

Plumpton Wildlife & Habitat Group



Report to Lewes District Council on biodiversity issues affecting Plumpton relating to development proposals in LDC's Emerging Core Strategy and its SHLAA

Summary

Plumpton Wildlife & Habitat Group was founded in 2008 with the primary aim to promote and conserve the Parish's fauna and flora and their habitats.

To this end we have reviewed Lewes District Council's (LDC) emerging core strategy and the SHLAA study findings in order to identify their potential impact on fauna and flora and their habitats within the areas proposed for housing development in Plumpton Parish.

Our detailed findings (see attached report) are based on our own in-depth surveys and other records from the parish.

We do not as a group choose to take any particular position on whether or not new housing should be built in Plumpton Parish. Individual group members will have made their own representations to LDC. Our report simply and objectively reports the flora and fauna found in the proposed areas for development, the habitats and their significance for the continuing survival of these species, and where UK and other legislation provides protection for these species and habitats.

Our findings

It is clear from our findings that Plumpton Parish contains a wealth of flora and fauna that come under the protection of UK and European legislation.

It is equally clear that the areas proposed for housing development provide important habitats for these flora and fauna that, if destroyed, would impact very negatively on the presence and diversity of natural habitats and species within Lewes District.

We have reviewed the Emerging Core Strategy as it concerns wildlife habitats, flora and fauna. Our conclusion is that the proposed development of up to 100 houses in those areas within Plumpton Parish identified in the SHLAA report conflicts directly and very markedly with several of the key principles and objectives outlined by LDC in its own strategy document. These are:

- 1 the stated aims of LDC to preserve, protect and maintain the environmental characteristics of the rural areas of both the South Downs and Low Weald. Plumpton

Green is geographically positioned mainly in the Low Weald, and so features centrally in views from the South Downs

- 2 the stated principle to protect and enhance the distinctive quality of the environment
- 3 the stated aim, by 2030, to have retained and, where possible, enhanced the attractive character and identity of the Low Weald villages and wider countryside
- 4 strategic objective 5 to conserve and enhance the natural beauty, wildlife and cultural heritage of the area
- 5 core policy 8 to ensure that development maintains and/or appropriately manages identified green infrastructure
- 6 core policy 10 to conserve and enhance landscape characteristics and qualities and the natural environment (biodiversity resources) in the plan area by:
 - ‘not permitting new development that would harm landscape character or nature conservation interests, unless the benefits of the development outweigh the harm caused, in which case appropriate mitigation and compensation is provided
 - ‘seeking to conserve and enhance the landscape qualities of the District...
 - ‘seeking the conservation, enhancement and net gain in local biodiversity resources
 - ‘seeking to maintain ecological corridors and avoiding habitat fragmentation.’

*Plumpton Wildlife & Habitat Group
November 2011*

**Report to Plumpton Parish Council on
Biodiversity issues affecting Plumpton
relating to development proposals
in LDC's Emerging Core Strategy and its SHLAA**

Preliminary comments from the Plumpton Wildlife & Habitat Group
(revised October 2011)

Background

A Strategic Housing Land Availability Assessment (SHLAA) carried out for Lewes District Council (LDC) identified several areas in Plumpton as potential for development. Following revision (September, 2011), one of these has been withdrawn, others are currently considered inappropriate for various reasons, others have been added. Others may be added or withdrawn in due course. This currently leaves five areas (04PL, 05PL, 08PL, 10PL and 12PL) still under consideration. One, 05PL, is considered currently available and accessible. The SHLAA does not address a number of issues that are critical parts of the planning process, including the impact on wildlife. This report outlines current knowledge of the wildlife in these areas.

Wildlife is considered in the planning process under various pieces of legislation and guidance. For any of the proposed sites a full Environmental Impact Assessment would be expected. This would probably consider the impact on the following:

1. General habitat assessment through a Phase 1 Habitat Survey, plus any further assessment if indicated;
2. European Protected Species (Species protected under the EU Habitats Directive and other international treaties).
3. Other UK Protected Species;
4. UK Biodiversity Action Plan (BAP) species, Local Biodiversity Action Plan (LBAP) species (where applicable) and Red List species;
5. UK Biodiversity Action Plan (BAP) habitats, Local Biodiversity Action Plan (LBAP) habitats;
6. Presence of any protected or otherwise designated areas (both statutory and non-statutory);
7. Ancient woodland/ trees;
8. Other significant trees (including TPOs) or features;
9. Any particular requirements of local policy (including implementation of national policy such as Hedgerow Regulations).

Note that the planning process with regard to wildlife may be affected by adoption of the Localism Bill and the proposed National Planning Policy Framework (NPPF), and that the management of TPOs and Veteran Trees is currently being reviewed.

1. Phase I Habitat Survey

A Phase 1 Habitat Survey of the Parish of Plumpton was completed in 2004 (Hutson, 2011). The survey covers the entire parish using a standardised national system for classifying and mapping wildlife habitats. The method was developed by the Nature Conservancy Council in 1990 to assist local authorities in development planning and conservation.

The findings relevant to the designated SHLAA areas (see also map at Appendix 1) are summarised below.

1.1. Area 04PL

This consists of the land immediately surrounding the church and the adjacent graveyard, including two glebe fields.

The two glebe fields (see 1 & 2 on map) were originally recorded on the Phase 1 Habitat Survey of 2004 (Hutson, 2011) as unimproved grassland but at the time of the current survey (8 February 2011) were almost devoid of vegetation, having been heavily overgrazed by horses and extremely muddy and churned up. The derelict hedge between the two fields contains a field maple, whose dimensions qualify it as an ancient tree plus 7 well-grown oaks, whose health has been compromised by extensive damage to the bark, presumably due to gnawing by horses. This hedge also contains hawthorn and bluebells in the ground flora, perhaps indicating its considerable age.

There is a pond in the north-east corner of the easternmost field (or in the garden of the adjacent property), with an impressive old goat willow in the hedge.

The hedge on the eastern side of the boundary of 04PL contains hawthorn, blackthorn, hazel, bramble, oak, ash, dog rose, spindle, dogwood, goat willow, field maple, holly, honeysuckle and ivy. Bluebells occur in the ground flora, among other herbaceous plants, and anthills at the edge of the field indicate a lack of disturbance until the recent lack of appropriate management mentioned above. The ditch on the eastern side of the hedge contains sedges and ferns on its banks but is at grave risk of pollution from the horse manure piled up on its edge. This ditch runs into the watercourse supplying the pond to the east of area 05PL.

The area of grassland between the church and the road is small but is especially species-rich, including a good population of green winged orchid and autumn lady's tresses among other species characteristic of flower-rich traditional hay meadows. The graveyard is also flower-rich and a valuable habitat for butterflies, bees and other insects.

1.2 Area 05PL

Field 3 (see map) is sheep-grazed improved grassland, formerly cultivated for vegetables, bordered on its northern edge by a hedge of hawthorn and blackthorn with some ash, spindle, hazel, oak, goat willow, bramble and honeysuckle. It is divided from north to south by a wire fence and the grassland of the extreme

eastern part, east of the short hedge (containing oak and bluebells), is more species rich, including mosses, wood-rush, creeping buttercup, violets and bugle. The anthills here indicate that it has not been disturbed for many years.

The ditch and its banks crossing the south eastern corner of this field are rich in species, including watercress, soft rush, jointed rush, flote grass, water starwort, brooklime, bulrush and purple loosestrife, hemlock water-dropwort and ladies smock.

The field in the west of this area (4 on map) is semi improved, sheep-grazed grassland with occasional creeping buttercup, white clover, lady's smock, dandelion, and mouse-eared chickweed. It is closely grazed and more species may be revealed if grazing ceases to be so intensive.

There is a hornbeam in the hedge on the northern edge between this field and the adjacent garden whose dimensions qualify it as an ancient tree.

The adjacent woodland and pond area to the east is of good wildlife value and contains many ancient woodland indicator (AWI) species. This may be due to its once being continuous with woodland to the east that was cleared in the 1970s. The trees and shrubs include oak, field maple, wild service tree, wild pear, holly, oak, hazel, blackthorn, wild privet, elder, European gorse, dog rose, honeysuckle and bramble. The ground flora includes AWI species – bluebell, moschatel, hart's-tongue fern, common polypody, wood speedwell, creeping jenny, pendulous sedge – as well as more common woodland species. Woodland mosses are abundant and the wetter areas contain bulrush, water mint, gipsywort, yellow flag, soft rush, hard rush, great willowherb, meadowsweet, marsh marigold, ragged robin and various sedges among other species.

1.3. Area 08PL

This area is of historical interest and the pattern of its field and hedgerow is little changed in character since the date of the tithe map (1841). Its hedgerows are important for nesting birds and as corridors and refuges for small mammals, amphibians and reptiles and invertebrates.

The two fields within the revised development proposal for this area are improved grassland and are of limited value for wildlife, but do include a limited range of wild flowers. As with Area 05PL, more species may be revealed if grazing ceases to be so intensive.

Hedges between and around these field are varied in species composition and condition. Most are of mixed species and some may be ancient in origin. Some are intact, others are eaten out at the bottom. Species include common hawthorn, hybrid hawthorn, holly, blackthorn, hazel, pedunculate oak, dog rose, spindle, hornbeam, wild privet, field rose, field maple, ash, goat willow. Some contain mature oaks and some are adjacent to ditches with a variety of aquatic vegetation.

Of the adjacent fields one small field is wet, ungrazed and contains a small pond surrounded by goat willow scrub. There is an adjacent grove of aspen, which is unusual in the parish. It is worth further survey. The other fields are sheep-grazed, semi-improved pasture and their component species have some wildlife interest.

Of three nearby field ponds, a small adjacent pond is surrounded by large ash and oak trees, hawthorn and maple. One further to the west is a double pond, the eastern one dries up in summer. Both are surrounded by ash, oak, goat willow, dog rose and blackthorn and are fed by a drain from a pond further to the north-west. A third pond to the north-west is fenced and is well-vegetated, fringed with field maple, willow, hawthorn, blackthorn and ash.

1.4. Area 10PL

This area is essentially an arable field that has been farmed in an organic fashion (as part of Nolands Farm). It has old overgrown mixed-species hedges to east and south (especially that to east), a low managed hedge to north (with ditch) and west.

1.5. Area 12PL

This area is essentially the gardens of three houses Southview, Brambles and Winklepatch at the west end of Riddens Lane. These areas are managed as gardens, but there are species rich hedges on the north and western boundaries.

2. European Protected Species (vertebrates only)

European Protected Species (SPAs) are those listed in Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora (the EC Habitats [and Species] Directive) with its schedules of species revised in 2003. Annex II includes animal species that require special protection with Special Areas for Conservation designated for them. Annex IV also lists animal species requiring special protection. This Directive is adopted in England through the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), with the European Protected Species (EPS) included in Schedule 2. Together with the Wildlife & Countryside Act (see 3 below), the Regulations also provide for obligations under the UNEP/CMS Agreement on the Conservation of Populations of European Bats (EUROBATS).

2.1. Bats

All bat species are included in Annex IV of the Habitats Directive and in the Appendix of species to which EUROBATS applies. Roosts of common pipistrelle (*Pipistrellus pipistrellus*), brown long-eared (*Plecotus auritus*) and serotine bats (*Eptesicus serotinus*) are recorded adjacent to all the proposed development areas, including maternity colonies for common pipistrelle and brown long-eared bats, but no known maternity colony sites for serotine bat. There has been no particular survey carried out in the area, but other species recorded adjacent to or over the proposed areas include soprano pipistrelle (*Pipistrellus pygmaeus*), noctule bat (*Nyctalus noctula*) and Natterer's bat (*Myotis nattereri*).

Further species are known to occur within the general area, and two species listed in Annex II (Bechstein's bat, *Myotis bechsteinii*, and barbastelle bat, *Barbastella barbastellus*) have been recorded from within 5km.

2.2. Great crested newt

Great crested newt (*Triturus cristatus*) is listed in Annex II and IV of the EU Habitats Directive and hence Schedule 2 of the UK Habitats Regulations.

Breeding populations of great crested newt are recorded in area 12PL, immediately adjacent to area 08PL and within 100m of area 04PL, 05PL and 10PL.

2.3. Hazel dormouse

Hazel Dormouse (*Muscardinus avellanarius*) is currently the subject of survey in the parish, but there is limited evidence so far from four sample survey sites distributed through the parish. It may well occur and has been recorded from an owl pellet within 2 km of the proposed sites.

3. Other UK Protected Species (vertebrates only)

A range of other species are protected in some way or other in UK legislation. The principal legislation is the Wildlife & Countryside Act 1981 (as amended) (the WCA), which was designed principally to adopt the UK's obligations to the Bern Convention on the Conservation of European Wildlife & Natural Habitats (1979) (the Bern Convention), and Directive 79/409/EEC on the Conservation of Wild. Birds (the Birds Directive – as amended by Directive 2009/147/EC).

The Countryside & Rights of Way Act 2000 includes some updating of the WCA, including strengthening of powers of enforcement for the protection of species listed under the WCA.

The Protection of Badgers Act 1992 provides special protection for the badger and its setts.

3.1. Badger

A complete survey of the parish for badgers (*Meles meles*) has been carried out by the Plumpton Wildlife & Habitat Group in 2010 using a national system developed by the National Federation of Badger Groups (the Badger Trust). Badger setts are identified within 500m of 04PL, 05PL, 08PL, 10PL and 12PL.

3.2. Amphibians

All are included in Schedule 5 of the WCA. A complete survey of ponds of the parish has been carried out between 2006 and 2010. In addition to great crested newt discussed above, common toad, common frog, smooth newt and palmate newt have all been found within or adjacent to the proposed areas.

3.3. Reptiles

All are included in Schedule 5 of the WCA. No structured survey has been carried out, but slow worm, adder and grass snake have all been recorded within or adjacent to all the proposed development areas. It is likely that common lizard will also occur.

3.4. Birds

All birds are protected to some extent by the WCA. Specially protected bird species are included in Schedule 1, which includes the following species that occur in and around the proposed development areas: barn owl, hobby and kingfisher, but there is no evidence that they nest within the proposed development areas. Other schedules provide special provisions (mostly relating to timing or methods of taking, marking, etc). See also below under section 4.

3.5. Other species

Other locally occurring species for which some protection is provided (but mainly in relation to methods and timing of taking) are deer, shrews and hedgehog.

4. UK Biodiversity Action Plan (BAP) species, Local Biodiversity Action Plan (LBAP) species and Red List species

A range of species are designated for special conservation programmes under the UK Biodiversity Action Plan and in Local Biodiversity Action Plans. The Sussex Biodiversity Action Plan is co-ordinated by the Sussex Biodiversity Partnership. The plan recognises those species from the national plan that occur in Sussex and proposes that their conservation be effected through the conservation of the appropriate habitat plans (see section 5 below).

The following animal species that are recorded in the proposed areas (or are likely to occur there) are included in the UK Biodiversity Action Plan (and hence the Sussex Biodiversity Action Plan):

- *Birds*: grey partridge, cuckoo, turtle dove, skylark, dunnock, song thrush, spotted flycatcher, starling, house sparrow, bullfinch, linnet, yellowhammer, reed bunting.
- *Mammals*: hedgehog, noctule bat, soprano pipistrelle bat, brown long-eared bat, harvest mouse, hazel dormouse, brown hare.
- *Reptiles and amphibians*: slow worm, common lizard, grass snake, adder, common toad, great crested newt

The national assessment of Birds of Conservation Concern 3 (Eaton et al., 2009) includes the following species that breed in or around the proposed development areas:

- *Red List*: grey partridge, lapwing, turtle dove, cuckoo, skylark, song thrush, starling, house sparrow.

- *Amber List*: mallard, stock dove, barn owl, kingfisher, green woodpecker, swallow, house martin, dunnock, nightingale, mistle thrush, common whitethroat, bullfinch.

Although not yet a listed species, it is perhaps worth noting that glow-worms occur at and adjacent to 05PL, 10PL and 12PL.

5. UK Biodiversity Action Plan (BAP) habitats, Local Biodiversity Action Plan (LBAP) habitats

A range of habitats is designated for special conservation programmes under the UK Biodiversity Action Plan and Local (Sussex) Biodiversity Action Plan. The status of any habitats included and occurring in the proposed areas has not yet been assessed.

6. Presence of any protected or otherwise designated areas

There are no protected or otherwise designated areas within or adjacent to the proposed development areas.

7. Ancient woodland/ trees

Included in section 1 above and see map at Appendix 1.

8. Other significant trees (including TPOs) or other features

Included in section 1 above and see map at Appendix 1.

The Register of Tree Preservation Orders (TPO) seems to be no longer available on the LDC website. In 2007 there were 24 TPOs in the parish. There are believed to be five TPOs close to the proposed development areas, but the details of these designations have not been checked. They are:

- Reg. no. 3852:227. Saxon Cottage, Station Road. Four (now three) horse chestnut trees in garden of (what is now) Chestnut House.
- Reg. no. 3852:317. Southview, Riddens Lane. Ash tree in garden of Southview.
- Reg. no. 3852:431. Rectory, Station Road. Hornbeam in garden thereof.
- Reg. no. 3852: 432. Oakdene, Station Road. Oak in garden of (what is now) Mulberry.
- Reg. no. 3852: 495. Whitehouse Farm, Station Road. Two plane trees near entrance track to Whitehouse Farm, one in Whitehouse Farm, one in (what is now) Grebe.

9. Requirements of local policy

The Natural Environment and Rural Communities Act 2006 includes a part (Section 40) that places a duty upon local and regional authorities to have regard to the conservation of biodiversity in England when carrying out their normal functions.

Fulfilling statutory obligations for the protection and enhancement of biodiversity within the development control process is implicit in meeting this duty. Section 41 includes a schedule of species and habitats of principal importance for the purpose of conserving biodiversity. This list, which should be used by public bodies in implementing their biodiversity duty, is based upon the UK Biodiversity Action Plan (see sections 4 and 5 above).

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005) (PPS9) sets out government planning policies on protection of biodiversity and geological conservation through the planning system. It includes reference to the need to restore and reconnect fragmented habitats. In addition, PPS 1 includes a supplement on climate change with regard to climate change adaptations.

Lewes District Council identifies procedures to deal with these matters in its Validation Requirements for Application for Planning Permission, Appendix 4 – Biodiversity. See also LDC’s biodiversity check list and decision tree on dealing with protected species in the planning process (www.lewes.gov.uk/community/18202.asp). Planning applications should not be validated where there is insufficient information, decisions need to be based on up-to-date information, and the presence of protected species should be established before permission is granted and should not be made a condition.

A number of other legislative, policy or guidance documents (national or local) of relevance to wildlife conservation and planning are just published or in the consultation process (such as Defra’s recently published *Biodiversity 2020: A strategy for England’s wildlife and ecosystem services*). They include commitments to enhance biodiversity and to support the recognition of the importance of it and the wider countryside (i.e. beyond the protection of key sites and species) to local communities, “with more and better places for nature for the benefit of wildlife and people”.

10. Proposed further work with regard to these development proposals.

To report fully on the likely impact of the SHLAA proposals on wildlife and habitats within the designated development areas, the Plumpton Wildlife & Habitat Group will conduct:

1. Further survey for dormouse
2. Further survey for bats
3. Further assessment of implications for BAP habitats
4. A records search from the Sussex Biodiversity Records Centre has just been received and the contents of this will be reviewed for matters of relevance.

References

Eaton, M.A., Brown, A.F., Noble, D.G., Musgrove, A.J., Hearn, R.D., Aebischer, N.J., Gibbons, D.W.E., Evans, A. & Gregory, R.D. (2009). Birds of Concern 3. The population status of birds in the United Kingdom, Channel Islands and Isle of Man. *British Birds* 102: 296-341.

Hutson, J. (2011). *Plumpton's Wildlife Habitats – A survey*. Plumpton: Plumpton Wildlife & Habitat Group.

Plumpton Wildlife & Habitat Group
October 2011

Appendix 1. Map of development sites proposed within LDC's Strategic Housing Land Availability Assessment (SHLAA)

**Plumpton Wildlife & Habitat Group
Response to LDC Core Strategy and SHLAA report
October 2011**

