



# **Preliminary Ecological Appraisal**

Oakwood House, Bonfire Hill, Southwater,  
Horsham, West Sussex, RH13 9BU

December 2025



Arun Ecology Ltd

Registration in England and Wales. Company number: 12524764

Registered Address: Russetts, Hayes Lane, Slinfold, West Sussex

Email: [enquiries@arunecology.com](mailto:enquiries@arunecology.com) – [www.arunecology.com](http://www.arunecology.com)



Client	Richard Izon
Project	Preliminary Ecological Appraisal – Oakwood House, Bonfire Hill, Southwater, Horsham, West Sussex, RH13 9BU.
Version	Final
Project team	Project Director – Hannah Baker
Report reference	C-NJA-070-001-001

Revision number	Date of issue	Author	Reviewer
001	18/12/2025	Amy Oldham BSc (Hons) – Consultant Ecologist	Hannah Baker BSc (Hons), MSc, ACIEEM – Principal Ecologist and Director

### Disclaimer

This report has been issued to the commissioning party for their sole use as part of the intended project as outlined above. No other party may use, make use or rely upon the contents of this report without obtaining prior written permission from Arun Ecology Ltd. Arun Ecology Ltd accepts no liability for use of this report other than for its intended purpose at the time the report was prepared and issued and the agreement with the commissioning party under which the work was completed.

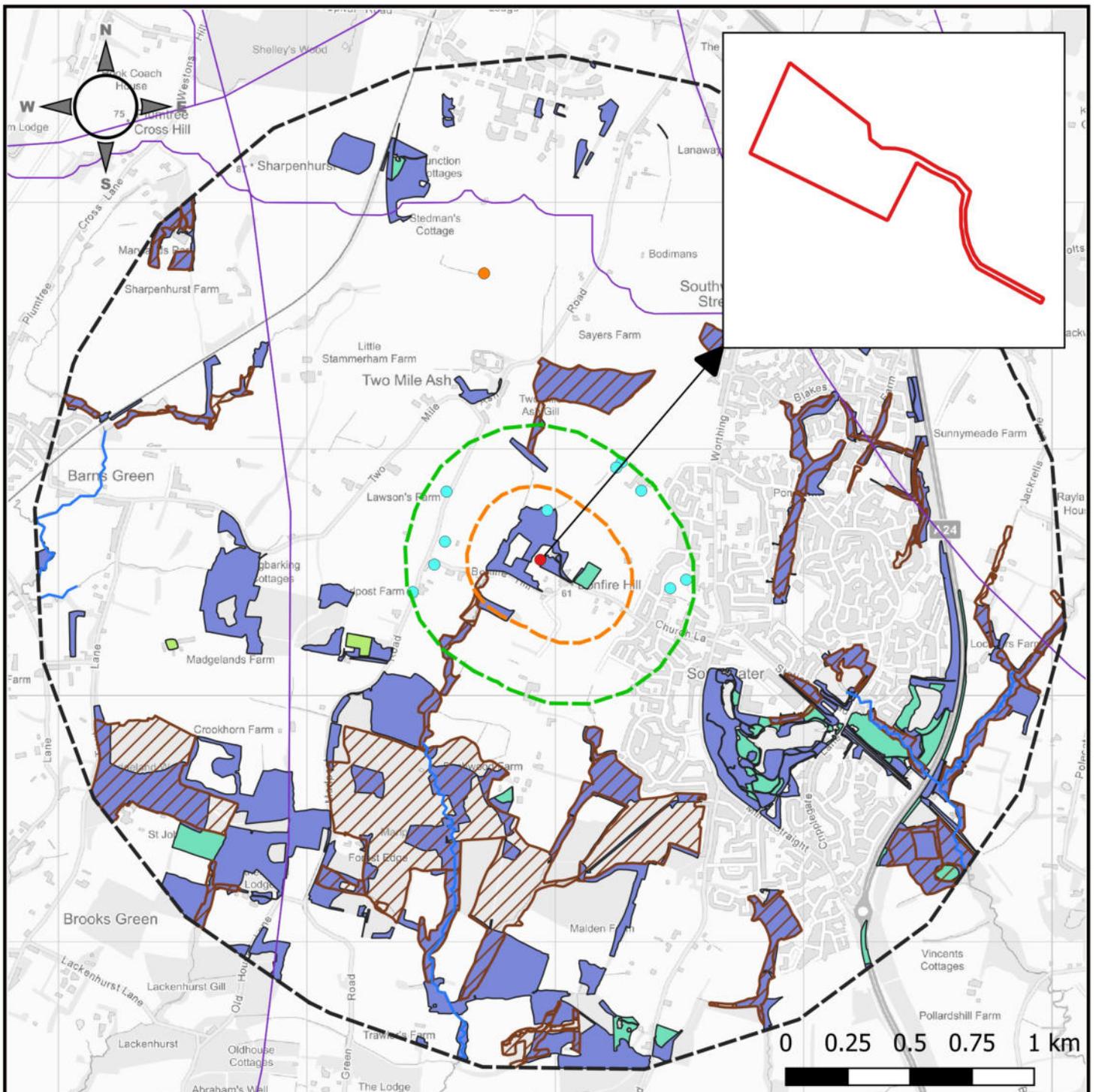
The content of this report has been provided in accordance with the provisions of the CIEEM Code of Professional Conduct and constitutes the professional opinion of Arun Ecology Ltd from an ecological point of view. The professional opinion of Arun Ecology Ltd does not constitute legal opinion, nor does it constitute structural or arboricultural advice. No warranty that is either expressed or implied, is provided by Arun Ecology Ltd in relation to the content of this report. Arun Ecology Ltd assumes no liability for any loss resulting from errors, omissions or misrepresentation made by the commissioning party or any other party. Any recommendation, opinion or finding stated in this report is based on circumstances and facts as they existed or were interpreted at the time that Arun Ecology Ltd completed the work. No independent verification has been made of any information by third parties used to inform this report and Arun Ecology Ltd accepts no responsibility for errors and omissions provided in such information.

This report is the copyright of Arun Ecology Ltd. All rights reserved. Any unauthorised reproduction or usage of this report is strictly prohibited.



## Contents

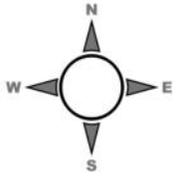
1. Summary and Recommendations .....	8
2. Introduction .....	10
2.1 Development Location .....	10
2.2 Development Proposals .....	10
2.3 Ecology Background .....	10
2.4 Brief and Objectives .....	10
3. Method .....	12
3.1 Preliminary Ecological Appraisal .....	12
3.2 Desk Study.....	12
3.3 Field Habitat Survey .....	13
3.4 Site Habitat Suitability Assessment.....	13
3.5 Survey Dates, Conditions and Surveyors .....	14
3.6 Surveyors.....	16
3.7 Limitations.....	16
4. Results.....	17
4.1 Desk Study.....	17
4.2 UK Habitat Classification Survey Results.....	19
4.3 Site Habitat Suitability Assessment.....	22
5. Legislation and Planning Policy .....	26
6. Requirements and Recommendations .....	36
6.1 Background .....	36
6.2 Designated Sites.....	36
6.4 Biodiversity Net Gain and Ecological Enhancements.....	36
6.5 Habitat Mitigation.....	37
6.6 Protected Species Mitigation .....	39
7. Conclusion.....	42
8. Bibliography .....	43
Appendix I – Legislation & Planning Policy .....	45
Figure 1- Site Location and Desk Study Results .....	5
Figure 2 - UK Habitat Classification Survey – Results.....	6
Figure 3 - UK Habitat Classification Survey – Photographs.....	7



Legend					
	Deciduous woodland		SSSI IRZ		Development boundary
	Traditional orchard		Rivers		0.25 km search area
	No main habitat but additional habitats present		Surveyed priority ponds		0.5 km search area
	Ancient woodland		Ponds		2 km search area
			Site centroid		

Figure title: <b>Site Location and Desk Study Results</b>			Client/ project reference: Richard Izon C-NJA-070		
Site location: Oakwood House, Bonfire Hill, Southwater, Horsham, West Sussex, RH13 9BU					
Figure number: <b>1</b>	Date drawn: <b>15/12/2025</b>	Scale at A4: <b>1:23000</b>			
Revision: <b>1</b>	Cartographer: <b>Amy Oldham</b>	Approver: <b>Hannah Baker</b>			





Legend

-  Development boundary
- UK Habitat Classification**
-  w1f - Lowland mixed deciduous woodland
-  u1b - Developed land, sealed surface
-  u1 828 - Vegetated garden
-  g1c - Bracken
-  w1f 206 - Lowland mixed deciduous woodland (felled)
-  h3h - Mixed scrub (cleared)
-  h2b - Non-native and ornamental hedgerow

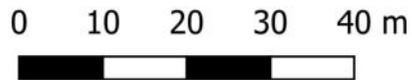
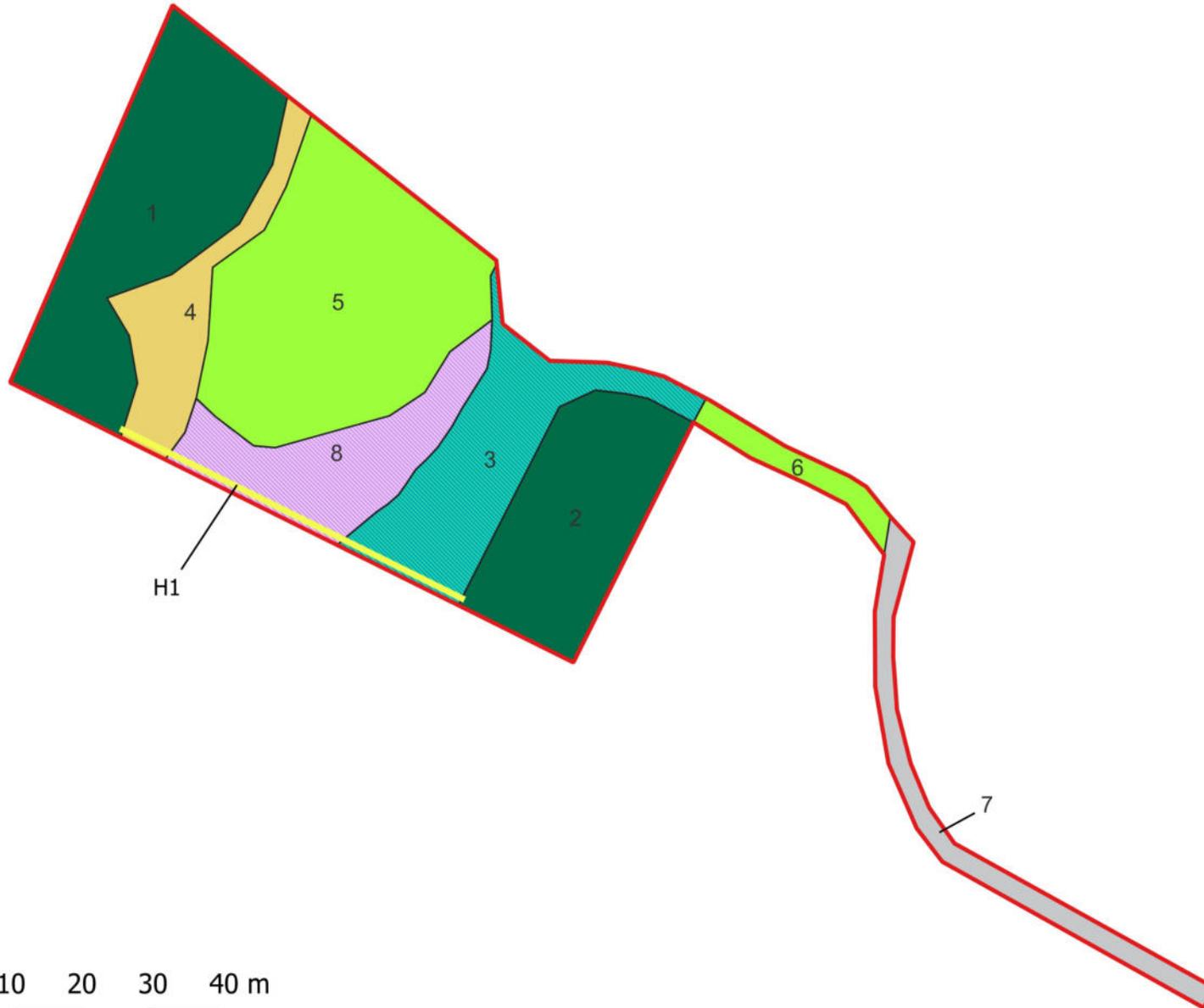


Figure Title:  
UK Habitat Classification Survey Results

Client/ Project Reference:  
Richard Izon  
C-NJA-070

Figure number:	Revision:	Scale at A4:
2	1	1:900
Cartographer:	Date drawn:	Approver:
AO	15/12/2025	HB

**Photo 1:** Displaying a parcel of vegetated garden within the central section of the development boundary.



**Photo 2:** Displaying bracken and lowland mixed deciduous woodland in the western section of the development boundary.



**Photo 3:** Displaying lowland mixed deciduous woodland within the western section of the development boundary.



**Photo 4:** Displaying an area of cleared mixed scrub and lowland mixed deciduous woodland within the development boundary.



**Photo 5:** Displaying the non-native and ornamental hedgerow with trees along part of the southwestern development boundary.



**Photo 6:** Displaying an area of cleared mixed scrub within the development boundary.



<b>Figure Title:</b> UK Habitat Classification Survey - Photographs			<b>Client:</b> Richard Izon
<b>Site Location:</b> Oakwood House, Bonfire Hill, Southwater, Horsham, West Sussex, RH13 9BU			<b>Project Ref:</b> C-NJA-070
<b>Figure No:</b> 3	<b>Revision No:</b> 1	<b>Scale:</b> n/a	
<b>Cartographer:</b> AO	<b>Date Drawn:</b> 15/12/2025	<b>Reviewed By:</b> HB	



# 1. Summary and Recommendations

<b>Proposals</b>	<ul style="list-style-type: none"> <li>Richard Izon is proposing a development (grid reference: TQ 14941 26547) at Oakwood House, Bonfire Hill, Southwater, Horsham, West Sussex, RH13 9BU (see Figure 1). The above address is hereafter referred to as ‘the site’ and Richard Izon as the ‘applicant’.</li> <li>The proposals include the construction of a new dwelling and driveway and associated landscaping of the site.</li> </ul>
<b>Surveys</b>	<ul style="list-style-type: none"> <li>A desk study that included the purchase of records from the Sussex Biodiversity Record Centre.</li> <li>A site visit was completed that included a UK Habitat Classification Survey (UKHab, 2023) and an appraisal of assumed pre-development habitats within the development boundary to act as ecological receptors.</li> </ul>
<b>Impact Assessment</b>	<ul style="list-style-type: none"> <li>Mitigation will be required within the design of the development to ensure there are no adverse impacts that arise from light pollution on bat flightlines, that fall within the 12 km wider conservation zone of The Mens SAC.</li> <li>The development will not result in any adverse impacts on any ancient woodland or any other irreplaceable habitat types.</li> <li>Mitigation and compensatory planting will be required to address the recent loss of an area of lowland mixed deciduous woodland within the development boundary, listed as a Habitat of Principal Importance.</li> <li>Based upon the desk study results, the habitats recorded within the development boundary and the development proposals, badgers and other mammal burrows, nesting birds, great crested newts (GCN), hedgehogs and bats (foraging and commuting) are considered a material consideration for the development.</li> <li>The development will be required to incorporate ecological enhancements into the design of the development in line with national and local planning policy.</li> </ul>
<b>Recommendations</b>	<p><b>A summary of recommendation is provided below. The full recommendations are provided in section 6 of this report.</b></p> <p><b>Further Assessments, Surveys and Consultations</b></p> <ul style="list-style-type: none"> <li>In line with Natural England’s standing advice for GCN, presence or probable absence surveys for GCN at ponds up to 250 m from the development boundary should be undertaken, to determine if any adverse impacts will arise on GCN as a result of the development. Alternatively, the applicant may opt-in to join the HDC GCN DLL scheme.</li> </ul> <p><b>Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation measures outlined in this report for lowland mixed deciduous woodland, badgers and other mammal burrows, bats, hazel dormice, hedgehogs,</li> </ul>



	<p>nesting birds, reptiles and pollution prevention should be followed during the design and construction phase of the development.</p> <ul style="list-style-type: none"><li>• Compensatory lowland mixed deciduous woodland planting will be required within the development boundary at a minimum ratio of 1.5:1.</li></ul> <p><b>Ecological Enhancements</b></p> <ul style="list-style-type: none"><li>• The ecological enhancements outlined within this report should be incorporated into the design and management of the development to ensure long-term biodiversity benefits.</li></ul>
--	--



## 2. Introduction

### 2.1 Development Location

2.1.1 Richard Izon is proposing a development (grid reference: TQ 14941 26547) at Oakwood House, Bonfire Hill, Southwater, Horsham, West Sussex, RH13 9BU (see Figure 1). The above address is hereafter referred to as ‘the site’ and Richard Izon as the ‘applicant’.

2.1.2 The local planning authority for the site’s location is Horsham District Council (HDC).

### 2.2 Development Proposals

2.2.1 The applicant seeks planning consent for a development (as shown on DMA Building Designs Drawing No.NJA018 / 09, Revision P1) that includes:

- The construction of a residential dwelling;
- The construction of a driveway including three parking bays; and
- Associated landscaping of the site.

2.2.2 The works listed above are hereafter referred to collectively as ‘the development’ in this report. The footprint of the works and their immediate surroundings are hereafter referred to as the ‘development boundary’.

### 2.3 Ecology Background

2.3.1 It is our understanding that no previous ecology reports have been completed for the proposed development.

2.3.2 A review of aerial imagery shows an area designated as lowland mixed deciduous woodland within the development boundary, registered as a Habitat of Principal Importance (HPI) under the Priority Habitats Inventory was cleared between 16<sup>th</sup> March 2024 and 14<sup>th</sup> May 2025.

### 2.4 Brief and Objectives

2.4.1 Arun Ecology Ltd were commissioned by the applicant to undertake a Preliminary Ecological Appraisal (PEA) for the development.

2.4.2 The key objectives of a PEA, as per CIEEM guidance (CIEEM, 2017) are as follows:

- Identify the likely ecological constraints associated with the development;
- Identify any mitigation measures likely to be required, following the ‘mitigation hierarchy’, as per BS42020:2013 Clause 5:2 (BSI, 2013);



- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (ECiA); and
- Identify the opportunities offered by the development to deliver ecological enhancements and net gains for biodiversity.

#### 2.4.3 The brief agreed with the applicant included:

- The undertaking of a desk study search obtaining records of designated sites, Habitats of Principle Importance (HPI) and ancient woodland as well as purchasing records of protected species and species of conservation concern;
- Undertake a UK Habitat Classification Survey (hereafter UKHab Survey) of the site in its post-clearance condition, supplemented by aerial imagery and desk-based sources to infer pre-clearance habitats and assess their conservation value and suitability to act as ecological receptors for protected species and species of conservation concern;
- Provide a PEA report supported by digitized mapping that presents the methods and results of the desk study and the UKHab Survey within the development boundary. The report will also include an initial impact assessment of the development and any recommendations, including opportunities for ecological enhancement.



## 3. Method

### 3.1 Preliminary Ecological Appraisal

#### General Approach

3.1.1 The PEA was carried out in accordance with the CIEEM Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and the CIEEM Guidelines for Ecological Impact Assessment (CIEEM, 2018).

### 3.2 Desk Study

3.2.1 The study area for the desk study at this stage of the development is based upon a provisional 'zone of influence'. 'The 'zone of influence' is defined as per CIEEM guidance 'the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities' (CIEEM, 2018).

3.2.2 The provisional zone of influence for the development where data was sought is set as the following:

- RAMSAR, Special Conservation Areas (SACs) and Special Protection Areas (SPAs), (including potentially designated sites), Sites of Specific Scientific Interest (SSSI) and locally designated sites – 2 km;
- All other non-statutory designated sites – 1 km;
- Habitats of Principle Importance (HPI) – 2 km;
- Ancient woodland – 2 km;
- Rivers – 2 km;
- Ponds – 0.5 km; and
- Protected Species, Species of Principle Importance (SPI) and other species of conservation concern – 1 km (from the last 20 years).

3.2.3 Sources of information within the study area for the desk study were as follows;

- The Multi-Agency Geographical Information for the Countryside (MAGIC);
- Government open-source GIS datasets;
- Horsham District Council Local Plan (2015);
- Satellite images (powered by google via QGIS 3.38); and



- Purchased records from Sussex Biodiversity Record Centre.

### 3.3 Field Habitat Survey

#### UK Habitat Classification Survey

- 3.3.1 The field survey was undertaken using the UKHab Survey methodology (UKHab, 2023a) to record the habitat types within the development boundary. The study area for the UKHab Survey was defined as all of the land within the development boundary (see Figure 2).
- 3.3.2 The UKHab Survey has 5 hierarchical levels of habitat classification that aligns with those outlined under national legislation and planning policy. Post-development Habitats were mapped in the field using the primary habitat codes described in the UKHab Survey Professional Edition to levels 3, 4 or 5 (UKHab, 2023b).
- 3.3.3 Secondary habitat codes and target notes were used where necessary to describe features deviating from the primary habitat classification.
- 3.3.4 To identify each habitat, the dominant plant and other readily identified species were recorded and their abundance within the development boundary was measured using the DAFOR scale (Stace, 2019).

### 3.4 Site Habitat Suitability Assessment

#### General Approach

- 3.4.1 The habitat within the development boundary was appraised for its suitability to support protected species and species of conservation concern at the time of the field habitat survey with regard to the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and BS42020:2013 Biodiversity – Code of Practice for Planning and Development (BSI, 2013). The species-specific guidance and references used in the appraisal are outlined in Table 1 below.

**Table 1** – References used to assess the suitability of habitat within the development boundary to support protected species and species of conservation concern.

Group/ taxa	Habitat Appraisal References
Amphibians/ GCN	<ul style="list-style-type: none"><li>• GCN Habitat Suitability Index (Oldham et al. 2010); and</li><li>• Great Crested Newt Conservation Handbook (Langton et al, 2001).</li></ul>
Bats	<ul style="list-style-type: none"><li>• Bat Conservation Trust Good Practice Guidelines (Collins, 2023).</li></ul>
Birds	<ul style="list-style-type: none"><li>• A Field Guide to Monitoring Nests (Ferguson-Lees et al, 2011); and</li><li>• Barn Owl <i>Tyto alba</i> Survey Methodology and Techniques for use in Ecological Assessment (Shawyer, 2011).</li></ul>



Mammals	<ul style="list-style-type: none"> <li>• Surveying Badgers (Harris et al, 1989) and Badger Trust Best Practice Guidelines (Badger Trust, 2023);</li> <li>• The Dormouse Conservation Handbook (Bright et al, 2006);</li> <li>• UK BAP Mammals Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation (Cresswell, et al, 2012);</li> <li>• Otter (Woodroffe, 2007), Hedgehog (Morris, 2011); Water shrew (Carter, 2006) - Mammal Society Species Series; and</li> <li>• Water Vole Field Signs and Habitat assessment (Dean, 2022) and Water Vole Mitigation Handbook (Dean et al, 2016).</li> </ul>
Reptiles	<ul style="list-style-type: none"> <li>• Herpetofauna Workers' Manual (Gent &amp; Gibson, 2003); and</li> <li>• Reptile Habitat Management Handbook (Edgar, 2010)</li> </ul>
Invertebrates	<ul style="list-style-type: none"> <li>• Good Planning Practice for Invertebrates (Buglife, 2015); and</li> <li>• Organising Surveys to Determine Site Quality for Invertebrates (English Nature, 2005).</li> </ul>

### Bats – Preliminary Roost Assessment

- 3.4.2 A bat preliminary roost assessment (PRA) of structures and trees as well as an assessment of the habitat within the development boundary for bats was carried out in accordance with the Bat Conservation Trust Good Practice Guidelines for Ecologists (Collins, 2023).
- 3.4.3 A ground level inspection of the exterior of any structures within the development boundary, and any trees that will be adversely impacted by the development, was undertaken with the aid of torchlight and binoculars to search for bat PRFs that might provide suitable crevices or access/egress points to voids or cavities for roosting bats.
- 3.4.4 Where accessible and safe to do so, a search for signs of bats such as bat specimens, droppings, urine staining and audible sound (such as social calls) was also undertaken at each structure or tree. This included an internal inspection of roof voids at structures and the use of an endoscope to inspect any accessible bat PRFs.
- 3.4.5 A classification based upon the roosting suitability for bats was assigned for each structure and tree that was inspected within the development boundary as well as the overall suitability of habitat. The classification descriptions are detailed below in Table 2 for structures and Table 3 for trees.



**Table 2** – Suitability assessment for a proposed development site for bats, as adapted from BCT Good Practice Guidelines (Collins, 2023).

Potential Suitability	Definition	
	Roosting Habitat	Potential Flight Paths and Foraging Habitat
None	No habitat features on-site likely to be used by any roosting bats at any time of year (i.e. a complete absence of crevices/ suitable shelter at all ground/ underground levels).	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/ protection for flight lines or that generates shelter for insect populations that is available to foraging bats).
Negligible	No obvious habitat features on site likely to be used by roosting bats, however, small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.	No obvious habitat features on site likely to be used as flight paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roosting sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site but could be used by individual hibernating bats).	Habitat that can be used by a small number of bats as flightpaths such as a gappy hedgerow or unvegetated stream but isolated i.e. not very well connected to the surrounding landscape by other habitats.  Suitable, but isolated habitat that can be used by small numbers of foraging bats such as a lone tree (not in parkland situation) or a patch of scrub.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions, and surrounding habitat but unlikely to support a roost of high conservation status, with respect to roost type only, such as maternity or hibernation roosts.	Continuous habitat connected to the wider landscape that could be used by bats for flight paths such as lines of trees, scrub and linked back gardens and for foraging such as trees, scrub grassland and water.
High	A structure with one or more potential roosting sites that are obviously suitable for use by a larger number of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions, and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation sites.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight paths such as river valleys, streams, hedgerows, lines of trees and woodland edge.  High quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined water courses and grazed parkland.  The site is close to and connected to known bat roosts.



**Table 3** – Guidelines for assessing the suitability of trees for bats, adapted from BCT Good Practice Guidelines (Collins, 2023).

Suitability	Definition
None	Either no PRFs in the tree or highly unlikely to be any present.
FAR	Further assessment required to establish if PRFs are present in the tree.
PRF	A tree with a least one PRF present.

3.4.6 For trees assigned the ‘PRF’ category, a further Ground Level Tree Assessment (GLTA) was undertaken. Each tree was inspected in detail from ground level to assess the suitability of individual PRFs to support roosting bats, to determine the overall availability of roosting resource, and to establish whether further survey is required. Each PRF was then assigned a suitability category, as outlined in Table 4.

**Table 4** – Suitability categories for bat PRFs.

Suitability	Definition
PRF-I	The PRF is only suitable for individual bats or very small number of bats due to size or lack of suitable surrounding habitats.
PRF-M	The PRF is suitable for multiple bats and may therefore be used by a maternity colony.

### 3.5 Survey Dates, Conditions and Surveyors

3.5.1 Details on the date, timing and weather conditions recorded during the survey are provided below in Table 5.

**Table 5** – Field Survey Information.

Date	Survey Type	Survey Timings		Temperature (°C)		Rain	Wind (Beaufort scale)
		Start	Finish	Start	Finish		
30/09/2025	UKHab Survey	11:00	13:00	15	16	None	2

### 3.6 Surveyors

3.6.1 The field survey was undertaken by Amy Oldham BSc (Hons). Amy Oldham is adequately trained to carry out UKHab Surveys and is accredited under a level 1 class licence to survey bats.

### 3.7 Limitations

3.7.1 No survey limitations were recorded during the UKHab Survey.



## 4. Results

### 4.1 Desk Study

#### Designated Sites

4.1.1 The results of the desk study search for statutory and non-statutory designated sites are detailed below in Table 6 (see Figure 1).

**Table 6** - Statutory and non-statutory designated sites returned from the desk study search.

Statutory and Non-Statutory Designated Sites			
Designation Level	Site Name	Distance & Direction	Summary
SAC/SSSI	The Mens	The Mens designation is located 10.9 km west of the development boundary.  The site falls within the SACs 12 km 'wider conservation area'.	Designated due to its lowland broadleaved, mixed and yew woodland, and its assemblages of invertebrates and breeding birds. Barbastelle bat ( <i>Barbastella barbastellus</i> ) is also another qualifying feature of this designation.
Country Park  LWS	Southwater Country Park; H70 - Southwater Country Park Complex	This designation is located 0.68 km southeast of the development boundary.	This designation is approximately 24 ha in size and is located within the Horsham District. The site is designated for its mosaic of habitats and the presence of rare and scarce species including butterflies and dragonflies.
LWS	H50 – Courtland Wood	This designation is located 0.38 km southeast of the development boundary.	Courtland Wood is approximately 6.5 ha in size and is an ancient and semi-natural woodland. The site is designated for its population of nationally rare invertebrate and bird species.

#### Ancient Woodland

4.1.2 There were fifty-one ancient woodland parcels returned within 2 km of the development boundary (see Figure 1). The nearest ancient woodland parcel was 0.17 km southwest of the development boundary.



## Habitats of Principle Importance

4.1.3 Details on the number of HPI, the habitat type and the distance from the development boundary to the closest HPI parcel are detailed in Table 7 and displayed in Figure 1.

**Table 7** - Habitats of Principle Importance returned from the desk study search within 2 km of the development boundary.

<b>Habitat of Principle Importance</b>		
<b>Habitat Type</b>	<b>Number of HPI parcels within 2 km</b>	<b>Distance and direction of nearest HPI parcel and other notable parcels</b>
Deciduous woodland	132	<ul style="list-style-type: none"><li>• There are two deciduous woodland parcels located within the development boundary.</li></ul>
Traditional orchard	2	<ul style="list-style-type: none"><li>• The nearest traditional orchard is 0.71 km southwest of the development boundary.</li></ul>
Priority ponds	1	<ul style="list-style-type: none"><li>• There was one surveyed priority pond within 2 km of the development boundary. This pond was located 1.13 km north of the development boundary.</li></ul>
No main habitat but additional habitats present	40	<ul style="list-style-type: none"><li>• There is one parcel within 0.5 km of the development boundary; and</li><li>• These parcels include deciduous woodland, lowland meadow and good quality semi-improved grassland.</li></ul>

4.1.4 Ten ponds were recorded within 0.5 km of the development boundary (see Figure 1). The nearest pond is located 0.15 km north of the development boundary.

4.1.5 Seven main river parcels were returned within 2 km of the development boundary (see Figure 1). None of the parcels were listed as priority river habitats under the national inventory. The nearest main river parcel is located 0.86 km southwest of the development boundary.

## Protected Species and Other Species of Conservation Concern

4.1.6 No European Protected Species Licences (EPSLs) were granted within 1 km of the development boundary.



## 4.2 UK Habitat Classification Survey Results

4.2.1 The habitats recorded during the UKHab Survey within the development boundary are described below in Table 8 (see Figure 2 and Figure 3).

**Table 8-** Habitats recorded within the development boundary during the UKHab Survey.

Habitat Reference (Figure 2)	UK Hab Survey Classification Code	Approx. Area sqm/ length m	Summary and Species List
<b>Woodland</b>			
1	<b>Primary:</b> Lowland mixed deciduous woodland <b>Code:</b> w1f	957	A parcel of lowland mixed deciduous woodland was recorded in the western section of the development boundary. The woodland canopy was continuous throughout the extent of the habitat parcel and had a dense understorey. <b>Species recorded:</b> <b>Canopy layer:</b> sycamore (D), pedunculate oak (F). <b>Shrub layer:</b> bramble (A), hawthorn (O), blackthorn (O). <b>Ground layer:</b> common ivy (F), bracken (O), ash saplings (O).
2	<b>Primary:</b> Lowland mixed deciduous woodland <b>Code:</b> w1f	652	A parcel of lowland mixed deciduous woodland was recorded in the eastern section of the development boundary. The woodland canopy was continuous throughout the extent of the habitat parcel but lacked a dense understorey. <b>Species recorded:</b> <b>Canopy layer:</b> pedunculate oak (D), sycamore (F), wild cherry (F). <b>Shrub layer:</b> bramble (A), holly (O), box-leaved honeysuckle (O), hazel (R), <b>Ground layer:</b> common ivy (A), wood avens (F), false brome (F), bracken (O), broadleaved dock (R), dandelion (R).



3	<p><b>Primary:</b> Lowland mixed deciduous woodland</p> <p><b>Secondary:</b> Felled</p> <p><b>Code:</b> w1f 206</p>	597	<p>A habitat parcel within the development boundary comprises recently cleared lowland mixed deciduous woodland. Classification of the former habitat was inferred through analysis of aerial imagery, the Priority Habitats Inventory and the presence of tree stumps within this area of the development boundary. The habitat now consists of bare ground (approximately 60%) with re-establishing vegetation present.</p> <p><b>Species recorded:</b> fringed willowherb (A), spiny sow thistle (A), wood avens (F), bramble (F), bitter dock (F), common burdock (F), herb Robert (O), groundsel sp. (O), slender false brome (O), mullein sp. (O), woodland forget-me-not (O), European plum saplings (O), broadleaved dock (O), annual meadow grass (O), dog rose (R), creeping thistle (R), dandelion (R), creeping buttercup (R), common nettle (R), cleavers (R).</p>
<b>Grassland</b>			
4	<p><b>Primary:</b> Bracken</p> <p><b>Code:</b> g1c</p>	339	<p>In the western section of the site, there was a parcel dominated by bracken (&gt;95% cover). This parcel was located between a parcel of lowland mixed deciduous woodland and vegetated garden. No other species were recorded within this parcel.</p> <p><b>Species recorded:</b> bracken (D).</p>
<b>Urban</b>			
5	<p><b>Primary:</b> Built-up areas and gardens</p> <p><b>Secondary:</b> Vegetated garden</p> <p><b>Code:</b> u1 828</p>	1188	<p>In the central section of the development boundary there was an area of vegetated garden. This parcel is regularly mowed and used as a residential garden. The majority of this parcel comprised a species poor modified grassland with a short sward height (approximately 50 mm) and had a species composition indicative of improvement. There were approximately 4 species per m<sup>2</sup>.</p> <p><b>Species recorded:</b> perennial rye grass (D), white clover (A), creeping buttercup (F), common daisy (F), dandelion (O), creeping cinquefoil (O).</p>



6	<p><b>Primary:</b> Built-up areas and gardens</p> <p><b>Secondary:</b> Vegetated garden</p> <p><b>Code:</b> u1 828</p>	120	<p>In the eastern section of the site there is a small area of vegetated garden which is regularly mowed and used as a residential garden. The majority of this parcel comprised a species poor modified grassland with a short sward height (approximately 30 mm) and had a species composition indicative of improvement. There were approximately 4 species per m<sup>2</sup>.</p> <p><b>Species recorded:</b> perennial rye grass (D), springy turf moss (A), white clover (F), common selfheal (F), common daisy (O).</p>
7	<p><b>Primary:</b> Developed land, sealed surface</p> <p><b>Code:</b> u1b</p>	269	<p>There is an area of developed land, sealed surface used as a driveway in the northern section of the development boundary.</p> <p>No vegetation is associated with this habitat parcel.</p>
<b>Heathland and shrub</b>			
8	<p><b>Primary:</b> Mixed scrub</p> <p><b>Code:</b> h3h</p>	473	<p>A habitat parcel within the development boundary comprises recently cleared scrub. Classification of the former habitat was inferred through analysis of aerial imagery and the presence of dead and desiccated vegetation within the development boundary. The habitat now consists of bare ground (approximately 60%) with re-establishing vegetation present.</p> <p><b>Species recorded:</b> fringed willowherb (A), spiny sow thistle (A), wood avens (F), bramble (F), bitter dock (F), common burdock (F), herb Robert (O), groundsel sp. (O), slender false brome (O), mullein sp. (O), woodland forget-me-not (O), European plum saplings (O), broadleaved dock (O), annual meadow grass (O), creeping thistle (R), dandelion (R), creeping buttercup (R), common nettle (R), cleavers (R).</p>
H1	<p><b>Primary:</b> Non-native and ornamental hedgerow</p> <p><b>Secondary:</b> Hedgerow with trees</p> <p><b>Code:</b> h2b 11</p>	53	<p>There is a non-native and ornamental hedgerow located along part of the southwestern development boundary, measuring approximately 53 m in length, 2 m in height and 2 m in width. The hedgerow connected the two parcels of lowland mixed deciduous woodland and had a dense structure. There were several hawthorn and elder trees within the hedgerow.</p> <p><b>Species recorded:</b> box-leaved honeysuckle (D), common ivy (A), hawthorn (F), holly (O), bramble (O), elder (O), privet sp. (O), bay (R).</p>



### 4.3 Site Habitat Suitability Assessment

4.3.1 An assessment of habitat within the development boundary to act as an ecological receptor for protected species and species of conservation concern, based upon the desk study results and the habitats recorded during the UKHab Survey is provided below in Table 9.

**Table 9** - Site habitat assessment for protected species and species of conservation concern.

Species/group	Site Assessment and Rationale
GCN and Other Amphibians	<ul style="list-style-type: none"> <li>No records of GCN were returned from the desk study search within 1 km of the development boundary. No suitable breeding habitat for GCN was recorded within the development boundary.</li> <li>There was one pond within 0.25 km of the development boundary which was located 0.15 km north. There were nine further ponds within 0.5 km of the development boundary.</li> <li>The cleared lowland mixed deciduous woodland and mixed scrub within the development boundary are likely to have provided suitable terrestrial habitat for GCN. The retained non-native and ornamental hedgerow, lowland mixed deciduous woodland and bracken within the development boundary provide suitable foraging and resting places for GCN. The vegetated garden within the development boundary provides sub-optimal terrestrial habitat for GCN due to its short sward height.</li> <li>Based on the above points it is possible that GCN could have been encountered within the development boundary during the vegetation removal and that the habitat had the potential to form part of the terrestrial habitat of any nearby GCN population, given the presence of ponds within 250 m of the development boundary. Similarly, it is possible that GCN could be encountered within the development boundary during the construction phase of the development.</li> </ul>
Bats	<ul style="list-style-type: none"> <li>Records of bats (including SPI) were returned from the desk study search within 1 km of the development boundary.</li> <li>An area of lowland mixed deciduous woodland had been cleared prior to the UKHab survey. In the absence of pre-works assessment, it is not known whether this area included habitat suitability for roosting bats.</li> <li>It is our understanding that no further trees or structures with suitability for roosting bats are to be removed as part of the development.</li> </ul>



	<ul style="list-style-type: none"> <li>The lowland mixed deciduous woodland and mixed scrub within the development boundary would have likely provided suitable foraging habitat for a range of bat species prior to vegetation removal. The retained lowland mixed deciduous woodland, bracken and non-native and ornamental hedgerow within the development boundary also provide suitable habitat for foraging and commuting bats.</li> </ul>
Birds	<ul style="list-style-type: none"> <li>Several records of birds including species of conservation concern were returned from the desk study search within 1 km of the development boundary.</li> <li>Pre-clearance, the lowland mixed deciduous woodland and mixed scrub within the development boundary would have provided suitable habitat for nesting birds. The retained lowland mixed deciduous woodland, non-native and ornamental hedgerow and bracken within the development boundary also provides suitable habitat for nesting birds.</li> <li>However, it is considered unlikely that the site supported significant breeding bird assemblages or notable populations of species of conservation concern.</li> </ul>
Terrestrial mammals (non-bats)	<ul style="list-style-type: none"> <li><b>Badgers:</b> No evidence of badgers, including badger setts or field signs were recorded within the development boundary at the time of the survey. The cleared lowland mixed deciduous woodland and mixed scrub are likely to have provided suitable foraging habitat for badgers. The retained lowland mixed deciduous woodland, non-native and ornamental hedgerow, bracken and vegetated garden within the development boundary provide potential foraging habitat for badgers. The development boundary is situated within a rural area and includes areas of lowland mixed deciduous woodland, as such, it is possible that badgers could use the site.</li> <li><b>Hazel dormice:</b> No records of hazel dormice were returned from the desk study search within 1 km of the development boundary. The mixed scrub and lowland mixed deciduous woodland that were within the development boundary prior to vegetation removal are likely to have been a habitat broadly suitable for hazel dormice. At the time of the UKHab survey, the woodland parcel within the eastern section of the development boundary (habitat reference: 2) lacked the dense, structurally complex understorey typically required by hazel dormice, whilst the woodland parcel within the western section of the development boundary (habitat reference: 1) appeared to provide suitable habitat for hazel dormice. The retained non-native and ornamental hedgerow has a dense structure with no gaps in the canopy and connects the two areas of lowland mixed deciduous woodland (habitat parcels: 1 and 2) within the development boundary.</li> <li><b>Hedgehogs:</b> The lowland mixed deciduous woodland and mixed scrub that was cleared within the development boundary likely provided suitable foraging and resting habitat for hedgehogs. Similarly, the retained non-native and ornamental hedgerow, lowland mixed deciduous woodland and bracken within the development boundary provide suitable foraging and resting places for hedgehogs. The vegetated garden parcels also provide suitable foraging habitat for hedgehogs. As such, it is reasonably likely that hedgehogs could have</li> </ul>



	<p>been encountered within the development boundary during the removal of the lowland mixed deciduous woodland and mixed scrub and may be encountered within the development boundary during construction.</p> <ul style="list-style-type: none"> <li>• <b>Other mammal burrows:</b> No mammal burrows or mammal field signs were recorded during the UKHab survey. Habitats retained within the development boundary such as lowland mixed deciduous woodland, non-native and ornamental hedgerow and bracken could conceal such burrows. As such, it is possible the above species could be found in or near to the main footprint of the development prior to its commencement.</li> <li>• <b>Otters and water voles:</b> Sussex biodiversity record centre do not include records of otters in their desk study reports. No records of water vole were returned from the desk study search within 1 km of the development boundary. The nearest river parcel was located 0.86 km from the development boundary and is separated by a road. Based on the habitats recorded within the development boundary and the connectivity and distance of these habitat to the nearest waterbody, it is reasonably unlikely otter or water vole will be encountered within the development boundary or that the habitat will be associated with any population of these species.</li> </ul>
Reptiles	<ul style="list-style-type: none"> <li>• Records of common reptiles were returned from the desk study search within 1 km of the development boundary.</li> <li>• The mixed scrub and lowland mixed, deciduous woodland that was cleared prior to the UKHab survey is reasonably likely to have had suitability to support common reptiles. As a result, it is possible that reptiles could have been encountered within the development boundary during the removal of these habitats.</li> <li>• The vegetated garden within the main footprint of the development is characterised by a short sward height (approximately 50 mm) that provides insufficient cover to support a permanent reptile population. The bracken and retained woodland habitats within the development boundary are habitats that broadly could be suitable for reptiles.</li> <li>• Based on the above points it is reasonably unlikely that a permanent population of reptiles will be present within the main footprint of the development during the construction phase of the development, however, there is the potential for reptiles to be present in close proximity to the main footprint of the development.</li> </ul>
Invertebrates	<ul style="list-style-type: none"> <li>• Several invertebrates of conservation concern including SPI were returned from the desk study search within 1 km of the development boundary.</li> <li>• The habitats within the development boundary prior to vegetation removal included lowland mixed deciduous woodland and mixed scrub which can be of value to invertebrates and can be associated with species of conservation concern.</li> </ul>



	<ul style="list-style-type: none"><li>• The retained habitats within the development boundary include parcels of lowland mixed deciduous woodland, non-native and ornamental hedgerow with trees and bracken which are habitats, that, broadly, can be of value to invertebrates and can be associated with species of conservation concern.</li><li>• There were also areas of vegetated garden which provided habitats of limited value for invertebrates due to the small scale and lack of overall botanical diversity in these parcels.</li></ul>
Plants, Fungi, Lichen	<ul style="list-style-type: none"><li>• No European or nationally protected plants or SPI were recorded within the development boundary at the time of the UKHab Survey.</li><li>• The habitat within the main footprint of the development consists of modified grassland and cleared land of limited botanical value.</li><li>• The habitat clearance was limited to a relatively small area of lowland mixed deciduous woodland and mixed scrub. As such, it is reasonably unlikely that any important plant, fungi or lichen species or important assemblages of conservation concern will have been present within the footprint of the development pre-clearance.</li></ul>
Non-native and Invasive Species	<ul style="list-style-type: none"><li>• No non-native plant species, including invasive non-native species (listed under schedule 9 of the Wildlife &amp; Countryside Act, 1981 and the Invasive Alien Species Order, 2019) were recorded within the development boundary at the time of the UKHab survey.</li></ul>



## 5. Legislation and Planning Policy

5.1.1 A summary of the relevant legislation and planning policy that could be a material consideration to the development is provided below in Table 10. Further details of the UK legislation and planning policy relevant to the qualifying features in this section are detailed in Appendix I.

**Table 10** - Legislation and planning policy evaluation of the development.

Ecological Feature	Relevant Legislation & Planning policy	Impact Assessment and Legal Compliance	Rationale and Comments
<b>Designated sites</b>			
The Mens SAC/SSSI	<ul style="list-style-type: none"> <li>• Conservation of Habitat &amp; Species Regulations, 2017;</li> <li>• National Planning Policy Framework, 2024; and</li> <li>• HDC Local Plan – Policy 25 and 31.</li> </ul>	Mitigation required	<ul style="list-style-type: none"> <li>• The development boundary falls within the 12 km wider conservation area for The Mens SAC. The development, however:               <ul style="list-style-type: none"> <li>○ Will not result in the loss of any area of habitat within the SAC as it is located outside of the SAC boundary; and</li> <li>○ Will not directly remove any habitat within the development boundary that could provide a suitable flightline for a qualifying feature of the SAC (barbastelle bat).</li> </ul> </li> <li>• While it is reasonably unlikely alone to adversely impact the qualifying features of the designation, the artificial lighting of important bat flightlines within the outer conservation zone of the SAC, such as the lowland mixed deciduous woodland and non-native and ornamental within the development boundary could have an accumulative adverse impact locally on the available flightlines for barbastelle bat.</li> <li>• The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.</li> </ul>



<p>H70 - Southwater Country Park Complex and H50 – Courtland Wood LWS</p>	<ul style="list-style-type: none"> <li>HDC Local Plan – Policy 25 and 31</li> </ul>	<p>Compliant/ adverse impacts reasonably unlikely</p>	<ul style="list-style-type: none"> <li>The development will not result in any adverse impacts to the qualifying features of the H70 or H50 LWS due to:               <ul style="list-style-type: none"> <li>The development being retained within the development boundary and not resulting in any direct loss of area within the designations; and</li> <li>The development being small in scale, extent and magnitude as well as there being sufficient distance between the H70 and H50 LWS and the development boundary, to avoid any adverse impacts that may arise from degradation as a result of increased recreational pressure or pollution.</li> </ul> </li> </ul>
<p>Southwater Country Park</p>	<ul style="list-style-type: none"> <li>HDC Local Plan – Policy 25 and 31</li> </ul>	<p>Compliant/ adverse impacts reasonably unlikely</p>	<ul style="list-style-type: none"> <li>The development will not result in any adverse impacts to the qualifying features of the Southwater Country Park due to:               <ul style="list-style-type: none"> <li>The development being retained within the development boundary and not resulting in any direct loss of area within the designation; and</li> <li>The development being small in scale, extent and magnitude as well as there being sufficient distance between the Southwater Country Park and the development boundary, to avoid any adverse impacts that may arise from degradation as a result of increased recreational pressure or pollution.</li> </ul> </li> </ul>
<p><b>Habitats</b></p>			
<p>Irreplaceable habitat</p>	<ul style="list-style-type: none"> <li>National Planning Policy Framework, 2024; and</li> <li>HDC Local Plan – Policy 25 and 31.</li> </ul>	<p>Adverse impacts reasonably unlikely</p>	<ul style="list-style-type: none"> <li>The UKHab survey in addition to a review of historic aerial imagery indicates that no ancient woodland parcels or other types of irreplaceable habitat were present within the development boundary pre or post vegetation removal.</li> <li>Given the small scale, extent and magnitude of the development and the distance to the nearest ancient woodland parcels, it is considered reasonably unlikely that adverse impacts have occurred through degradation, recreational pressure, or pollution to ancient woodland outside of the development boundary during vegetation removal or will occur during the construction phase of the development.</li> </ul>



<p>Habitats of Principle Importance</p>	<ul style="list-style-type: none"> <li>Natural Environment &amp; Rural Communities Act, 2006 – Section 41;</li> <li>National Planning Policy Framework, 2024; and</li> <li>HDC Local Plan – Policy 25 and 31.</li> </ul>	<p>Retrospective mitigation / enhancements required</p>	<ul style="list-style-type: none"> <li>There are currently two parcels of lowland mixed deciduous woodland within the development boundary that are designated as HPI. Part of one of these parcels (approx. 597m<sup>2</sup>) has been cleared within the past 18 months, as evidenced by site observations during the UKHab survey and a review of historic aerial imagery.</li> <li>Mitigation and compensatory planting will be required to address the loss of this section of HPI woodland as set out in Section 6.</li> <li>It is our understanding that no further woodland or tree removal is proposed to facilitate the development, however, the main footprint of the development is located immediately adjacent to the lowland mixed deciduous woodland parcel (habitat ref: 2) within the eastern section of the development boundary. As such, mitigation will be required during the design and construction phase to ensure the long-term safeguarding of the HPI woodland and promote its conservation.</li> <li>The recommendations outlined in section 6 of this report should be followed to ensure that the development proceeds lawfully.</li> <li>For the reasons outlined above for ancient woodland it is not anticipated that there will be any adverse impacts on HPI located outside of the development boundary.</li> </ul>
<p>Pollution Prevention</p>	<ul style="list-style-type: none"> <li>Environmental Protection Act, 1990; and</li> <li>National Planning Policy Framework, 2024.</li> </ul>	<p>Mitigation required</p>	<ul style="list-style-type: none"> <li>The level of pollution generated from the development is anticipated to be low due to the small scale of the development, however, pollution prevention measures should be incorporated into the construction phase of the development to avoid onsite and offsite pollution to habitats and the nearby waterbodies.</li> <li>Mitigation measures will be required within the design of the development to ensure that there are no significant increases in the levels of light pollution as a result of the installation of artificial lighting as part of the development.</li> </ul>



			<ul style="list-style-type: none"> <li>The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.</li> </ul>
<b>Biodiversity Net Gain and Ecological Enhancements</b>			
Biodiversity Net Gain	<ul style="list-style-type: none"> <li>The Environment Act, 2021; and</li> <li>National Planning Policy Framework, 2024.</li> </ul>	Exempt development	<ul style="list-style-type: none"> <li>The development will be exempt from the mandatory biodiversity net gain (BNG) requirements as defined under The Environment Act, 2021.</li> <li>No further recommendations are outlined in this report with respect to BNG.</li> </ul>
Ecological Enhancement	<ul style="list-style-type: none"> <li>National Planning Policy Framework, 2024; and</li> <li>HDC Local Plan – Policy 25 and 31.</li> </ul>	Further action required.	<ul style="list-style-type: none"> <li>The development will be required to implement ecological enhancements into the design of the development to ensure it is compliant with national and local planning policy.</li> <li>The recommendations outlined in section 6 of this report should be followed to ensure the development is compliant with national and local planning policy.</li> </ul>
<b>Protected Species and Species of Conservation Concern</b>			
Badgers	<ul style="list-style-type: none"> <li>Badger Protection Act, 1992.</li> </ul>	Precautionary mitigation required	<ul style="list-style-type: none"> <li>No badger setts or evidence of badgers were recorded within the development boundary. As such, the clearance of the lowland mixed deciduous woodland and mixed scrub is considered reasonably unlikely to have caused harm to individual badgers or their setts.</li> <li>Given the relatively small scale of habitat removal, the vegetation clearance is also considered reasonably unlikely to have affected badger use of the site or to have reduced the availability of habitat within a local badger territory.</li> <li>Due to its rural location and the presence of typical badger habitats such as deciduous woodland parcels, it is possible that badger setts could be created within close proximity to the main footprint of the development and potentially encountered during the construction phase of the development.</li> <li>The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.</li> </ul>



<p>Bats</p>	<ul style="list-style-type: none"> <li>• Conservation of Habitat &amp; Species Regulation, 2017;</li> <li>• Wildlife &amp; Countryside Act, 1981 – schedule 5;</li> <li>• Natural Environment &amp; Rural Communities Act, 2006 – Section 40/41.</li> </ul>	<p>Retrospective mitigation / enhancements required</p>	<ul style="list-style-type: none"> <li>• An area of lowland mixed deciduous woodland with potential suitability for roosting bats, was removed from the development boundary prior to the UKHab survey. In the absence of pre-works checks, it is not possible to rule out the presence of roosting bats at the time of clearance.</li> <li>• The site clearance has resulted in the loss of a small amount of lowland mixed deciduous woodland and mixed scrub within the development boundary that provides foraging habitat for bats. Despite this, it can be reasonably predicted that the favourable conservation status of bats has not been adversely impacted as the area of habitat loss is small and no potential bat flightlines have been severed.</li> <li>• For the reasons outlined above for The Mens SAC and pollution prevention section, the development will be required to mitigate the level of new light pollution from the installation of artificial lighting to ensure it does not adversely impact potential bat flightlines within the development boundary.</li> <li>• As potential direct impacts from vegetation clearance cannot be confirmed retrospectively, compensatory measures are considered appropriate and are set out in Section 6.</li> <li>• The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.</li> </ul>
-------------	---	---	---



Birds	<ul style="list-style-type: none"> <li>• Wildlife &amp; Countryside Act, 1981 – Section 1 and Schedule 1; and</li> <li>• Natural Environment &amp; Rural Communities Act, 2006 – Section 40/41.</li> </ul>	Retrospective mitigation / enhancements required	<ul style="list-style-type: none"> <li>• Lowland mixed deciduous woodland and mixed scrub with likely suitability for nesting birds, was removed from the development boundary prior to the UKHab survey. In the absence of pre-works checks, it is not possible to rule out the presence of nesting birds at the time of clearance.</li> <li>• Given the limited scale of habitat loss and the availability of suitable nesting and foraging opportunities in the surrounding rural landscape, the vegetation clearance works are unlikely to have had a significant effect on local bird assemblages or species of principal importance (SPIs).</li> <li>• As potential direct impacts from vegetation clearance cannot be confirmed retrospectively, compensatory measures are considered appropriate and are set out in Section 6.</li> <li>• No further habitat with suitability for nesting birds will be adversely impacted during the construction phase of the development.</li> </ul>
Great crested newts	<ul style="list-style-type: none"> <li>• Conservation of Habitat &amp; Species Regulations, 2017;</li> <li>• Wildlife &amp; Countryside Act, 1981 – schedule 5; and</li> <li>• Natural Environment &amp; Rural Communities Act, 2006 – Section 40/41.</li> </ul>	Further assessment and retrospective mitigation / enhancements required	<ul style="list-style-type: none"> <li>• In our professional opinion, there is a risk that GCN could have been present onsite during vegetation removal due to:             <ul style="list-style-type: none"> <li>○ The presence of potential GCN breeding ponds within 250 m of the development boundary;</li> <li>○ Suitable terrestrial habitat for GCN being present within the development boundary; and</li> <li>○ The habitat within the development boundary having continuous connectivity to other suitable GCN terrestrial habitat (as viewed from aerial imagery) within 500 m of the development boundary.</li> </ul> </li> <li>• However, in the absence of any confirmed GCN records, the relatively small scale of habitat loss, and lack of adverse impacts to potential GCN breeding habitat, the vegetation removal is reasonably unlikely to have adversely impacted GCN at a population level.</li> </ul>



			<ul style="list-style-type: none"> <li>Based on the above, further assessment will be required to determine the presence or probable absence of GCN and ascertain if the proposed development will adversely impact GCN in order to proceed lawfully.</li> <li>To ensure the development proceeds lawfully the recommendations outlined in section 6 should be followed.</li> <li>As potential direct impacts from vegetation removal cannot be confirmed retrospectively, compensatory measures are considered appropriate and are set out in Section 6.</li> </ul>
Hazel dormice	<ul style="list-style-type: none"> <li>Conservation of Habitat &amp; Species Regulations, 2017;</li> <li>Wildlife &amp; Countryside Act, 1981 – schedule 5; and</li> <li>Natural Environment &amp; Rural Communities Act, 2006 – Section 40/41.</li> </ul>	Retrospective mitigation / enhancements required	<ul style="list-style-type: none"> <li>In our professional opinion, there is a risk that hazel dormice could have been present within the development boundary during vegetation removal due to: <ul style="list-style-type: none"> <li>The removal of lowland mixed deciduous woodland and mixed scrub within the development boundary;</li> <li>The absence of a pre-works UKHab survey to assess the suitability of these habitats for hazel dormice;</li> <li>The habitat within the development boundary having continuous connectivity to other suitable hazel dormouse habitat (as viewed from aerial imagery).</li> </ul> </li> <li>As potential direct impacts from vegetation removal cannot be confirmed retrospectively, compensatory measures are considered appropriate and are set out in Section 6.</li> <li>The proposed development is reasonably unlikely to result in harm to individual hazel dormice or adversely impact any habitat associated with any hazel dormouse populations.</li> </ul>
Hedgehogs	<ul style="list-style-type: none"> <li>Natural Environment &amp; Rural Communities Act, 2006 - Section 40/41; and</li> </ul>	Mitigation and retrospective enhancements required	<ul style="list-style-type: none"> <li>Habitat suitable for foraging and resting hedgehogs, comprising lowland mixed deciduous woodland and mixed scrub, was removed prior to the UKHab survey. In the absence of a pre-works survey, it is not possible to confirm whether small-scale features not detectable on aerial imagery (e.g. log piles, leaf piles, rubble, or other man-made refugia) were present within the development</li> </ul>



	<ul style="list-style-type: none"> <li>• Wild Mammals (Protection) Act, 1996.</li> </ul>		<p>boundary, which could have provided further shelter for individual hedgehogs at the time of clearance. Therefore, it is possible that individual hedgehogs could have been present within the development boundary at the time of clearance.</p> <ul style="list-style-type: none"> <li>• As potential direct impacts from site clearance cannot be confirmed retrospectively, compensatory measures are considered appropriate and are set out in Section 6.</li> <li>• It is reasonably likely that individual hedgehogs could be encountered and inadvertently killed during the proposed development with methods prohibited under the Wild Mammals (Protection) Act, 1996 without appropriate mitigation. It is, however, reasonably unlikely that a significant population of hedgehogs will be impacted by the development.</li> <li>• The recommendation outlined in section 6 should be followed to ensure that the development proceeds lawfully.</li> </ul>
Reptiles	<ul style="list-style-type: none"> <li>• Conservation of Habitat &amp; Species Regulations, 2017 (sand lizard and smooth snake only);</li> <li>• Wildlife &amp; Countryside Act, 1981 – Schedule 5; and</li> <li>• Natural Environment &amp; Rural Communities Act, 2006 – Section 40/41.</li> </ul>	Retrospective mitigation/enhancements required	<ul style="list-style-type: none"> <li>• Lowland mixed deciduous woodland and mixed scrub was removed prior to the UKHab survey, which may have had suitability to support common reptile species.</li> <li>• In the absence of a pre-works survey, it is not possible to confirm whether small-scale features not detectable on aerial imagery (e.g. log piles, rubble, or other man-made refugia) were present within the development boundary, which could have provided further resting places for common reptiles.</li> <li>• Given the limited extent of habitat loss and the availability of other suitable habitats in the surrounding landscape, it is considered unlikely that a significant local population of reptiles was affected.</li> <li>• As potential direct impacts from site clearance cannot be confirmed retrospectively, compensatory measures are considered appropriate and are set out in Section 6.</li> </ul>



			<ul style="list-style-type: none"> <li>The proposed development is reasonably unlikely to result in harm to individual reptiles and will not result in the loss of any habitat with suitability to support a permanent reptile population.</li> </ul>
Invasive non-native species	<ul style="list-style-type: none"> <li>Wildlife &amp; Countryside Act, 1981 – Schedule 9; and</li> <li>Invasive Alien Species Order, 2019.</li> </ul>	Adverse impacts reasonably unlikely	<ul style="list-style-type: none"> <li>The development is reasonably unlikely to have resulted in an act that would constitute an offence for a species listed under Schedule 9 of the Wildlife &amp; Countryside Act, 1981 or Invasive Alien Species Order, 2019 (i.e. intentional release or spreading).</li> </ul>
Invertebrates	<ul style="list-style-type: none"> <li>Conservation of Habitat &amp; Species Regulations, 2017 – Schedule 2;</li> <li>Wildlife &amp; Countryside Act, 1981 – Schedule 5; and</li> <li>Natural Environment &amp; Rural Communities Act, 2006 – Section 40/41.</li> </ul>	Adverse impacts reasonably unlikely	<ul style="list-style-type: none"> <li>The development is reasonably unlikely to have resulted in impacts to any European protected invertebrates, nationally protected species, important populations of SPI or nationally or locally important assemblages of conservation value.</li> </ul>
Protected plants, fungi and lichens	<ul style="list-style-type: none"> <li>Conservation of Habitat &amp; Species Regulations, 2017 – Schedule 5;</li> <li>Wildlife &amp; Countryside Act, 1981 - Schedule 8; and</li> <li>Natural Environment &amp; Rural Communities Act, 2006 – Section 40/41.</li> </ul>	Adverse impacts reasonably unlikely	<ul style="list-style-type: none"> <li>The development is reasonably unlikely to have resulted in an offence such as intentional picking, uprooting, destruction, or intentional clearance of any wild plant including European protected plants, nationally protected plants, SPI or those of national or local conservation concern.</li> </ul>
Otter	<ul style="list-style-type: none"> <li>Conservation of Habitat &amp; Species Regulation, 2017;</li> <li>Wildlife &amp; Countryside Act, 1981 – schedule 5; and</li> </ul>	Adverse impacts reasonably unlikely	<ul style="list-style-type: none"> <li>The development is reasonably unlikely to have resulted in harm to individual otters or adversely impact their breeding and resting places. Therefore, the conservation status of otter will not be adversely impacted by the development.</li> </ul>



	<ul style="list-style-type: none"><li>Natural Environment &amp; Rural Communities Act, 2006 – Section 40/41.</li></ul>		
Water vole	<ul style="list-style-type: none"><li>Wildlife &amp; Countryside Act, 1981 – schedule 5; and</li><li>Natural Environment &amp; Rural Communities Act, 2006 – Section 40/41.</li></ul>	Adverse impacts reasonably unlikely	<ul style="list-style-type: none"><li>The development is reasonably unlikely to have resulted in harm to individual water voles or adversely impact any burrows or habitat associated with water vole populations.</li></ul>



## 6. Requirements and Recommendations

### 6.1 Background

6.1.1 The recommendations included in this section are based upon the mitigation hierarchy (avoidance, mitigation, and compensation; BSI, 2013) and takes consideration of government circular: Biodiversity and Geological Conservation Circular 06/2005.

6.1.2 Mitigation is not discussed where further surveys are required to inform such mitigation or compensation, unless in our professional judgement it would not be proportionate to request further surveys as the risk of a legal offence being committed as a result of the development is acceptably low.

### 6.2 Designated Sites

#### The Mens SAC

6.2.1 To ensure the development avoids adverse impacts on bat foraging and commuting habitats that are located within the development boundary, immediately adjacent to the site and that fall within The Mens SAC 12 km wider conservation area, any lighting as part of the proposed development should be installed in line with current guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals: Guidance Note 08/23: Bats and Artificial lighting in the UK (BCT & ILP 2023).

6.2.2 The lighting strategy for the site as a minimum should aim to:

- Avoid illumination of the lowland mixed deciduous woodland and non-native and ornamental hedgerow with trees within the development boundary; and
- Minimise the overall levels of light pollution within the site as a result of the development by:
  - Selecting appropriate lighting sources such as LED lighting that lack UV components, have peak wavelengths higher than 550 nm and that have a warm white light (2,700 kelvin or lower);
  - Appropriate fitting of lighting to include horizontal mounting with no light output above 90° and/or no upward tilt, or as a last resort the use of baffles, hoods or louvres to reduce light spill and direct lighting to only where it is needed;
  - Using light only when necessary, within the site, by using timers and motion sensors; and



- Providing natural screens in landscaping plans to break up artificial light where light spill cannot be avoided.

## 6.3 Ecological Enhancements

### Ecological Enhancements

6.3.1 The following ecological enhancements relevant to the development are recommended.

- The incorporation of artificial habitat boxes for wildlife within the development boundary including:
  - Two solitary bee boxes to be installed within a sunny grassland location within the development boundary;
  - One integrated bird box on the proposed building within the development boundary; and
  - One integrated bat box on the proposed building within the development boundary.

## 6.4 Habitat Mitigation

### Habitat of Principle Importance

- 6.4.1 Mitigation will be required to compensate for the loss of approximately 0.597 ha of Lowland Mixed Deciduous Woodland Habitat of Principal Importance, which occurred over the past 18 months. Compensatory woodland planting should be provided to offset this loss and to maintain the extent and function of priority woodland habitat within the local area.
- 6.4.2 The compensatory planting should comprise native broadleaved species characteristic of lowland mixed deciduous woodland, appropriate to local soil and site conditions, and should include a diverse mix of canopy, understorey and shrub species. Planting should be designed to reflect natural woodland structure and allow for future maturation, with appropriate spacing and protection measures to ensure establishment.
- 6.4.3 The compensatory woodland planting will be located within the development boundary and designed to maintain ecological connectivity with the retained woodland parcels. The woodland will be planted at a minimum ratio of 1.5:1 which equates to a minimum area of 895.5 m<sup>2</sup> of woodland habitat planted.



- 6.4.4 The planted woodland should be subject to a long-term habitat management and monitoring plan to ensure successful establishment and progression towards favourable condition.
- 6.4.5 The provision of artificial habitat boxes for wildlife are recommended to provide retrospective mitigation for any potential habitat loss associated with the clearance of lowland mixed deciduous woodland:
- Three dormice nest boxes to be installed on mature trees within the retained lowland mixed deciduous woodland within the western section of the development boundary;
  - One hedgehog box to be located within the lowland mixed deciduous woodland along the eastern development boundary;
  - Two small refugia/ hibernacula should be created within suitable woodland edge habitat for reptiles and amphibians within the development boundary;
  - Two bird boxes to be installed on mature trees within the development boundary; and
  - Two bat boxes to be installed on mature trees within the development boundary.
- 6.4.6 To safeguard the lowland mixed deciduous woodland parcels within the development boundary from damage or degradation during the construction phase of the development, specialist arboricultural advice should be sought. This, broadly, is likely to include as a minimum:
- The installation of temporary tree protection barriers (taking into consideration root protection zones) for the duration of the construction works and matting where appropriate.
- 6.4.7 To ensure the long-term safeguarding of the lowland mixed deciduous woodland parcels within the development boundary, a protective buffer along the edge of the woodland should be established as part of the landscaping plans for the development (where reasonably practical). The buffer should:
- As a minimum encompass the root protection zones of mature trees on the edge of the lowland mixed deciduous woodland;
  - Allow the establishment of semi-natural habitat within the woodland buffer that could include grassland and scrub (natural scrub succession); and



- Ensure that the woodland buffer is clearly defined and segregated from the residential garden within the design of the development, which could be achieved with a post and rail style fence.

6.4.8 The above recommendations will not be applicable to the area of lowland mixed deciduous woodland that borders the access driveway, as it would be impractical and disproportionate to achieve such measures, given the driveway is already in place.

#### Pollution Prevention

6.4.9 The following pollution prevention measures should be incorporated during the construction phase of the development to ensure that there is not any on-site or offsite pollution:

- Safe storage of fuels, oil and chemicals within the construction site with appropriate spill kits (for the scale of activities) available on-site at all times;
- Appropriate locating and storage of construction materials outside of the root protection zone of trees within the development boundary;
- Safe disposal of any contaminated water or soil and general waste within the construction site or with appropriate offsite management;
- Appropriate locating of mixing stations and inclusion of dust prevention measures where required within the development boundary;
- Monitoring and prevention of water and silt run-off from construction areas including the installation of silt traps where appropriate; and
- Where possible the use of fertiliser and herbicides should be minimised as part of on-going site management.

## 6.5 Protected Species Mitigation

#### Badger and Other Mammal Burrows

6.5.1 In the unlikely event that a burrow entrance of a mammal is discovered within the development boundary that could be of a suitable size for badgers, the following actions should be taken:

- Works paused and an ecologist consulted regarding any likely burrow or badger sett;



- A suitable buffer (as advised by an ecologist) established and clearly marked around the suspected badger sett; and
- Any badger sett or mammal burrow that could be in use by badgers that is reasonably likely to be impacted by the development should be monitored for an appropriate period by an ecologist and the appropriate licencing requirements obtained.

6.5.2 To ensure the development proceeds lawfully, any rabbit or fox burrows found within the immediate area of the development should not be tracked over by machinery and those that will be impacted as part of the development should be dug out with hand tools to prevent unlawful methods of killing (such as those outlined under the Wild Mammals (Protection) Act, 1996).

#### Bats

6.5.3 To ensure the development avoids adverse impacts on flightlines for bats, the recommendations outlined for The Mens SAC in section 6.2 should be followed.

#### Birds

6.5.4 If an active bird nest or nesting activity is recorded onsite during the pre-works inspection or at any other time during the development (such as the storage of building materials), the nest should be protected from damage and destruction (including disturbance that may cause the nest to be abandoned). An exclusion area should be implemented around any active nests and works in and around these areas should be controlled or delayed until the chicks have fledged.

#### Hedgehog

6.5.5 Where reasonably practical, measures should be taken to avoid the unnecessary killing or injuring (that could result in undue suffering and harm) of hedgehog as a result of the developments construction-based activities. Stakeholders and contractors should remain vigilant for the presence of hedgehogs around any vegetation, debris or stored materials. A reasonable action would be to move an individual to a safe location either within retained habitat on-site or off-site. During the construction phase of the development, any excavations on site should be covered nightly or include a suitable escape ramp to prevent nocturnal mammals (including hedgehog) from becoming trapped.



## 6.6 Further Surveys

### Great Crested Newts

- 6.6.1 In line with Natural England's standing advice, further surveys to establish the presence/ probable absence (and class population size, where appropriate) of GCN at ponds within the development boundary and up to 500 m from the development boundary should be undertaken to inform any mitigation and licensing requirements for GCN (if applicable). The further surveys for GCN, should be undertaken at an appropriate time of year and follow industry best practice guidelines.
- 6.6.2 Natural England's standing advice states 'surveys up to 250 metres are usually sufficient' for GCN from the development boundary. As such, the professional judgment of an ecologist should be used to determine the required level of survey effort for GCN.
- 6.6.3 Alternatively, given the timing of the application, the applicant may opt-in to join the HDC GCN DLL scheme. Registration under the GCN DLL can be undertaken at any time and would not require any further surveys to determine the planning application.



## 7. Conclusion

- 7.1.1 Further assessment will be required to inform the impacts of the development. Retrospective mitigation and enhancements will be required within the development boundary as a result of the vegetation removal prior to the UKHab survey. Mitigation will also be required within the design and construction phase of the development with respect to species of conservation concern and HPI. The recommendations outlined in this report demonstrate how this can be achieved as part of the development. Furthermore, the development will be required to incorporate ecological enhancements into the development.



## 8. Bibliography

- 8.1.1 Badger Trust (2023) Best Practice Guidance for Developers, Ecologists and Planners (England).
- 8.1.2 Baker, J., Hoskin, R. and Butterworth, T. (2019) Biodiversity Net gain. Good Practice Principles for development. A practical Guide. CIRIA, London.
- 8.1.3 Biggs, J. et al. (2014) Using eDNA to develop a national citizen science-based monitoring programme for the great crested newt (*Triturus cristatus*).
- 8.1.4 Bright, P., Morris, P. and Mitchell-Jones, T. (2006) The Dormouse Conservation Handbook Second Edition. English Nature.
- 8.1.5 BSI Group (2013), BS42020 – a code of practice for biodiversity in planning and development. The British Standards Institution. (Online) Available at <http://www.bsigroup.com/LocalFiles/enGB/biodviersty>.
- 8.1.6 Buglife (2015) Good Planning Practice for Invertebrates. Buglife, Peterborough. Available at: <https://www.buglife.org.uk/resources/planning-hub/good-practice-planning-for-invertebrates>.
- 8.1.7 CIEEM (2017) *Guidelines for Preliminary Ecology Appraisal, 2<sup>nd</sup> Edition*. Chartered Institute of Ecology and Environmental Management, Winchester.
- 8.1.8 CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine Version 1.2*. Chartered Institute of Ecology and Environmental Management, Winchester.
- 8.1.9 CIEEM (2022) Code of conduct. Chartered Institute of Ecology and Environmental Management, Winchester.
- 8.1.10 Collins, J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn). The Bat Conservation Trust, London. ISBN – 13 978-1-872745- 96-1
- 8.1.11 CIEEM (2016) Biodiversity Net Gain Good Practice Principles for Development. CIRIA, CIEEM and IEMA.
- 8.1.12 Cresswell, W.J., et al, (2012) UK BAP Mammals. Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation. The Mammal Society. Southampton.
- 8.1.13 Dean, M. (2016) Water Vole Mitigation Handbook. Mammal Society Mitigation Guidance Series. The Mammal Society Publication.
- 8.1.14 Dean, M. (2021) Water Vole Field Signs and Habitat Assessment. A Practical Guide to Water Vole Surveys. Pelagic Publishing.
- 8.1.15 Edgar P, Foster J and Baker J (2010) Reptile Habitat Management Handbook. Amphibian and Reptile Conservation, Bournemouth.
- 8.1.16 English Nature (2006) The Dormouse Conservation Handbook Second edition. English Nature (now Natural England), Peterborough.
- 8.1.17 English Nature (2011) Organising surveys to determine site quality for invertebrates. English Nature. Available at: <https://publications.naturalengland.org.uk/publication/69045>.
- 8.1.18 Ferguson-Lees, J., Castell, R., & Leech, D. (2011) A field guide to Monitoring Nests. BTO Publication.
- 8.1.19 Gent T and Gibson S (2003). Herpetofauna Workers Manual.JNCC, Peterborough.
- 8.1.20 Harris, S., Cresswell, P., & Jefferies, D. (1989) Surveying Badgers. An Occasional Publication by The Mammal Society No.09. The Mammal Society. London.
- 8.1.21 HDC (2015) Horsham District Council Adopted Local Plan.



- 8.1.22 HM Government (2022) Guidance Hazel dormice: advice for making planning decisions Available online at: [www.gov.uk/government/publications](http://www.gov.uk/government/publications).
- 8.1.23 Langton T, Beckett C and Foster J (2001). Great Crested Newt Conservation Handbook. Froglife, Suffolk
- 8.1.24 Morris., P (2011) The Hedgehog - Mammal Society Species Series. The Mammal Society Species Series. The Mammal Society.
- 8.1.25 Oldham (2010) ARG UK Advice Note 5 Great Crested Newt Habitat Suitability Index. Amphibian and Reptile Groups of the United Kingdom. May 2010.
- 8.1.26 Sawyer C (2012). Barn Owl *Tyto alba* Survey Methodology and Techniques for use in Ecological Assessment. Wildlife Conservation Partnership.
- 8.1.27 Stace, C. (2019) New Flora of the British Isles 4<sup>th</sup> Edition, C&M Floristics, Middlewood Green, Suffolk.
- 8.1.28 Woodroffe, G. (2007) The Otter, 3rd Revised edition. The Mammal Society Species Series. The Mammal Society
- 8.1.29 UKHab (2023a). The UK Habitat Classification User's Manual Version V2.0 at <http://www.ukhab.org/>.
- 8.1.30 UKHab (2023b).UK Habitat Classification Definition V2.0 at <http://www.ukhab.org/>



## Appendix I – Legislation & Planning Policy

### 8.2 Background

8.2.1 This section provides a summary of the legislation and planning policy that could be relevant to the development. Where possible we have limited this section to the areas relevant to this report. This means the legislation and planning policy outlined below is not included in its entirety.

8.2.2 This section does not constitute legal advice and only represents the interpretation and professional judgement of the ecologists named in this report, on the legislation and planning policy deemed relevant to the development.

### 8.3 RAMSAR Convention

8.3.1 RAMSAR sites are wetlands of international importance that have been designated under the criteria of the RAMSAR Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological biodiversity (JNCC, 2019).

8.3.2 The National Planning Policy Framework (NPPF, 2024) outlines the level of consideration that should be given to RAMSAR sites in Planning. Paragraph 187 states that RAMSAR and potential RAMSAR sites should be given the same protection as ‘habitat sites’ defined as those afforded protection under the Conservation of Habitat and Species Regulations (2017), such as Special Protection Areas or Special Areas of Conservation.

### 8.4 Conservation of Habitat and Species Regulations, 2017

8.4.1 The Conservation of Habitats and Species Regulations, 2017 transposes the EC Habitats Directive and some elements of the EC Bird Directive into national law in England and Wales. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The directive lays down rules for the protection, management and exploitation of such habitats and species.

#### Protected Species

8.4.2 The regulations include provisions that prohibit certain actions from the protection of species listed under Annex II of the Habitat Directive. It is a criminal offence for a person to ‘intentionally or recklessly’ take the following action:

- Deliberately capture, injure or kill any wild animal of a European Protected Species (EPS);



- Deliberately disturb wild animals of any such species in such a way as to be likely to affect significantly the local distribution or abundance of the species to which they are likely to belong;
- Deliberately take or destroy eggs of any such wild animal;
- Deliberately pick, collect, uproot or destroy a wild plant of an EPS; and
- Keep transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of an EPS, or any part of or anything derived from such an animal or plant.

8.4.3 The disturbance of such animals includes in particular; any disturbance that is likely to impact their ability;

- To survive, to breed or reproduce, or to rear or nurture their young;
- In case of animals of a hibernating or migratory species, to hibernate or migrate; or
- To affect significantly the local distribution or abundance of the species to which they belong.

#### Protected Sites

8.4.4 The Conservation of Habitats and Species Regulations, 2017 puts an obligation on the appointed appropriate authority for England & Wales to establish priorities for a network of nationally important sites.

8.4.5 The aforementioned sites, often referred to as European protected sites are formed of two types of sites, Special Protection Areas (sites specifically designated for birds) and Special Areas of Conservation (specifically designated for fauna and flora). The objective is for all species and habitats covered by these sites to contribute towards the maintenance and restoration of their favourable conservation status.

8.4.6 Designation can include but is not limited to the following reasons:

- A natural habitat type specified in Annex I of the Habitat Directive;
- A species specified in Annex II of the Habitats Directive;
- For the coherence of the national network of protected sites; and
- For threats of degradation or destruction to which the sites are exposed.



## 8.5 Wildlife and Countryside Act, 1981 (as amended)

8.5.1 The Wildlife and Countryside Act, 1981 (as amended) primarily transposes the UK Government's obligations under the Bird Directive and Bern Convention into law. The act outlines provisions for the protection of nationally important sites for nature conservation and provides protection at different levels for certain animals and plants, including certain prohibitions.

### Protection of Birds

8.5.2 Part 1 – Section 1 includes certain prohibitions for the protection of birds which make it a criminal offence for a person to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy the egg of any wild bird;
- Have in any one's possession or control any egg or part of an egg which has been taken in contravention of the Act or the Protection of Birds Act, 1954;
- Use traps or similar items to kill, injure or take wild birds;
- Have in one's possession or control any bird of a species occurring on schedule 4 of the Act unless registered, and in most cases ringed, in accordance with the secretary of state's regulations; and
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the independent young of such a bird.

### Protection of Animals

8.5.3 Part 1 – Section 9 of the act includes certain prohibitions for the protection of certain animals named in schedule 5. In summary offences include:

- If any person intentionally or recklessly kills, injures or takes any wild animal included in schedule 5;
- If any person has in his possession or control any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal;



- If any person intentionally or recklessly damages or destroys, or obstructs access to, any structure or place which any wild animal included in schedule 5 uses for shelter or protection; or
- Disturb any such animal while it is occupying a structure or place which it uses for that purpose; and
- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal, or publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.

#### Protection of Plants

8.5.4 Part 1 – Section 13 includes certain prohibitions for the protection of certain wild plants named in schedule 8. In summary offences include if any person:

- Intentionally picks, uproots or destroys any wild plant included in schedule 8, or not being an authorised person, intentionally uproots any wild plants not included in that schedule;
- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild plant included in schedule 8, or any part of, or anything derived from, such a plant; or
- Publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.

#### Invasive Species

8.5.5 Part 1 – Section 14 includes certain prohibitions for the introduction of certain invasive species named in schedule 9 of the act. In summary offences include if any person:

- Subject to the provisions of this part, (a) if any person releases or allows to escape into the wild any animal which is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or (b) is included in Part of Schedule 9; and/ or
- Subject to the provisions of this part, any person who plants, or otherwise causes to grow, any plant in the wild at a place outside of its native range is guilty of an offence.



## Sites of Specific Scientific Interest

- 8.5.6 Part 2 – Sections 28-33 of the act set out the law regarding Sites of Specific Scientific Interest (SSSI) by the conservation bodies in England (Natural England) and Wales (Natural Resource Wales) and outlines the offences with respect to SSSI.
- 8.5.7 The offences outlined in the act apply to any person(s), public body, landowner or occupier as well as statutory undertakers or permitted developments. Examples of offences include (but are not limited to):
- Any person intentionally or recklessly damaging or destroying any of the features of special interest of an SSSI, or disturbing wildlife for which the site was notified;
  - Public bodies are not allowed to carry out damaging operations on an SSSI, except where they notified the relevant conservation agency. It is also an offence for a public body to fail to minimise damage on an SSSI or – if damage occurs – to fail to restore a SSSI to its former state; and
  - Statutory bodies have a general duty to take reasonable steps to further the conservation and enhancement of the special feature of SSSI's;
  - Where statutory bodies propose to undertake or permit activities that could affect a SSSI they must consult the relevant statutory nature conservation agency. If the activity cannot be avoided it must be undertaken in a way least damaging to the SSSI; and
  - If you are the owner or occupier of a SSSI, it is an offence to carry out any activity that may likely damage the SSSI without consent from the relevant conservation agency. The law requires that you inform the conservation agency of any changes in the ownership or occupancy.

## Other Protected Areas

- 8.5.8 Part 2 – Section 34 to 52 of the act deals with other protected areas within the UK such as limestone pavements, national nature reserves and marine nature reserves. The act allows designation of these sites by the appropriate authority for the purpose of conserving flora and fauna or geological or physiological features of specific interest in an area to protect the site. Furthermore, the act prohibits certain actions in National Parks for certain habitats without consent from local authorities.
- 8.5.9 The Countryside Right of Ways Act, 2000 (CRoW Act, 2000) makes provisions for public access, amends the law for public rights of ways and amends existing law on nature conservation and the protection of wildlife as well as makes further provisions for Areas of Outstanding Natural Beauty.



## Wildlife Legislation

- 8.5.10 Part III of the CRoW Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.
- 8.5.11 Schedule 9 of the CRoW Act, 2000 increases powers for the protection and management of SSSI. There are increased powers for appropriate authorities to secure management agreements for SSSI. A duty is placed on public bodies to have regard for the continued conservation and enhancement of SSSI. Furthermore, there are increased penalties for the prosecution of wildlife crime, including for third parties that damage SSSI.
- 8.5.12 Schedule 12 of the CRoW Act, 2000 makes certain offences under the provision of the Wildlife and Countryside Act, 1981 arrestable. Greater powers are given to police and appointed wildlife inspectors under the CRoW Act, 2000 and enables heavier penalties for the prosecution of wildlife crime.

## 8.6 National Parks and Access to the Countryside Act, 1949

- 8.6.1 This act makes provisions for National Parks and the establishment of a National Parks Commission; to confer on the Nature Conservancy and local authorities' powers for the establishment and maintenance of nature reserves. Part III of the act specifically outlines provisions for the designation of nature reserves.

## 8.7 Natural Environment & Rural Communities Act, 2006

- 8.7.1 The Natural Environment and Rural Communities Act (NERC), 2006 is primarily intended to implement key aspects of the governments rural strategy published in July 2004. It also addresses a wider range of issues relating broadly to the natural environment.

### Section 40

- 8.7.2 Section 40 of the NERC Act, 2006, places a duty on any public authority and statutory undertaker to have due regard for the conservation and enhancement of biodiversity when delivering their functions, extending the provisions outlined under section 74 of the CRoW Act, 2000.
- 8.7.3 The policy goes on to state that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population of that habitat.

### Section 41

- 8.7.4 Section 41 of the NERC Act, 2006 requires the secretary of state in consultation with Natural England to outline Species of Principle Importance (SPI) and Habitats of



Principle Importance (HPI) that in their opinion are important for the conservation of biodiversity.

8.7.5 The secretary of state is required to:

- Take such steps as appear to the secretary of state to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section; or
- Promote the taking by others of such steps.

8.7.6 The NERC Act, 2006 also provides some amendments to the Wildlife & Countryside Act, 1981 (as amended) and includes provisions for enforcement powers and the protection of SSSI.

## **8.8 Protection of Badgers Act, 1992**

8.8.1 The Protection of Badgers Act, 1992 makes it a criminal offence to wilfully kill, injure or take any badger, or attempt to do so. It also makes it an offence to intentionally or recklessly damage, destroy or obstruct access to any part of a badger sett.

## **8.9 Wild Mammals (Protection) Act, 1996.**

8.9.1 The Wild Mammals (Protection) Act, 1996 makes provision for the protection of wild mammals from certain cruel acts, and for connected purposes. It would be an offence for any person that mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, drags or asphyxiates any wild animal with intent to inflict unnecessary suffering.

## **8.10 The Environment Act, 2021**

8.10.1 The Environment Act, 2021 gained royal ascent on the 9th November, 2021. The act is wide ranging and broadly has the following aim:

‘a bill to make provision about targets, plans and policies for improving the natural environment, for statements and reports about environmental protection; for the office of environmental protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards, about water, about nature and biodiversity; for conservation covenants; about the regulation of chemicals, and for connected purposes’.

### Nature and Biodiversity

8.10.2 Part 6 – Sections 98 - 101 of the act outlines provisions for biodiversity gain in planning.



- 8.10.3 Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England.
- 8.10.4 Schedule 14 states that, the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the on-site habitat by at least the relevant percentage.
- 8.10.5 It goes on to state that the biodiversity value attributable to the development is the total of:
- The post development biodiversity value of the on-site habitat;
  - The biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development; and
  - The biodiversity value of any biodiversity credits purchased for the development.
- 8.10.6 The relevant percentage is set at 10% for biodiversity gain.
- 8.10.7 Part 6 – Section 100 of the act outlines provisions by regulation for the secretary of a register of biodiversity gain sites (known as the biodiversity gain site register).
- 8.10.8 A biodiversity gain site is land where:
- A person is required under the conservation covenant or planning obligation to carry out works for the purpose of habitat enhancement;
  - Them or another person is required to maintain the enhancement for at least 30 years after the completion of the works; and
  - For the purpose of schedule 7A to the Town and Country Planning Act, 1990 the enhancement is made available to be allocated (conditionally or unconditionally, and whether for consideration or otherwise) in accordance with the terms of the covenant or obligation to one or more developments for which planning permission is granted.
- 8.10.9 Part 6 – Section 101 states that the secretary of state may make arrangements under which a person who is entitled to carry out the development of any land may purchase a credit from the secretary of state for the purpose of meeting the biodiversity gain objective referred to in schedule 7A to the Town and Country Planning Act, 1990 and Schedule 2A of the Planning Act, 2008.
- 8.10.10 A credit is to be regarded for the purpose of that schedule as having such biodiversity value as is determined under the arrangements.



8.10.11 The arrangements may in particular include arrangements relating to:

- Applications to purchase credits;
- The amount payable in respect of a credit of a given value;
- Proof of purchase; and
- Reimbursement for credits purchased for development which is not carried out.

## **8.11 National Planning Policy Framework (2024)**

8.11.1 The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2024) sets out the Government's planning policies for England and how these should be applied. It provides a framework from which locally prepared plans for housing and other developments can be produced.

8.11.2 The NPPF supplements Government Circular: Biodiversity and Geological Conservation 06/2005 (Office of the Deputy Prime Minister, 2005).

### **Conserving and Enhancing the Natural Environment**

8.11.3 Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air



and water quality, taking into account relevant information such as river basin management plans; and

- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

8.11.4 Paragraph 181 states that plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

#### Habitats and biodiversity

8.11.5 Paragraph 185 states: To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration, or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

8.11.6 Paragraph 186 states that, when determining planning applications, local planning authorities should apply the following principles:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.



- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

8.11.7 Paragraph 187 states, the following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed RAMSAR sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

8.11.8 Paragraph 188 states: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

## **8.12 Biodiversity and Geological Conservation Circular 06/2005**

8.12.1 Biodiversity and geological conservation circular 06/2005 provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the NPPF, 2024 and the Planning Practice Guidance. Broadly the guidance covers designated sites, the conservation of habitats and species, including outside of designated sites, protected species by law and the duties and powers used by planning authorities.

8.12.2 Paragraph 82 of the guidance states that 'in determining the application for development that is covered by up-to-date standing advice, a planning authority must take into account this standing advice'.



## Protected Species and Planning

- 8.12.3 Paragraph 98 of the guidance states ‘the presence of a protected species is a material planning consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat’.
- 8.12.4 Paragraph 98 also states that ‘they (the planning authority) should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species.’
- 8.12.5 Paragraph 99 of the guidance goes on to state: ‘it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision’. Paragraph 99 also states that ‘this is justified only, where there is a reasonable likelihood of the species being present and affected by the development.’

## 8.13 Horsham District Council Adopted Local Plan (2015)

- 8.13.1 This section includes the deliberate inclusion of revisions made to Policy 31 outlined below under the draft HDC Local Plan (2020). This has been undertaken in view of recent legislative changes in the UK and additional local requirements that are reasonably likely to be considered at determination for this planning application.

### Policy 25

- 8.13.2 Policy 25 sets out Horsham District Councils (HDCs) commitment to protecting the Natural Environment and Landscape Character. Policy 25 states:
- 8.13.3 The Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:
- 8.13.4 Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.
- 8.13.5 Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.



8.13.6 Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.

8.13.7 Conserve and where possible enhance the setting of the South Downs National Park.

#### Policy 31

8.13.8 Development will be supported where it can demonstrate that it maintains and enhances the existing network of green infrastructure, the Nature Recovery Network, natural capital and biodiversity. Proposals that would result in the loss of existing green infrastructure or part of the Nature Recovery Network will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained.

8.13.9 Proposals will be expected to retain and enhance existing freshwater features, hedgerows, trees and deciduous woodland and the provision of additional hedgerow and tree planting will be sought subject to appropriate consideration of local and wider context, habitats and species.

8.13.10 Where the felling of a tree is necessary, for example due to disease, replacement planting with a suitable species and location to retain the link with the wider network of habitats and Green Infrastructure, will be required.

8.13.11 Development proposals will be expected to remove invasive species and will be required to contribute to the enhancement of existing biodiversity and deliver, as a minimum, a 10% net gain through the delivery of appropriate on-site biodiversity net gain or, where this is not practicable, to off-set the delivery to the Nature Recovery Network.

8.13.12 Proposals should create and manage appropriate new habitats, taking into account pollination, where practicable. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity, and where appropriate the Nature Recovery Network, through the creation of green spaces, and linkages between habitats to create local and regional ecological networks and allow the movement of wildlife through development sites.

8.13.13 Particular consideration will be given to the hierarchy of sites and habitats in the District as follows:

- Special Protection Area (SPA) and Special Areas of Conservation (SAC);
- Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNRs);



- Local Wildlife Sites (LWS), Local Nature Reserves (LNRs) and any areas of Ancient Woodland, traditional orchards, local geodiversity or other irreplaceable habitats not already identified in a & b above.

8.13.14 Where development is anticipated to have a direct or indirect adverse impact on sites or features of importance to nature conservation, development will be refused unless it can be demonstrated that:

- The objectives of a site's designation, where applicable, and integrity of the area will not be undermined;
- The reason for the development clearly outweighs the need to protect the value of the site; and,
- That appropriate mitigation and compensation measures are provided.

8.13.15 Any development with the potential to impact Arun Valley SPA or The Mens SAC will be subject to a Habitats Regulation Assessment to determine the need for an Appropriate Assessment. In addition, development will be required to be in accordance with the necessary mitigation measures for development set out in the HRA of this plan.

## **8.14 Birds of Conservation Concern**

8.14.1 Birds of Conservation Concern is a report compiled by a coalition of the UK's leading bird conservation and monitoring organisations and reviews the conservation status of all regularly occurring birds in the UK, Channel Islands and Isle of Man. The report was first released in 1996 and is currently in its 5th edition, released in 2021.

8.14.2 The bird species that breed and overwinter in the UK are assessed against a set of objective criteria and placed on the Green, Amber or Red lists that indicate the levels of conservation concern. The quantitative criteria collected is assessed against the historical decline, recent trends in population and range, population size, localisation, and the level of international importance of each species, as well as its global and European threat status.

## **8.15 IUCN Red List**

8.15.1 The international Union for Conservation of Nature (IUCN) Red List of Threatened Species (also known as the IUCN Red List or Red Data Book) is an inventory of the global conservation status of biological species. The inventory is based upon internationally accepted criteria that evaluates the extinction risk of species in all regions of the world. There are two types of red list, the global and national lists. In the UK the IUCN Red List is overseen by an interagency working group that is coordinated by the Joint Nature Conservation Commission.



## 8.16 Bibliography – Appendix I

- 8.16.1 A., Eaton., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. (2021) The Status of our bird populations: the first Bords of Conservation Concern In the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114: 723-747. (Online). Available online at <https://britishbirds.co.uk/content/status-our-bird-populations>.
- 8.16.2 Countryside Right of Ways Act, 2000 (C37) (Online) London, The Statutory Office. Available at <http://www.legislation.gov.uk>.
- 8.16.3 DEFRA (2011) Biodiversity 2020: A strategy for England's Wildlife and Ecosystem services. (Online). Available at <https://assets.publishing.service.gov.uk>.
- 8.16.4 HDC (2015) Horsham District Council Adopted Local Plan.
- 8.16.5 HM Government (2018) A Green Future: Our 25 Year Plan to Improve the Environment. Available online at: [www.gov.uk/government/publications](http://www.gov.uk/government/publications).
- 8.16.6 JNCC (2019) RAMSAR Convention, (Online) Joint Nature Conservation Committee. Available at <http://www.JNCC.gov.uk/our-work/Ramsar-convention>.
- 8.16.7 JNCC (2020) Red Lists in Great Britain, Joint Nature Conservation Committee. (Online) Accessed January 2024. Available at <http://jncc.gov.uk/our-work/red-list-in-great-britain>.
- 8.16.8 JNCC (2022) Conservation Designations for UK Taxa 2022. (Online), Joint Nature Conservation Committee. Available at <http://hub.jncc.gov.uk/assets/478f7160-967b-4366-acdf-8941fd33850b>.
- 8.16.9 Ministry of Housing, Communities & Local Government (2024) National Planning Policy Framework. (Online) Ministry of housing and Local Government, Fry Building, 2 Marsham Street, London, SW1P 4DF.
- 8.16.10 National Park and Access to the Countryside Act, 1949. (Online). Available at <http://legislation.gov.uk>.
- 8.16.11 Natural Environment & Rural Communities Act, 2006. (Online). Available at <http://legislation.gov.uk>.
- 8.16.12 ODPM Circular 06/2005. Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (2005). Norwich: HMSO. Accessed April 2024. Available at <http://www.go.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>.
- 8.16.13 Protection of Badgers Act (1992) (C1-3) (Online). London, The Statutory Office. Accessed January 2024. Available at <http://legislation.gov.uk>.
- 8.16.14 The Conservation of Habitat & Species Regulation (2017) (Online). London: The Statutory Office. Available from <http://legislation.gov.uk>.
- 8.16.15 The Environment Act, 2021. (Online). Available at <http://legislation.gov.uk>.
- 8.16.16 Wildlife and Countryside Act, 1981 (As amended). (Online). Available at <http://www.legislation.gov.uk>.
- 8.16.17 Wild mammals (Protection) Act, 1996. C1. (Online). London. Statutory Office. Accessed January 2024. Available at [www.gov.uk/government/publications](http://www.gov.uk/government/publications).