an Special Area of Conservation, Site of Special Scientific Interest (SSSI) and two Local Nature Reserves (LNR's) and seven non-statutory sites (all LWS/SNCI). See Table 1 for details.

3.2 Due to the site's location within close proximity to Hastings Cliffs to Pett Beach SSSI, it also falls within a SSSI Impact Risk Zone. Therefore, Natural England require consultation for certain types of development, including residential developments of 100 units or more.

Table 1: Designated Nature Conservation Sites within 2km of the site

Site Name	Habitats/Species of Interest	Location
Statutory Designated Sites		
Hastings Cliffs SAC	**Habitats:** Vegetated sea cliffs, woodland, scrub and heathland. **Species:** Plants including the bryophyte *Lophocolea fragrans* and thrift *Armeria maritima.*	0.92km south
Hastings Cliffs to Pett Beach SSSI	**Habitats:** Ancient woodland, scrub, maritime grassland and vegetated shingle. **Species:** Plants and lower plants including sea pea *Lathyrus japonicus* and yellow vetch *Vicia lutea.* Invertebrates including the beetle *Hydraena pygmaea*.	0.92km south

[5] Principally sites receiving protection under the Wildlife and Countryside Act, 1981 (as amended) and including LNRs, SSSIs, SACs and Special Protected Areas (SPAs), amongst others.

[6] They typically comprise a series of sites designated a county level that are recognised to be of local conservation importance and are often included in LPA development plans. In other areas of the country they are sometimes called SINCs (Sites of Importance for Nature Conservation), CWSs (County Wildlife Sites) or SBIs (Sites of Biological Importance). All are described generally as Local Wildlife Sites by the UK Government.

Table 1: Designated Nature Conservation Sites within 2km of the site

Site Name	Habitats/Species of Interest	Location
Hastings Country Park LNR	**Habitats:** Sandstone cliffs, cliff-top heathland, wooded ghylls, cliff-top pasture and arable. **Species:** Birds including barn owl *Tyto alba* and peregrine falcon *Falco peregrinus.* Reptiles including adder *Vipera berus.* Mammals including hazel dormouse. Plants including liverworts and mosses.	0.58km east
St Helens Wood LNR	**Habitats:** Woodland and meadows. **Species:** Invertebrates associated with dead wood. Plants including broad-leaved helleborine *Epipactis helleborine* and green-winged orchid *Anacamptis morio.*	1.58km north-west
Non-statutory Designated Sites (LWS/SNCI)		
Broomgrove	**Habitats:** Mature scrub, pond and semi-mature woodland. **Species:** Plants, insects and birds. Mammals including badger.	0.20km west
Clive Vale	**Habitats:** Woodland valley and stream.	0.44km south
Ochiltree Woods	**Habitats:** Semi-natural woodland, part of which is a wooded valley with a small stream and grassland banks. **Species:** Woodland plants, birds and insects including butterflies.	0.92km north-west
Hastings Cemetery	**Habitats:** Semi-natural woodland. **Species:** Plants including eyebright *Euphorbia* sp.	1.15km north-west
High Street Wall and All Saints Wall	**Habitats:** Vegetated walls. **Species:** Plants including ivy-leaved toad flax *Cymbalaria muralis* and pellitory-of-the-wall *Parietaria judaica.*	1.29km south-west
Rock-a-Nore Shingle Beach	**Habitats:** Shingle beach. **Species:** Plants including sea kale *Crambe maritima.*	1.75km south-west
Castle Hill	**Habitats:** Rough grassland, scrub and coastal rock outcrop. **Species:** Plants including lesser calamint *Calamitha nepeta.* Clif-nesting birds. Invertebrates including grasshoppers, crickets and butterflies.	1.82km south-west

Landscape and Habitat Classifications

Habitats of principal importance

3.3 Woodland within the survey areais listed as ‘deciduous woodland’ on Natural England’s Priority Habitat Inventory (Natural England, 2013). Therefore thought it is considered as likely to qualify as a habitat of principal importance ‘Lowland Mixed Deciduous Woodland’.

3.4 There are numerous other blocks of deciduous woodland in the local area and the data search identified 352 blocks of Priority deciduous woodland within Hastings Borough.

Ancient woodland within 2km

3.5 There are 32 blocks of woodland within a 2km radius of the survey area that appear on the National inventory for ancient semi-natural woodland[7] (ASNW), the closest of these is a block of unnamed ASNW located 0.51km east of the site. The data search also identified 74 ASNW within Hastings Borough.

Protected, Rare and/or Noteworthy Species

3.6 The records presented below were returned from the data search for the 2km search area and only refer to the site itself where explicitly stated.

Plants

3.7 The data search returned records of over 50 species of plants including lower plants such as lichens, liverworts, mosses, bryophytes, ferns and horsetails. Of these species, 50 are listed on the Sussex Rare Species Inventory[8] (SxRSI), five are species of principal importance and three are protected under the Wildlife and Countryside Act 1981 (as amended). Species listed on the SxRSI that have been recorded on site include *Arum italicum* ssp. *neglectum* in 2009, box *Buxus sempervirens* in 2012 and large-leaved lime *Tylia platyphyllos* in 2012.

Invertebrates

3.8 The data search returned records of over 150 species of invertebrate, from a variety of taxonomic groups including mainly butterflies, moths, bees and beetles. Of these, 150 are SxRSI listed and 57 are species of principal importance. Species listed on the SxRSI that were recorded on site in 1997 are two species of fly *Volucella inanis* and *Volucella zonaria.*

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7 Ancient woodland is taken to be that which has had continuous woodland cover for 400 years or more. Peterken (1993) describes the distinction between ancient and recent woodland as being '…*defined according to their origin before and after a threshold date, respectively. The most convenient date for this threshold is about the year 1600*….' (Peterken, 1983).

8 Species selected according to strict criteria of rarity associated with their occurrence in Sussex. The SxRSI criteria includes – all species in the British Red Data Books including all Notable fauna and Nationally Scarce flora and British endemic taxa which have ever occurred in Sussex whether extinct or not; species included in the UK Biodiversity Action Plan (now referred to as species of principal importance); internationally rare taxa cited in the Bern Convention, IUCN Red Data Lists, or EU Habitats Directive which are not covered by any of the above and/or county rarities (Sussex Biodiversity Record Centre, 2013).

Amphibians

3.9 The data search returned three records for great crested newt dated between 1986 and 1990; the 1990 record was located 0.92km south-west of the site. There were 20 records for common toad *Bufo bufo* between 1987-2013; the 2013 record was located on-site. Great crested newt is a fully protected species under the Wildlife and Countryside Act 1981(as amended) and under The Conservation of Habitats and Species Regulations 2010 (as amended), and both are species of principal importance.

Reptiles

3.10 The data search returned records for four widespread reptile species, all of which are protected species under the Wildlife and Countryside Act 1981 (as amended) and species of principal importance:

- slow-worm *Anguis fragilis* – 20 records dated 1989-2013, including two 2013 on-site records;
- common lizard *Zootoca vivipara* – 15 records dated 1981-2008, the closest of which is a 1990 record located 0.46km south-west;
- grass snake *Natrix natrix* – eight records dated 1991-2012, the closest of which is a 1993 record located 0.74km north-west; and
- adder *Vipera berus* – 20 records dated 1993-2010, the closest of which is a 1997 record located 0.70km south.

Birds

3.11 The data search returned records for 22 species on the Sussex Notable Bird Inventory[9] (all species of bird are protected under the Wildlife and Countryside Act 1981(as amended)), associated with a range of habitats including urban, coastal, woodland, wetland and grassland habitats. Species recorded flying over the site include common swift *Apus apus,* a Bird of Conservation Concern[10] (BoCC) amber-list species in 2009.

[9] Birds that are particularly scarce or vulnerable in Sussex including birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), Section 41 of the Natural Environment & Rural Communities Act, Birds of Conservation Concern (Eaton *et al*., 2009) etc.

[10] Birds of Conservation Concern status is prioritised into high concern (Red), medium concern (Amber) and low concern (Green) (Eaton et al, 2009). Red list species are those that are globally threatened according to the IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and have not shown a substantial recent recovery. Amber list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; those whose population has declined historically

Also recorded flying over in 2003 was red kite *Milvus milvus,* a BoCC amber-list species also receiving additional protection under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

Bats

3.12 The data search returned records for seven species of bat. All species of bat are fully protected under the Wildlife and Countryside Act 1981(as amended) and under The Conservation of Habitats and Species Regulations 2010 (as amended). In addition those indicated below are species of principal importance.

3.13 These species have been recorded within 2km of the site as follows:

- serotine *Eptesicus serotinus* – one 1999 roost record located 0.70km south;
- Daubenton's bat *Myotis daubentonii* – two records dated 1950-1965, including a 1965 field record located 1.77km south-west;
- Natterer's bat *Myotis nattereri* – one 2012 record of a grounded bat located 1.93km south-west;
- Nathusius's pipistrelle *Pipistrellus nathusii* – one 2003 field record located 0.54km north;
- common pipistrelle *Pipistrellus pipistrellus* – six records dated 2006-2013, including a 2013 field record located 0.85km north-west;
- soprano pipistrelle *Pipistrellus pygmaeus* (species of principal importance) – two records dated 2012-2013, including a 2013 field record located 0.83km north-west; and
- brown long-eared *Plecotus auritus* (species of principal importance) – five records dated 1950-2013, including a 2003 roost record located 0.49km north.

Hazel dormouse

3.14 The data search returned 675 records for hazel dormouse dating 1910-2010. No records were from the immediate vicinity of the site and all of these records (except one) are from woodlands in Hastings Country Park, the closest of which is located 1.49km south-east. The hazel dormouse is a protected species under the Wildlife and

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but made a substantial recent recovery; rare breeders; and those with internationally important or localised populations. Green list species are those that fulfil none of the criteria.

Countryside Act 1981(as amended) and under The Conservation of Habitats and Species Regulations 2010 (as amended). It is also a species of principal importance.

Water vole

3.15 The data search returned three records for water vole *Arvicola amphibius* dating 1997-2004. The closest of these is a 1997 record located 1.81km west. Water vole is a protected species under the Wildlife and Countryside Act 1981 (as amended) and also a species of principal importance.

Existing Ecological Reports

3.16 There are a number of pre-existing ecology reports produced by independent consultants for proposed development in the north-east corner of the survey area. The most recent reports have been used as background information and the survey findings are summarised in Table 2 below. All reports were available on the Hastings planning portal.

Table 2: Summary of previous survey work

Author	Date	Title	Findings
Andrew McCarthy Associates	May 2007	Land Off Victoria Avenue Hastings. Bat Tree Inspection and Emergence Survey	• Three ash trees were assessed as having moderate potential for roosting bats due to the extent and density of ivy *Hedera helix* coverage. • No bats were observed emerging from these trees during the emergence survey. • It was recommended that once planning consent had been granted, these trees should be stripped of ivy and a further inspection of them undertaken. • This would determine the need or otherwise for a further emergence survey and/or soft felling of these trees. • During the emergence survey general bat activity was low.
WSP	November 2010,	Land Off Victoria Avenue, Hastings Badger Licence Method Statement. Hollyberry Holdings Limited.	• Nine active badger sett entrances were recorded including five outlier setts and four entrances which appear to form all or part of a subsidiary sett. • A licence for sett closure and disturbance of setts should be obtained where setts will be lost to development or affected by proposed works. • Monitoring of badger setts is recommended in the period leading to construction due to the dynamic nature of badger activity on the site. • Recommendations for enhancement of the proposed development for badgers included:

Table 2: Summary of previous survey work

Author	Date	Title	Findings
			○ providing badgers with areas to forage including an element of grassland and planting fruit trees; ○ using 'robust' planting such as thorny shrubs in peoples gardens to prevent damage by badgers; ○ adopting a sensitive lighting strategy adopted to minimise disturbance; ○ permanent boundary fencing should not be used to allow badger movement; ○ traffic calming measures and reduced speed limits should be implemented to reduce disturbance and the risk of road traffic accidents; and ○ protection zones should be established around setts using planting or fencing.

HABITAT SURVEY

Overview

3.17 The survey area was dominated by secondary[11] broadleaved woodland that had developed on the steeply sloping sides of a small valley lying in an east-west orientation. A stream/drainage channel with a sandstone substrate ran through the centre of the valley. This is a ghyll type feature typical of the Wealden landscape with several high value examples within Hastings. Around the margins were small areas of hard-standing, poor-semi improved grassland, tall ruderal vegetation and dense scrub.

3.18 Historically the survey area formally comprised a number of domestic dwellings that were built on raised terraces either side of the steep valley, particularly on the southern side. Some of the foundations of the buildings, sections of brick wall and piles of rubble were still remaining. Also evident were the former garden boundaries, nearly all delineated by sections of overgrown hedgerow.

3.19 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.

[11] '*Woodland occupying a site which at some time has been artificially cleared of woodland, but which has reverted to woodland by natural succession or by planting. Clearance involves the removal of tree cover and use of the site for pasture, meadow, arable, building etc by which alternative uses a non-woodland vegetation has been established'* (Peter Calow, 1998).

3.20 There was evidence of some habitat management throughout the site with trees and shrubs cut back to provide access and wood chippings put down on paths. Steps had also been cut into the steep valley slopes to provide access. The site is used by local residents including dog walkers and young adults. Fly-tipping and dumping of garden waste was present in many places.

Land Parcel CV01

Broadleaved semi-natural woodland

3.21 This land parcel largely comprised of broadleaved semi-natural woodland with a very densely vegetated understorey. The land 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.

3.22 The canopy comprised frequent sycamore *Acer pseudoplatanus* and ivy-clad ash *Fraxinus excelsior* and occasional crack willow *Salix fragilis* along the stream side. Also present was a large multi-stemmed hybrid black poplar *Populus x canadensis.*

3.23 The understorey featured locally abundant bramble *Rubus fruticosus* and frequent hawthorn *Crataegus monogyna* and holly *Ilex aquifolium.* Also present were sections of overgrown hedgerow comprising garden privet and other garden escapes such as evergreen spindle *Euonymus japonicus* and Wilson's honeysuckle *Lonicera nitida.*

3.24 The ground flora was generally species-poor due to the lack of light penetration and featured locally frequent common nettle *Urtica dioica,* indicating disturbance and/or enrichment of the soil. Also locally frequent along the woodland and stream edges in this section of the site was the invasive species Japanese knotweed. Woodland herbs and ferns occasionally to rarely present included wood avens *Geum urbanum*, enchanter's nightshade *Circaea lutetiana* and broad-buckler fern *Dryopteris dilatata.*

Dense scrub

3.25 Small areas of dense scrub were present at the edges of the woodland to the north-west corner of this land parcel. This mainly comprised bramble and hedge bindweed *Calystegia sepium,* with some planted evergreen spindle.

Poor-semi-improved grassland

3.26 A small area of poor semi-improved grassland was present in an opening in the woodland adjacent to the stream central to this land parcel. This mainly comprised

annual meadow-grass *Poa annua,* greater plantain *Plantago major* and creeping buttercup *Ranunculus repens* with very few other species present.

3.27 Small strips of grassland with a similar species composition to that described above were also present along the former Church Street where grassland was colonising areas of hard-standing.

Running water

3.28 The stream running through the centre of the site had shallow running water present at its north-eastern extremity where it occurs in this land parcel. Further along its route the stream was blocked, or went to ground as it became dry at the south-western extremity of the site. The stream bed comprised silt and rocks and no aquatic vegetation was observed.

3.29 Streamside vegetation was limited in extent and featured occasional pendulous sedge *Carex pendula*, broad buckler fern and hart's-tongue fern *Asplenium scolopendrium*. Japanese knotweed was present in varying degrees along the length of the stream and in particular towards the western end.

Land Parcel CV03

Broadleaved semi-natural woodland

3.30 This land parcel largely comprised an area of broadleaved semi-natural woodland. As with the woodland present in CV01 (described above), the canopy featured frequent sycamore and the understorey was very dense in places with locally abundant bramble, various garden escapes such as cherry laurel *Prunus laurocerasus* and sections of privet hedging. The ground flora was generally species-poor and featured locally frequent common nettle *Urtica dioica* and ivy.

3.31 The land in CV03 rose gradually towards Old London Road and several piles of rubble were present where much of the area comprised the remains of former properties.

Tall ruderal vegetation

3.32 At the southern end of CV03 at the edge of the woodland was an area of tall ruderal vegetation mainly comprising common nettle, hemp-agrimony *Eupatorium cannabinum* and hedge bindweed.

Building

3.33 One small dilapidated building was still standing in the south-east corner of this land parcel. It comprised a shell of breeze blocks, wooden planks and corrugated sheeting with vegetation growing over it.

Land Parcel CV04

Dense scrub

3.34 In the south-east corner of CV04 was an area of dense scrub mainly comprising elder *Sambucus nigra,* hawthorn and bramble. Also present were a number of scattered sycamore trees and the area was slowly succeeding to secondary woodland.

3.35 Fly-tipping, abandonment of disused vehicles and dumping of garden waste was particularly prevalent in this area where the land backed onto people's gardens.

Tall ruderal vegetation

3.36 South of Church Street in the south-east corner of this land parcel was an area of tall ruderal vegetation present in a mosaic with rank grassland (see poor-semi improved grassland below), scattered scrub and trees. The area was clearly unmanaged and the ruderals had grown up to 1-1.5m tall in places.

3.37 Ruderal species present included abundant common nettle and locally frequent great willowherb *Epilobium hirsutum* and hemp-agrimony. Scrub included occasional bramble, elder and cherry laurel that had likely escaped from nearby gardens. Trees included a few young specimens of sycamore, hawthorn and willow *Salix* sp.

3.38 A number of bush-crickets and orb-weaver spiders were identified on the day of the field survey and the area was clearly well-used by foraging badgers with various paths and snuffle holes present.

Poor semi-improved grassland

3.39 A small triangle of poor-semi improved grassland was present on a south-facing slope in the extreme north-west corner between Clifton Road and Church Street. It appeared to be cut regularly, with a short sward dominated by grass species such as rye grass *Lolium perenne* and cock's-foot *Dactylis glomerata*. Broad-leaved species present included frequent cat's-ear *Hypochaeris radicata*, cow parsley *Anthriscus sylvestris* and broad-leaved dock *Rumex obtusifolius*.

3.40 The rank grassland present south of Church Street featured abundant couch grass *Elytrigia repens,* occasional cock's-foot and hedge bindweed. Also present in this area was the invasive plant species Himalayan balsam *Impatiens glandulifera.*

3.41 Poor semi-improved grassland was also present along the length of Church Street where the road is no longer heavily used by traffic and a grassland sward was beginning to cover it. This mainly comprised annual meadow-grass *Poa annua* and greater plantain *Plantago major.*

Wider Survey Area

3.42 The remaining survey area also largely comprised an area of broadleaved semi-natural woodland. As with the woodland present in the land parcels CV01 and CV03 (described above), the canopy featured frequent sycamore. Other tree species present in the canopy included a cluster of hornbeam *Carpinus betulus* with horse chestnut *Aesculus hippocastanum* and beech *Fagus sylvatica* both rare.

3.43 Some trees present in the woodland were considered notable for their form and/or maturity. This included a number of large willow trees *Salix* spp. located at TN5 (Target Note, feature of interest marked on the habitat map) and nearby along the stream side and an avenue of mature planted lime trees *Tilia* sp. at TN6.

3.44 The understorey featured areas that were quite dense with locally abundant bramble and ivy, and sections of privet hedging and numerous garden escapes such as cherry laurel and Himalayan honeysuckle *Leycesteria formosa.* There were also areas (particularly to the south) where the understorey was quite sparse, and appeared to have been reduced through habitat management. The areas that were formally gardens also remained quite open with a dense understorey yet to develop.

3.45 The ground flora was generally species-poor and featured locally frequent ivy. Woodland ferns rarely present included male-fern *Dryopteris filix-mas.*

3.46 The land here rose steeply to the north and south away from the stream and then more gradually to the south up towards Old London Road. There were a number of informal paths through the woodland and in some well-used areas the ground had been trampled to bare earth.

Dense and scattered scrub

3.47 The dense scrub bordering Church Street and the Speckled Wood cul-de-sac to the north mainly comprised dense bramble, elder and hawthorn. Also present were a number of young scattered sycamore, ash and pedunculate oak *Quercus robur* trees.

3.48 The scattered scrub present along Church Street mainly comprised shrubs of garden origin including garden privet, butterfly bush *Buddleja davidii,* Wilson's honeysuckle and holly.

Tall ruderal vegetation

3.49 Dense mounds of the invasive species Japanese knotweed and hedge bindweed were prevalent along Church Street between CV01 and CV04. Japanese Knotweed was seen to spread quite far down the south-facing bank towards the valley bottom. It was also prevalent near the cul-de-sac known as Speckled Wood and along the stream side in the south-west corner of the site.

Poor semi-improved grassland

3.50 The grassland present south of the cul-de-sac known as Speckled Wood was also fairly rank and similar in character to the grassland present in CV04 (described above). Additional species present included occasional timothy *Phleum pratense* and common knapweed *Centaurea nigra.* Some of the grassland nearest the roadside had been mown short.

3.51 Poor semi-improved grassland present along the length of Church Street mainly comprised annual meadow-grass and greater plantain as described for land parcel CV04.

Running water

3.52 The stream running through the centre of the site was mainly dry throughout at the time of survey. As described above for land parcel CV01, the stream bed comprised silt and rocks and no aquatic vegetation was observed.

3.53 Streamside vegetation was limited in extent and Japanese knotweed was present in varying degrees along the length of the stream and in particular towards its western end.

Buildings

3.54 Three wooden sheds were present in the far south-west corner of the area.

Target Notes

3.55 The target notes below refer to specific features located during the Phase 1 habitat survey that have relevance to the ecological assessment of the survey area and are illustrated within the Phase 1 habitat map in Appendix 1.

Target Note 1

3.56 Tipping of garden waste providing habitat piles suitable for wildlife.

Target Note 2

3.57 Stands of the invasive plant species Japanese knotweed up to 4m tall.

Target Note 3

3.58 Badger snuffle holes.

Target Note 4

3.59 A large multi-stemmed hybrid black poplar.

Target Note 5

3.60 A multi-stemmed crack willow providing a source of both standing and fallen dead wood.

Target Note 6

3.61 An avenue of mature planted lime trees.

Target Note 7

3.62 A seedling of the invasive plant species Himalayan balsam.

Fauna

3.63 Whilst undertaking the Phase 1 habitat survey a number of incidental fauna records were made, these are listed below along with an indication which are noteworthy records:

- grey squirrel *Sciurus carolinensis*;
- badger *Meles meles* (protected species under the Protection of Badgers Act 1992*;*
- jay *Garrulus glandarius;*
- magpie *Pica pica;*

- herring gull *Larus argentatus* (BoCC red-list species)*;*
- collared dove *Streptopelia decaocto;*
- great tit *Parus major;*
- carrion crow *Corvus corone;*
- wood pigeon *Columba palumbus*; and
- robin *Erithacus rubecula*.

PROTECTED AND INVASIVE SPECIES ASSESSMENT

3.64 Where the habitats within the survey area were suitable to support protected species, they were evaluated as to their likelihood to provide sheltering, roosting, nesting and foraging habitat for those species. Those species considered potentially present are:

- breeding birds;
- bats;
- badger;
- great crested newt;
- hazel dormouse; and
- widespread species of reptile.

3.65 The survey area was also surveyed for invasive plant species including those listed in Section 14 and Part 2 of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

3.66 The likelihood of these species being present is evaluated in Table 3 below. The relevant legislation and policies relating to protected species and invasive plant species are set out in Appendix 4.

Table 3: Assessment of potential presence of protected species and invasive plant species

Species	Main legislation and policy (see Appendix 4)	Reason for consideration	Likelihood of occurrence
Breeding birds	Wildlife and Countryside Act 1981 (as amended) - Schedules 1 to 8.	Suitable habitat for a range of breeding birds was present throughout the site, notably scrub and woodland	**HIGH: ALL AREAS** Although no direct evidence of breeding birds was noted during the Phase 1 habitat survey, all of the on-site woody habitats (including woodland, dense scrub, hedgerows and scattered trees) provided suitable habitat for breeding birds. The position of the site within the landscape could to provide a significant resource for birds within the local area.
Bats	Wildlife and Countryside Act 1981 (as amended) - Schedule 5. The Conservation of Habitats and Species Regulations 2010 (as amended) - Schedule 2.	Potentially suitable foraging/commuting and roosting habitat was present on site. The data search returned records for seven different species of bat within 2km of the site. Common and soprano pipistrelle were recorded foraging on the site during surveys in 2007 (Andrew McCarthy).	**HIGH: CV01,CV03, WIDER SITE** **LOW: CV04** The denser areas of woodland within CV01, CV03 and the wider site all contain a scattering of more mature trees that are likely to provide suitable roosting opportunities. The woodland is also likely to provide a high value foraging resource for bats that may roost off-site in the local area.
Badger	Protection of Badgers Act 1992.	There is suitable foraging and sett-building habitat for badgers throughout the site although the cover opportunities and topography within CV04 is not optimal.	**PRESENT CV01,WIDER SITE** There were a large number of individual badger setts located within CV01 and adjacent to this area to the south-west. The setts include a number of excavations that are likely to be dug by badgers but are not readily classifiable and may not be in current or regular use. There was a large multi-entrance sett adjacent to the south of the eastern end of Speckled Wood cul-de-sac and at the time of the survey this appeared to have been in occupation. Badger foraging signs were evident throughout accessible areas of woodland as well as the more open areas of habitat along Church Street and notably in CV04.

Table 3: Assessment of potential presence of protected species and invasive plant species

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. The Conservation of Habitats and Species Regulations 2010 (as amended) – Schedule 2.	Suitable habitat was present on site for newts in their terrestrial phase. OS 1:10,000 maps indicate the presence of three ponds within 500m of the site and a number of drainage ditches. The closest pond is located 225m south-west. The next closest pond is 495m north. The closest record for great crested newt returned from the data search was a 1992 record located 0.96km south-west.	**LOW: ALL AREAS** – There was no suitable on-site breeding habitat, with the only waterbody the shallow drainage stream/ditch that flows through the site, and this had no aquatic vegetation suitable for egg laying. Whilst the woodland and scrub provide cover and foraging opportunities the closest pond identified from aerial photography is over 200m to the west on the far side of Frederick Road. The only other ponds within a 500m distance are very close to the edge of that buffer on the far side of Fairlight Avenue.
Hazel dormouse	Wildlife and Countryside Act 1981 (as amended) - Schedule 5. The Conservation of Habitats and Species Regulations 2010 (as amended) - Schedule 2.	The site provides suitable albeit sub-optimal habitat for dormouse that could utilise dense bramble scrub. The data search returned many records from Fairlight Glen in Hastings Country Park located 1.88km south-east.	**NEGLIGIBLE: ALL AREAS –** Whilst there was some suitable habitat this was mainly limited to bramble as the woodland had very poor structure and lacked many of the plant species that can provide dormice with food and nest building material including hazel, oak, and honeysuckle *Lonicera periclymenum*. The woodland has been developing over the last 40-50 years and in that time has remained relatively isolated from other areas of potentially older growth woodland.
Widespread reptiles	Wildlife and Countryside Act 1981 (as amended) - Schedule 5.	Some suitable habitat for reptiles was present on site. The data search retuned records for slow-worm, common lizard, grass snake and adder within a 2km radius.	**HIGH: CV04, WIDER SITE** **MEDIUM: CV01,CV03** The CV04 area provided suitable habitat for slow worm and common lizard with open areas for basking, cover and foraging opportunities. This area also has a greater degree of variation in habitat structure and suitable niches for hibernation. There was also an open area of grassland alongside Speckled Wood cul-de-sac and some very restricted areas of grassland along Church Street. The remaining site including CV-01 and CV03 was less optimal.

Table 3: Assessment of potential presence of protected species and invasive plant species

Species	Main legislation and policy (see Appendix 4)	Reason for consideration	Likelihood of occurrence
Invasive plant species	Section 14 and Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)	Invasive species are widespread in many habitats and commonly found in gardens. A number of commonly planted ornamental species are on the Schedule 9 list.	**PRESENT CV01, WIDER SITE** – The invasive plant species Japanese knotweed was present in large dense stands in CV01, as well as along the south facing banks below Church Street and the corridor of the drainage ditch.

4 Evaluation

SITE EVALUATION

4.1 Habitats and species on the entire survey area were evaluated following standard guidance on ecological impact assessment published by the Institute of Ecology and Environmental Management (IEEM, 2006) using the recommended geographic frame of reference – see Table 4. Key aspects of legislation regarding nature conservation are provided in Appendix 6.

Table 4: CIEEM Evaluation

Criteria	Remarks
Features of International Importance	The site is not subject to any international statutory nature conservation designations. The closest site of international importance Hastings Cliff SAC designated for maritime habitats such as shingle and sea cliffs. None of these habitats are replicated within site which does not provide any supporting habitat that maintains the integrity of the SAC. No species listed on Annex II of the Habitats Directive (2010) 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.
Features of National Importance	The site is not subject to any national statutory nature conservation designations and it is not considered that any habitats or populations or assemblages of species within the site would meet the criteria for the designation of SSSIs at an appropriate geographic level[12]. The closest site of national importance is Hastings Cliff SSSI. There are no on-site habitats that help to maintain the integrity of this SSSI.
Features of County (East Sussex) Importance	The site is not subject to any non-statutory nature conservation designations such as LWS. There is the potential for the site to meet the criteria for designation as a Local Wildlife Site following Defra (2006) guidance (see below).
Features of District (Hastings) Importance	The site is not thought to support any features of value at this level.
Features of Local Importance	The site has the potential to support the following protected and/or species of principle importance: o Invertebrates; o Breeding birds; o Mammals including bats and badgers. The woodland on the site is listed as a habitat of principal importance, but is not considered to be a good example of its type. It has a low diversity of woody species with Japanese knotweed or bramble dominant over much of the area with only a very sparse ground flora.

[12] JNCC Guidelines for selection of biological SSSIs (see http://jncc.defra.gov.uk/page-2303#download).

Table 4: CIEEM Evaluation

Criteria	Remarks
	As the woodland may support protected species, such as bats and badgers it is considered to be of importance locally.
Features of importance within the immediate vicinity of the site	With the exception of the woodland, all of the habitats present on site are common and widespread habitats of low conservation value and considered to be of value at this scale.
Social Importance	The woodland has had a high level of informal use over many years. The woodland offers visual amenity value to local residents and the informal footpaths provide links through the area from domestic premises to shops and other amenities.
Economic Importance	The habitats and species do not currently provide a resource that could be exploited for their economic value. It may be possible to sell woodland products resulting from cyclical management e.g. firewood, timber, poles, charcoal etc. However, with the limited extent of habitat and type of timber present it would not be a viable long-term project. The natural habitats on the site also have the potential to provide indirect economic value through providing ecosystem services such as flood attenuation.

4.2 An evaluation of the nature conservation value of the wider open space (see Table 5 below) using standard criteria developed by the Department for Environment Food and Rural Affairs (DEFRA, 2006) is provided below. This evaluation is provided to determine the suitability for the retained open greenspace to be designated as an LWS and does not include the development areas, CV01, CV03 and CV04.

Table 5: Site evaluation based on Local Sites criteria published by DEFRA

Criteria	Remarks
Size or Extent	The retained green space would comprise approximately 75% of the current extents of the Upper Ore Valley/Speckled Wood. The retained area is of sufficient size, approximately 2.7ha, to continue to provide sufficient foraging area for badgers once the Japanese knotweed is removed. The site provides sufficient area to accommodate more than one social group of badgers. The size of the area used by badgers and breeding birds would also extend into the 110 plus rear gardens that back onto the site. There are other large areas of woodland within Hastings but not within the immediate local area where the site provides the largest area of accessible greenspace.
Diversity	The site does not comprise a diverse assemblage of habitats. Woodland is dominant abutted by scattered trees, scrub and tall ruderal vegetation that together form a woodland edge. The plant species recorded within the site (111 in 2009, 94 in 2014) represent only a moderate species richness. The plant diversity is likely artificially high through the inclusion of non-native garden escapes. The dense stands of Japanese knotweed create a homogenous cover with a very low plant species diversity and likely low diversity and abundance of invertebrates. The restricted

Table 5: Site evaluation based on Local Sites criteria published by DEFRA

Criteria	Remarks
	grassland areas were recorded as species poor semi-improved.
Naturalness	The central stream runs through Wealden sandstone and has remained the least disturbed or man modified habitat within the site. It is subject to erosion processes from within the channel and run off from adjacent land. The bryophytes found along the eastern section are colonising as a result of shading from adjacent trees and woodland cover. The woodland is secondary and represents a natural succession from remnant gardens and allotment areas with the dominant sycamore self-seeding.
Rare or Exceptional feature	There were no rare or notable plants, animals or other features recorded during the Phase 1 habitat survey. The dominant habitat of secondary woodland is common elsewhere in the local area.
Fragility	There are no habitats within the site that are fragile by nature and likely to be lost or significantly degraded without intervention.
Typicalness	Secondary woodland has come to dominate the site since becoming established after the demolition of Church Street in the late 1950's. The wider landscape is now heavily urban in character with the next closest similar woodland found at Broomgrove SNCI to the south-west.
Recorded history and cultural associations	The site has long been used by local residents, both those dwelling within the now demolished houses on Church Street and Greystone Lane as well as the allotment gardens recorded on an Ordnance Survey map from 1930. This use has also included the use of informal footpaths, notably the cut through from School Road to Church Street.
Connectivity within the landscape	The site's situation as a large area of open greenspace within a densely urban area provides its primary ecological value. There are other areas of woodland 700m to the north, 500m east and 800m south, these are separated from the site by a network of roads. Woodland and garden bird species are likely to utilise the site in conjunction with these other areas and the site may act as a stepping stone for species moving further into Hastings. This connectivity is greatest to the south-west where Broomgrove SNCI forms part of the green rail corridor into the centre of Hastings, meeting Alexander Park and a woodland block in Bohemia. There are eight Local Wildlife Sites within 2.5Km of the Upper Ore Valley/Speckled Wood.
Value for appreciation of nature	The site has been used informally by local residents for many years and likely to have been used this way since the demolition of the houses on Church Street. It provides direct access into woodland from the 100 or so domestic properties which back directly onto the site and also for residents in many of the surrounding streets. Whilst the site is unlikely to be home to any particularly rare or notable species there are good opportunities to encounter a broad range of British wildlife. This includes mammal species such as badger and grey squirrel as well as numerous invertebrates and a reasonable diversity of woodland and garden bird species. The informal pathways allow residents to experience a quiet woodland environment whilst transiting from home to work or the local shopping parade on Old London Road.
Value for learning	Already used informally by local residents, a more managed woodland with greater access could provide a significant resource for local schools and community groups. There are three primary and two secondary schools within 1km of the site as well as at least two nursery schools. The site is readily accessible from all surrounding areas with informal footpaths throughout and access from each aspect. There is good opportunity to exploit the woodland and central stream for educational purposes and the erection of information boards.

4.3 Due to their smaller size the individual development areas would not meet the criteria for which the retained open greenspace is suitable for designation.

PLANNING POLICY

4.4 On the basis of the survey it is considered that the Hastings Local Plan contains nature conservation policies relevant to the survey area. A summary of these policies is outlined below and the full text is contained in Appendix 4.

Table 6: Local planning policies relevant to the survey area

Policy	Relevance to the site
Hastings Local Plan, The Hastings Planning Strategy 2011-2028 (Adopted February 2014	
POLICY EN2: Green Infrastructure Network *'By properly valuing nature and the benefits that arise from our natural environment and green spaces, we will establish and protect a green network comprising open space and nature conservation areas, to conserve and enhance priority natural areas, and the connections between them. The green network will ensure that everyone has access to natural, semi-natural and managed open space, and will maximise opportunities to conserve and enhance biodiversity. New development will contribute to this network.'*	The position of the site as open greenspace within the urban landscape provides a significant part of its value. There is good potential with a joined approach to the development of the three areas to maintain linkages across the site and to off-site areas. Along with Broomgrove and other protected areas the site forms a stepping stone from the wider countryside into the heart of Hastings. The woodland is also likely to be providing a variety of ecosystem services including flood attenuation, access to nature, benefits to air quality and potential extraction of fire wood.
POLICY EN3: Nature Conservation and Improvement of Biodiversity *'The town's biodiversity and geological resources will be protected and enhanced. Priority will be given to:* *a) protecting, managing and enhancing ……. Local Nature Reserves and Local Wildlife Sites around the town* *b) ensuring development contributes to the national objective of no net loss of biodiversity by requiring developers to show how their proposals will contribute positively to the natural environment, avoid harm to biodiversity, adequately mitigate for unavoidable damage, or as a last resort, compensate for unavoidable damage.* *c) ensuring proposals for development comply with national and local planning policies relating to biodiversity, and with national Standing Advice published by Natural England.* *d) improving the integrity and biodiversity of the green infrastructure network,*	a) The site has potential to be designated as a Local Wildlife Site b) The development of CV01, CV03 and CV04 would result in the loss of semi-natural habitats (broadleaved woodland) and potentially impact, bats, badgers and reptiles. To avoid a net loss to biodiversity the mitigation hierarchy should be followed, there is good potential for compensation measures outside of the developable areas. c) Any development within the site should abide by the NPPF, NERC act and Natural England's standing advice for protected species. d) As above, the site currently forms part of the green infrastructure in Hastings and this should be functionally maintained post development. f) The development of the three areas has

Table 6: Local planning policies relevant to the survey area

Policy	Relevance to the site
f) meet our obligations to halting the loss of biodiversity and work with our partners to create opportunities for enhancing biodiversity both in and outside the town *g) protecting woodland, particularly ancient woodland and veteran trees* *h) strengthening populations of protected and target species* *i) improving site management and increasing public access to areas of nature conservation importance'*	the potential to negatively impact biodiversity through habitat loss and impact to species g) The development of CV01 and CV03 would result in the loss of woodland. h) Potential impact to legally and policy protected species. i) The wider site is in need of a coherent long term management strategy to maintain/enhance the woodland and improve access to nature.
POLICY EN6: Local Wildlife Sites (LWS) *'Development proposals within or adjacent to Local Wildlife Sites (LWS) will only be permitted where there is a local need which outweighs any harm to the nature conservation interest. The Council may attach conditions to any planning permission and/or may seek to enter into agreement(s) to minimise the harm and/or secure the protection, enhancement and management of the nature conservation interest.'*	The development areas CV01, CV03 and CV04 are adjacent to a candidate LWS (the wider site). The habitat loss associated with the development of the three areas could be partially compensated for through the protection, enhancement and management of the wider site.
Hastings Local Plan, Development Management Plan	
Policy HN7 – Green Infrastructure in New Developments *Where appropriate, good quality green infrastructure should be integrated into the design of new developments. Development will normally be permitted where opportunities for green infrastructure and landscaping have been incorporated into the proposals. New green infrastructure provided as part of a development scheme should create safe links for the community and connectivity for biodiversity should be provided as far as practical, within the existing Green Infrastructure Network.*	As above (EN2). There is the potential to incorporate measures to maintain connectivity to off-site areas and throughout the development areas. The use of green (biodiverse) roofs and walls could be provided on any new houses within the site. The proposed new cycle way/Hastings Greenway would run around and through the site. Policies CV01, CV03 and CV04 state that developments in these areas should: '*Provide for public access to the Local Green Space adjacent to the site'.*
Policy HN8 – Biodiversity and Green Space *Development should result in no net loss of biodiversity or designated green space as defined on the Policies Map. The weight given to the protection of sites will be proportionate to their position in the hierarchy of internationally, nationally and locally designated sites.* *Development that would affect a designated site will only be permitted where there is an adverse impact on ecological, geological or biodiversity interests of the site if it can be*	The wider site is listed on the Policies Map as Local Green Space. A draft outline ECOP is provided within this report. Any future development of CV01, CV03 and CV04 could incorporate the recommendations from this ECOP or develop individual plans that set out proposals for connectivity and biodiversity

Table 6: Local planning policies relevant to the survey area

Policy	Relevance to the site
demonstrated that; *(i) The need for the development would outweigh the nature conservation interests;* *(ii) Adverse impacts can be satisfactorily minimised through mitigation and compensation measures;* *An Ecological Constraints and Opportunities Plan, completed by a suitably and relevantly qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This assessment should include: Information of existing on-site ecology, Opportunities for connectivity between spaces and improved accessibility to them, Green space and biodiversity improvements on and off-site as appropriate, Opportunities for the retention or creation of green infrastructure, Measures for the protection and management of ecology, where appropriate, An arboriculture assessment*	protection and enhancement. Policies CV01, CV03 and CV04 also state that developments in these areas should: '*Include an Ecological Constraints and Opportunities Plan (ECOP) and incorporate conservation and mitigation measures as recommended by the Plan as appropriate*; An appropriate and functional ECOP would also be in line with BS42020.
Policy HN10 – Amenity Green Spaces *The Council will protect Private Open Space, Allotments and Local Green Spaces used and/or managed by the local community, as identified on the Policies Map. Planning permission will only be granted for development* *which would result in the loss of an identified amenity green space in the following circumstances:* *a) It can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value; or* *b) An area of equivalent size and value is provided in the locality in compensation.*	The wider site is listed on the Policies Map as Local Green Space. The site already has intense interest from local community groups and there is good potential for the wider site to be managed in the long term by an existing group or umbrella organisation.

5 Conclusions and Recommendations

CONCLUSIONS

5.1 The survey area is not subject to any statutory or non-statutory nature conservation designations. The nearest statutory site is Hastings Country Park LNR located 0.58km east. The nearest non-statutory designated sites are Broomgrove Site of Nature Conservation Importance (SNCI) located 0.20km west and Clive Vale SNCI 0.44Km to the south.

5.2 The survey area is also located within close proximity (0.92km) to Hastings Cliffs Special Area for Conservation (SAC) and Hastings Cliffs to Pett Beach Site of Special Scientific Interest (SSSI). The survey area's proximity to the SSSI means that it falls within one of Natural England's Impact Risk Zones. However, the cumulative number of houses allocated across CV01, CV03 and CV04 falls below the threshold of 100 that Natural England's guidance sets for pre-application advice.

5.3 The woodland that dominates the survey area is listed on the National Inventory as 'Lowland Mixed Deciduous Woodland' a habitat of principal importance. However, this a broad habitat type and the on-site woodland is secondary in nature and is considered to be a poor example of its type.

5.4 The sections below set out the findings of the PEA in relation to the three proposed development areas, the wider survey area and recommendations for future design and management of the Upper Ore Valley/Speckled Wood.

CV01

5.5 The Phase 1 habitat survey identified a limited range of habitats and potential constraints from legally protected species within the three areas proposed for development. CV01, was dominated by broadleaved woodland but despite the very dense understory had the greater diversity of micro-habitats within it. Other habitats included, dense scrub, semi-improved grassland and running water. This area also had the greatest aggregation of badger setts within it and present within the immediately adjacent areas of the wider site.

5.6 As well as the badger setts the potential for protected species was for roosting and foraging bats and it is also likely that there is a reasonable density and diversity of

breeding birds utilising the area. The northern section of CV01 also had a significant growth of Japanese knotweed that was locally dominant and also infected the adjacent areas of the wider site.

5.7 Whilst not a good example of its type, the woodland within CV01 does have value by virtue of providing a high value resource for breeding and foraging birds, bats and badgers as well as the historic and current informal use by local residents. It is recommended that any loss of woodland in this area is compensated for. Appropriate compensation should consist of provision for wildlife within the developable area, green links/corridors into adjacent land as well as a financial contribution to the future management of the wider site (see below) this approach is supported by policies within Chapter 7 of the Hastings Planning Strategy.

CV03

5.8 CV03 was dominated by broadleaved woodland with only a small patch of tall ruderal vegetation providing variation in habitat and structure. As elsewhere on the site, the woodland was characterised by dense sycamore with a dense bramble understorey. The potential for protected species in this area is confined to breeding birds and bats.

5.9 Any loss of woodland should be compensated for by incorporating provisions for wildlife within any scheme design that comes forward, and also by contributing to the future management of the retained open greenspace in the wider site.

CV04

5.10 CV04 was characterised by dense scrub with scattered trees. Whilst woodland is establishing, it is in an earlier state of succession than in other areas. The most likely constraint to development is the potential for reptiles to be present; CV04 provides the highest value reptile habitat of all the sites within Speckled Wood.

5.11 It is recommended that any loss of reptile habitat should be compensated for and any reptiles within the works footprint should be translocated to a receptor area within the wider site. As there is currently no suitable area to receive any displaced animals it will be necessary to create new areas of grassland on south facing slopes of the wider survey area where Japanese knotweed currently dominates.

Wider survey area

5.12 The land known as the Upper Ore Valley/Speckled Wood that lies outside of the proposed development areas, is dominated almost completely by broadleaved semi-natural woodland. The exceptions to this are some restricted areas of dense scrub, tall

ruderal vegetation and strips of semi-improved grassland. The area has benefited from ad-hoc informal management including some localised removal of Japanese knotweed and the creation of paths, steps and ditch crossings. However, the overriding character is of dense secondary sycamore dominated woodland with a relatively impoverished structure.

5.13 The intrinsic ecological value of the site comes mainly from its position within the landscape providing a stepping stone from the wider countryside into the heart of Hastings and other urban greenspace. Due to its relatively undisturbed nature it is likely to provide a refugia for breeding birds and bats in the local area. In addition, the size of the site and its varied topography provide a variety of with micro-habitats within the woodland that could be exploited by a range of invertebrate assemblages.

5.14 There has been intense interest in the area from local groups in recent years (>10 years). These groups have carried out ad-hoc management with the aim of, amongst other things, controlling the spread/dominance of Japanese knotweed and opening up access throughout. For many years there has been continuous informal use of the area by residents crossing through it and enjoying the amenity of the woodland. Those residents overlooking the site have also benefitted from its visual amenity.

5.15 Without a concerted program to remove the Japanese knotweed, open the woodland canopy and remove a proportion of the dense understorey the woodland as a whole will be unlikely to achieve its potential for wildlife and biodiversity. Whilst the work done by the local interest groups has achieved a lot in opening up the site to access, the woodland covers a relatively large area and would require coordinated, long term effort to maintain and enhance it.

5.16 It is recommended that as a step to securing this that the wider survey area (excluding CV01, CV03 and CV04) is designated as a Local Wildlife Site (LWS). This would be consistent with Chapter 7 of the adopted Hastings Planning Strategy 2011 – 2028 and the current designation as local greenspace.

5.17 Future management of the LWS would need to be in the hands of an appropriate organisation, either an existing local group or an umbrella organisation to unite those with an interest in the area. To guide future works a 10 year management plan should be prepared to tie in with wildlife conservation measures carried out as part of any development of CV01, CV03 and CV04. A key point will be a coordinated programme for the removal and control of Japanese knotweed.

5.18 It is noted that the Ore Valley Land Trust are promoting the idea of a Village Green as a community space within a section of the wider area to the north of Old London Road. The stated themes of the Village Green (OCLT, 2014) are consistent with the designation of a LWS and would contribute to the aims of it through - value for appreciation of nature and value for learning.

Future design and management

5.19 In order to preserve and enhance the ecology and character of the area in the long term, and also the visual and direct amenity enjoyed by residents, it is recommended that the overarching Ecological Opportunities and Constraints plan is referred to in the site specific Ecological Opportunities and Constraints plan provided in Appendix 2.

5.20 A second ECOP map (2) illustrates potential future enhancements that could be incorporated into the future design of the retained open green space. This should aim to inform the design and layout of development within the three areas, to be in sympathy with the character of the wider site and to maintain connectivity for wildlife and residents.

5.21 The sections below provide an outline of the additional survey work that should be carried out for each of the three development areas and also a suggested outline/contents for a development Ecological Opportunities and Constraints Plan and an outline for suggested management of the wider survey area, which is accompanied by guidance notes and presented in Appendix 2.

5.22 The recommendations section below provides a bullet point list of headings that are explored more fully in Appendix 2 for the ECOP and Appendix 3 for the Management Plan.

RECOMMENDATIONS

Further Survey Work

Reptiles: CV04

5.23 Reptile surveys will be required where there are significant impacts on suitable habitat. In line with current guidance a minimum of seven visits should be undertaken between March and October, following current guidelines (Froglife, 1999) and using a number of artificial refugia. This would confirm the presence/likely absence their distribution on site to inform mitigation proposals.

Bats: CV01, CV03

5.24 An assessment of the potential of any mature trees in these areas to host a bat roost should be undertaken. This should follow the methodology and assessment criteria set out in the second edition of the *Bat Survey Good Practice Guidelines* (Hundt, 2007). Following on from this assessment further tree inspections and emergence/re-entry surveys will be required if trees of bat roosting potential are to be removed for any reason. These surveys would confirm the presence/likely absence of bat roosts in trees. Tree inspections should be carried out outside of maternity (May to August) and hibernation (November to mid-March) periods and emergence/re-entry surveys must be carried out between May and August and spread evenly across this period in line with best practice methodologies (Hundt, 2012).

Badger: CV01

5.25 A pre-construction badger survey will be required to determine badger activity immediately prior to development. This would establish the current use of the setts already identified and determine whether or not any new setts have been created and the potential for development activities to impacts on any new setts.

5.26 Where any works are likely to cause sett interference (including damaging or destroying a sett, obstructing access to a sett, disturbing a badger whilst it is occupying a sett or closing a sett) a licence would be required from Natural England.

Breeding birds: CV01, CV03, CV04

5.27 It is recommended that any habitats with potential to support breeding birds (including woodland, hedgerows, dense scrub and trees) should only be removed during September to February inclusive, to avoid any potential breach of the legislation in regard to nesting.

Future Management

5.28 The bullet points below represent some broad suggested aims for future management of the wider survey area and are explored further within the ECOP. These recommendations should be developed further in concert with the management proposals for the retained open greenspace:

- removal of all Japanese knotweed;
- creation of new glade areas within the woodland;
- creation of new areas of species rich grassland on south facing slopes;
- creation of an ecologically healthy riparian corridor and functioning drainage;

- creation of a more open woodland canopy and good structure of shrub and ground layers;
- provision of a safe and accessible area for all residents to benefit from by direct access to the natural environment;
- incorporation of the proposed Hastings Greenway link cycle route; and
- Provision of a learning resource for local schools and community groups.

Ecological Constraints and Opportunities Plan

5.29 The bullet points below represent some broad recommendations that should be included within an ECOP to inform the development proposals for CV01, CV03 and CV04. These recommendations should be developed further in concert with the management plan for the retained open greenspace:

- design of wildlife friendly lighting;
- protection of any main badger setts and provision for foraging;
- measures to protect trees from construction activities;
- erection of bird and bat boxes;
- inclusion of plant species of known value to wildlife in any landscape design proposals;
- incorporation of Sustainable Urban Drainage Systems, including rain gardens in order to manage storm water attenuation and provide wildlife habitat;
- installation of biodiverse green roofs for both visual amenity and value to wildlife;
- removal of Japanese knotweed;
- provision of pedestrian and disabled access into the woodland to enhance the opportunity for access to nature;
- creation of new reptile habitat; and
- Design and implementation of measures to improve ecological connectivity

5.30 Some additional detail for some of these elements are provided in Appendix 3.

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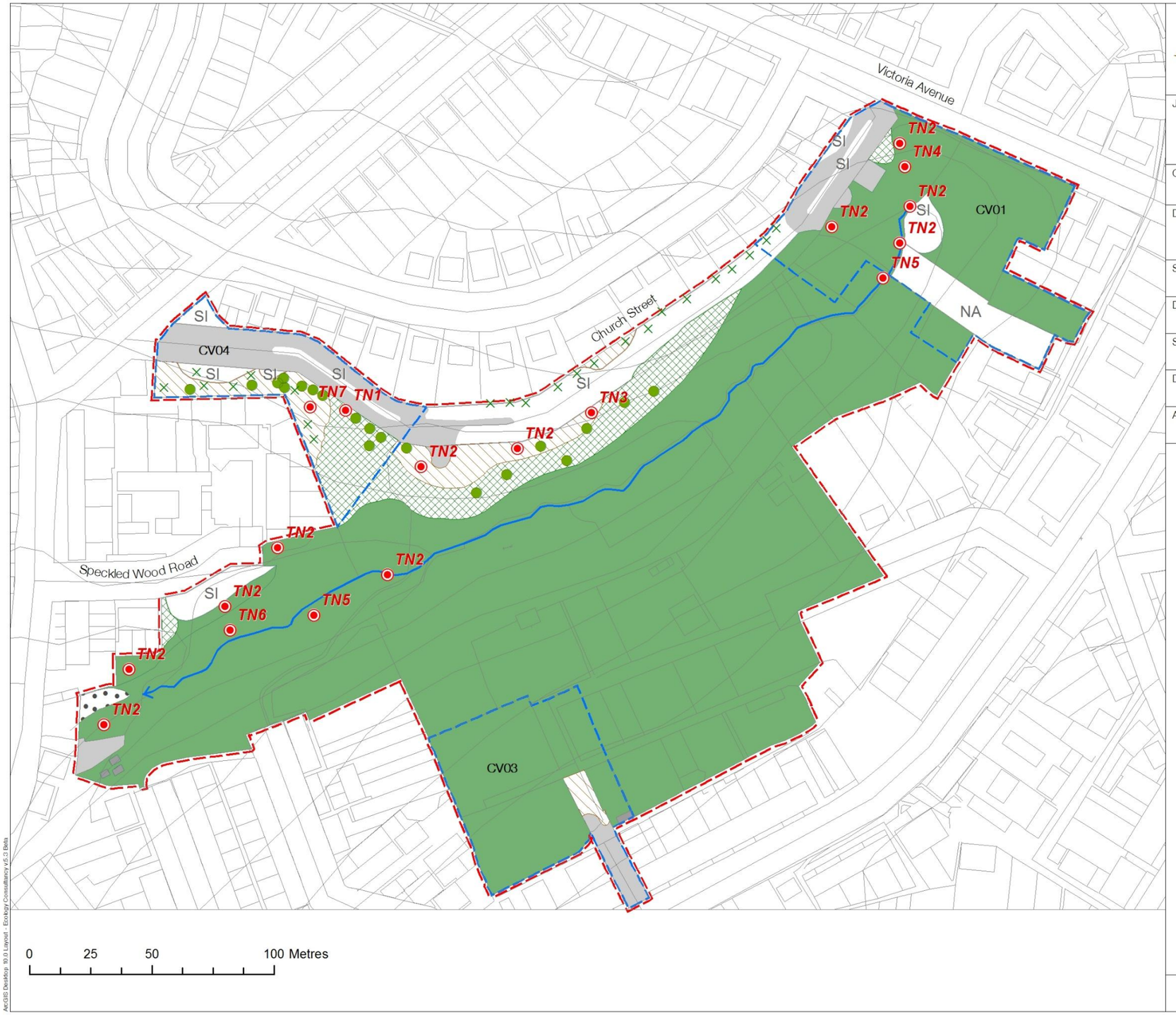
Appendix 1: Habitat Map



The Ecology Consultancy

Job title	Ore Valley ECL Job no. 140973
Client	Hastings Borough Council
Drawing title	HABITAT SURVEY MAP
Section: N/A	Scale (at A3) 1:1,500
Date of survey	02/10/2014
Surveyor	Rosanna Marston
Drawn RM	Checked GC
Approved RM	Date 13/10/2014

KEY

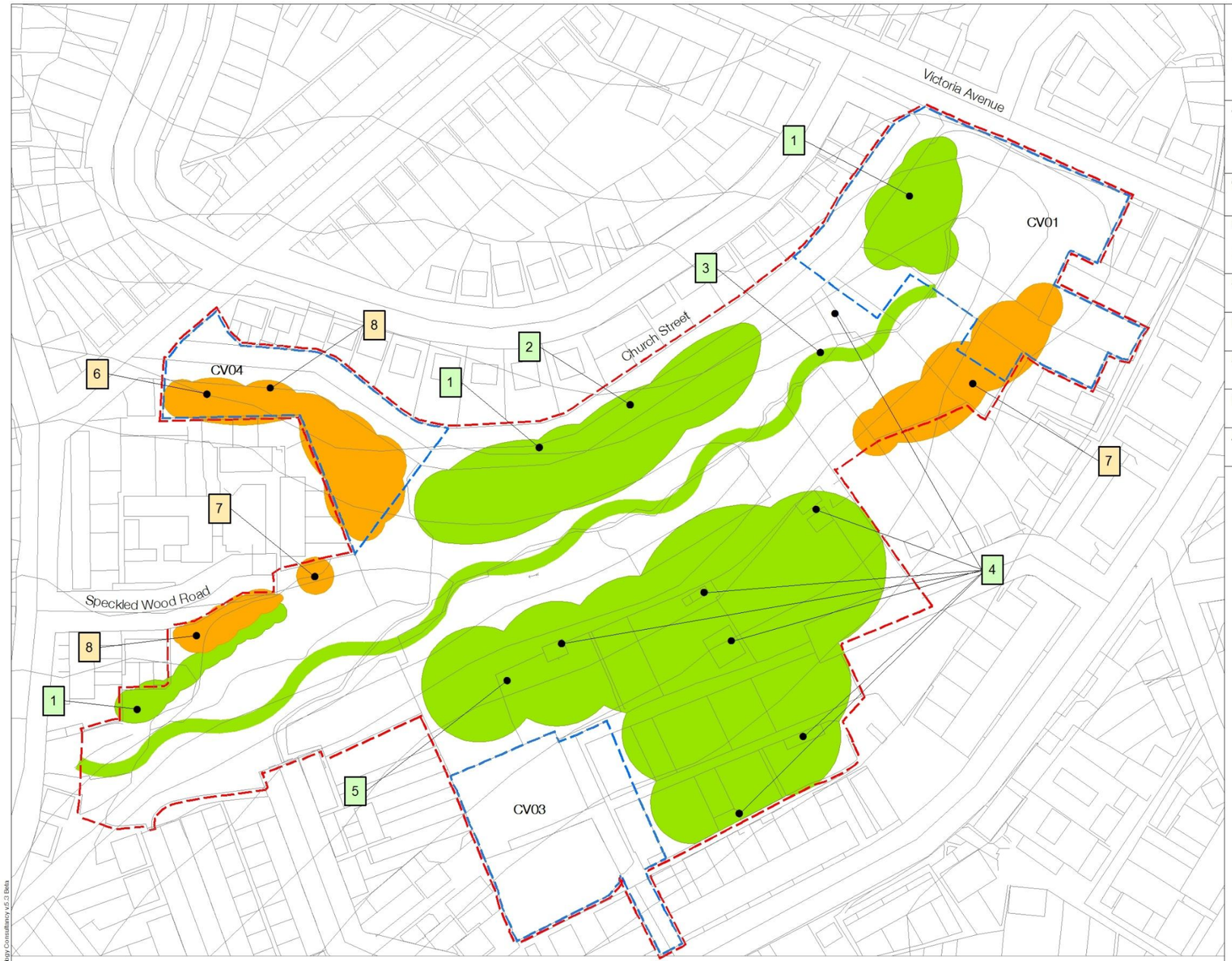
- Site boundary
- Proposed development boundaries
- NA — Area not accessible for survey
- Buildings
- Hardstanding
- Bare ground
- Tall ruderal vegetation
- SI — Poor semi-improved grassland
- Dense scrub
- Broadleaved semi-natural woodland
- Scattered trees
- Scattered scrub
- Running water
- Target note

N

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

ArcGIS Desktop 10.0 Layout - Ecology Consultancy v2_0 Beta

Appendix 2: Ecological Constraints and Opportunities Plan



The Ecology Consultancy

Job title
Ore Valley
ECL Job no. 140973

Client
Hastings Borough Council

Drawing title
ECOLOGICAL CONSTRAINTS AND OPPORTUNITIES MAP

Section:	Scale (at A3)
N/A	1:1,500

Date of survey: N/A

Surveyor: N/A

Drawn	Checked
RM	GC

Approved	Date
GC	14/10/2014

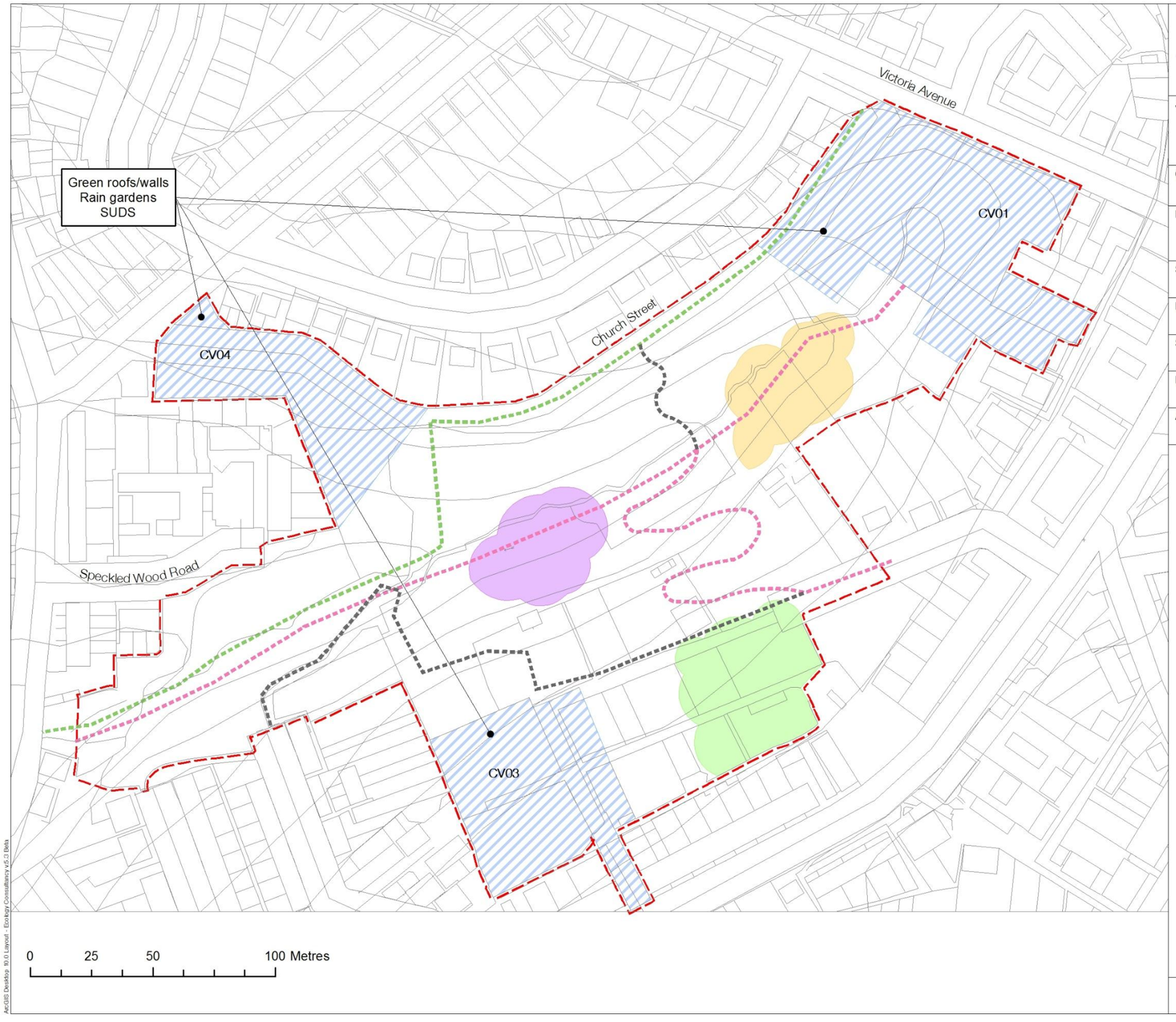
KEY

- Site boundary
- Proposed development boundaries
- Area of opportunity
  - 1 Removal of Japanese knotweed
  - 2 Creation of new areas of grassland
  - 3 Restoration of riparian corridor
  - 4 Removal of rubble and the remains of old houses
  - 5 Restoration of woodland habitat
- Area of constraint
  - 6 Badger foraging area
  - 7 Badger sett(s)
  - 8 Potential reptile habitat

N

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

ArcGIS Desktop 10.0 Layout - Ecology Consultancy v5.3 Beta



The Ecology Consultancy

Job title
Ore Valley
ECL Job no. 140973

Client
Hastings Borough Council

Drawing title
ECOLOGICAL CONSTRAINTS AND OPPORTUNITIES MAP (2)

Section:	Scale (at A3)
N/A	1:1,500

Date of survey: N/A

Surveyor: N/A

Drawn	Checked
RM	GC

Approved	Date
GC	10/11/2014

KEY

- Site boundary
- Proposed development area
- Village green
- Play area
- Woodland discovery zone
- Hastings Greenway
- Wheelchair accessible footpath
- Footpath

N

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

ArcGIS Desktop 10.0 Layout - Ecology Consultancy v5-3 Beta

Table 6: Explanatory Text to Ore Valley Ecological Opportunities and Constraints Map 1

ECOP Number	Constraint	Opportunity
1	***Japanese knotweed*** There are extensive stands of this invasive plant throughout the Ore Valley site with particularly dense growth areas along the top of the Church Street area, to the south of Speckled Wood Road and along the lower banks of the south facing slopes. This invasive plant is significantly outcompeting other flora, limiting diversity and creating a homogenous and ecologically poor habitat.	Carrying out a program of control and removal with the aim of complete eradication would provide the greatest ecology benefit for the site. Control/removal should aim to include all stands of Japanese knotweed both within the development boundaries and the retained open green space. In some areas the semi-natural habitats could be left to re-establish whilst the denser growth areas may be best targeted with specific habitat creation (see 2 below). The control/removal effort would be best coordinated between the developers of CV01/CV04 and those managing the remaining open green space within the valley. Without a joint strategy there is a risk that knotweed could re-occur on one or more of the sites after removal.
2	***Creation of new areas of grassland*** There are currently only very few areas of grassland within the Ore Valley and those that remain are under threat from Japanese knotweed and encroaching scrub.	To use the opportunity that will arise from the removal of knotweed to create larger areas of grassland along the south facing slopes below Church Street. The southern aspect of these slopes will provide sunny areas of benefit to invertebrates and reptiles. The soil should be tested to ascertain alkalinity/NPK loading, choosing a seed mix to reflect the soil conditions. It is likely that a standard meadow mix for neutral soils would be appropriate. Grassland areas would benefit from a degree of connectivity as well as sufficient access for mowing and other future management.
3	***Restoration of riparian corridor*** The stream at the centre of the site runs through the underlying sandstone geology with a naturally formed narrow channel. Whilst this runs well in places and has a generally low	Incorporate the stream corridor as part of green space provision within the retained open green space. Soft landscaping could aim to create open areas of running and still water as well as some more shaded sections of benefit to bryophytes. Rubble

Table 6: Explanatory Text to Ore Valley Ecological Opportunities and Constraints Map 1

ECOP Number	Constraint	Opportunity
	turbidity to the eastern section, further west the stream is partially blocked with rubble and is likely to suffer from run off pollution during seasonal flood events.	and other obstructions to be cleared out to allow the stream to run more freely and cope with flood events.
4	***Removal of rubble and remains of old houses*** Throughout the woodland on the north facing slopes of the site there are remnants of the previous terraced housing, includes old footings/foundations, remnant walls etc. As well as old garden boundaries marked by over grown garden privet or other ornamental planting. The waste materials include dumped municipal signage and water tanks.	Remove old footings, waste materials and garden/house boundaries to provide the woodland with a more natural feel and to remove trip hazards for visitors.
5	***Restoration of woodland*** The site is characterised by maturing secondary woodland generally dominated by densely growing sycamore trees interspersed with low numbers of hawthorn, blackthorn, beech, silver birch, hornbeam, goat willow and crack willow. Whilst diversity is reasonable the lack of previous management has led to the woodland establishing with a closed canopy and poor structure throughout. The scrub and ground layers tend to be sparse and either poorly vegetated or choked with dense stands of bramble and hedge bindweed.	The larger woodland block in the central-southern section of the site has a slightly more open character than the remainder and the quickest gains could be made here for restoration. It is suggested that the woodland as a whole would benefit from thinning a minimum 25% of the tree cover, targeting the dominant sycamore for removal, to open up the canopy and create glade areas. This restoration should aim to create a woodland with a more balanced structure and one where access is created from more central paths and rides. Enhancement should include a long term woodland management plan, including the removal of the denser stands of bramble/bindweed and the retention of both fallen and standing deadwood.

Table 6: Explanatory Text to Ore Valley Ecological Opportunities and Constraints Map 1

ECOP Number	Constraint	Opportunity
6	***Badger foraging*** Badgers are very active throughout the site and are thought to utilise a variety of the habitats both within and adjacent to the site for foraging. The areas used will vary depending on the availability of resources during different seasons. During a survey in September foraging signs were found in all of the open grassland as well as within dense cover in woodland. Also likely to access rear gardens of adjacent domestic properties.	Foraging areas should be maintained in the long term. A proposed increase in grassland offsetting the loss of habitat to development in CV01, CV03 and CV04. Ensure continued connectivity to adjacent gardens and from the setts in CV01 into the retained open greenspace by installing badger gates at key points in any perimeter or garden fencing in the development areas.
7	***Badger setts*** There are numerous badger setts within the Ore Valley, there is a single large main sett in the far western section and a cluster of smaller setts in the CV01 area as well as in the adjacent area of the retained open green space.	Whilst some of the setts in CV01 could be retained through construction and then during the operational phase it would not be necessary to retain all setts within this area. For the area to continue to function for badgers, the retention of sufficient foraging areas and connectivity through the site is of greater importance.
8	***Potential reptile habitat*** The amount of available/suitable reptile habitat has declined over the previous 5-10 years as the Japanese knotweed and b ramble scrub takes over any areas of grassland. Any ground works in areas of suitable habitat (notably CV04) has the ability to breech the relevant legislation though killing or injury of these species. An appropriate mitigation strategy must be developed and based on up to date survey information.	The grassland creation within the areas currently occupied by Japanese knotweed also provides opportunity to compensate for the loss of reptile habitat in CV04.

Table 6: Explanatory Text to Ore Valley Ecological Opportunities and Constraints Map 1

ECOP Number	Constraint	Opportunity
9	***Green Connections*** The site is currently used by residents for access as well as amenity and provides a through route from Victoria Avenue to Clifton Road, Frederick Road and Speckled Wood cul-de-sac as well as Church Street to School Road, Old London Road and Graystone Lane. The proposed developments within CV01 and CV04 have the potential to disrupt or cut off these informal walkways through the site. Due to topography the site is not currently accessible for older people or those with a physical disability.	To maintain and enhance access for pedestrians through the site. This should include as a priority the historic route of Church Street and closed only to pedestrian and cyclists. The Hastings Greenway project is a good fit with both policy and local stakeholder aspirations for the site. Connections through the wider site could be provided for future residents within all three housing allocation areas. Future management of the proposed LWS should include full footpath restoration of informal walkways, potential to use street lighting to illuminate access entrances. Access for less able-bodied people could be created to run from the proposed Village Green to the central valley of the site and from Frederick Road through to CV01.
10	***Access to nature*** The site currently provides an informal and valuable resource for local residents to come into closer contact with the natural environment within what is otherwise a densely urban location. Access at present is predominantly only possible for those residents who are reasonable fit and able. The steep valley sides, small footpaths and dense vegetation cover preclude us of most of the site by older people and those with a disability.	The design of the proposed developments in all three areas should allow future residents to access the woodland directly. Any future management of the wider site should include the formalisation of some of the existing paths leaving some less formal and the creation of wider more gently sloping paths. The proposed 'Village Green could contribute strongly to this element by bringing in residents who may not normally use the woodland.

Appendix 3: Recommendations for an Ecological Constraints and Opportunities Plan for Development Proposals

BATS AND LIGHTING

6.1 To minimise indirect impacts from lighting associated with the proposed development it is recommended that artificial lighting is only directed where necessary for health and safety reasons. Lighting should not illuminate any trees and hedgerows on-site, or suspected or confirmed bat roosting sites. Lighting should only be used for the period of time for which it is required (Jones, 2000). This can be achieved by following accepted best practice (Fure, 2006; Institute of Lighting Engineers 2009; Bat Conservation Trust 2011):

- The level of artificial lighting including flood lighting should be kept to an absolute minimum.
- Where this does not conflict with health and safety and/or security requirements, the site should be kept dark during peak bat activity periods (0 to 1.5 hours after sunset and 1.5 hours before sunrise).
- Lighting required for security or safety reasons should use a lamp of no greater than 2000 lumens (150 Watts) and should comprise sensor-activated lamps.
- Lights utilising LED technology are the preferred option as these lights do not emit on the UV spectrum, are easily controllable in terms of direction/spill and can be turned on and off instantly.
- Avoid the use of sodium or metal halide lamps, these gas lamps require a lengthy period in which to turn off and the diffuse nature of the light emitted makes light spillage a significant problem.
- Lights required for night time deliveries or security patrols could be set to activate with pressure activated sensors set into the ground.
- Lighting should be directed to where it is needed to minimise light spillage. This can be achieved by limiting the height of the lighting columns and by using as steep a downward angle as possible and/or a shield/hood/cowl/ that directs the light below the horizontal plane and restricts the lit area.
- Artificial lighting should not directly illuminate any confirmed or potential bat roosting features or habitats of value to commuting/foraging bats. Similarly, any newly planted linear features or compensatory bat roosting features should not be directly lit.
- Lighting design computer programs should be used to predict the potential impacts of light spillage and the final design altered accordingly.

BADGER

6.2 To avoid sett interference thus complying with the law and best practice guidance, (Natural England 2011) the following measures are recommended:

- Access between setts and foraging areas should be maintained.
- Excavation work and heavy machinery should be kept well away from the sett – badger tunnels can extend 20m from the entrance holes and are located at varying depths depending on the soil and topography.
- Fires and chemicals should not be used within 20m of a sett.
- Trees should be felled so that they fall away from active setts and badger paths should be cleared of felled timber and scrub wherever possible.
- Disturbances, such as loud noise or vibrations, that might agitate badgers occupying a sett should be avoided or limited to areas well away from the sett.
- During any on-site works it should be ensured that trenches left uncovered have a means of escape for badgers (and other animals).

SCATTERED TREES

6.3 Protection measures for retained areas of trees, mature scrub and hedgerows should follow the guidance given in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction*. This should include the erection of a vertical barrier to protect the trees and their root zones. Barriers are typically placed around the Root Protection Area (RPA). No works, tracking of heavy machinery or storage of materials should take place in protected areas. The contractor should erect ecological protection prior to any preliminary construction or preparation works e.g. clearing of the site or erection of temporary site facilities. Regular checks should be made to ensure the protection measures are intact and fenced habitats are not being impacted.

BIRD BOXES

6.4 Recommendations to both compensate for the loss of habitats of potential value to breeding birds, and to enhance the site for this species group include the use of artificial bird boxes. The new on-site building could include specially designed features within its structure, for example bird bricks that can be incorporated into walls, soffits or along parapets.

6.5 Where possible the following general guidelines should be followed:

- With the exception of not orientating the box due south, the direction that a bird box faces makes little difference provided that it is sheltered from prevailing wind,

rain and strong sunlight. The sector from north through east to south-east is possibly the most favourable.

- Small boxes should be angled forwards to give additional shelter to the entrance. Larger open boxes should be mounted tilted slightly upwards so that the nest rests naturally in the rearmost part of the box.
- For many common songbird species the height of the box is not important and may range from 1m upwards.
- It is preferable to site nest boxes in locations that are accessible for maintenance, away from bird feeders, a discrete distance away from other nest boxes (unless targeting a colonial species) and so that they provide some protection from predators and vandalism.
- Standard hole and open-fronted boxes can be attached at varying heights using either standard hanging devises or bespoke attachments to suitable structures.
- Schwegler woodcrete boxes should be used as they include a broad range of designs, are long lasting compared to wooden boxes and insulate occupants from extremes of temperature and condensation.

6.6 The landscape planting could also include the provision of native tree and shrub species of value to foraging and nesting birds (see landscape planting below).

LANDSCAPE PLANTING

6.7 Where landscape planting is proposed as part of the new build the following guidelines should be followed where possible.

- Native tree and shrub species should be typical of the local landscape and/or Natural Area and a published plant species lists should be consulted.
- It is best practice to use British native stock for tree, shrub and hedgerow planting and schemes should follow guidance given in Forestry Commission Practice Note 8a (Herbert *et al*., 1999). A list of reputable suppliers is available from the Flora Locale website[13].

[13] Flora Locale website http://www.floralocale.org

- The use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as part of a landscape scheme, for example cotoneaster species and rhododendron *Rhododendron ponticum*, would constiture an offence under the Act and must be avoided.
- Non-Schedule 9 plant species that are potentially invasive or aggressive should also be avoided in areas adjacent to semi-natural habitats e.g. cherry laurel *Prunus laurocerasus*, snowberry *Symphoricarpos spp*., Turkish wood spurge *Euphorbia amygdaloides* ssp. *robbiae*, garden yellow archangel *Lamium galeaobdolon* ssp. *argentatum* etc.
- New tree planting should not shade mature trees that have been retained and where this is a risk, adequate space should be provided or only smaller shrub species planted.
- Any non-native planting schemes should comprise a high percentage of species of recognised wildlife value.
- Double flowering forms of both native and non-native species, such as '*Flore Pleno*', should be avoided.

SUSTAINABLE DRAINAGE SYSTEMS (SUDS)

6.8 The proposed developments could comprise up to 70 new residential buildings and areas of hard-standing, and as such the use of SuDS schemes are recommended. A linked system comprising green roofs, green walls, rain water harvesting, ponds, rain gardens, vegetated swales, below ground drainage and porous surfacing utilising materials such as grasscrete[14] should be considered as part of the master-planning for the site (see examples below). Such systems can increase biodiversity as well as reduce surface water run-off at the site.

GREEN ROOFS

6.9 Any proposals for green roofs should comprise a specification of proven ecological value for foraging birds and invertebrates as pioneered by the Green Roof Consultancy[15]. Such roofs are typified by substrates of varying type and depth, include

[14] Grasscrete comprises a range of cellular grassed pavement systems made from concrete or plastic and back-filled with recycled materials from the construction process and/or top-soil. The surface can be left to colonise naturally or can be planted with grass and low growing herbs.

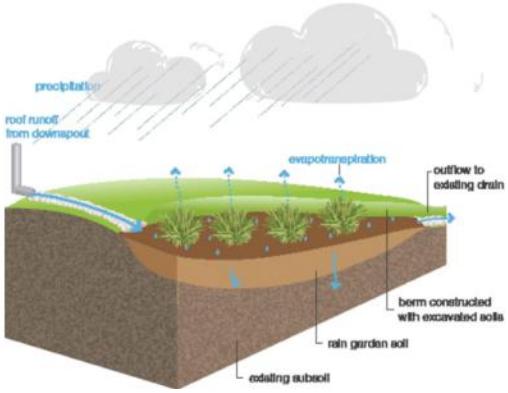
[15] Green Roof Consultancy website http://greenroofconsultancy.com

dead wood habitat and open areas of vegetation, require low levels of maintenance, and are attractive to people as well as wildlife. They also provide opportunities for natural colonisation by plants and invertebrates. Such roofs are preferable to standard sedum species dominated roofs that deliver little in the way of biodiversity value as they are typically less species-rich and have a shallower substrate depth16.

RAIN GARDENS

6.10 There may be an opportunity to include rain gardens as part of landscape planting, including tree pits. Rain gardens should be designed to intercept water running off roofs (via drain pipes) and hard surfaces to reduce both the rate and volume of water discharging into the drainage system. These should be planted with species suitable for rain garden conditions and which provide both amenity and wildlife value.

Rain garden planter providing storm water/SuDS feature and amenity/visual value
(Image: The Green Roof Consultancy)



Cross section of typical domestic rain garden
(Image: Bray *et al.*, 2012)

Rain gardens in Toronto taking surface water from car park and pedestrian areas
(Photos: Dusty Gedge)

16 Please note that the UK's *Green Roof Code of Best Practice* (GRO, 2011) advocates a minimum depth of 80mm for extensive green roofs.

WILDLIFE-FRIENDLY FENCING

6.11 The proposed development may include the use of fencing to divide the residential properties and gardens, and as such could fragment an area of foraging and nesting habitat of value to generalist wildlife such as hedgehogs and other small mammals. It is therefore recommended that connectivity is maintained between the gardens by installing wildlife-friendly fencing, with gaps or tunnels in the bottom panels/gravel boards to allow easy passage for small mammals to continue foraging in this area. This can be achieved for example by cutting a hole (approximately 10cm2) in a gravel-board, large enough for small mammals to pass, but small enough to contain pets.

Appendix 4: Photographs

Photograph 1
Looking west into CV04

Photograph 2
Looking east across the top end of CV01.

Photograph 3
Japanese knotweed along Church Street.

Photograph 4
Japanese knotweed on wider site.

Photograph 5
Blocked end of stream exiting near Frederick Road

Photograph 6
Remnant of previous building

Appendix 5: Plant Species List

Plant Species List for land at Ore Valley, Hastings compiled from the Phase 1 habitat survey carried out on 15h August 2014.

Scientific nomenclature follows Stace (2010) 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, L = locally c=clumped, e=edge only, g=garden origin, p=planted, y = young, s=seedling or sucker, t=tree, h=hedge, w=water, i = invasive

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	QUALIFIER
Acanthus mollis	Bear's breeches	R	g
Acer pseudoplatanus	Sycamore	F	t, y, s
Achillea millefolium	Yarrow	R	
Aegopodium podagraria	Ground-elder	R	
Aesculus hippocastanum	Horse chestnut	R	s, t
Agrimonia eupatoria	Agrimony	R	e
Anthriscus sylvestris	Cow parsley	O/LF	
Arctium sp.	Burdock	R	
Arrhenatherum elatius	False oat-grass	R	e
Artemisia vulgaris	Mugwort	R	
Arum italicum	Italian lords-and-ladies	R	g
Asplenium scolopendrium	Hart's-tongue	R	w
Bellis perennis	Daisy	R	
Betula pendula	Silver birch	R	t
Buddleja davidii	Butterfly bush	R	
Calystegia sepium	Hedge bindweed	LD	
Capsella bursa-pastoris	Shepherd's-purse	R	
Carex pendula	Pendulous sedge	O	w
Carpinus betulus	Hornbeam	R	t
Centaurea nigra	Common knapweed	R	
Circaea lutetiana	Enchanter's-nightshade	R	
Cirsium arvense	Creeping thistle	R	
Cirsium vulgare	Spear thistle	R	
Convolvulus arvensis	Field bindweed	R	
Cornus sanguinea	Dogwood	R	
Corylus avellana	Hazel	R	s
Crataegus monogyna	Hawthorn	F	t, y
Dactylis glomerata	Cock's-foot	R/LF	

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	QUALIFIER
Deutzia sp.	Deutzia	R	g
Dipsacus fullonum	Wild teasel	R	
Dryopteris dilatata	Broad buckler-fern	R	w
Dryopteris filix-mas	Male-fern	R	
Elytrigia repens	Common couch	R/LA	
Epilobium hirsutum	Great willowherb	R/LF	
Euonymus japonicus	Evergreen spindle	O	g
Eupatorium cannabinum	Hemp-agrimony	R/LF	
Euphorbia helioscopia	Sun spurge	R	e, g
Fagus sylvatica	Beech	R	t
Fallopia baldschuanica	Russian-vine	R	e, g
Fallopia japonica	Japanese knotweed	F/LD	
Galium album	Hedge bedstraw	R	
Galium aparine	Cleavers	R	
Geranium molle	Dove's-foot crane's-bill	R	
Geranium robertianum	Herb-Robert	R	
Geranium sp.	Crane's-bill	R	g
Geum urbanum	Wood avens	R	
Hedera helix	Ivy	F	
Helminthotheca echioides	Bristly oxtongue	R	
Heracleum sphondylium	Hogweed	O	
Hypochaeris radicata	Cat's-ear	R/LF	
Ilex aquifolium	Holly	O	
Impatiens glandulifera	Indian balsam	R	s
Lamium purpureum	Red dead-nettle	R	
Lapsana communis	Nipplewort	R	e
Leycesteria formosa	Himalayan honeysuckle	R	g
Ligustrum ovalifolium	Garden privet	F	g
Lolium perenne	Perennial rye-grass	R/LF	
Lonicera nitida	Wilson's honeysuckle	R	g
Lonicera sp.	Honeysuckle	R	g
Malva sylvestris	Common mallow	R	
Medicago arabica	Spotted medick	R	
Oxalis articulata	Pink-sorrel	R	g
Phleum pratense	Timothy	R	
Phormium sp.	New Zealand Flax	R	g, w
Plantago lanceolata	Ribwort plantain	R	
Plantago major	Greater plantain	R/LF	
Poa annua	Annual meadow-grass	R/LF	
Polygonum aviculare	Knotgrass	R	
Potentilla reptans	Creeping cinquefoil	R	
Prunus laurocerasus	Cherry laurel	R	g
Prunus spinosa	Blackthorn	R	
Quercus ilex	Holm oak	R	s, g
Quercus robur	Pedunculate oak	R	t, y
Ranunculus repens	Creeping buttercup	O	

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	QUALIFIER
Rosa canina	Dog-rose	R	
Rubus fruticosus agg.	Bramble	F/LA	
Rumex crispus	Curled dock	R	
Rumex obtusifolius	Broad-leaved dock	R/LF	
Salix caprea	Goat willow	R	s
Salix fragilis	Crack-willow	O	t, y
Sambucus nigra	Elder	O	
Senecio jacobaea	Common ragwort	R	
Sonchus asper	Prickly sow-thistle	R	
Sonchus oleraceus	Smooth sow-thistle	R	
Stachys sylvatica	Hedge woundwort	R	
Taraxacum sp.	Dandelion	R	
Tilia platyphyllos	Large-leaved lime	R	t, p
Trifolium pratense	Red clover	R	
Trifolium repens	White clover	R	
Urtica dioica	Common nettle	F/LA	
Veronica sp.	Hedge veronica	R	g
Veronica sp.	Speedwell	R	
Vicia sativa	Common vetch	R	e
Vinca minor	Lesser periwinkle	R	e, g

Appendix 6: 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 Directive[17] 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 of Habitats and Species Regulations 2010 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) 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 2009/147/EC (formerly 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.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2010 (as amended) (which includes smooth snake, sand lizard, great crested newt and natterjack toad), all bat species, otter, dormouse and some plant species) are given below. **These should be read in conjunction with the relevant species sections that follow.**

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

- In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.
- The Conservation of Habitats and Species Regulations 2010 (as amended) 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.
- In order to obtain a European Protected Species Mitigation (EPSM) 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.

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 under The Conservation of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2. The pool frog *Pelophylax lessonae* is also afforded full protection under the same legislation. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of species listed on Schedule 2
- Deliberate 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 migrate

  b) to affect significantly the local distribution or abundance of the species
- Deliberate 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 Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect the breeding sites or resting places of those amphibian and reptile species protected under The Conservation Habitats and Species Regulations 2010 (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 sett[18] or any part thereof
- Intentionally or recklessly disturb[19] a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

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

A Development Licence[20] 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

[18] A 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. Natural England (2009) have issued guidance on what is likely to constitute current use of a badger sett: www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf

[19] For guidance on what constitutes disturbance and other licensing queries, see Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing.
, Natural England (2009) Interpretation of 'Disturbance' in relation to badgers occupying a sett www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf, Scottish Natural Heritage (2002) Badgers & Development. (No longer available online) and Countryside Council for Wales (undated) Badgers: A Guide for Developers. https://naturalresources.wales/?lang=en.

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

interference or damage to the sett itself. The countryside agencies have issued guidelines on what constitutes a licensable activity. 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 of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats)
- Deliberate 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 migrate[3]
  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 Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) 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 roost[21].

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

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 (2009/147/EC). 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 August[22]. 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:

[22] It should be noted that this is the main breeding period. Breeding activity may occur outside 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.

- 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 5 of The Conservation of Habitats and Species Regulations 2010 (as amended). These are species of European importance. Regulation 45 makes it an offence to:

- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

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

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect species of plant listed under The Conservation of Habitat and Species Regulations 2010 (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,* giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera* 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.

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 2009/147/EC (formerly 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 of Habitats & Species Regulations 2010 (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 of Habitats & Species Regulations 2010 (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

National Planning Policy Framework

The National Planning Policy Framework replaced PPS9 and emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species – presumably those listed as UK Biodiversity Action Plan priority species – is also listed as a requirement of planning policy. In determining planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

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

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

D REGIONAL AND LOCAL PLANNING POLICY

Hastings Local Plan, The Hastings Planning Strategy 2011-2028 (Adopted February 2014 *POLICY EN2: Green Infrastructure Network*

'By properly valuing nature and the benefits that arise from our natural environment and green spaces, we will establish and protect a green network comprising open space and nature conservation areas, to conserve and enhance priority natural areas, and the connections between them. The green network will ensure that everyone has access to natural, semi-natural and managed open space, and will maximise opportunities to conserve and enhance biodiversity. New development will contribute to this network.'

POLICY EN3: Nature Conservation and Improvement of Biodiversity

'The town's biodiversity and geological resources will be protected and enhanced. Priority will be given to:

a) protecting, managing and enhancing the Hastings Cliffs Special Area of Conservation, and other protected biodiversity and geodiversity sites and features including Sites of Special Scientific Interest, Local Nature Reserves and Local Wildlife Sites around the town

b) ensuring development contributes to the national objective of no net loss of biodiversity by requiring developers to show how their proposals will contribute positively to the natural

environment, avoid harm to biodiversity, adequately mitigate for unavoidable damage, or as a last resort, compensate for unavoidable damage.

c) ensuring proposals for development comply with national and local planning policies relating to biodiversity, and with national Standing Advice published by Natural England.

d) improving the integrity and biodiversity of the green infrastructure network,

e) minimising potential negative impacts of new development on the Hastings Cliffs Special

Area of Conservation through the delivery of new greenspace across the Borough and through

appropriate recreation management of Hastings Country Park and other key natural green spaces around the town

f) meet our obligations to halting the loss of biodiversity and work with our partners to create

opportunities for enhancing biodiversity both in and outside the town

g) protecting woodland, particularly ancient woodland and veteran trees

h) strengthening populations of protected and target species

i) improving site management and increasing public access to areas of nature conservation

importance

j) influencing and applying agri-environment schemes, woodland grant schemes, flood defence and other land management practices to deliver biodiversity targets

Potential adverse effects on the Hastings Cliffs Special Area of Conservation arising from levels of new development set out in the Planning Strategy will be mitigated through improvements to the existing Broomgrove Local Wildlife Site, Combe Valley Countryside Park and the green spaces network as a whole.

POLICY EN6: Local Wildlife Sites (LWS)

'Development proposals within or adjacent to Local Wildlife Sites (LWS) will only be permitted where there is a local need which outweighs any harm to the nature conservation interest.

The Council may attach conditions to any planning permission and/or may seek to enter into agreement(s) to minimise the harm and/or secure the protection, enhancement and management of the nature conservation interest.'

Appendix 7: Minutes from Stakeholder Meetings

FRIENDS OF SPECKLED WOOD (FOSW)

The minutes provided below have not been agreed by the FOSW but are regarded by The Ecology Consultancy and Hastings Borough Council as a fair and reasonable reflection of the discussions that took place. An email from the FOSW is reproduced below.

Dear James McEwan

We do not agree these meeting notes represent a true version of the meeting which we attended as there is a lot of missing content as such we do not agree the content of this at all and should not be published as a true representation of the meeting between us. I will put this in writing to you if you prefer.

Kind Regards

Mr. Martin Newbold

Chairman, Friends of Speckled Wood Management Trust& Charity

The Friends of Speckled Wood Management Trust look after the Woodland Speckled Wood , Hastings. The Friends of Speckled Wood Management Trust is also an HMRC Registered Charity.

Meeting with the Friends of Speckled Wood

15th October 2pm

Valley View Room
The Bridge Community Centre
361 Priory Road
Hastings
TN34 3NW

Attendees:

Martin Newbold (MN)
Don Wise (DW)
Richard Price (RP)

Giles Coe (GC) – The Ecology Consultancy
James McEwan (JMc) – Local Dialogue
Phil Stanier (PS) – Local Dialogue
Iona Cameron (IC) – Hastings Borough Council

Item	Notes
1.	**Introductions** The project team introduced themselves and their roles: **GC** – Principal Ecologist and survey lead. **JMc** and **PS** – Community engagement. **IC** –Observer on behalf of the Council. The attendees introduced themselves and their interest in the site: **MN** – Chair of the Friends of Speckled Wood **DW** – Member of the Friends of Speckled Wood and the Badger Society **RP** - Journalist and ecologist
2.	**Purpose and Objectives** **JMc** - the purpose of the meeting was to present the findings of the recent Ecology Study and hear the Friends of Speckled Wood's views on those results as well as listen to their aspirations for the Ore Valley so that these could be fed into the Ecological Opportunities and Constraints Plan for the area.
3.	**Timescales** **GC** – The public examination will take place on 3rd December 2014.

4.	**Scope of the work** **GC** – The survey undertaken was a Phase 1 survey of habitats, including opportunities and constraints at the Ore Valley. This would update the survey of the site undertaken by GC in 2009. The stakeholder meetings will inform The Ecology Consultancy's final report, which will be submitted to the Planning Inspectorate by the council, as part of its evidence to the Public Examination into the Site Allocations in the Ore Valley area. **DW –** The 2009 survey was flawed and did not identify all badger sets or the ancient woodland. Ore Valley should be designated an SSSI. **MN** pointed out that the community's preferred name for the Ore Valley Area is 'Speckled Wood' and that it should be designated SSSI and Ancient Woodland. **GC** – Purpose to take a broad look at the long-term future of the site, including quality of habitats. Broad recommendations would be put forward in the Ecology Report submitted to the Planning Inspectorate on behalf of the council.
5.	**Survey Results** **GC** - Explained that the Ore Valley's Speckled Wood is secondary woodland and not worthy of SSSI status. This reiterated the findings of the 2009 survey and comments from Patrick Roper, since which the quality of the wood had degraded further. The woodland should be designated as a Local Wildlife Site. **DW** – This is wrong, the woodland is of high ecological value because of the many species moving there. Badgers have been displaced because of the development elsewhere that has taken place. All development in the area should be stopped. **GC** – Yes evidence badgers had moved down the valley. The site should be allocated as an accessible site, as a stepping-stone to allow a site for the site to serve as a repository for badgers and other animals to move through Hastings. **RP and DW –** The stream adds to the biodiversity of the wood and allows animals to get to the water. There is also some evidence of freshwater snails. Should the area be classified as a Gyhll Wood? In the past the area had a paddock for ponies. Could this come back? **MN –** The Friends of Speckled Wood have been working to reduce the spread of Japanese Knotweed. The badgers have larger foraging areas than described, including the Japanese Knotweed. There were also newts on a small pond and many other species, of which Friends have photographic evidence. There were also Dragonflies and bats in the Japanese Knotweed. **GC** – The report needs to show that Japanese Knotweed is a problem for the area. **MN** – It is a problem, but is very expensive to clear without harming other wildlife. **MN** – The Friends of Speckled Wood have a Management Plan in place for the wood. **GC** – Yes I agree the area needs maintenance and a management plan. **RP** – Questioned if the developments were a 'done deal'. An independent study into the area and recommendations to protect the wood were a good start. **GC** – The character of the wood is different on each of the valley's two slopes. There are a variety of trees. The canopy could be reduced by 25% to allow room for a more diverse structure and to allow more light to penetrate and a ground flora to develop.

	MN – Agreed, this needs maintenance and something needs to be done on the southern slopes to give the area a more 'woodland feel'. **GC** – A starting point would be to remove the old garden boundaries and privet hedges. **MN** – That would be good, as long it is done carefully not to upset the ecosystem. These are used as land barriers at the moment. Friends of Speckled Wood have been working with the police on Anti-Social Behaviour, with rough sleepers on site. Friends need authority to remove them. **GC** – Stream is a good opportunity to improve the site, with only a small amount of remedial work required. **MN** – Stream hasn't declined although some control is needed, as there are bricks and rubble currently in there, stopping it eroding further down as well as some pollutants. **GC** – A hydrologist would be best placed to advise, but some minor management to increase the flow and improve drainage, potential to create micro-habitats further down the line would be positive. **RP** – Agree with GC that the wood should be given official designation, but how would it be managed going forward? Who would fund it? **MN** – The knotweed could be managed by putting trees in as a barrier and to shade the knotweed out. The Friends of Speckled Wood have arranged for 100 trees to be planted in November 2014, provided by the Woodland Trust. **GC** – It is important to ensure variety in the wood, but Japanese Knotweed creates a homogenous environment. A scrub and grassland mosaic would help with reptile habitats. The knotweed could be sprayed over a number of years. **MN** – The spray goes into the water and becomes inert. **GC** – There are different ways of dealing with the Knotweed. The Knotweed area could be replaced with glades and grasses but this would take time. **MN and DW** – Reiterated that a full survey should be carried out as this would reveal the site to be worthy of an SSSI and ancient woodland and more species. Evidence that ancient woodland goes back to 1066. **MN and DW** – There should be no more development. **GC** - Explained that he would be recommending the site to be classified as an SNCI (now called a Local Wildlife Site in the new Plan). **RP** – Agreed that Natural England wouldn't support a SSSI designation as the area currently it is, but if designated as a SNCI over time with the right management it might be worthy of designation as an LNR and then SSSI. Proposals are helpful and going in the right direction. In any event SSSI doesn't necessarily prevent development taking place.

6.	**Meeting close** **JMc –** Local Dialogue will circulate the minutes to the Friends of Speckled Wood for comments before the report is published. **GC** – Thanked Friends of Speckled Wood for their time.

Meeting with the Sad Owls Action Group

15th October 4pm

Valley View Room
The Bridge Community Centre
361 Priory Road
Hastings
TN34 3NW

Attendees:

Dave Hemsley (DaveH) – Sad Owls Action Group
Dawn Hemsley (DawnH) – Sad Owls Action Group
Laurence Crisford (LC) – Sad Owls Action Group

Giles Coe (GC) – The Ecology Consultancy
James McEwan (JMc) – Local Dialogue
Phil Stanier (PS) – Local Dialogue
Iona Cameron (IC) – Hastings Borough Council

Item	Notes
1.	**Introductions** The project team introduced themselves and their roles: **GC** – Principal Ecologist and survey lead. **JMc** and **PS** – Community engagement. **IC** –Observer on behalf of the Council. The attendees introduced themselves and their interest in the site: **DaveH** – Chair of Sad Owls Action Group, Ore Valley Action and Church Street Conservation Trust. Former Vice-Chair of Friends of Speckled Wood. **DawnH** – Member of Sad Owls, Ore Valley Action and Church Street Conservation Trust. **LC** – Member of Sad Owls and local resident.
2.	**Purpose and Objectives** **JMc** - the purpose of the meeting was to present the findings of the recent Ecology Study and hear the Sad Owls' views on those results as well as listen to their aspirations for the Ore Valley so that these could be fed into the Ecological Opportunities and Constraints Plan for the area.

3.	**Timescales** **GC** – The public examination will take place on 3rd December 2014.
4.	**Scope of the work** **GC** – The survey undertaken was a Phase 1 survey of habitats, including opportunities for enhancement and constraints to development at the Ore Valley. This would update the survey of the site undertaken by GC in 2009. The stakeholder meetings will inform The Ecology Consultancy's final report, which will be submitted to the Planning Inspectorate by the council, as part of its evidence to the Public Examination into the Site Allocations in the Ore Valley area. **DaveH** – With all the development proposed, should an Environmental Impact Assessment not be undertaken? **GC** – Under Town and Country Regulations, there are trigger points for Environmental Impact Assessments that includes proximity to protected areas (SSSI/SPA) and the size of the development. Even cumulatively the three areas would likely fall below the threshold. Current survey is a Phase 1 survey. **LC** – Workmen have put up 'Private – No Access' signs in part of the wood, is this anything to do with the council? Has development on CV01 started? Is it legal? **GC** – Not aware of this, but is unrelated to the survey. This is likely to be the landowner. We will feed this back to the council.
5.	**Survey Results** **GC** - Explained that the Ore Valley's Speckled Wood is secondary woodland and not worthy of SSSI status. The woodland should be designated as a site of nature conservation importance/local wildlife site. **DaveH** – Sad Owls involvement mostly on the Western side of the wood, especially the area around Church Street. The group and local residents oppose any development within Speckled Wood. Numerous planning applications have been presented since the Church Street houses were demolished in the 1960s, yet nothing has been built within Speckled wood since that time. **LC** – Has been maintaining the area of grass on the opposite side of Church Street at the rear of 74 Greville Road for over 20 years. This area is now being claimed by Hollyberry Holdings as theirs. **DaveH** – Church Street Conservation Trust is looking to get funding for a 2m wide pavement/cycleway along the Speckled Wood side of Church Street, with the main part being from the rear of 76 to 86 Greville Road, as Church Street gets narrower, going from from 74 to about 46 Greville Road with only a few owners requiring access to their garages; therefore in the main, Church Street could become a main part of the greenway cycle route allowing cyclists improved access whilst keeping rear access for Greville Road residents. Generally, a lot of residents look after their own area of Church Street and do not want any incursion of large lorries or plant using Church Street. We live in one of the four houses at the top end of Church Street and our sewer runs down the middle of Church Street. Japanese Knotweed spreading from the Hollyberry Holdings site has damaged this sewer line: Southern Water carried out a video survey a couple of years ago and should be able to verify it as I was

	present and saw the problem first hand. Japanese Knotweed is a problem and is spreading. The Environment Agency have known about it since 2007 but told us it is up to Hastings Borough Council to contact the landowners. We are not aware of this ever happening; especially as HBC seem to have only just been made aware of its presence on one of their Church Street plots. Two large plots along Church Street have been used in the past as Hastings Corporation landfill sites. These are known yet no one has ever checked to see if they contain any contamination. Rubbish and fly-tipping was widespread along Church Street, however thanks to the actions of the various groups this has been considerably reduced, our intention is to carry on with this positive work for the future benefit of those who walk or ride along Church Street. **GC** – The habitats are the same as they were before, in 2009, but the Knotweed is spreading. **LC** – Houses came down in the early 1960s along the eastern side of Church Street. This area is now overgrown mainly with Knotweed. **GC** – Area is valuable because it provides access across the Ore Valley. There is a green corridor running through the site, with lots of bird species and bat foraging areas. **DaveH** – People find it a relaxing place to visit. More wildlife over recent years, especially badgers, as these have moved down from other areas due to development. Badgers have been digging in residents' gardens. **GC** – Survey has been looking at the long term and recommendation will be for the area to be designated an SNCI now referred to in the new plan as a 'Local Wildlife Site'. Also looking constraints and opportunities. Future management and funding also needs consideration. There is the potential opportunity for developers to work with the groups managing the wood so that the area can be improved and offset habitat loss. **DaveH** – The stream is a lot cleaner than it was, thanks to FOSW, although Japanese Knotweed still spreads through it. **LC** – 50ft drop behind Victoria Road, which will not allow vehicle access. Where else would access come from? **DaveH** – Church Street is not the best access, access should be as the previous Planning Inspector suggested from Victoria Avenue he also said contractors vehicles would not use Church Street anyway so no need to impose the condition that we requested. Church Street should be made a cycle route. The Church Street Conservation Trust has been set up to maintain local residents' influence over this aspect. **GC** – Broad footpaths with bollards to stop vehicles would be good, but which could be taken out to allow local access vehicles to pass through. **DaveH, DawnH and LC** – Agree this would be positive, but only for Greville Road residents' vehicles. **GC** – One of the opportunities would be to remove the Knotweed. **DaveH** – Agree that it should be a major factor before any development and added to any S106 agreement. The sewer which runs along Church Street has been damaged by the knotweed, and one running through the valley has been damaged by tree roots; the latter has been repaired. **GC** – If development goes ahead, developers will have to remove the Japanese Knotweed from CV01 and it would be sensible to have a joined approach. Grassland is currently missing from the Ore Valley, which could be brought back if the knotweed was removed.

	DawnH – Lots of slowworm in the valley. **DaveH** – Section 106 agreements, if unsigned, developers should make a financial contribution. **GC** – Development and Section 106 agreements are beyond this survey's remit. **GC** – Recommendation will be for an overarching masterplan for management, with opportunity for all groups to feed-in. **DaveH** – Agreed that an SNCI would designation would be good. But there needs to be an umbrella group to take the ideas forward and help the different groups reach agreement. **DaveH -** Too many sycamore trees, we Sad Owls would like to see them thinned out with more beneficial tree planting once the areas have recovered from sycamore and knotweed removal. **GC** – Agree, the canopy could be reduced by about 25%. At the moment, it is too dense for either wildlife or people. **DaveH** – The area needs to be a positive place for children in particular, with local green spaces joined up. Fairlight Country Park is too far away for most local residents and school groups who currently enjoy walking through Speckled Wood. **DawnH** – There is some access already, but there needs to be a cycle way which can also be used for people with disabilities as well as the able bodied. **DaveH** – There is a problem with fragmented ownership as the boundaries keep moving. Sad Owls would like to see a big green space opened up for people's enjoyment within Speckled Wood towards the lower end of Church Street. **GC** – Might be beneficial to try and seed with flowering plants, but this would take time. **DaveH** – Visual amenity is also an issue, and further development should be prevented. **DaveH** – All groups with an interest in the wood should be involved in future management. The Sad Owls would like to be involved in management going forward. Amenity is an issue – at the moment there are not enough areas for people to enjoy and relax, areas for youngsters e.g. Zip Wire/ Adventure Course, Nature Study areas etc. whilst also protecting the wildlife. Steps go down into the valley, so access for the elderly and disabled is also an issue. There are also problems with the hedge line, as not all residents cut the hedge along Victoria Avenue as HBC don't seem to be able to find the landowner (Hollyberry Holdings Leo Norris?) or enforce any hedge or tree cutting orders. We as residents have been cutting this hedge for the past 4 or 5 years.
6.	**<u>Meeting close</u>** **JMc –** Local Dialogue will circulate the minutes to Sad Owls Action group for comments before the report is published. **GC** – Thanked the Sad Owls Action Group for their time.

Meeting with the Ore Community Land Trust

20th October 7pm

The Board Room
Horntye Park
Bohemia Road
Hastings
TN34 1EX

Attendees:

Ian Sier (IS) – Ore Community Land Trust (Chair)
Becky Sargent (BS) - Ore Community Land Trust
Derek Rainer (DR) – Ore Community Land Trust

Giles Coe (GC) – The Ecology Consultancy
James McEwan (JMc) – Local Dialogue
Iona Cameron (IC) – Hastings Borough Council

Item	Notes
1.	**Introductions** The project team introduced themselves and their roles: **GC** – Principal Ecologist and survey lead. **JMc** – Community engagement. **IC** –Observer on behalf of the Council. The attendees introduced themselves and their interest in the site: **IS** – Chair of Ore Community Land Trust. **BS** – Secretary of Ore Community Land Trust. **DR** – Committee Member of the Ore Community Land Trust.
2.	**Purpose and Objectives** **JMc** - the purpose of the meeting was to present the findings of the recent Ecology Study and hear the Ore Community Land Trust's views on those results, as well as to listen to their aspirations for the Ore Valley so that these could be fed into the Ecological Opportunities and Constraints Plan for the area.
3.	**Timescales** **GC** – The public examination will take place on 3rd December 2014.

4.	**Scope of the work** **GC** – The survey undertaken was a Phase 1 survey of habitats, including opportunities for enhancement and constraints to development at the Ore Valley. This would update the survey of the site undertaken by GC in 2009. The stakeholder meetings will inform The Ecology Consultancy's final report, which will be submitted to the Planning Inspectorate by the council, as part of its evidence to the Public Examination into the Site Allocations in the Ore Valley area. **IS** – Requested a copy of the 2009 report for background information. **GC** – Agreed to circulate a copy of the 2009 report by email for information. **IS** – There has not been a joint discussion of future site analysis and analysis management of the woodland previously. No discussions with the council have yet taken place about this. It is good to be consulted on this study. **GC** – A review of future management for Speckled Wood would be required to address any opportunities and constraints identified in the report. **BS** – One of Ore Community Land Trust's priorities is the creation of a village green. This would require some ecological restoration and felling of sycamores. It could include a venture play area and potentially public art by local artists, for example made from the felled sycamores. **BS** – We would like to see planting of native species, including Hawthorns, Apple Trees and others that could get the area back to being considered classic 'English Woodland'. We have a draft management plan that covers issues such as this, and felling of the canopy, which is currently too thick. Even wild garlic and bluebells struggle to grow because of the heavy canopy. The pond and stream could also be improved. **GC** – Village Green status is outside of the remit of this survey, but the aspiration is noted. **IS** – *Provided GC a copy of the Ore Village Green Design and Management Plan for information.* **IS** – The management plan was produced, in part, for the benefit of the Planning Inspectorate. It includes reinstatement of allotments, a pond, improved footpaths (which have already been opened up in places e.g. the 1873 footpath). The local community was consulted on the management plan and there was lots of interest in it. However, its planning status, land protection and ownership issues have to be dealt with first.
5.	**Survey Results** **GC** - Explained that the Ore Valley's Speckled Wood is secondary woodland and gave an overview of key features. The habitats are good and the same as they were before, in 2009, but the Knotweed is spreading. The woodland should be designated as a site of nature conservation importance/local wildlife site. This is not statutory protection, but is a straightforward process. **GC** - Justification for this would need to be provided, including historic uses, educational uses, a management plan etc. Designation as a local wildlife site would help bids for funding, and encourage developers to design their applications around the wood. The ecology report will include a recommendation for an overall masterplan, measures to improve bio-diversity e.g. green roofs, improved access, greening of surrounding buildings, links between sites and existing access points.

	IS – The Ore Community Land Trust has a land acquisition plan, based on priorities. These are the, the village green the Greenway Network and compulsory purchasing of land at the far west end of the site, below Speckled Wood. The current ownership is complicated and the plan for purchasing land is phased to reflect priorities. Of course this is all subject to the outcome of the Local Plan Examination. **GC** – Will look at the plan ahead of producing a final report. **IS** – Ore Community Land Trust has had some success in clearing the Japanese Knotweed in the woodland next to Frederick Road. **GC** – There will have to be a joined up approach to tackling Japanese Knotweed with developers and the other community interest groups. **IS** – Massive amount of work has already gone in to clearing rubbish and fly tipping with the Prince's Trust, as well as the FOSW as land had been completely abandoned. Only very recently that landowners have taken an interest in the site. Ore Community Land Trust has also put in 235 steps to aid access. There are a number of historic footpaths that have become overgrown. The council's involvement to date has been minimal. **GC** – This process is an opportunity to address some of the current issues. **GC** – Explained the Constraints and Opportunities map, including the key areas, badger foraging areas and reptile habitats. The clearance of Knotweed would be an opportunity to create a grassland area. The overall aim should be to create a mosaic habitat with shrubland and wildflower seed mix. There should be a mixture of people (access) and wildlife within the wood. The dense areas of trees which currently exist could be cut back – the sycamores could be reduced by 25%. The stream running through the site also represents an opportunity to improve the wood. **IS** – The southern end of the site would also allow an opportunity for allotments and a village green with some food production e.g. fruit trees. **BS** – Allotments would be useful for education purposes, with involvement from local schools etc. **IS** – What is missing at the moment is a detailed management plan agreed by all parties. Ore Community Land Trust sought to start a debate through the draft plan by producing concept ideas. **GC** – Agreed this would be essential. **IS** – The Greenway, which has important section running through Speckled Wood, is included in the recently approved Hastings Walking and Cycling Strategy. Some funding for Greenway to improve access has already been agreed and Ore Community Land Trust is working with Sustrans and the East Sussex County Council. There is lots of consensus around the plans, but it will need a CPO and there are land ownership issues. **IS** – *Provided a copy of the Ore Community Land Trust newsletter to GC.* **BS** – Also received funding from the Big Local Lottery Fund for the design of the Greenway. Greenway would also improve disabled access. Disabled access would be difficult to achieve across the site but could be improved in some areas. Disabled access to the village green area should be prioritised.

	GC – Broad footpaths with bollards to stop vehicles would be good, but which could be taken out to allow local access vehicles to pass through. **BS** – Landscape architect J Linden has also been working on maximising landscape plans around the Ecology. Drainage generally could be improved. Small pools are not good for biodiversity or amenity. A marsh or bog would be preferable to the current situation. **GC** – The badger population has become more concentrated due to development taking place further down the valley. It is possible to work around the badgers, as they are very adaptable creatures. Some areas are not particularly good for foraging, e.g. Woodland is better than Brambles. **IS** – We would like to see badgers and wildlife preserved as much as possible, while also opening up access and improving amenity for local people. ***GC** Provided a list of constraint and opportunities to members of Ore Community Land Trust.* **BS** – Prospect of more grassland and meadow is very welcome. **IS** – Retaining the bulk of the wood is a priority and we agree that woodland management needs to be improved and clearly defined. Open to other ideas also, and Ore Community Land Trust's plan should be taken as the starting point. **GC** – Recommendation will be for an overarching masterplan for management, with opportunity for all groups to feed-in. **IS –** The surrounding schools should be involved. An adventure playground for older children would be good. The old school path was completely overgrown and needed a chainsaw to open it back up. Ancient Footpaths cross the valley and can be seen on old maps from the 1870s; these should be maintained and picnic tables provided nearby for people to enjoy the wildlife. **IS** – The Ore Community Land Trust would like to acquire the land to secure the areas future management and will be making a submission to the Planning Inspectorate.
6.	**<u>Meeting close</u>** **JMc –** Local Dialogue will circulate the minutes to Ore Community Land Trust for comments before the report is published. **GC** – Thanked the Ore Community Land Trust for their time.

ENDS

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