Preliminary Ecological Appraisal

Land at:
Cottage Lane
Westfield
East Sussex
TN35 4RD

Prepared by:

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Executive Summary

Context

- The site is a 1.17 ha parcel of land on the edge of Westfield which has been used for growing a commercial crop of 'Christmas trees.' Part of the site is dominated by closely planted firs, but the unsurfaced access tracks, and those parts of the site where fir trees have been harvested or thinned, are being colonised by bramble scrub, rough grassland and saplings of native trees.

- The scrub and rough grassland habitats, plus patches of ruderal species where ground has been disturbed during harvesting, are not botanically diverse as prior to planting with firs the field was probably a species poor agricultural grassland.

- However, the habitats present are suitable for reptiles and provide a structural complexity which is likely to support a wide range of relatively common species of breeding birds and a foraging area for bats. The mosaic of habitats on site is also likely to support a reasonably diverse range of common invertebrates.

- Consequently, the site is considered to be of 'Local' importance for nature conservation.

Conclusions and Recommendations

- The potential for the site to support reptiles such as grass, snake, common lizard and slow worm (which are protected species) requires further surveys to be undertaken to determine how the proposed development could avoid, minimise or mitigate any adverse impact on reptiles if they are present.

- Although the site is considered to be of only 'Local' importance, current planning policy requires development to avoid or minimise adverse impacts on biodiversity and, where possible, achieve ecological enhancement.

- The current indicative layout is unlikely to be consistent with existing planning policy and, therefore, irrespective of the outcome of protected species surveys, consideration should be given to:

- Reducing the proposed development footprint.
- Increasing the width of the proposed wildlife corridor along the north-eastern boundary.
- Managing land to the north of the proposed development site to increase its nature conservation value in order to offset any biodiversity loss resulting from development.
- If or when development is permitted the following precautionary measures should be put in place:
- Vegetation removal should take place outside the bird breeding season.
- External lighting should be minimised, especially in proximity to any wildlife corridors.
- A landscaping scheme should include planting which utilises predominantly native species to create a structurally diverse landscape.

1.0 Introduction

1.1 A Preliminary Ecological Appraisal (PEA) is a review of the ecological features present, or potentially present, within a site and its surrounding area. Its purpose is to:

- Identify any likely ecological constraints associated with a project[1].
- Identify if any additional surveys may be required.
- Identify any mitigation measures likely to be required.
- Identify the opportunities offered by a project to deliver ecological enhancement.

1.2 The appraisal was undertaken by Peter Massini. He is a member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

2.0 The Site

2.1 The site is 1.17ha parcel of land lying between Cottage Lane and Mill Lane in Westfield. The location is shown in Figure 1.

Fig. 1 – Site location

2.2 The indicative development proposal is for twenty-eight dwellings. The existing site block plan is shown in Figure 2 and an indicative layout in Figure 3.

[1] Such as the presence of, or proximity to: legally protected sites (such as Sites of Special Scientific Interest); legally protected species (such as bats, badgers, reptiles or great crested newts); non-statutory nature conservation sites identified in the Local Plan; and habitats and species listed under Section 41 of the Natural Environment and Rural Communities Act 2006 (i.e. UK Priority habitats and species).

Fig. 2 - existing block plan

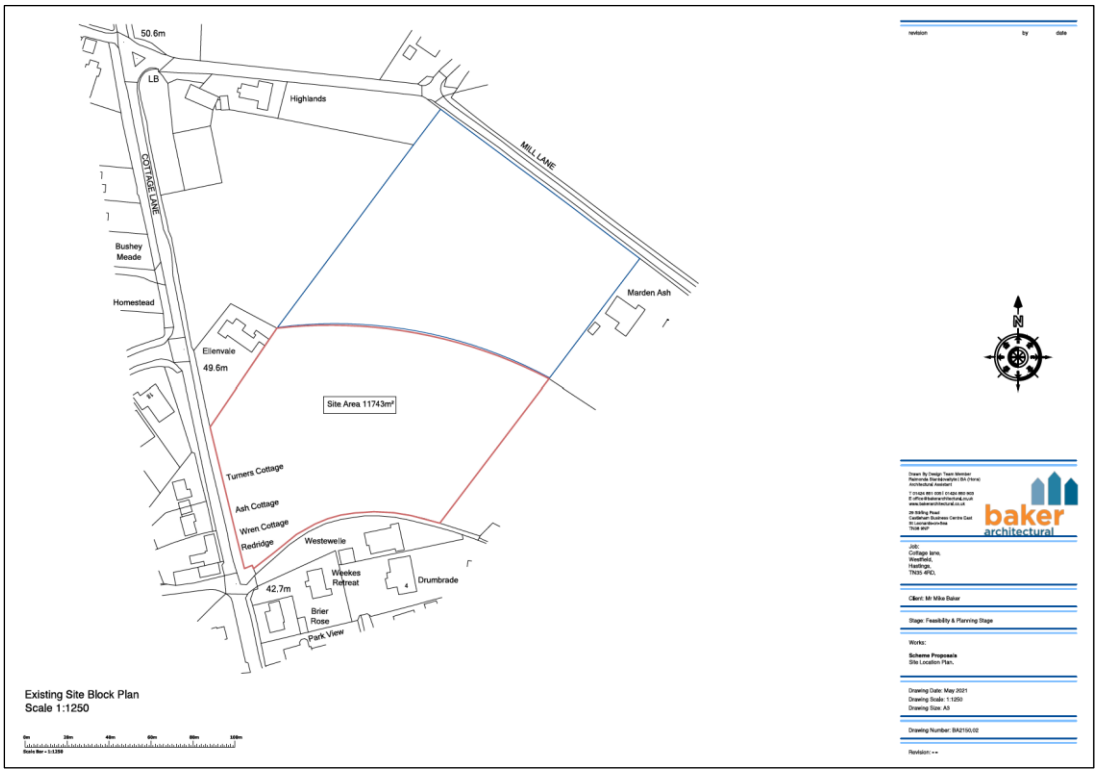


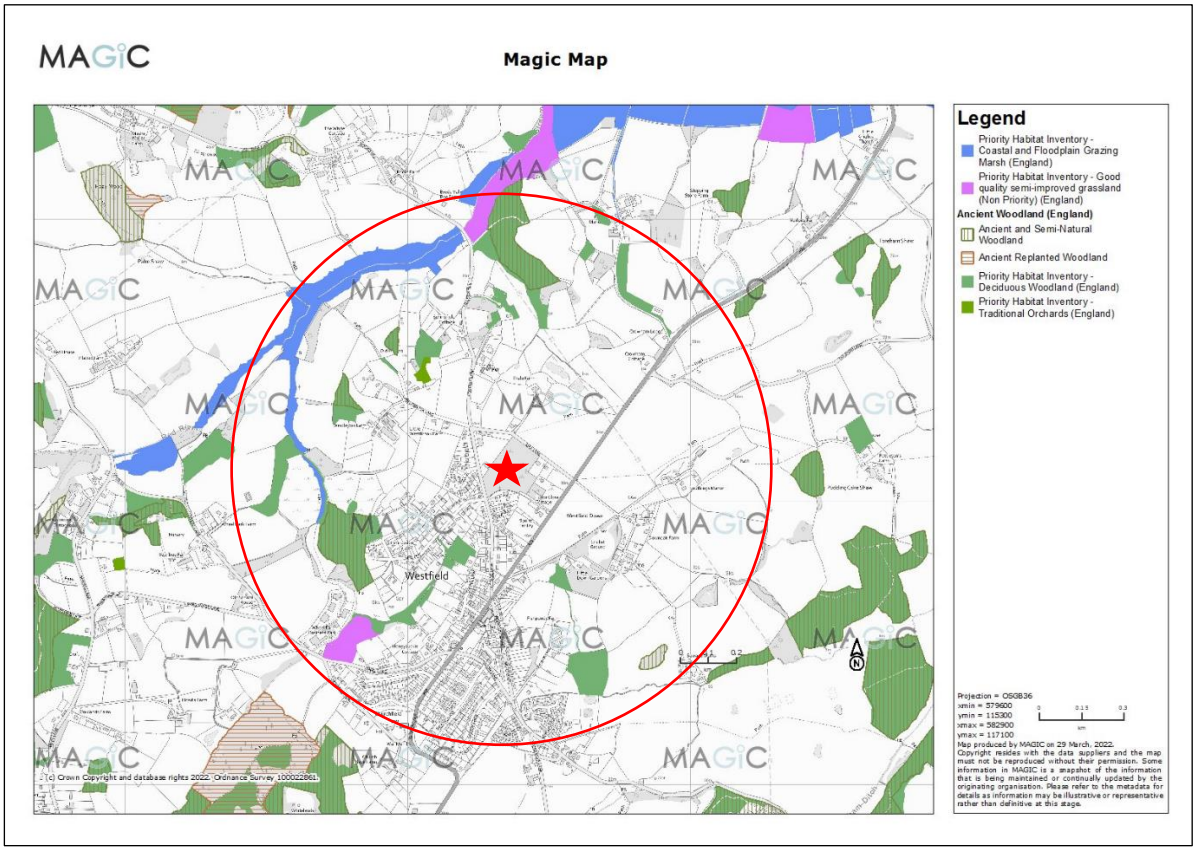
Fig. 3 - indicative site layout

3.0 Approach to Appraisal

3.1 An initial desktop study, based on an examination of MAGIC[2] - the Defra website providing geographic information about the natural environment - and Rother District Council's Local Plan policy maps and supporting documents[3], showed that:

- There are no statutory sites - e.g. a Site of Special Scientific Interest (SSSI) - within 1km of the site.
- There are several parcels of land within 1km of the site which support ancient woodland, deciduous woodland, coastal and floodplain grazing marsh, and good quality semi-improved neutral grassland. These are habitats listed under Section 41 of the Natural Environment and Rural Communities Act 2006 (i.e. UK priority habitats[4]). See Figure 4.

Fig.4 – priority habitats within 1km of the site



3.2 Due to the proximity of several areas of priority habitat, data from the Sussex Biodiversity Records Centre (SxBRC)[5] was also obtained to inform the ecological context. These data indicated that:

[2] https://magic.defra.gov.uk/
[3] https://www.rother.gov.uk/planning-and-building-control/planning-policy/interactive-policies-map/
[4] https://jncc.gov.uk/our-work/uk-bap-priority-habitats/
[5] https://sxbrc.org.uk/home/

- There are two non-statutory Local Wildlife Sites (LWS) within 1km of the site. Wheel Cottage Meadow LWS lies c.650m to the south-west and The Brede Valley LWS lies c.830m to the north.
- There are records of the following protected species:
  - Four species of bat (common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus,* brown long-eared bat *Plecotus auritus* and a *Myotis* bat – species unknown) all within 450m.
  - Great crested newt *Trituras cristatus* at c.625m to the east.
  - Grass snake *Natrix helvetica* at c.870m to the south.
  - Water vole *Arvicola amphibius* at c.920m to the west.
- Records of variety of species listed under Section 41 of the Natural Environment and Rural Communities Act 2006 (i.e. UK priority species[6]), including: butterflies and moth such as small heath *Coenonympha pamphilus*, toadflax brocade *Calophasia lunula*, knot grass *Acronicta rumicis*, buff ermine *Spilosoma lutea* and oak hook-tip *Watsonalla binaria*; and common darter dragonfly *Sympetrum striolatum*. All within 1km of the site.

3.3 A summary of the information provided by SxBRC is provided in Appendix 1.

3.4 A site visit was undertaken on 22nd March 2022 to assess the potential of the site to support protected species and/or other features of nature conservation value. This date is outside of the optimum site survey season (i.e. from May to September) but is sufficient for the purposes of a preliminary ecological appraisal. The weather was sunny with a temperature of c.15 C. Images in this report were taken on the day of the site visit.

4.0 Results of Appraisal

4.1 General description of the site

The site appears to be a former pasture which has been used for the planting and harvesting of a variety of commercial species of fir, as 'Christmas trees', for a number of years. The majority of the site has been planted with firs, with unsurfaced access tracks running through the centre of the site, and areas of bramble scrub, rough grass and native tree regeneration between the access track and the main blocks of planted firs.

4.2 To the north-west and north-east the site is bounded by sheep-grazed grassland; to the east it is bounded by detached residential properties with large gardens and areas of rough grassland, scrub and bramble scrub; and to the south and south-west by existing suburban residential development and gardens. A public footpath runs along the south-eastern boundary.

[6] https://jncc.gov.uk/our-work/uk-bap-priority-species/

4.3 Views of the site are provided in images of 1-4.

1. Typical view of planted areas of the site

2. View looking south along access track

3. View of bramble scrub, rough grass and tree regeneration between access track and planting blocks

4. View along boundary with Cottage Lane

Detailed description of the site

4.4 Large parts of the site are comprised of planted non-native firs – a mix of Norway spruce *Picea abies*, Nordmann fir *Abies nordmanniana* and lodgepole pine *Pinus contorta.* These areas have a very limited understory due to the density of planting and shading by the evergreen canopy.

4.5 In the more open areas either side of the central access tracks the firs are more scattered due to gradual harvesting and thinning of the commercial crop. These areas have been colonised by native tree saplings, bramble scrub and areas of rough grassland.

4.6 The scrub component includes goat willow *Salix caprea*, blackthorn *Prunus spinosa* and hawthorn *Crataegus monogyna,* with regenerating trees including saplings of silver birch *Betula pendula*, ash *Fraxinus excelsior*, alder *Alnus glutinosa,* sycamore *Acer pseudoplatanus* and oak *Quercus robur.*

4.7 Amongst patches of bramble *Rubus fruticosus*, there is a wide variety of relatively common ruderal species, and species typical of species-poor rough grassland. These include nettle *Urtica dioica*, cleavers *Galium aparine*, cow parsley *Anthriscus sylvestris,* marsh thistle *Cirsium palustre*, broad-leaved dock *Rumex obtusifolius*, cuckoo-pint *Arum maculatum*, great willowherb *Epilobium hirsutum*, common ragwort *Senecio jacobaea*, creeping buttercup *Ranunculus repens*, common figwort *Scrophularia nodosa*, ribwort plantain *Plantago lanceolata*, and teasel *Dipsacus fullonum,* with occasional common fleabane *Pulicaria dysenterica*, and tutsan *Hypericum androsaemum*. Grasses present include cock's foot *Dactylis glomerata*, couch grass *Elymus repens* and meadow grass *Poa sp*.

4.8 The boundary hedgerow bordering Cottage Lane is comprised primarily of hawthorn with saplings of sycamore and ash.

Fauna recorded on site

4.9 Bird species recorded during the site visit included: robin *Erithacus rubecula*, song thrush *Turdus philomelos*, blue tit *Cyanistes caeruleus,* great tit *Parus major*, coal tit *Periparus ater*, goldcrest *Regulus regulus,* wren *Troglodytes troglodytes,* chiffchaff *Phylloscopus collybita,* dunnock *Prunella modularis,* chaffinch *Fringilla coelebs* and blackbird *Turdus merula.*

4.10 Although early in the year for invertebrates to be active, the following species were noted: brimstone butterfly *Gonepteryx rhamni,* small tortoiseshell butterfly *Aglais urticae,* white tailed bumblebee *Bombus locurum,* and dark-bordered bee-fly *Bombylius major.*

Protected species

4.11 No protected species were observed during the site visit. However, habitats on site are likely to support protected species.

4.12 The scrub, grassland and occasional log piles on site (see image 5) provides good habitat for **reptiles** such as common lizard *Zooteca vivapara*, slow worm *Anguis fragilis* and grass snake *Natrix helvetica*.

5. Log piles providing potential reptile hibernacula

4.13 There are no ponds on site that would provide breeding sites for **great crested newts** *Triturus cristatus*. However, the terrestrial habitat on site is suitable for this species and the site lies within an area identified as an amber impact risk zone for great crested newts. Impact risk zones have been identified by the NatureSpace Partnership who are contracted by the local planning authority to provide advice on great crested newts and to operate a district licencing scheme. The impact risk zones for Rother District Council are shown in Appendix 2.

4.14 The mix of habitats on site provides good foraging habitat for **bats**. However, none of the trees on site appeared to provide suitable opportunities for roosting bats as they are generally relatively immature trees.

4.15 The habitats on site are suitable for a range of **breeding birds**.

4.16 There were signs of rabbits *Oryctolagus cuniculus* but no obvious signs of **badger** *Meles meles* activity on site.

5.0 Assessment

5.1 The evaluation of the ecological value of the site is based on professional judgement and *Guidelines for Ecological Impact Assessment in the UK and Ireland* [7] published by CIEEM. This involves identifying 'important ecological features' within a defined geographical context (i.e. international, national, regional, county, district, local or site importance). See summary in Appendix 3.

[7] *Guidelines for Ecological Impact Assessment in the UK and Ireland. CIEEM. (2018)*

5.2.1 The site does not have any significant ecological connectivity to the non-statutory nature conservation sites and UK priority habitats identified during the desk-top study. Consequently, any adverse impacts resulting from the development of the site will be limited to the site and its immediate environs.

5.2.2 The habitats on site are not of any special nature conservation value as they are plantation trees, plus areas of tree and scrub regeneration on an area of species poor agricultural grassland.

5.2.3 Nevertheless, the existing vegetation on site does provide a complexity of structure and a mosaic of habitat types which makes the site suitable for a wide range of relatively common species of birds, bats, reptiles and invertebrates. It is this structural diversity, and the foraging and breeding opportunities it provides, which indicates that the site is of **Local** importance for nature conservation.

Assessment of the potential impact on protected species

5.2.4 Protected species are a material consideration in the planning process. Planning applications need to show whether protected species are present in the area and how they use the site. If protected species are present, it is necessary to demonstrate how development proposals would avoid, reduce or manage any negative impacts.

Reptiles

5.2.5 Reptiles are protected under the Wildlife and Countryside Act, 1981 (as amended). It is an offence to intentionally kill or injure common species of reptile.

5.2.6 The majority of the site, other than the most densely planted stand of firs, is suitable reptile habitat. Consequently, further surveys are required to determine if reptiles are present and, if they are, which species are present and the size of any populations. These are set out in Section 6.

Great crested newts

5.2.7 Great crested newts are strictly protected under the provisions of both the Wildlife and Countryside Act, 1981, and the Conservation of Species and Habitats Regulations, 2017.

5.2.8 The site lies within an amber impact risk zone for great crested newts which indicates that there is suitable breeding habitat (ponds) and terrestrial habitat (grassland, scrub and woodland) in the locality to support a population of great crested newts.

5.2.9 There are no ponds on site; however, the site provides suitable terrestrial habitats and great crested newts can travel up to 500m from their breeding ponds.

5.2.10 The nearest (mapped) potential breeding ponds lie between 340m and 390m to the north of the site. See Figure 4. These are separated from the site by two large sheep grazed fields which provide limited terrestrial habitat for great crested newts, whereas land to the north of these ponds provides more suitable terrestrial habitat. It is considered unlikely, therefore, that the site provides terrestrial habitat associated with the ponds to the north. The record of a great crested newt to the east is associated with a pond that lies c.600m to the east. This pond is separated from the site by an extensive arable field and the busy A28.

Fig.4 – ponds within 500m of the site

Bats

5.2.11 Bats are protected under both the Wildlife and Countryside Act, 1981 and the Conservation of Species and Habitats Regulations, 2017. It is an offence to deliberately kill or injure bats, or intentionally disturb, damage or destroy a bat roost.

5.2.12 A visual inspection of the trees on site, based on good practice guidance published by the Bat Conservation Trust[8], indicated that the majority of the trees within the core of the site did not have features such as cracks, fissures, rot-holes, woodpecker holes, etc. that are suitable features for roosting bats.

5.2.13 Consequently, it was considered that the site is primarily of importance as a foraging area for bats. As such no further surveys are required, but ecological mitigation should be considered. This is set out in Section 6.

Breeding birds

5.2.14 The nests, eggs and young of most birds are protected under the Wildlife and Countryside Act, 1981 (as amended). It is an offence to intentionally damage or destroy nests or eggs. Certain species receive special protection making it an offence to disturb their nests.

5.2.13 There is suitable habitat on site for a range of common breeding bird species. However, species subject to special protection are not likely to be present. As such no further surveys are required but ecological mitigation should be considered and standard

[8] Bat Surveys for Professional Ecologists. Good Practice Guidelines. Bat Conservation Trust. 2016.

5.2.14 precautions relating to the management of vegetation should be adopted during any site clearance. See Section 6.0 for further details.

6.0 Conclusions and Recommendations

6.1 Protected species are present or potentially present. The site also has **Local** nature conservation value due to its potential to support reptile populations, provide a foraging area for bats, support a reasonable diversity of common breeding birds, and provide habitats and features that will support a range of invertebrates which, albeit locally common, are declining as a result of the loss of rough grassland and scrub habitats. Consequently, prior to any further design development, the following should be implemented:

Additional ecological surveys

6.2 A **reptile survey** to determine presence/absence undertaken in accordance with best practice survey standards (NARRS, 2013)[9] i.e. up to seven survey visits spread out over the active reptile season between April/June and September. If reptiles are present a further 10 to 20 visits may be necessary to determine distribution and population sizes.

6.3 When commissioning the reptile survey outlined above, the brief to consultants should also include a requirement to note any breeding birds on site and collate further field survey information on plants and invertebrates present. Comprehensive breeding bird, botanical and invertebrate surveys are not required as the site is relatively small and the quality of the existing habitats on site has already been determined as being of Local value. But additional observations and field notes will provide further useful information to inform suitable avoidance, mitigation or compensation measures that will need to be implemented.

Avoidance Measures and Ecological enhancement

6.4 Irrespective of the outcomes of protected species surveys, the National Planning Policy Framework encourages development to protect and enhance the natural environment by "*minimising impacts on and providing net gains for biodiversity*".

6.5 Furthermore, Policy EN5 of the Rother Local Plan requires, amongst other things, for developers "*to integrate biodiversity into development schemes by avoiding adverse impacts from development…and promote opportunities for the creation and/or restoration of habitats appropriate to local context*."

6.6 The indicative layout of the proposed development would result in the loss of the majority of the existing habitats and features on site. Consequently, to ensure stronger compliance with national and local policy, consideration should be given to:

- Reducing the extent of the proposed development footprint.
- Establishing a more generous wildlife corridor along the north-western boundary.

[9] Survey protocols for the British herpetofauna. NARRS. 2013.

- Managing the land to the north of the development site to increase its nature conservation value to offset any biodiversity loss resulting from development.

6.7 The full scope of the potential or required ecological enhancement should also be informed by the outcome of the reptile survey.

Precautionary Measures

6.8 Regardless of the recommendations above, if or when development is permitted, the presence of breeding birds and the likelihood that the site is used by foraging bats will require precautionary measures to be put in place to ensure legal compliance and avoid any indirect impacts on biodiversity. These include:

- Vegetation removal should take place outside the bird breeding season of March to August inclusive, to prevent disturbance to birds.
- External lighting should be minimised, especially in proximity to any wildlife corridors, and designed to minimise periods of illumination and prevent light spill in accordance with guidelines from the Bat Conservation Trust and Institution of Lighting Professionals[10].

[10] Bats and artificial lighting in the UK. Bat Conservation Trust/Institution of Lighting Professionals. (2018)

10.0 APPENDIX 1

Data Search – Map and Summary Report

Sussex Biodiversity Record Centre

Ecological Data Search SxBRC/21/941 - Summary Report

An ecological data search was carried out for land at Cottage Lane, Westfield on behalf of Peter Massini (Future Nature Consulting Ltd) on 15/02/2022.

The following datasets were consulted for this report:

	Requested	Radius/buffer size
Designated sites, habitats & ownership maps	Yes	1km
Protected, designated and invasive species	Yes	1km

Summary of results

Sites and habitats

Statutory sites	1 AONB
Non-statutory sites	2 LWS
Section 41 habitats	3 habitats
Ancient and/or ghyll woodland	Present

Protected and designated species

International designations	15 species	51 records
National designations	68 species	651 records
Other designations	128 species	1,034 records
Total	**139 species**	**1,101 records**
Invasive non-native	22 species	62 records

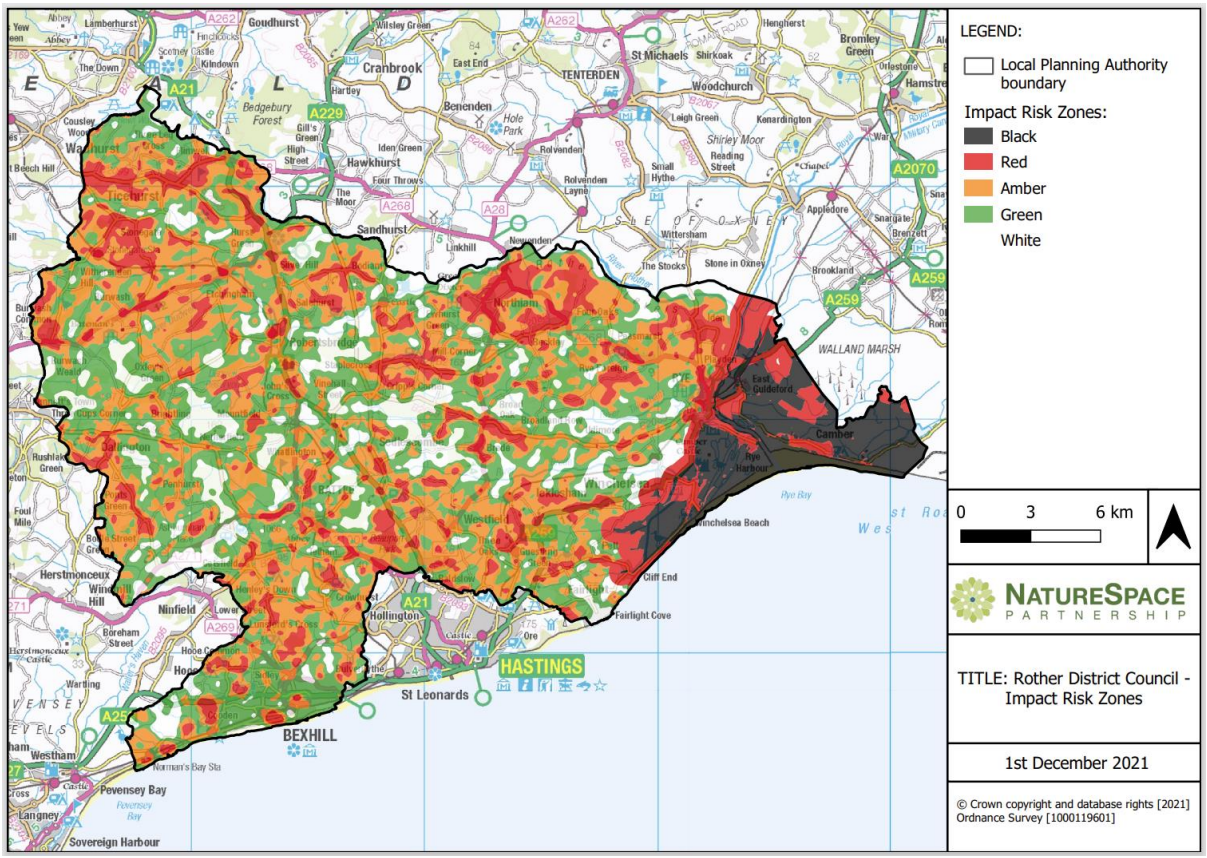
The report is compiled using data held by Sussex Biodiversity Record Centre (SxBRC) at the time of the request. SxBRC does not hold comprehensive species data for all areas. Even where data are held, a lack of records for a species in a defined geographical area does not necessarily mean that the species does not occur there – the area may simply not have been surveyed.

This summary page may be published.
The full report and maps may not be published or otherwise shared.

The data search report is valid until 15/02/2023 for the site named above.

11.0 APPENDIX 2

Great Crested Newt Impact Risk Zones



12.0 APPENDIX 3

Assigning Level of Importance

The importance of a site or an ecological feature should be considered within a defined geographical context as set out below:

- International (European)
- National
- Regional
- County
- District
- Local (e.g. Parish or Neighbourhood)
- Site (not of importance beyond the immediate context of the site).

In assigning the level of importance, the following are considered:

Designated Sites

Importance should reflect the geographical context of the site in relation to designated sites (e.g. SAC/SPA/Ramsar sites are designated at the international level whereas SSSIs are designated at the national level). Consideration should be given to multiple designations as appropriate (where an area is subject to differing levels of nature conservation designations).

Habitats

In certain cases, the value of a habitat can be measured against known selection criteria, e.g. 'Guidelines for the selection of biological SSSIs' and the Hedgerows Regulations 1997.

Whether habitats are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, (i.e. 'Priority Habitats'), or within regional or local Biodiversity Action Plans (BAPs) can also be relevant.

However, for the majority of commonly encountered sites, the most relevant habitat evaluation will be at a more localised level and based on relevant factors such as age, size, species-diversity, potential, naturalness, rarity, fragility and typicalness. The ability to restore or re-create the habitat is also an important consideration, for example in the case of ancient woodland.

Species

Deciding the importance of species populations should make use of existing criteria where available. For example, there are established criteria for defining nationally and internationally important populations of waterfowl. The scale within which importance is determined could also relate to a particular population, e.g. the breeding population of common toads within a suite of ponds.

Whether species are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called (i.e. 'Priority Species'), or within regional or local Biodiversity Action Plans (BAPs) can also relevant.

When determining the importance of a species population, contextual information about distribution and abundance is fundamental, including trends based on historical records. For example, a species could be considered particularly important if it is rare and its population is in decline.

Species populations should also be considered in terms of the potential zone of influence of the proposals, i.e. if the entire species population within the site and surrounding area were to be affected by the proposed development, would this be of significance at a local, district, county or wider scale? This should also consider the foraging and territory ranges of individual species (e.g. bats roosting some distance from site may forage within site whereas other species such as invertebrates may be more sedentary).