


PRELIMINARY ECOLOGICAL ASSESSMENT BERNHARD BARON COTTAGE HOMES

With Supplementary Bat Scoping and Secondary (Non-specialist) Survey BS
8596:2015



Prepared for:

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1 INTRODUCTION

Prim Duplessis has been commissioned by Dirk van Dijk to carry out a Preliminary Ecological Assessment (formerly known as Phase 1 Habitat Survey) of the grounds at Bernhard Baron Cottage Homes, in respect of wildlife in and around the site: 'Are we doing it right?' & 'How can we encourage more?'

The following work has been undertaken to inform this report:

- A desktop ecological data search
- A Phase I Habitat survey
- A Bat Scoping survey

Information has been used to describe habitats at Bernhard Baron Homes and provide information on protected and UK Biodiversity Action Plan (UKBAP) species recorded to date. UKBAP priority habitats and species in England are listed as Habitats and Species of Principal Importance in England (Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006.

2 SURVEY METHOD

2.1 DESK STUDY

An ecological on-line data search (desk-top) for Bernhard Baron Homes and the surrounding area was undertaken in June 2019, accessing statutory and local designations, species, habitats and local information.

2.2 FIELD SURVEY

The Phase 1 Habitat Survey follows the methodology laid out in Handbook for Phase 1 Habitat Survey (Joint Nature Conservation Committee, 2010) and guidance in Guidelines for Baseline Ecological Assessment (Institute of Environmental Management and Assessment, 1995). Target notes list plant species with an abundance score using the DAFOR scale:

D=Dominant

A=Abundant

F=Frequent

O=Occasional

R=Rare

The lists refer to native species and are only intended as indicative. Non-native/exotic species are not included.

The survey was carried out on 5th June 2019 in good weather conditions, fine and dry sunny day.

2.3 BAT SCOPING AND SECONDARY (NON-SPECIALIST) SURVEY BS 8596:2015

The Bat Scoping and Secondary (non-specialist) survey is in accordance with the guidance laid out in BS 8596:2015. A primary survey is undertaken to identify and Potential Roost Features (PRF'S) and assigned a 'risk' value of Low, Medium or High. If PRF's are identified, a secondary

survey is undertaken to establish likelihood of use. If there are no PRF's identified, the primary survey is still reported.

3 EXISTING INFORMATION FOR BERNHARD BARON COTTAGES

3.1 NATURE CONSERVATION SITES

No statutory or non-statutory nature conservation sites are located on or bordering to Bernhard Baron Homes Cottages

Bernhard Baron Homes is located on the western outskirts of the village Polegate, north of Eastbourne, on the busy junction of the A27 and B2210. It lies in the Low Weald National Character Area¹²², nestled below the scarp slope of the South Downs (NCA 125) to the south, about 200m from the National Park boundary.

The nearest SSSI is Folkington Reservoir 1.5kms south-west, cited for species rich chalk grassland, orchids in particular. Willingdon Down SSSI lies 1.9km south, and Wilmington Down 2.4km to the west-south-west, both with similar designations. The nearest European designated site is Pevensey Levels just over 4kms to the north-east, this is a Special Area of Conservation (flora & fauna), a Special Protected Area (birds), and a RAMSAR site (wetlands of international importance).

3.2 HISTORIC SITES

No historic sites or Scheduled Ancient Monuments are located on or immediately adjacent to the site at Bernhard Baron Homes. (The South Downs itself is of course littered with Neolithic and more recent remains)

3.3 HABITATS AND SPECIES OF PRINCIPAL IMPORTANCE (NERC ACT, 2006)

There were no habitats of principle importance as per Government website 'Magic Map', however, the survey observed a relatively mature hedgerow and a mature tree line, 'woodland pocket' on the west and south boundaries of the site respectively.

4 SURVEY RESULTS

4.1 SETTING

The Bernhard Baron Homes site is located in the urban environment of Polegate, a satellite of Eastbourne, characteristic of the densely populated South East of England.

The site is comprised of 24 cottages and a main block. Built as a memorial to wealthy local landowner, Caleb Diplock, in the 1930's, the family sold it to Bernhard Baron in 1945 and was subsequently re-named. It continues to be run as Residential Care, now for the over 65's, under the trusteeship of the Religious Society of Friends (the Quakers). The site is attractively landscaped with lawns and paths, flower beds, trees and shrubs with some 'wilder' areas. The management is driven by accessibility for the residents, with welcoming spaces to pause and sit, balanced with the practical considerations of running the site. The residents are encouraged to participate as much as possible and have contributed much to the 'feel' of the place.

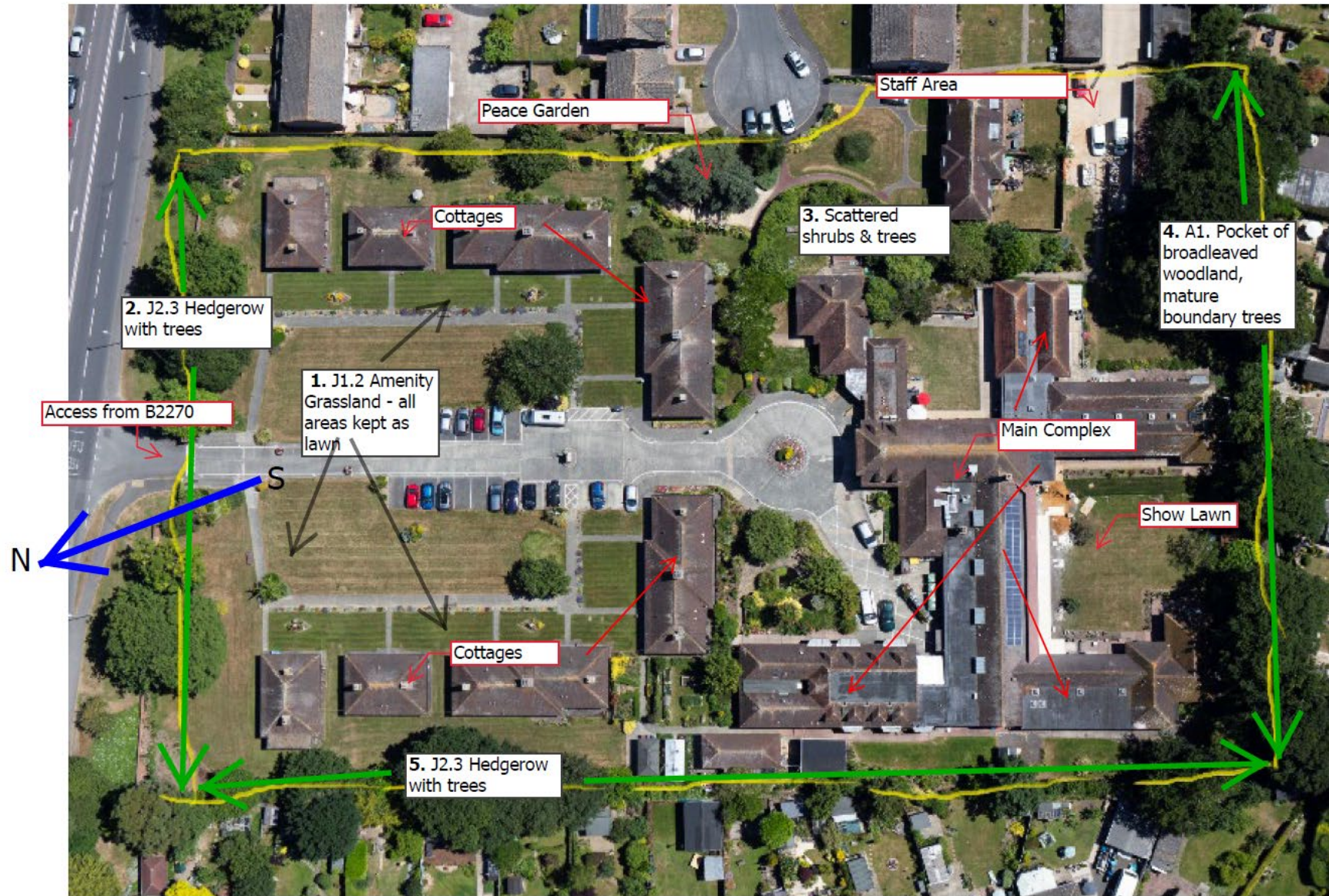
4.2 HABITATS

The site for survey is accessed from the B2270. The network of access road and pathways is punctuated with lawns, flowerbeds, formal tree and shrub planting with more mature trees on the boundaries and lengths of hedge also mature in places, as in 3.3.

4.3 FIGURE 1 – SURVEY MAP – BERNHARD BARON HOMES

- Over page...

Phase 1 Survey Map for Bernhard Baron Homes with Target Notes 1 - 5



4.4 SPECIES

4.4.1 BADGER

No badger setts or latrines have been recorded within, or near the site.

Badger is a protected species by virtue of the Protection of Badgers Act 1992 which makes it an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; or recklessly interfere with a sett. Further enforcement has been provided by the Countryside and Rights of Way Act 2000.

Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (2005) paragraph 124 states: *'The likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions'*.

4.4.2 BATS – BAT SCOPING AND SECONDARY (NON-SPECIALIST) SURVEYING BS 8596:2015

A scoping survey for potential roost features (PRF's) was undertaken on the built environment with unsurprisingly no features found as the site is permanently occupied and busy. However, the mature trees, in particular the Oak(s) *Quercus robur* on the southern boundary displayed splits and holes suitable for PRF's. It is highly likely that this tree(s) is being used for roosting by local bats. Both Common pipistrelle *Pipistrellus pipistrellus* and Soprano pipistrelles *Pipistrellus pygmaeus* have been recorded locally.

All bats and their roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and are also included in Schedule 2 of the Conservation (Natural Habitats, &c.)

(Amendment) England and Wales) Regulations 2009. Further enforcement has been provided by the Countryside and Rights of Way Act 2000.

4.4.3 REPTILES

No reptiles were recorded during the survey of the site.

The four widespread species of reptile (common lizard, slow-worm, grass snake and adder) receive partial protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9 (5). It is an offence to intentionally kill, injure, sell or to advertise for sale, and of these species with an appropriate license. Further enforcement has been provided by the Countryside and Rights of Way Act 2000.

4.4.4 AMPHIBIANS

There were no amphibians recorded at the site.

Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and are also included in Schedule 2 of the Conservation (Natural Habitats & c.) (Amendment) England and Wales) Regulations 2009. Further enforcement has been provided by the Countryside and Rights of Way Act 2000.

Other common amphibian species may occur on the site. The four widespread species of amphibian (common toad, common frog, smooth newt and palmate newt) receive partial protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9 (5).

4.4.5 NESTING BIRDS

Some common birds were recorded during the phase 1 survey including: blackbird, robin, house sparrow, dunnoek, chaffinch, great tit, chiff chaff and of course the ubiquitous herring gulls and

pigeons. Green and great woodpeckers are regularly seen by staff, with regular visits from a kestrel

Nesting birds and their nests are protected under the Wildlife and Countryside Act 1981 (as Amended). Disturbance to nesting birds can usually be avoided by carrying out works and by excluding birds from suitable nest sites outside the bird nesting season (generally March to August inclusive). However, birds may nest outside the peak nesting period, in which case, works that would result in nest disturbance must cease until birds have fledged.

4.4.6 OTHER SPECIES

Deadwood within mature/veteran trees have potential to support saproxylic invertebrates and fungi – not in evidence at this site due to regular management (surgery) for safety reasons

5 TARGET NOTES

5.1 TARGET NOTE 1 – J1.2 - AMENTITY GRASSLANDS (LAWNS)

This term refers to all the areas kept as lawn on the property. These are all 'semi-improved' grass, which is cut regularly, with proceeds removed and composted. The lawns do not receive any fertiliser producing a relatively good range of species here, (Appendix 6). There are areas that are left long to allow seed set, which further promotes species diversity whilst providing insect habitat and bird foraging opportunities.



5.2 TARGET NOTE 2 – J2.3 – HEDGEROW WITH TREES (NORTH)

Facing the main road, a new (female) holly hedge has been planted under mature Horse Chestnut, and a Tulip Tree. Over time, this will screen the proposed alterations to the road, and provide a valuable source of berries for local songbirds. The mature chestnut is displaying natural splits and holes, offering potential nest sites for birds such as woodpecker and blue tits, as well as roosts for bats to 'hang-up'.



5.3 TARGET NOTE 3 – SCATTERED SHRUBS/TREES - ORCHIDS

There are scattered trees and shrubs, both native and non-native ornamentals across the site

giving age and structural diversity as well as species

diversity. A discreet patch of Common

Spotted Orchid is particularly pleasing, and the current late cutting practice allowing seed set

will enable this flower to continue to spread.



5.4 TARGET NOTE 4 – (POCKET OF) A1. BROADLEAVED WOODLAND

There is a small pocket of broadleaved woodland running along the southern boundary with the neighbouring residential houses, in the main English Oak, *Quercus robur*, Elder, *Sambuca nigra*, Ash, *Fraxinus excelsior*, Holly, *Ilex aquifolium*, with associated ground flora, Nettle, *Urtica dioica*, Bramble, *Rubus fruticosus*, and abundant Ivy, *Helix hedera*.

There are a number of mature Oak here, with girths exceeding 1.98m suggesting they are at least 80 years in age, and probably more. They are already displaying splits and holes associated with longevity, providing habitat for birds and bats, and it is highly likely that bats are

roosting here.

The canopy and shrub layer are well developed, holding moisture, so that the humidity is significantly higher within the wood. This promotes luxurious growth of the sub-canopy and ground vegetation which in turn has a positive effect on invertebrate biomass and therefore, bird food. The leaves are relatively soft and break down easily in Autumn, supporting invertebrates such as Stag Beetle and fungi such as Oakbug Milkcap.

King of the woodland and forest, English Oak, supports more species than any other native tree, from lichens and invertebrates providing food for birds such as nuthatches, tree creepers, greater and lesser woodpeckers, and several tit species. Blue tits will nest in the old woodpecker holes, and feed their young on the caterpillars associated with bud burst, bats will also roost in woodpecker holes or under loose bark, feasting on the rich supply of insects in the tree canopy.



5.5 TARGET NOTE 5 – J2.3 HEDGEROW WITH TREES (WEST)

This is a relatively mature hedgerow with field maple, oak and holly, faced with non-native shrubs such as photinia. There are gaps in the boundary and hedgehogs are seen regularly here moving through the landscape via neighbouring residential gardens. There is good structural and age diversity, with thick ground flora and grasses, providing habitat and foraging birds, invertebrates, and small mammals in addition to hedgehogs.



6 CONCLUSION AND RECOMMENDATIONS

The primary function of the grounds around Bernhard Baron Homes is to provide an attractive and welcoming environment that is safe for the Residents to access. It is the Residents home, and they drive the 'look' of the place. Within this, Dirk and his team provide as many opportunities for wildlife and biodiversity as they can. This includes leaving areas of grass long and cutting them late, composting proceeds, a no fertiliser policy on the grass, light management of less visible hedges, and allowing the woodland pocket to largely 'do its own thing'. The oaks are a triumph, and are carefully monitored each year by a local tree surgery company who check limbs and crown for safety. Every effort is made to retain them in this urban landscape. So yes, Dirk and his team are 'doing the right thing'.

Can they do more? Yes, of course with resident's approval. Bird and bats boxes could be erected, and bug hotels placed adjacent to the compost heap and veg growing area. The bug hotels in particular area easily made from scrap timber and dead wood, which the more interested residents could possibly undertake. Ideally, continue to keep the less visible areas as informal as possible, allowing nature to flourish along side the more formal lawns and flower beds.

7 APPENDIX B: SPECIES LISTS

J1.2 Amenity grassland with herbs.

Plant Species

Lolium perenne (Perennial Rye Grass) - DAFOR: Dominant
Agrostis stolonifera (Creeping Bent) - DAFOR: Frequent
Anthoxanthum odoratum Sweet Vernal Grass – DAFOR: Frequent
Prunella vulgaris (Selfheal) - DAFOR: Frequent
Lotus corniculatus (Birds-foot trefoil) – DAFOR: Frequent
Achillea millefolium (Yarrow) – DAFOR: Occasional
Leucanthemum vulgare (Oxeye daisy) – DAFOR: Occasional
Trifolium campestre (Hop trefoil) – DAFOR: Frequent
Rumex acetocella (Sheep's sorrel) – DAFOR: Occasional
Trifolium pretense (Red Clover) – DAFOR: Occasional
Dactylis glomerata (Cock's-Foot) - DAFOR: Occasional
Holcus lanatus (Yorkshire Fog) - DAFOR: Occasional
Trifolium repens (White Clover) - DAFOR: Occasional
Plantago lanceolata (Ribwort Plantain) - DAFOR: Occasional
Dactylorhiza fuschii (Common Spotted Orchid) – DAFOR: Rare

J2.3 Hedgerow(s) with trees & A1. Woodland pocket

Quercus robur (Pedunculate Oak) – DAFOR: Unassigned
Crataegus monogyna (Hawthorn) - DAFOR: Unassigned
Ilex aquifolium (Holly) - DAFOR: Unassigned
Prunus spinosa (Blackthorn) - DAFOR: Unassigned
Rubus fruticosus agg. (Brambles) - DAFOR: Unassigned
Salix spp. (Willow) - DAFOR: Unassigned
Sambuca nigra (Elder) – DAFOR: Unassigned
Fraxinus excelsior (Ash) – DAFOR: Unassigned
Corylus avellana (Hazel) – DAFOR: Unassigned
Helix hedera (Ivy) – DAFOR: Unassigned

7.1 BIRD SPECIES RECORDED DURING SURVEY

Scientific Name	Common Name
<i>Erithacus rubecula</i>	robin
<i>Turdus merula</i>	blackbird
<i>Fringilla coelebs</i>	chaffinch
<i>Passer domesticus</i>	house sparrow
<i>Prunella modularis</i>	duncock
<i>Parus major</i>	great tit
<i>Phylloscopus collybita</i>	chiff-chaff
<i>Larus argentatus</i>	herring gull
<i>Columba livia domestica</i>	feral pigeon

8 APPENDIX C: UK LEGISLATION USED TO INFORM THIS REPORT

Key Legislation/Policy	Year of Effect	Summary of key points and their application	Regulatory Authority	Penalty
UK Legislation				
Wildlife and Countryside Act (WCA) (as amended) The Act covers protection of wildlife (birds and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way. The Act provides for the notification of Sites of Special Scientific Interest (SSSI).	1981	The WCA makes it an offence to deliberately capture, kill, disturb or trade in the species listed as protected or to pick, collect, cut, uproot, destroy or trade in protected plants. The legislation includes provisions for licenses and exceptions. Certain proposed operations that are likely to damage a SSSI will require formal assent from the relevant Statutory Body under 28H of the WCA.	NE	6 months imprisonment or a £5,000 fine or both on summary conviction or up to 2 years imprisonment or unlimited fine or both on conviction on indictment.
The Conservation of Habitats and Species Regulations 2010 – ‘Habitats Regulations’ The Regulations provide for the designation and protection of 'European sites' (Special Areas of Conservation and Special Protection Areas), the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites. These Regulations implement the EU Habitats Directive.	2010	The Regulations provide for the control of potentially damaging operations, whereby consent may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. If damage is unavoidable, mitigation or compensatory measures will be required to remain lawful. The Regulations also make it an offence to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, <u>under certain specific circumstances</u> , these actions can be made lawful through the granting of licenses by the appropriate authorities.	NE	Compulsory purchase of land or unlimited fine for breaking SAC laws or both. 6 months imprisonment or a £5,000 fine or both.
Countryside and Rights of Way Act (CROW)	2000	The Act places a duty on Government Departments to have regard for the conservation of biodiversity and maintain lists of	NE	Those guilty of an offence under 28G are liable on summary

Key Legislation/Policy	Year of Effect	Summary of key points and their application	Regulatory Authority	Penalty
The Act increases protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB).		species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity. The provisions make certain offences 'arrestable', create a new offence of reckless disturbance, confer greater powers to police and wildlife inspectors and enable heavier penalties on conviction of wildlife offences.		conviction to a fine not exceeding £20,000 or on conviction on indictment to a fine.
Natural Environment and Rural Communities Act (NERC) The Act is designed to help achieve a rich and diverse natural environment and thriving rural communities through modernised and simplified arrangements for delivering Government policy. The Act amends legislation on protection of bird, SSSIs, biodiversity and National Parks	2006	NERC amends sections of both the WCA 1981 and the Countryside Rights of Way Act 2000. Section 40 under the NERC Act introduces the biodiversity duty from CROW on all public authorities and adds that each public authority should enhance the UK Biodiversity Action Plan.	NE	Amendments to penalties of SSSI offences: A person is now liable to a fine of up to £20,000 on summary conviction or an unlimited amount on conviction.
The Deer Act (as amended).	1991	The Act protects deer from poaching and during close season or at night. However these actions can be made lawful by obtaining a license from the appropriate authority.	NE	Liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding three months or to both.
The Protection of Badgers Act	1992	The legislation prohibits the taking, injuring, selling, possessing or killing of badgers and it is an offence to ill-treat any badger, damage, destroy, disturb or cause a dog to enter a badger sett. However these actions can be made lawful by obtaining a license from the appropriate authority.	NE	Liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the

Key Legislation/Policy	Year of Effect	Summary of key points and their application	Regulatory Authority	Penalty
				standard scale or both.
The Hedgerow Regulations 1997 The Regulations protect “important” hedgerows	1997	The Regulations protect hedgerows that are 20 metres in length or over 30 years old from being damaged, destroyed or removed. The removal of a hedgerow is permitted for the purposes of national defence.	NE	Liable to a fine not exceeding Level 3 on the standard scale.
Policy				
UK Biodiversity Action Plan (BAP)	1998	The UK BAP sets out the strategy for conserving certain endangered species (currently 1149) and habitats (65) in the UK.	Defra	Failure to comply may lead to punishment under European Protected Species law in Wildlife & Countryside Act 1981 or the Habitats Regulations 1994.
Planning Policy Statement (PPS) 9 Biodiversity and Geological Conservation	2005	Sets out planning policies on protection of biodiversity and geological conservation through the planning system.	Local Planning Authority	Planning application may be rejected.
Countryside and Rights of Way Act	2000	gives a public right of access to land mapped as ‘open country’ (mountain, moor, heath and down) or registered common land, known as ‘open access’. (http://www.openaccess.naturalengland.org.uk)	Defra	Liable on summary conviction to imprisonment under Wildlife & Countryside Act 1981

8.1 LIST OF ACRONYMS

BOA	Biodiversity Opportunity Area
AONB	Area of Outstanding Natural Beauty
DAFOR	The DAFOR Scale: D=Dominant, A=Abundant, F=Frequent, O=Occasional, R=Rare
NERC Act	Natural Environment and Rural Communities Act 2006
PPS9	Planning Policy Statement 9: Biodiversity and Geological Conservation 2005
SAC	Special Area of Conservation
SPA	Special Protected Area
SSSI	Site of Special Scientific Interest
UKBAP	UK Biodiversity Action Plan 1998
PRF	Potential Roost Feature
WCA	Wildlife and Countryside Act (as amended) 1981