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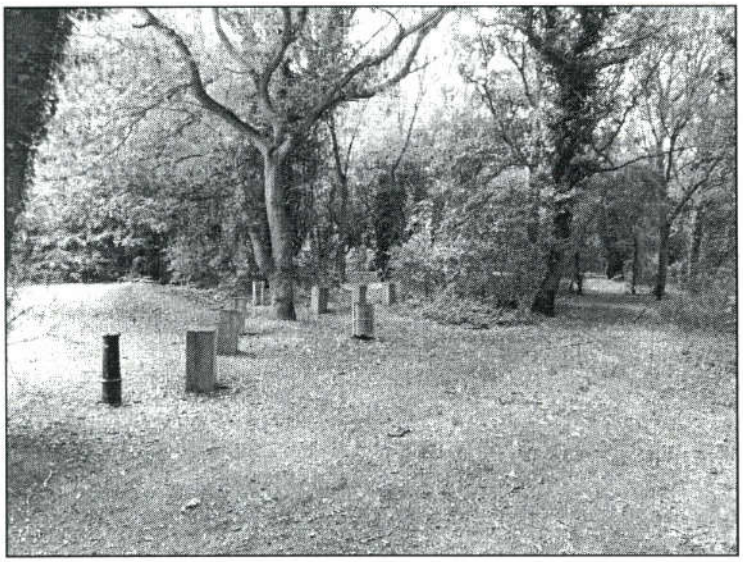
ECOLOGICAL ASSESSMENT REPORT

Development at

Grove Woods



On Behalf of

Rochford District Council

Liz Brooks BSc (Hons) AIEEM

4th August 2009

1.0 Instruction

DF Clark Bionomique Ltd were instructed on 22nd July 2009 by Mr P McKenna of Rochford District Council to undertake an ecological assessment of an area of land at Grove Woods. The survey was carried out on 29th July by Liz Brooks.

2.0 Contents

3.0 Terms of Reference

- JNCC (1993) Handbook for Phase 1 Habitat Survey: A technique for Environmental Audit, JNCC, Peterborough
- Essex Biodiversity Action Plan (Essex BAP)
- www.magic.gov.uk - Multi-Agency Geographic Information for the Countryside

4.0 Brief

This survey and report aims to:

- Accurately assess and record the existing habitat and highlight any potential protected species presence
- Make recommendations for further surveys where necessary to determine the presence or likely absence of protected species which may influence proposals at a later date
- Determine whether the site or immediately adjacent land is subject to national or local statutory designations in order that appropriate protection and management proposals can be produced
- Summarise the overall ecological value of the site in relation to Essex BAP species, which must now be considered as part of the planning process

5.0 Results summary

Rochford District Council own and manage Grove Woods, a collection of dis-used plotlands formerly managed by city dwellers and used to grow fruit and vegetables. After being abandoned mid way through the 20th century, woodland established on the site with a resultant mix of native and scattered exotic species.

The woodland is managed for people and wildlife, with a central car park area and a network of specially created pathways. To the north of part of the woodland lies a recreation ground, with a self made BMX track. The track is popular with local children, including older children with cars. The existing parking facilities do not sufficiently meet demand, and provision of a new area of parking is being considered. Rochford District Council seek to gain planning permission to create a new car park area.

The council have a duty to survey the site for protected species and implement any mitigation measures which may be necessary to protect them from harm and / or disturbance. They are also obliged to consider the impact any development will have upon biodiversity, particularly Biodiversity Action Plan species. Both obligations relate to both local planning policies and specific wildlife protection law.

Two potential sites have been highlighted for the new car park.

Option one is an extension of the existing car park in a westerly direction. Here there is already a substantial area of bare ground, some specially created footpaths and few trees or shrubs.

Option two is a small site immediately adjacent the BMX track to the north, and which would connect through some existing secondary woodland to Connaught Road. It supports long grassland with a relatively high species diversity, and will ideally require some level of replacement with similar habitat.

Conclusions - Option One

- This small area of habitat has low conservation and biodiversity value and loss will not impact upon protected or BAP species
- It is unlikely to require replacement habitat, as the loss can be offset by improved management in other parts of the woodland
- The majority of the land to be encompassed in a new car park area will be existing hard standing and bare ground. Very little woodland area will be lost, and that to be lost is sparse and relatively low in species diversity. There is limited nesting cover in the sparse vegetation and regular disturbance from visitors is likely to reduce the value of the area to wildlife
- It should be expected for some of the bare path area to extend out from the new car park area, resulting in more woodland loss than is proposed for the car park alone
- Nesting birds are the only species which may be adversely affected by the Option one proposals, although suitable nesting habitat is minimal in this part of the wood. There are no other protected or BAP species which may be affected by the proposals
- Works to remove trees and shrubs should take place outside the bird nesting season (March to August inclusive)
- The council has fulfilled its duty to consider protected species and overall biodiversity
- If no car park is provided, there may be damage to more ecologically valuable areas of the wood as visitors are forced to park outside of the main car park and close to the BMX track

5.0 Results summary

Conclusions - Option Two

- The site has a significant conservation and biodiversity value at a local level and its loss will adversely impact upon both protected and BAP species
- In order to connect the site to Connaught Road, an area of secondary woodland will also be lost. Whilst this is of relatively low species value and relatively poor structure, the loss of this area alone is equivalent to that proposed as the car park extension
- Reptiles, invertebrates, amphibians and seed eating bird species could all be adversely affected by the loss of a moderately botanically rich and established pocket of grassland
- The grassland forms a valuable interface between amenity grassland and the adjacent scrub and woodland
- A reptile survey will be required to determine presence / likely absence of these species. Reptile surveys can be undertaken between April and September. If reptiles are found to be present there will be further time restrictions for recommended mitigation works
- The council requires the results of the reptile survey before it has fulfilled its duty to consider protected species and overall biodiversity
- If no car park is provided, there may be damage to equally ecologically valuable areas of the wood as visitors are forced to park outside of the main car park and close to the BMX track. The area of grassland however, will remain unaffected if no car park is provided

6.0 Planning Policies and Guidance

Protected species are specifically referred to in paragraph 98 of PPS9, which states that '*the presence of a protected species is a material consideration*' in any planning decision.

Further to this, the Wildlife and Countryside Act 1981, Conservation (Natural Habitats, etc) Regulations 1994 and the Protection of Badgers Act 1992 confer various degrees of legal protection which overrides all planning decisions. The species listed under these Acts are legally protected and any type of development that would injure, kill, ill-treat, intentionally damage or destroy any protected species or their place of shelter would be a criminal act. It is also an offence to deliberately disturb a European protected species in any way which would affect its ability to survive, breed or rear its young, or affect its local distribution.

Councils are also obliged to protect habitats and species of principal importance as stated in the Countryside and Rights of Way Act 2000.

As a result of these legal responsibilities, policies and planning implications it is important that any ecological assessment of a prospective development area addresses the possibility of protected species being within a site.

However, it would be unreasonable for an ecological assessment to have to survey for every protected floral/faunal species.

Basic ecological assessments are necessary for all potential developers to demonstrate due diligence, firstly in terms of legally protected species, and secondly in order to inform planning decisions as stated in PPS9. Councils now require information on the presence of protected and priority species, and where on a site they are likely to occur, prior to determination of any planning application. They are recommended to refuse planning permission where inadequate information is provided.

A protected species assessment will follow results of an initial habitat survey, which will highlight the likelihood of a protected species being present or absent. Any necessary surveys must then be carried out at the correct time of year to determine more thoroughly the presence or likely absence of that species.

This report seeks to establish the potential for protected species on the site and makes recommendations for such further surveys. The results of these detailed surveys will then inform decisions relating to design, and also proposed mitigation and compensation measures.

Whilst all parties are legally required to provide for and conserve protected species, other nationally important plants and animals must also be considered as part of the planning process. This follows the production of Publicly Available Specification, PAS 2010, by BSI to ensure local governments help halt the loss of biodiversity and contribute to sustainable developments.

Under the Natural Environment and Rural Communities Act 2006, it is the duty of public authorities to have regard to the purpose of conserving biodiversity, and the total biodiversity value of a site must now be considered further to protected species. PAS 2010 aims to reduce the varied applications of this obligation, to ensure that all parties have a clearer understanding of information required at the planning stage.

The Extended Phase 1 Habitat Survey is an initial assessment only, based on one site visit and does not include results of detailed surveys to determine the presence or likely absence of protected species. Further surveys will be recommended in this report in order to gain this information. It does aim to establish the value of the site for Biodiversity Action Plan species, with some recommendations for features to retain or enhance in order to increase the overall biodiversity value of the site.

7.0 Survey Techniques

The survey was conducted by an experienced ecologist following the methods outlined in JNCC 2003 [1]. (Please note that the mapping of habitats within this report uses a slightly amended key to that in the JNCC handbook). An initial walkover of the site was followed by a more detailed inspection of the flora and fauna.

Vegetation communities were assessed through the identification of individual species, and then the groups were classified and mapped according to the standardised habitat descriptions. The site was also surveyed for signs of use by protected species, such as droppings, latrines, scrapes, tracks . The presence of suitable habitat that might support protected species was also assessed. This includes ponds, scrub and grassland for reptiles and terrestrial newt activity, holes and crevices in trees for bats and wet, vegetated ditches for water voles.

A desk top study was undertaken using the Government's MAGIC website, to highlight any designated wildlife sites and other areas afforded statutory protection within 2km of the proposed development site.

The survey was carried out during daylight hours when it would not be expected to observe bat or badger activity.

[1] JNCC (2003) Handbook for Phase 1 Habitat Survey: A technique for Environmental Audit, JNCC, Peterborough

8.0 Constraints

Woodland edge shrubs along the northern boundary of option two were particularly dense, making the search for evidence of badger activity difficult.

9.0 Legislation

Two levels of protection apply to native reptiles in the UK under the Wildlife & Countryside Act 1981, as amended. Only the second level of protection is applicable to this site as sand lizard and smooth snake are rare species with restricted distributions and no suitable habitat for these species were present on site.

1) Sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) are offered full protection, and all parts of Section 9 apply to these species. This prohibits the intentional killing, injuring or taking, the possession and the trade in wild animals listed on Schedule 5. In addition, places used for shelter and protection are safeguarded against intentional damage, destruction and obstruction and animals protected under the relevant part of section 9 must not be intentionally disturbed whilst occupying those places.

2) The common lizard (*Lacerta vivipara*), slowworm (*Anguis fragilis*), grass snake (*Natrix natrix*) and adder (*Vipera berus*) are protected against killing and injury. Only part of sub-section 9(1) and all of sub-section 9(5) apply; which prohibit the intentional killing and injuring and trade. The habitat or refugia of these animals are not protected.

Planning policies now also reinforce the need for protected species surveys, the presence of which is a material consideration in determination of a planning application. Planning Policy Statement 9 (PPS9) is accompanied by Circular 06/2005 which provides guidance on implementation of UK and European wildlife laws and encourages measures to be taken to avoid harm to protected species and biodiversity as a whole.

10.0 Site Description

The survey was conducted on 29th July by Liz Brooks, and covered two areas of the site being considered as suitable locations for a new car park, as shown on the attached plans. Grove Woods are located on the western boundary of Rochford District, close to Rayleigh and just to the south of Hockley.

Option one is simply an extension of the existing area of hard standing currently used as a car park. Two early mature oak trees *Quercus robur* are located within the footprint of this car park, and both have relatively sparse crowns and poor vigour, which may be a result of compaction. One has a sparse covering of ivy. Neither trees have features suitable for roosting bats.

A further two trees are located adjacent the car park in a well-trodden footpath area, which leads in various directions into the woods. At least one of the footpaths has been purpose made, whilst the remainder are informal. Both of the trees here are young oaks in poor condition with very sparse crowns and noticeable epicormic growth. It is likely that these trees have been adversely affected by both compaction and competition. One of these oaks has a possible bird / bat box on the southern side.

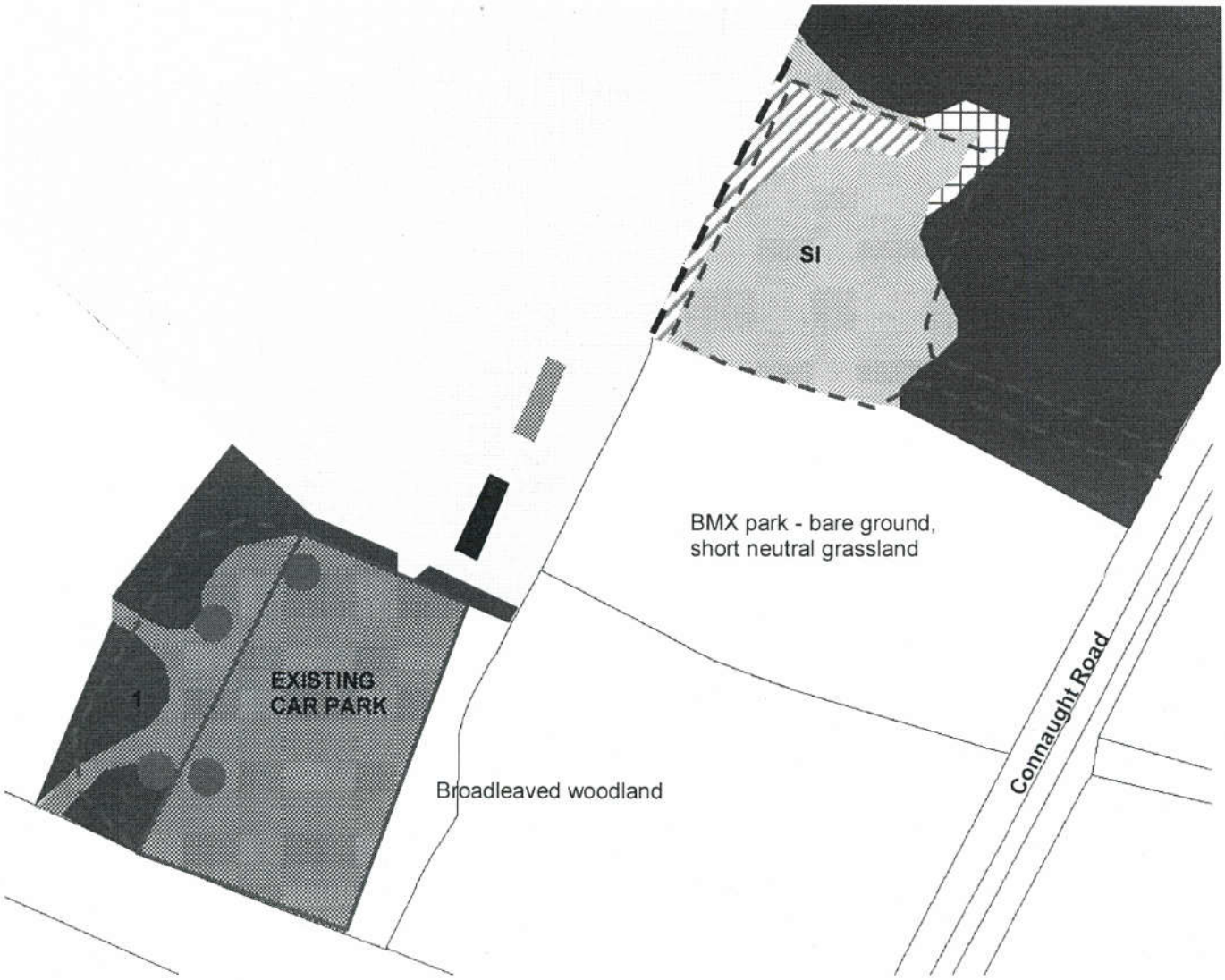
The understorey, where present, comprises a sparse mix of elder *Sambucus nigra*, blackthorn *Prunus spinosa*, holly *Ilex aquifolium*, hawthorn *Cratageus monogyna* and occasional ash *Fraxinus excelsior* saplings. The ground flora is dominated by ivy *Hedera helix* and bramble *Rubus spp*, with some wood avens *Geum urbanum*, dog violet *Viola riviniana* and black horehound *Ballota nigra* alongside a pathway. A small number of young oak trees may require removal as part of the proposals, but none of the nearby trees appear to provide roosting opportunities for bats. Some have a reasonable covering of ivy, but the age of the trees and the density of the ivy suggest that possible roosting sites cannot be hidden, and the ivy is not dense enough to support roosting bats.

There is perhaps the opportunity to extend the car park into the amenity grassland to the north. However, this would involve the removal of a section of mature hedge which will allow views into the car park from the north and potentially affect the microclimate of the car park. It is currently an enclosed area which is likely to be used by foraging bats.

Option two is a small grass field considered to be semi-improved neutral grassland. Grasses include smooth meadow grass *Poa pratensis*, timothy *Phleum pratense*, cocksfoot *Dactylis glomerata*, common bent grass *Agrostis gigantea* and perennial ryegrass *Lolium perenne*. A good diversity of flowering plants are present throughout, with frequent hedge bindweed *Calystegia sepium*, yarrow *Achillea millefolium*, nettles *Urtica dioica*, tufted vetch *Vicia cracca*, thyme-leaved sandwort *Arenaria serpyllifolia*, creeping buttercup *Ranunculus repens* and patches of creeping thistle *Cirsium arvense* and common knapweed *Centaurea nigra*. An abundance of butterflies, hoverflies and bees were feeding on the patches of knapweed. A large number of grasshoppers and crickets were also present throughout the grassland, which is suitably for foraging and sheltering reptile species.

To the west of the grassland is a dry ditch, with a dense sward of great willowherb *Epilobium hirsutum*. Beyond here is amenity grassland. To the north are dense woodland edge shrubs, dominated by hawthorn. To the east is a young, species poor area of woodland, with young oak, and a sparse understorey of hawthorn, blackthorn, holly and elder. The ground flora is ivy dominated with some bramble and nettles. Beyond here is Connaught Road. The southern boundary is the BMX track, which may provide potential basking sites for reptiles early in the morning prior to disturbance.

Grove Woods - Phase 1 Habitat Plan



KEY

- Hard standing / bare ground
- Semi-improved neutral grassland
- Amenity grassland
- Broadleaved woodland
- Scrub
- Tall ruderals
- Broadleaved tree
- Dry ditch
- Building
- Proposed new car park locations

TARGET NOTE

1 Poor quality woodland with no mature trees and sparse, species poor understorey

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Photo 1: Expanse of bare ground beyond the existing car park boundaries

Photo 2: Ivy covered young oak which may require removal as part of proposals

Photo 3: Typical ground flora in area surveyed

Photo 4: Grass field with amenity grassland to front and woodland to rear

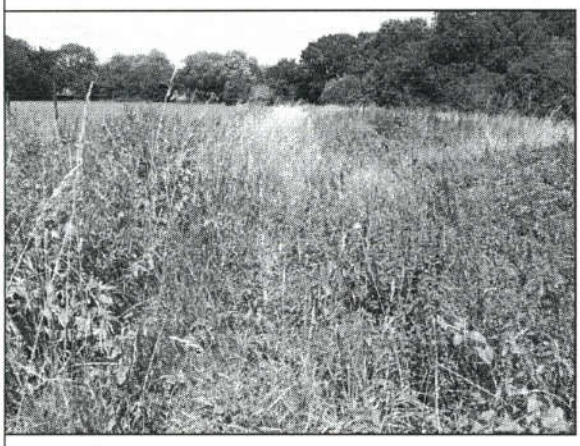

Photo 5: Tall grassland with patches of ruderals - willowherb along western boundary ditch

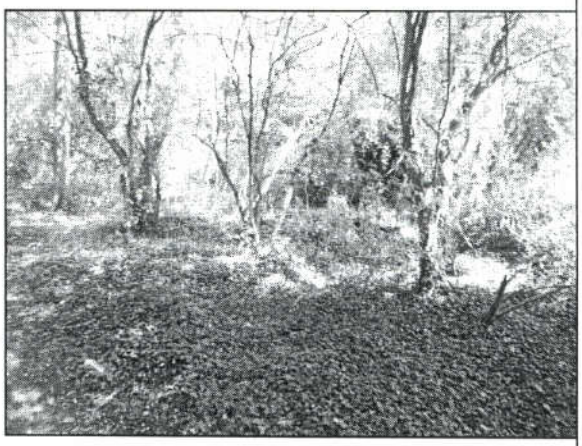

Photo 6: Poor ground flora and shrub layer in woodland leading to Connaught Road

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