



Preliminary Ecological Appraisal

Bowood, Bashurst Copse, Itchingfield, West Sussex, RH13 0NZ

September 2024



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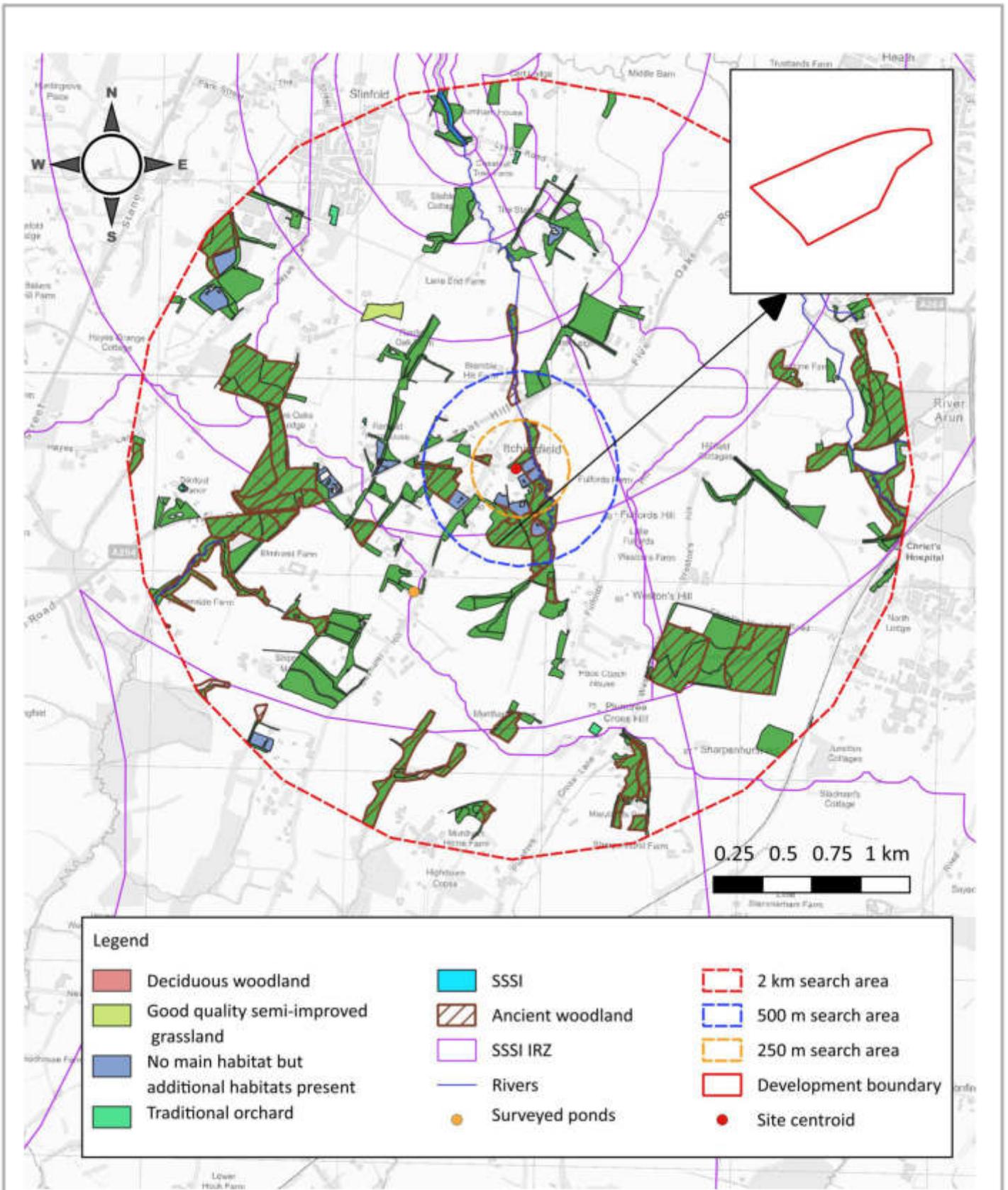
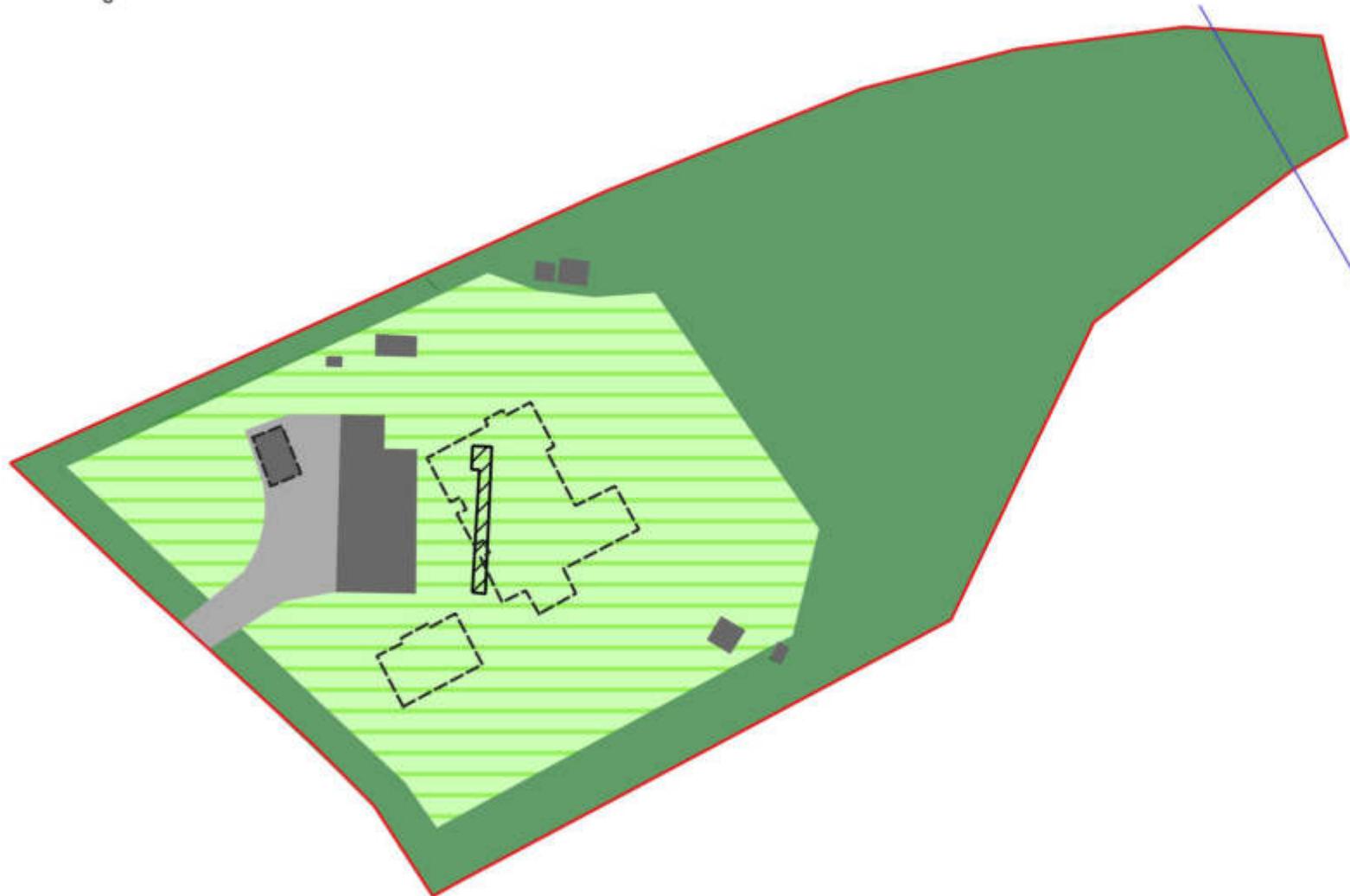


Figure Title Site Location and Desk Study Results			Client/Report Ref: Mr S Jefferies C-NJA-003-001-001		
Site Location Bowood, Bashurst Copse, Itchingfield, Horsham, West Sussex, RH13 0NZ					
Figure no: 1	Revision no: 1	Scale: 1:43568			
Cartographer: Amy Oldham	Date Drawn 16/09/2024	Reviewed by: Joseph Baker			
			enquiries@arunecology.com www.arunecology.com		



Legend

-  Development boundary
-  Proposed new house
- UK Habitat Classification**
-  u1b5 - buildings
-  u1b - developed land. sealed surface
-  w1f - lowland mixed deciduous woodland
-  g3c - other neutral grassland
-  Introduced shrub
-  River/stream

Figure Title:

UK Habitat Classification Survey - Results

Client/ Report ref:

Mr S Jefferies C-NJA-003-001-001

Site Location:

Bowood, Bashurst Copse, Itchingfield, Horsham,
West Sussex, RH13 0NZ

Figure no:

2

Revision no:

1

Scale:

1:1177

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Date Drawn:

16/09/24

Reviewer:

Hannah
Baker

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Photo 1: Displaying part of the lowland mixed deciduous woodland - ancient woodland with a more sparse understory.



Photo 2: Displaying part of the lowland mixed deciduous woodland - line of trees located along the northern boundary of the site.



Photo 3: Displaying an open woodland space within the lowland mixed deciduous woodland - ancient woodland with scattered trees and scrub.



Photo 4: Displaying other neutral grassland and lowland mixed deciduous woodland - line of trees along the western boundary of the site.



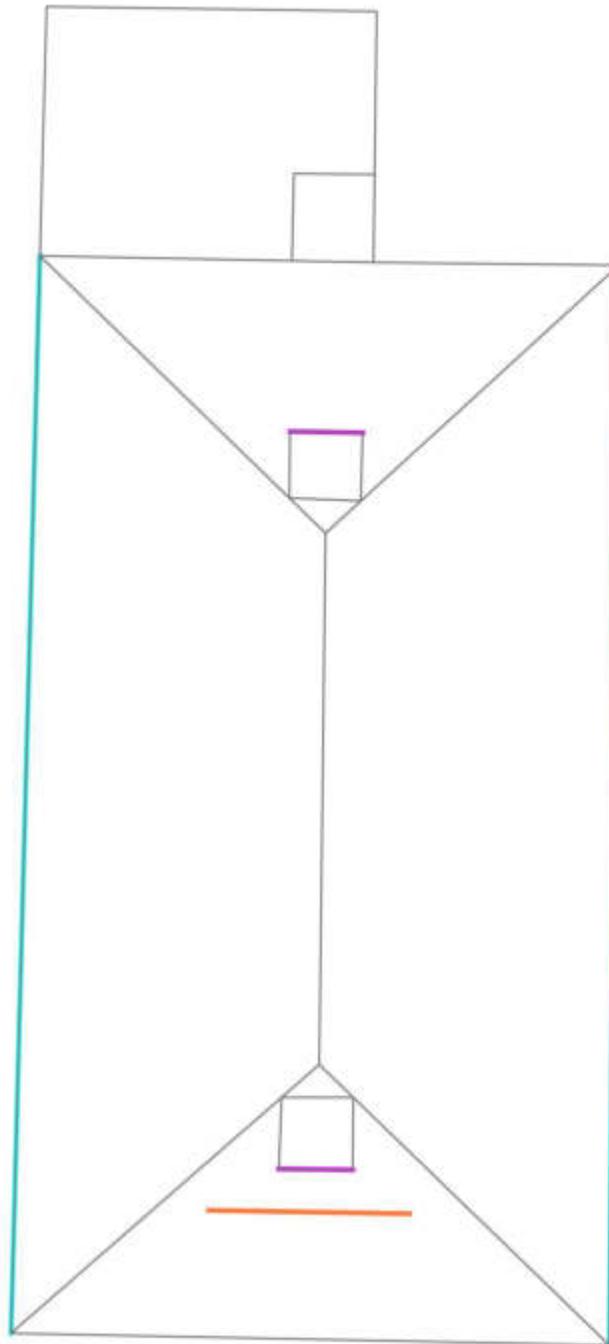
Photo 5: Displaying other neutral grassland, lowland mixed deciduous woodland - ancient woodland and introduced shrubs.



Photo 6: Displaying a stream located within lowland mixed deciduous - ancient woodland located within the site.



Site Location			Client/ Report ref:	
Bowood, Bashurst Copse, Itchingfield, Horsham, West Sussex, RH13 0NZ			Mr S Jefferies	
Figure Title			Report reference:	
UK Habitat Classification Survey - Photographs			C-NJA-003-001-001	
Figure no:	Revision no:	Scale:	 enquiries@arunecology.com www.arunecology.com	
3	1	n/a		
Cartographer:	Date Drawn	Reviewed by:		
Amy Oldham	16/09/2024	Hannah Baker		



Legend

-  Lifted lead flashing
-  Gaps under eaves
-  Gaps in wooden cladding
-  Building layout

Figure Title:

Preliminary Roost Assessment - Results

Client/ Report ref:

Mr S Jefferies C-NJA-003-001-001

Site Location:

Bowood, Bashurst Copse, Itchingfield, Horsham,
West Sussex, RH13 0NZ

Figure no:

4

Revision no:

1

Scale:

1:170

Cartographer:

Amy
Oldham

Date Drawn:

02/09/24

Reviewer:

Hannah
Baker

Photo 1: Displaying the western aspect of building B1.



Photo 2: Displaying the eastern aspect of building B1.



Photo 3: Displaying gaps around wooden beams under eaves on building B1.



Photo 4: Displaying gaps under eaves on the exterior of building B1.



Photo 5: Displaying the north eastern aspect of building B1 and gaps under lead flashing.



Photo 6: Displaying gaps around piping on the exterior of building B1.



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Site Location Bowood, Bashurst Copse, Itchingfield, Horsham, West Sussex, RH13 0NZ			Client/ Report ref: Mr S Jefferies
Figure Title Preliminary Roost Assessment – Photographs			Report reference C-NJA-003-001-001
Figure no: 3	Revision no: 1	Scale: n/a	 enquiries@arunecology.com www.arunecology.com
Cartographer: Amy Oldham	Date Drawn 16/09/2024	Reviewed by: Hannah Baker	



Summary and Recommendations

Proposals	<ul style="list-style-type: none"> • Steve Jefferies is proposing a development (grid reference: TQ 12835 29563) at Bowood, Bashurst Copse, Itchingfield, Horsham, West Sussex, RH13 0NZ. • The applicant seeks planning permission for a development that includes the demolition of an existing residential property and the construction of a new residential dwelling, garage and associated landscaping of the site.
Surveys	<ul style="list-style-type: none"> • A desk study was conducted that included the purchase of records from the Sussex Biodiversity Record Centre. • A site visit was completed that included a UK Habitat Classification Survey (UK Habs, 2023) and an appraisal of the site habitats to act as ecological receptors.
Impact assessment	<ul style="list-style-type: none"> • It is not possible to conclude that there will be no adverse impacts on the Arun Valley RAMSAR/SPA/SAC arising from the development in line with Natural England’s standing guidance for any new development that requires a public water supply within the Sussex North Water Resource Zone. • To ensure there are no accumulative adverse impacts on a qualifying feature of The Mens SAC (barbastelle bat), mitigation will be required to ensure there is no severance of flightlines for bats within the site. • There is an ancient woodland parcel present within the site. Mitigation will be required to ensure there are no adverse impacts to this irreplaceable habitat type. • Lowland mixed deciduous woodland – line of trees parcels were recorded within the site that will meet the criteria as Habitat of Principle Importance. Mitigation will be required to ensure there are no impacts during the construction phase of the development on these habitat parcels. • There is a stream located within the site and mitigation will be required to ensure that there are no adverse impacts on the stream from pollution during the construction phase of the development. • Based upon the desk study results and habitats recorded on-site, badger and other mammal burrows, roosting bats, bat flightlines, hedgehog, nesting birds and reptiles are a material consideration for the development. • Building B1 was assessed as having moderate suitability for roosting bats and the removal of this building as part of the development could impact bats without further surveys to determine the presence/ likely absent of bats. Building B1 was also assessed as having suitability for nesting birds. • In line with national and local policy, the development will be required to incorporate ecological enhancements into the design, separate from biodiversity net gain requirements.



	<ul style="list-style-type: none"> The development will however be exempt from achieving measurable net gains as defined under The Environment Act, 2021.
Recommendations	<p>The recommendations below represent a summary only. The full recommendations of this report are outlined in section 6 of this report.</p> <p>Further Surveys</p> <ul style="list-style-type: none"> Two bat emergence surveys on building B1 should be undertaken in line with BCT Good Practice Guidelines (Collins, 2023) to determine the presence or likely absence of bats and characterise any bat roosts (if present). <p>Mitigation</p> <ul style="list-style-type: none"> To ensure there is no severance of flightlines within The Mens SAC zone of influence as a result of accumulative illumination ‘light pollution’ of flightlines, 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 GN08/23 Bats and Artificial Lighting at Night (BCT & ILP 2023). The mitigation measures outlined in this report for ancient woodland should be incorporated into the design of the development. Furthermore, the mitigation outlined for the construction phase of the development for lowland mixed deciduous woodland and ancient woodland parcels should be followed to ensure there are no adverse impacts on these habitat parcels within the site. The mitigation measures outlined in this report for badger and other mammal burrows, bats (foraging and commuting habitat), nesting birds, hedgehog and reptiles should be followed during the construction phases of the development. The pollution prevention measures outlined in this report should be followed to reduce site-based pollution and prevent any offsite pollution to the nearby stream habitat. The long-term management of non-native invasive species within the site including schedule 9, Rhododendron sp. is a consideration outside of the scope of this development to avoid the long-term degradation of lowland mixed deciduous woodland and ancient woodland parcels within the site. <p>Ecological Enhancements</p> <ul style="list-style-type: none"> The ecological enhancements outlined within this report should be incorporated into the design of the development.



1. Introduction

1.1 Development Location

1.1.1 Steve Jefferies is proposing a development (grid reference: TQ 12835 29563) at Bowood, Bashurst Copse, Itchingfield, Horsham, West Sussex, RH13 0NZ (see Figure 1). The Bowood property is hereafter referred to as ‘the site’ and Steve Jefferies as the ‘applicant’.

1.2 Development Proposals

1.2.1 The applicant seeks planning permission that include the following proposals (as per Scandia-Hus Proposed Site and Block Plan c/no 8318, drawing number 01):-

- Demolition of an existing dwelling;
- Construction of a new dwelling;
- Construction of a new garage; and
- Associated landscaping of the site.

1.2.2 The proposal above is hereafter referred to as ‘the development’ in this report.

1.2.3 The local planning authority for the site’s location is Horsham District Council (HDC). The applicant has informed Arun Ecology Ltd that they intend to submit the planning application to HDC for the development.

1.3 Ecology Background

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

1.4 Brief and Objectives

1.4.1 Arun Ecology Ltd were commissioned by the applicant to undertake a Preliminary Ecological Appraisal (PEA) at the site.

1.4.2 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.

1.4.3 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 at the site to record the habitats within the site, assess their conservation value and suitability to act as ecological receptors for protected species and species of conservation concern, including a detailed assessment of the suitability of structures and trees to support roosting bats; and
- Provide a PEA report supported by digitized mapping that presents the methods and results of the desk study and the UK Habitat Classification survey at the site. The report will also include an initial impact assessment of the development and any recommendations, including opportunities for ecological enhancement and net gains for biodiversity.



2. Method

2.1 Preliminary Ecological Appraisal

General Approach

2.1.1 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).

2.2 Desk Study

2.2.1 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 as 'the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities' (CIEEM, 2018).

2.2.2 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.

2.2.3 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;
- HDC Local Plan (2015);
- Satellite images (powered by google via QGIS 3.3); and



- Purchased records from Sussex Biodiversity Record Centre.

2.3 Field Habitat Survey

Survey Area

- 2.3.1 The study area for the field survey was defined as all of the land within the site boundary (see Figure 2).

UK Habitat Classification Survey

- 2.3.2 The field survey was undertaken using the UK Habitat Classification system (UK Habs, 2023a; hereafter referred to as UK Habs in this report) to record the habitat types within the site boundary. The UK Habitat Classification has 5 hierarchical levels of habitat classification that aligns with those outlined under national legislation and planning policy. Habitats were mapped in the field using the primary habitat codes described in the UK Habitat Classification Professional Edition to levels 3, 4 or 5 (UK Habs, 2023b).
- 2.3.3 Secondary habitat codes and target notes were assigned along with primary habitat codes to provide additional context where the habitat contained additional features that deviate from the primary classification.
- 2.3.4 To identify each habitat, the dominant plant and other readily identified species were recorded and their abundance within the site was measured using the DAFOR scale (Stace, 2019).

2.4 Site Habitat Suitability Assessment

General Approach

- 2.4.1 The site 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 site to support protected species and species of conservation concern.

Group/ taxa	Habitat Appraisal References
Amphibians/ GCN	<ul style="list-style-type: none"> GCN Habitat Suitability Index (Oldham et al. 2010); and Great Crested Newt Conservation Handbook (Langton et al, 2001).
Bats	<ul style="list-style-type: none"> Bat Conservation Trust Good Practice Guidelines (Collins, 2023).
Birds	<ul style="list-style-type: none"> A Field Guide to Monitoring Nests (Ferguson-Lees et al, 2011); and Barn Owl Tyto alba Survey Methodology and Techniques for use in Ecological Assessment (Shawyer, 2011).
Mammals	<ul style="list-style-type: none"> Surveying Badgers (Harris et al, 1989) and Badger Trust Best Practice Guidelines (Badger Trust, 2023); The Dormouse Conservation Handbook (Bright et al, 2006). UK BAP Mammals Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation (Cresswell, et al, 2012); Otter (Woodroffe, 2007), Hedgehog (Morris, 2011); Water shrew (Carter, 2006) - Mammal Society Species Series; and Water Vole Field Signs and Habitat assessment (Dean, 2022) and Water Vole Mitigation Handbook (Dean et al, 2016).
Reptiles	<ul style="list-style-type: none"> Herpetofauna Workers' Manual (Gent & Gibson, 2003); and Reptile Habitat Management Handbook (Edgar, 2010).
Invertebrates	<ul style="list-style-type: none"> Good Planning Practice for Invertebrates (Buglife, 2015); and Organising Surveys to Determine Site Quality for Invertebrates (English Nature, 2005).

Bats – Preliminary Roost Assessment

- 2.4.2 A bat preliminary roost assessment (PRA) of structures and trees as well as an assessment of the sites habitat for bats was carried out in accordance with the Bat Conservation Trust Good Practice Guidelines for Ecologists (Collins, 2023).
- 2.4.3 A ground level inspection of the exterior of any structures and trees within the site 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.
- 2.4.4 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 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.
- 2.4.5 A classification based upon the roosting suitability for bats was assigned for each structure and tree that was inspected within the site as well as the overall suitability of site 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.

2.4.6 The bat PRA included the collection of information on the structure type and condition as well as the construction materials. For trees, where present, the species, height, condition, and approximate age was collected where a tree was assessed as having bat roosting potential.



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.

2.5 Survey Dates and Conditions

2.5.1 Details on the date, timing and weather conditions recorded during the survey are provided below in Table 4.

Table 4 – Field Survey Information.

Date	Survey type	Survey timings		Temperature (°C)		Rain	Wind (Beaufort scale)
		Start	Finish	Start	Finish		
21/05/2024	UK Habitat Classification and Bat PRA.	14:00	16:30	18	18	None	2

2.6 Surveyors

2.6.1 The field surveys were undertaken by Joseph Baker BSc (Hons). Joseph Baker has 8 years of professional consultancy experience and is adequately trained to carry out UK Habitat Classification Surveys. Joseph Baker is also registered to use the Level 2 Class Licence to survey bats.

2.7 Limitations

2.7.1 No survey limitations were recorded during the UK Habitat Classification Survey or the bat PRA.



3. Results

3.1 Desk Study

Designated Sites

3.1.1 The results of the desk study search for statutory and non-statutory designated sites are detailed below in Table 5 (see Figure 1).

Table 5 - 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
International			
RAMSAR/ SAC/SPA	Arun Valley	Site within Sussex North Water Resource Zone	This site covers an area of approximately, 487.48 ha – 553 ha in size (that includes the Pulborough Brooks, Amberley Wild Brooks and Waltham Brooks SSSI). Designated primarily for Ramshorn Snail, Bewick Swan and its bird assemblages. There are also 14 other qualifying features for the designations.
SAC	The Mens	The nearest boundary is 9.7 km west of the site. Site is within the 12 km Zone of Influence.	Designated due to its Lowland broadleaved, mixed and yew woodland, and its assemblages of invertebrates and breeding birds. Another qualifying feature of the SAC is barbastelle bat.

Habitats of Principle Importance

3.1.2 Details on the number of HPI, the habitat type and the distance from the site to the closest HPI parcel are detailed in Table 6 (see Figure 1).



Table 6 - Habitats of Principle Importance returned from the desk study search within 2 km of the site.

Habitat of Principle Importance		
Habitat type	Number of HPI parcels within 2 km	Distance and direction of nearest HPI parcel and other notable parcels
Deciduous woodland	265	<ul style="list-style-type: none"> • Twelve deciduous woodland parcels were returned within 250 m of the site. • The site is bordered by deciduous woodland on the northern and eastern aspects.
No main habitat but additional habitat present	15	<ul style="list-style-type: none"> • Four parcels were returned within 250 m of the site; and • The broad category returned 1 traditional orchard and 14 deciduous woodland parcels.
Traditional orchard	9	<ul style="list-style-type: none"> • The nearest traditional orchard is 820 m west of the site.
Good quality semi-improved grassland	1	<ul style="list-style-type: none"> • The nearest good quality semi-improved grassland is 980 m north-west of the site.

3.1.3 No ponds were recorded within 500 m of the site. There was a single surveyed priority pond returned from the national inventory approximately 830 m south of the site.

3.1.4 Thirteen main river parcels were returned within 2 km of the site (see Figure 1). None of these were priority river habitat. The closest river parcel was at the rear of the property.

Ancient Woodland

3.1.5 There were 41 ancient woodland parcels returned within 2 km of the site (see Figure 1). There is an ancient woodland parcel that falls within the site boundary.

Protected Species and Other Species of Conservation Concern

3.1.6 Fifty-three species of conservation concern that broadly could be relevant to the development were selected from the records returned by the Sussex Biodiversity Record Centre within 1 km of the site. The above species included 1 amphibian, 8 bats, 5 invasive non-natives, 1 higher plant, 2 invertebrates, 31 birds, 1 reptile and 4 other (excluding bats) mammals (see Table 10, Appendix I).

3.1.7 No EPSLs were granted within 1 km of the site.



3.2 UK Habitat Classification Survey Results

3.2.1 The habitats recorded during the UK Habitat Classification Survey within the development boundary are described below in Table 7 and displayed in Figure 2 with photographs of habitats displayed in Figure 3.

Table 7 – Habitats recorded within the development boundary during the UK Habitat Classification Survey.

UK Habitat Classification code	Approx. Area sqm	Summary and species list
Grassland		
<p>Primary: Other neutral grassland</p> <p>Secondary: Introduced shrubs</p> <p>Code: g3c - 847</p>	2490	<p>There is an area of other neutral grassland that spans the entire length of the site. The grassland had a short sward height of approximately 50 mm throughout most of its extent reflecting its use as an amenity space within a residential property. The sward height was high at approximately 300 mm in the eastern section of the site. The grassland was relatively species poor with approximately 5 – 8 species recorded per metre squared, however the total number of species (richness) was relatively higher. There are introduced shrubs located throughout the grassland.</p> <p>The composition of this grassland appeared to change from neutral in the west of the site to slightly acidic in the east of the site. This grassland did not key out definitively in UK Habitat Classification or National vegetation Classification criteria as an acidic grassland, lacking strong calcifuges that are indicative of an acidic community.</p> <p>Species recorded</p> <p>Grasses: (D) Sweet vernal grass, (A) sheep’s fescue, (F) perennial rye grass, (F) red fescue, (F) smooth meadow grass, (F) Yorkshire fog, (F) crested dog’s tail, (F) meadow foxtail, (O) cock’s foot, (O) annual meadow grass and (O) false oat grass.</p> <p>Other species: (A) Creeping buttercup, (F) dandelion, (F) germander speedwell, (F) hedge bedstraw, (F) mouse ear hawkbit, (F) selfheal, (O) rough hawkbit, (O) soft rush, (O) violet sp. (O) hairy St johns’ wort, (O) fleabane, (O) tutsan, (O) marsh thistle, (O) lesser stitchwort, (O) herb Robert, (O) woodland sedge, (R) addersmeat, (R) barren strawberry and (R) common spotted orchid.</p> <p>Introduced shrubs: (R) hornbeam, (R) cherry laurel, (R) eared willow, (R) Japanese maple, (R) grey willow, (R) laurestine, (R) purple toadflax, (R) pendulous sedge.</p>



Woodland		
<p>Primary: Lowland mixed deciduous woodland</p> <p>Secondary: Ancient woodland site; woodland open space.</p> <p>Code: w1f – 28; 217</p>	2630	<p>There is a large parcel of woodland located in the eastern section of the site. The woodland parcel is listed as an ancient woodland under the national inventory. Several ancient woodland indicator species were recorded within the extent of the woodland that falls within the site. The understory within the main woodland parcel was relatively sparse within the site.</p> <p>A more open area characterised by bracken, grassland and individual trees was included within the woodland extent. When assessed against the entire woodland extent (of which only a small part falls within the site), this area would represent a woodland opening.</p> <p>Canopy layer: (D) Pedunculate oak, (F) Hornbeam, (F) silver birch, (O) downy birch, (O) ash, (R) wild service tree.</p> <p>Shrub layer: (A) Holly, (F) hazel, (F) hawthorn, (F) blackthorn, (O) honey suckle.</p> <p>Ground flora: (A) Bracken, (F) wood millet, (F) bluebell, (F) dog’s mercury, (F) wild garlic, (F) wood sorrel, (F) woodland sedge, (F) wood anemone, (F) ground ivy (F) field wood rush, (F) lesser stitchwort, (O) wood sage, (O) green dock, (R) wild daffodil.</p>
<p>Primary: Lowland mixed deciduous woodland</p> <p>Secondary: Line of trees</p> <p>Code: w1f - 33</p>	410	<p>There are two parcels of lowland mixed deciduous woodland - line of trees that extend from the ancient woodland parcel described above. The line of trees has an intact canopy and a well-established understory for both parcels. Woodland – line of trees was primarily selected as the habitat is greater than 5 m at the base in both parcels.</p> <p>Canopy layer: (D) Pedunculate oak, (O) ash, (F) Hornbeam, (F) silver birch, (O) downy birch, (R) wild service tree.</p> <p>Shrub layer: (A) Cherry laurel, (A) Holly, (F) hazel, (F) hawthorn, (F) blackthorn, (F) Rhododendron sp, (O) honey suckle, (O) Portuguese laurel, (O) lily magnolia, (R) butcher’s broom.</p> <p>Ground flora: (F) Yorkshire fig, (F) common bent grass, (F) smooth meadow grass, (F) red fescue, (F) Sheep’s fescue, (O) wood millet, (O) bluebell, (O) dog’s mercury, (O) woodland sedge, (O) wood sage, (O) green dock, (O), lesser stitchwort, (O) ground ivy.</p>
Urban		
<p>Primary: Building</p> <p>Code: u1b5</p>	195	There are eight buildings recorded within the site. They include a residential dwelling, garage, greenhouses and storage sheds.
<p>Primary: Developed land sealed surface</p> <p>Code: u1b</p>	185	There is an area of developed land sealed surface driveway at the residential property. There is no vegetation associated with this habitat.



Wetlands		
Primary: Rivers and streams Code: r2	17	There is a small stream located along the eastern boundary of the site. The stream is a tributary of the River Arun. No vegetation was recorded within the stream at the time of the survey. The stream was situated within a lowland mixed deciduous (ancient) woodland and as such the vegetation in the riparian zone was associated with this habitat as described above.



3.3 Site Habitat Suitability Assessment

3.3.1 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 UK Habitats Classification Survey is provided below in Table 8. The results of the bat PRA are summarised below, displayed in Figure 4 and 5 and given in full in Appendix II - Table 11.

Table 8 – 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"> One record for GCN was returned from the desk study search, located 0.6 km from the site and no EPSLs have been granted for GCN within 1 km of the site. No ponds were identified within 500 m of the site from satellite imagery and OS mapping. No suitable breeding habitat for GCN was recorded within the site. Suitable terrestrial habitat for GCN was recorded within the site in the form of lowland mixed deciduous woodland parcels. The other neutral grassland which falls within the immediate footprint of the development provides unsuitable structure for GCN as a resting place at the time of the UK Habs survey, with a sward height of > 50 mm. Based on the above points it is reasonably unlikely GCN will be encountered within the site or that the habitat within the site forms part of the terrestrial habitat of any GCN metapopulation.
Bats	<ul style="list-style-type: none"> Several records for bat species were returned from the desk study search within 1 km of the site. Building B1 was classified as having moderate suitability to support roosting bats in-line with BCT Good Practice Guidelines (Collins, 2023). Buildings B2-B8 were all classified as having negligible potential for roosting bats. It is also possible that mature trees as part of lowland mixed deciduous woodland within the site could provide roosting opportunities for bats. However, no trees with features suitable for roosting bats were recorded within the immediate footprint of the development. The habitat within the site was classified as having high suitability for bats and includes lowland mixed deciduous (ancient) woodland, line of trees, a stream, other neutral grassland, introduced shrubs and building B1, a thatched roof dwelling (see Figure 2) that provide value to commuting and foraging bats with connectivity to the wider rural landscape. The above points taken together suggests the site could provide value for roosting bats and for foraging and commuting bats.



<p>Birds</p>	<ul style="list-style-type: none"> • Several records of common bird species and several SPI were returned from the desk study search within 1 km of the site. • Habitats recorded within the site including lowland mixed deciduous (ancient) woodland, line of trees, introduced shrubs and buildings (buildings B1, B2, B4, B5, and B6) provide habitat for nesting birds (see Figure 2 and 3). These habitats along with the other neutral grassland also provide foraging opportunities for birds within the site. The current sward height of the other neutral grassland within the main footprint of the development provides insufficient cover for ground nesting birds. • The lowland mixed deciduous (ancient) woodland within the site, is broadly a habitat that can be associated with bird species and assemblages of conservation concern, although only a small section falls within the site. The habitat within the main footprint of the development is likely to be suitable for small populations of common and generalist bird species and is unlikely to support significant populations of SPI or important bird assemblage.
<p>Terrestrial mammals (non-bats)</p>	<ul style="list-style-type: none"> • Badger: No field evidence of badger activity or badger setts were incidentally recorded within the site at the time of the UK Habitat Classification survey. There is lowland mixed deciduous woodland that extends into the site which is a typical habitat that can be used by badgers, indicating they could be found near to the site. The modified grassland within the site is also a potential foraging resource for badgers given its proximity to woodland. • Hazel dormouse: Two records of hazel dormouse were returned from the desk study search within 1 km of the site. The site includes parcels of lowland mixed deciduous woodland which is a habitat typically associated with hazel dormouse. The understory of the woodland within the site was considered to be sub-optimal habitat for dormouse, the wider lowland mixed deciduous (ancient) woodland parcel outside of the site was not assessed in sufficient detail due to site access and as such it is possible hazel dormouse could be found near to the site. The habitat within the immediate footprint of the development was comprised of other neutral grassland and developed land sealed surface with no suitability for hazel dormouse. • Hedgehog: The lowland mixed deciduous woodland within the site is reasonably likely to provide foraging and resting places for hedgehog. The other neutral grassland within the development boundary also provides suitable foraging habitat for hedgehog. As such, it is reasonably likely that hedgehog could be encountered within the site and main footprint of the development. • Other mammal burrows: Several rabbit burrows were recorded in the eastern section of the site during the UK Habs survey. As such it is possible the above species could be found near to or within the footprint of the proposed development. • Otter and water vole: No records of otter or water vole were returned within 1 km of the site. There is a small tributary stream located along the eastern site boundary, within the lowland mixed deciduous woodland, which broadly is habitat associated with these species.



	<p>Despite this, the small size of the stream, it's location within the catchment (which is close to the stream source) and its lack of in-channel vegetation, makes it reasonably unlikely to provide sufficient resources for these species. Furthermore, otter and water vole are scarce within the River Arun catchment. Based on the above points, otter and water vole are reasonably unlikely to be encountered within the site.</p>
Reptiles	<ul style="list-style-type: none"> • A single grass snake record was returned from the desk study search within 1 km of the site. There was suitable reptile habitat recorded within the site in the form of a lowland mixed deciduous (ancient) woodland – open woodland space and the edge habitat where the lowland mixed deciduous woodland meets the other neutral grassland. • The site habitat within the main footprint of the development is comprised almost entirely of other neutral grassland which at the time of the UK Habs survey did not provide suitable reptile habitat due to the lack of sufficient structure/cover characterised by a short sward height > 50 mm and uniform structure (as opposed to a coarse tussocky structure) as a result of regular mowing and upkeep as a residential garden.
Invertebrates	<ul style="list-style-type: none"> • Two records of invertebrates listed as SPI were returned from the desk study within 1 km of the site, namely brown hairstreak butterfly and cinnabar moth. • The lowland mixed deciduous woodland – ancient and line of trees parcels within the site provides suitable habitat for a range of invertebrates, including species of conservation concern. The habitat present within the immediate footprint of the development consists mainly of other neutral grassland with a uniform structure that provides value for invertebrates however, the quantity and quality of available habitat is reasonably unlikely to support any important invertebrate assemblages or significant populations of conservation concern.
Plants, Lichens and Fungi	<ul style="list-style-type: none"> • Butcher's broom was recorded within the lowland mixed deciduous - woodland parcel – line of trees which is a protected plant of conservation concern. No protected plants or plants, fungi or lichens of conservation concern were recorded within the other neutral grassland within the main footprint of the development. • The lowland mixed deciduous (ancient) woodland is a habitat that could support plants, fungi and lichens of conservation concern. The other neutral grassland within the main footprint of the development was in less favourable condition and the current management regime as a residential garden suggests that it is reasonably unlikely that species of conservation concern will be found within this area.



Non-native and Invasive Species	<ul style="list-style-type: none">• Schedule 9 Invasive Non-Native Species <i>Rhododendron</i> sp. was recorded within the lowland mixed deciduous woodland parcels within the site. Several other non-native introduced shrubs characterise the site.
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4. Legislation and Planning Policy

4.1.1 The purpose of this section is to evaluate the legislation and planning policy that is either known to be or that could be a material consideration to the development based upon the desk study survey and the field survey results. A summary of the relevant legislation and planning policy in context of the development is provided below in Table 9. Further details of the UK legislation and planning policy relevant to the qualifying features in this section are detailed in Appendix III.

Table 9 – Legislation and planning policy evaluation of the development.

Ecological Feature	Relevant Legislation & Planning policy	Impact assessment and legal compliance	Rationale and comments
Designated sites			
Arun Valley RAMSAR/SAC/SPA	<ul style="list-style-type: none"> Conservation of Habitat & Species Regulations, 2017; Nation Planning Policy Framework, 2023; and HDC Local Plan – Policy 25 and 31. 	Further consultation/assessment required	<ul style="list-style-type: none"> In-line with Natural England’s standing advice no adverse impacts on the Arun Valley RAMSAR/SAC/SPA can be concluded for any new developments that requires a public water supply that is located within the SNWRZ. No area of habitat will be lost within the designated site, as the development will be retained within the site boundary and is > 5 km from the nearest boundary. No further impacts are likely to arise as a result of increased recreation pressure or degradation from construction-based pollution due to the scale of the development being minor and the distance from the designated sites. Recommendations are outlined in section 6.2 of this report to ensure the development proceeds lawfully.



The Mens SAC	<ul style="list-style-type: none"> • Conservation of Habitat & Species Regulations, 2017; • Nation Planning Policy Framework, 2023; and • HDC Local Plan – Policy 25 and 31. 	Mitigation Required	<ul style="list-style-type: none"> • The site falls within the outer section of the 12 km zone of influence for The Mens SAC. • The development: <ul style="list-style-type: none"> ○ Will not result in the loss of any area of habitat within the SAC as it is located outside of the SAC site boundary; and ○ Will not directly remove any habitat within the site that could provide a suitable flightline for a qualifying feature of the SAC (barbastelle bat). • While it is reasonably unlikely alone to adversely impact the qualifying features of the designation, the artificial lighting of important flightlines such as the lowland mixed deciduous woodland – line of trees and ancient woodland parcels within the site could have an accumulative impact locally on the available flightlines for barbastelle bats within the zone of influence of the SAC • The recommendations outlined in section 6.2 should be followed to ensure the development proceeds lawfully.
Habitats			
Irreplaceable habitat	<ul style="list-style-type: none"> • National Planning Policy Framework, 2023. 	Mitigation required	<ul style="list-style-type: none"> • A section of an ancient woodland falls within the site boundary. • Mitigation will be required to ensure the development does not result in adverse impacts to ancient woodland habitat. • Recommendations outlined in section 6.4 should be followed to ensure there are no adverse effects to ancient woodland as a result of the development.
Habitats of Principle Importance	<ul style="list-style-type: none"> • Natural Environment & Rural Communities Act, 2006 – Section 41; and • National Planning Policy Framework, 2023. 	Mitigation required	<ul style="list-style-type: none"> • There are parcels of lowland mixed deciduous woodland – line of trees located within the site that are separate from the ancient woodland parcels described above. • The lowland mixed deciduous woodland parcels will be retained as part of the development. However, to ensure there are no adverse impacts on the lowland mixed deciduous woodland – line of trees parcels during the construction phase



			of the development the recommendation outlined in section 6.4 should be followed.
Pollution	<ul style="list-style-type: none"> Environmental Protection Act, 1990 	Mitigation required	<ul style="list-style-type: none"> There is a stream located within the site as well as ancient woodland and HPI. To ensure there is no pollution of these habitats as a result of construction-based activities appropriate mitigation and good construction practice will be required. The recommendations outlined in section 6.4 should be followed to ensure the development proceeds lawfully.
Biodiversity Net Gain and Ecological Enhancements			
Biodiversity Net Gain	<ul style="list-style-type: none"> The Environment Act, 2021; and National Planning Policy Framework, 2023. 	No impact - Compliant	<ul style="list-style-type: none"> It is our understanding that the development will be a self-build and as such is likely to fall under the permitted exemptions from mandatory biodiversity net gain as defined by The Environment Act, 2021. No further recommendations are outlined in this report with respect to BNG.
Ecological Enhancement	<ul style="list-style-type: none"> National Planning Policy Framework, 2023; and HDC Local Plan – Policy 25 and 31. 	Further action required.	<ul style="list-style-type: none"> 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. The recommendations outlined in section 6.5 of this report should be followed to ensure the development is compliant with national and local planning policy.
Protected Species and Species of Conservation Concern			
Badger	<ul style="list-style-type: none"> Badger Protection Act, 1992. 	Mitigation required	<ul style="list-style-type: none"> No badger setts or evidence of badgers were recorded within the site, however, due to the rural location of the site and the presence of lowland mixed deciduous woodland within the site, it is possible that badger setts could be created within the site and within the footprint of the development in the future and potentially encountered during the construction phase of the development. The recommendations outlined in section 6.4 should be followed to ensure the development proceeds lawfully.



<p>Bats</p>	<ul style="list-style-type: none"> • Conservation of Habitat & Species Regulation, 2017; • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 41. 	<p>Mitigation required</p>	<ul style="list-style-type: none"> • Building B1 was classified as having moderate suitability to support roosting bats. As this building will be removed as part of the development, it could result in impacts to individual bats and their roosts, if present. Further assessment is required to determine the presence/ likely absence of bats in this building to assess the impacts of the development. • Buildings B2, B3, B4, B5, B6, B7 and B8 within the site were assessed as having negligible suitability for roosting bats. • The development will result in the loss of a small amount of other neutral grassland habitat within the site that provides lower quality foraging habitat for bats however, it can be reasonably predicted that the favourable conservation status of bats will not be impacted by such actions without the need for further surveys due the quantity of high-quality habitat located nearby to the site. • The development is located nearby to good bat foraging and commuting habitat and as such the illumination of these habitats with artificial light could adversely impact bats found locally to the site both directly and accumulatively without appropriate mitigation. • The recommendations outlined in section 6.3 and 6.4 should be followed to ensure the development proceeds lawfully.
<p>Birds</p>	<ul style="list-style-type: none"> • Wildlife & Countryside Act, 1981 – Section 1 and Schedule 1; and • Natural Environment & Rural Communities Act, 2006 – Section 41. 	<p>Mitigation required.</p>	<ul style="list-style-type: none"> • It is reasonably unlikely that significant assemblages or populations of birds including SPI will be adversely impacted by the development. • The development proposals involve the removal of structures and vegetation where nesting birds could be encountered, and such actions could result in adverse impacts on birds. • The recommendations outlined in section 6.4 of this report should be followed to ensure the development proceeds lawfully during the construction phase of the development.



Great crested newts	<ul style="list-style-type: none"> • Conservation of Habitat & Species Regulations, 2017. • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 41 	Mitigation/ further assessment required	<ul style="list-style-type: none"> • The development is reasonably unlikely to result in impacts to GCN or any habitat associated with GCN populations.
Hazel dormouse	<ul style="list-style-type: none"> • Conservation of Habitat & Species Regulations, 2017. • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 41 	Impacts/ offence reasonably unlikely.	<ul style="list-style-type: none"> • The development is reasonably unlikely to result in impacts to individual hazel dormouse or any habitat associated with hazel dormouse populations.
Hedgehog	<ul style="list-style-type: none"> • Natural Environment & Rural Communities Act, 2006 - Section 41; and • Wild Mammals (Protection) Act, 1996. 	Mitigation required.	<ul style="list-style-type: none"> • It is reasonably likely that individual hedgehog could be encountered and inadvertently killed with methods prohibited under the Wild Mammals (Protection) Act, 1996 without appropriate mitigation. • It is however reasonably unlikely that a significant population of hedgehog will be impacted by the development. • The recommendations outlined in section 6.4 should be followed to ensure the development proceeds lawfully.
Reptiles	<ul style="list-style-type: none"> • Conservation of Habitat & Species Regulations, 2017 (Sand Lizard & Smooth Snake only); • Wildlife & Countryside Act, 1981 – schedule 5; and 	Mitigation required	<ul style="list-style-type: none"> • It is reasonably unlikely that a significant population of reptiles will be adversely impacted as a result of the development, due to the absence of suitable reptile habitat within the footprint of the proposed development. • The suitable reptile habitat found within the lowland mixed deciduous woodland – open woodland space and the edge of the other neutral grassland habitat will be retained as part of the development, with works restricted to unsuitable reptile habitat. However, as the works will be located in close proximity to the retained habitats, mitigation will be required during the



	<ul style="list-style-type: none"> Natural Environment & Rural Communities Act, 2006 – Section 41. 		<p>construction phase of the development to safeguard individual reptiles and retained habitat.</p> <ul style="list-style-type: none"> The recommendations outlined in section 6.4 should be followed to ensure the development proceeds lawfully.
Invasive non-native species	<ul style="list-style-type: none"> Wildlife & Countryside Act, 1981 – Schedule 9; and Invasive Alien Species Order, 2019 	<p>Impacts/ offence reasonably unlikely</p> <p>Further management required (outside of the scope of this development)</p>	<ul style="list-style-type: none"> While Schedule 9 listed Rhododendron sp. was identified within the site, the development is reasonably unlikely to result in an act that would constitute an offence for a species listed under Schedule 9 of the Wildlife & Countryside Act, 1981 (i.e. intentional release or spreading). Outside of the scope of this development, further management of Rhododendron sp. and other non-native species should be considered to prevent long term degradation to the lowland mixed deciduous woodland and ancient woodland parcels that fall within the site,
Invertebrates	<ul style="list-style-type: none"> Conservation of Habitat & Species Regulations, 2017 – Schedule 2; Wildlife & Countryside Act, 1981 – Schedule 5; and Natural Environment & Rural Communities Act, 2006 – S41. 	<p>Impacts/ offence reasonably unlikely</p>	<ul style="list-style-type: none"> The development is reasonably unlikely to result in impacts to any European protected invertebrates, nationally protected species, important populations of SPI or nationally or locally important assemblages of conservation value.
Protected plants, fungi and lichens	<ul style="list-style-type: none"> Conservation of Habitat & Species Regulations, 2017 – Schedule 5; Wildlife & Countryside Act, 1981 - Schedule 8; and Natural Environment & Rural Communities Act, 2006 – Section 40/41. 	<p>Impacts/ offence reasonably unlikely</p>	<ul style="list-style-type: none"> The development is reasonably unlikely to result in intentional picking, uprooting, destruction, or intentional clearance of any wild plant, fungi or lichen including European protected species, national protected species, SPI or those of national or local conservation concern. The above is also applicable to butcher’s broom which falls outside of the main footprint of the development, within retained site habitat.



Other mammal burrows.	<ul style="list-style-type: none"> • Wild Mammals Protection Act, 1996. 	Mitigation required	<ul style="list-style-type: none"> • Several mammal burrows were recorded within the site during the UK Habs survey and based on the sites rural location it is possible that further mammal burrows could be encountered within the footprint of the development in the future. • To ensure the development proceeds lawfully the precautionary mitigation outlined in section 6.4 should be followed.
Otter	<ul style="list-style-type: none"> • Conservation of Habitat & Species Regulation, 2017; • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 41. 	Impacts/ offence reasonably unlikely	<ul style="list-style-type: none"> • The development is reasonably unlikely to result in impacts to individual otter or their habitat and therefore will not impact the favourable conservation status of this species.
Water vole	<ul style="list-style-type: none"> • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 41 	Impacts/ offence reasonably unlikely	<ul style="list-style-type: none"> • The development is reasonably unlikely to result in impacts to individual water vole or the conservation status of significant water vole populations of conservation concern.



5. Requirements and Recommendations

5.1 Background

5.1.1 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.

5.1.2 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.

5.2 Designated Sites

Arun Valley RAMSAR/SAC/SPA

5.2.1 To ensure the development is compliant with the legislation and planning policy relevant to the Arun Valley RAMSAR/SAC/SPA, HDC should be consulted on any potential adverse impacts resulting from water abstraction as part of the development. As such, a water neutrality statement is likely to be required for a development of this scale to demonstrate that the proposed development does not increase the total water abstraction within the Sussex North Water Resource Zone.

5.2.2 In our professional opinion it is reasonably unlikely that a shadow Habitat Regulations Assessment will be required for a development of this scale and the above recommendation is proportionate to determine the impacts of the development on the Arun Valley RAMSAR/SAC/SPA.

The Mens SAC

5.2.3 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 zone of influence, 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).

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

- Avoid illumination of the lowland mixed deciduous (ancient) woodland and lines of trees within the site; and



- Minimise the overall level of light pollution within 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 (27,000 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 when only necessary within the site, by using timers and motion sensors; and
 - Providing natural screens in the landscaping plans of the development to break up artificial light where light spill cannot be avoided.

5.3 Further Surveys

Roosting bats

- 5.3.1 Two bat emergence surveys are recommended for building B1 to determine the presence/ likely absence of bats in-line with BCT Good Practice Guidelines for a building classified as having moderate suitability for roosting bats (Collins, 2023).
- 5.3.2 All further surveys to determine the presence/ absence of bats and characterise any bat roost that might be present should be separated by a minimum of 21 days and should be undertaken between May – September with a minimum of one survey completed between May – August.

5.4 Mitigation

Ancient Woodland

- 5.4.1 The following mitigation measures should be followed to ensure that there are no adverse impacts that arise as a result of the development on ancient woodland and that the long-term restoration and conservation of the ancient woodland habitat is promoted:
 - The proposed development should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid tree root and soil damage;
 - The proposals should aim to create or establish habitat with local and appropriate native species in the ancient woodland buffer zone; and



- It would also be appropriate to segregate the main residential garden from the ancient woodland buffer to ensure there is no long-term encroachment of the residential garden into the ancient woodland and promote the vegetative restoration of the woodland understory.

5.4.2 Ecological enhancement to the proposed ancient woodland buffer are outlined in section 6.5.

Badger and other mammal burrows

5.4.3 In the unlikely event that a burrow entrance of a mammal is discovered within the immediate area of the development 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 of at least 20 m established and clearly marked around the suspected badger sett;
- If it is not possible to apply a 20 m buffer around a suspected sett, the professional judgment of the ecologist should be consulted to determine a suitable buffer; 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.

5.4.4 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

5.4.5 To ensure the development avoids adverse impacts on high value foraging and commuting habitats for bats the recommendations outlined for The Mens SAC in section 6.2 should be followed.



Habitat of Principle Importance

- 5.4.6 To ensure there is no degradation to two parcels of lowland mixed deciduous woodland – line of trees habitat during the construction phase of the development treelines should be clearly segregated from construction work areas to prevent damage to trees and their roots and avoid damage and compaction of soil.
- 5.4.7 Taking the above point into consideration, it may be appropriate to seek professional arboricultural advice on the best mitigation measures to avoid adverse impacts of lowland mixed deciduous woodland – line of trees habitat.

Hedgehog

- 5.4.8 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.

Nesting birds

- 5.4.9 To ensure that the development is compliant with the legislation and planning policy relating to nesting birds, the removal of building B1 should ideally be scheduled outside of the breeding bird season (typically April – September). If it is not possible to avoid the breeding bird season to complete these works, a pre-works inspection of building B1 by an appropriately qualified ecologist should be undertaken.
- 5.4.10 Under the current proposed plan (Scandia-Hus c/no 8318, drawing number 01), buildings B2, B4, B5, B6 (assessed as having suitability for nesting birds) will be retained as part of the development. However, if proposals change to include the removal of any of these buildings, the recommendations given in the above paragraph should be followed for these buildings.
- 5.4.11 If an active bird nest or nesting activity is recorded within the main construction area of the development (such as within the stored building materials or site compounds), 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.



Main River-Pollution Prevention

5.4.12 The following pollution prevention measures should be incorporated during the construction phase of the development to ensure that there is no offsite pollution to nearby water sources:

- Safe storage of fuels, oil and chemicals within the site with appropriate spill kits (for the scale of activities) available on-site at all times;
- Safe disposal of any contaminated water or soil and general waste within the site or with appropriate offsite and management;
- Appropriate monitoring and prevention of water and silt run-off from construction areas; and
- Where possible the use of fertiliser and herbicides should be minimised as part of on-going site management.

Reptiles

5.4.13 To ensure there are no adverse impacts on reptiles during the construction phase of the development the following measures should be followed:

- Habitat within the immediate footprint of the development should be kept short to prevent reptiles colonising the area within the development boundary;
- Where reasonably practical any holes or excavation should be kept covered when not in use within the development boundary, checked regularly and have an escape ramp installed; and
- In the unlikely event a reptile is encountered within the development boundary, the reptile should be encouraged to move to safety or alternatively advice from an ecologist should be sought, prior to moving the reptile.

5.5 Ecological Enhancements

5.5.1 The following ecological enhancement should be incorporated into the design of the development:

- Enhancement of the 15 m ancient woodland buffer and woodland open space, to include:
 - Enhancement of the other neutral grassland on the edge of the lowland mixed deciduous (ancient) woodland through appropriate management



to include 5m of grassland with a taller sward height and thicker structure for the benefit of amphibians, reptiles and invertebrates.

- Creation of refugia and (deadwood log piles within the lowland mixed deciduous woodland for the benefit of amphibians, reptiles and invertebrates;
- Creation of any habitat with local and appropriate native species in the ancient woodland buffer zone.
- Planting of native trees and mixed scrub as part of the development for the benefit of invertebrates, foraging birds and mammals; and
- Two integrated bird boxes to be built into the design of the new dwelling. Alternatively, two wall mounted bird boxes to be installed on the new dwelling.



6. Conclusion

- 6.1.1 Further bat surveys on building B1 will be required to fully inform the impacts of the development.
- 6.1.2 This report outlines mitigation with respect to The Mens SAC and bat flightlines, ancient woodland, lowland mixed deciduous woodland – line of trees (HPI), badger and other mammal burrows, nesting birds, bats (foraging and commuting habitat), hedgehog and reptiles. Pollution prevention measures are also outlined for a stream that falls within the site. The report outlines the need to incorporate ecological enhancement for the benefit of biodiversity into the design of the development, and furthermore, outlines the need to consider future management of non-native shrubs within the site with respect to the conservation of ancient woodland.
- 6.1.3 The recommendations outlined within this report if followed should ensure that the development proceeds lawfully.



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Appendix I – Desk Study Protected Species and Species of Conservation Concern Records

Table 10 – Records returned from the desk study search within 1 km of the site (SBRC, 2024).

Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Amphibians							
Great crested newt	<i>Triturus cristatus</i>	✓	✓ (5)	✓			
Bats							
Serotine	<i>Eptesicus serotinus</i>	✓	✓ (5)				
Daubenton's	<i>Myotis daubentonii</i>	✓	✓ (5)				
Whiskered	<i>Myotis mystacinus</i>	✓	✓ (5)				
Natterer's	<i>Myotis nattereri</i>	✓	✓ (5)				
Myotis	<i>Myotis sp.</i>	✓	✓ (5)				
Noctule	<i>Nyctalus noctula</i>	✓	✓ (5)	✓			
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	✓	✓ (5)				
Brown long eared	<i>Plecotus auritus</i>	✓	✓ (5)	✓			
Invasive non-natives							
Egyptian Goose	<i>Alopochen aegyptiaca</i>		✓ (9)				
Canada Goose	<i>Branta canadensis</i>		✓ (9)				
Montbretia	<i>Crocsmia pottsii x aurea = C. x crocosmiiflora</i>		✓ (9)				
A Flowering Plant	<i>Lamiastrum galeobdolon subsp. argentatum</i>		✓ (9)				
Eastern Grey Squirrel	<i>Sciurus carolinensis</i>		✓ (9)				
Higher plants							
Bluebell	<i>Hyacinthoides non-scripta</i>		✓ (8 - Sale only)				
Birds							
Barn Owl	<i>Tyto alba</i>		✓ (1)				
Black Redstart	<i>Phoenicurus ochruros</i>		✓ (1)		Amber		
Bullfinch	<i>Pyrrhula pyrrhula</i>		✓	✓	Amber		



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Cuckoo	<i>Cuculus canorus</i>		✓	✓	Red		
Dunnock	<i>Prunella modularis</i>		✓	✓	Amber		
Green Woodpecker	<i>Picus viridis</i>		✓				
Grey Wagtail	<i>Motacilla cinerea</i>		✓		Amber		
Hobby	<i>Falco subbuteo</i>		✓ (1)				
House martin	<i>Delichon urbicum</i>		✓		Red		
House Sparrow	<i>Passer domesticus</i>		✓	✓	Red		
Kestrel	<i>Falco tinnunculus</i>		✓		Amber		
Lapwing	<i>Vanellus vanellus</i>		✓	✓	Red		
Lesser Spotted Woodpecker	<i>Dryobates minor</i>		✓	✓	Red		
Linnet	<i>Linaria cannabina</i>		✓	✓	Red		
Mallard	<i>Anas platyrhynchos</i>		✓		Amber		
Marsh tit	<i>Poecile palustris</i>		✓	✓	Red		
Merlin	<i>Falco columbarius</i>		✓ (1)		Red		Birds Directive
Mistle thrush	<i>Turdus viscivorus</i>		✓		Red		
Nightingale	<i>Luscinia megarhynchos</i>		✓		Red		
Red kite	<i>Milvus milvus</i>		✓ (1)		Red	Global post2001 NT	Birds Directive
Skylark	<i>Alauda arvensis</i>		✓	✓	Red		
Song Thrush	<i>Turdus philomelos</i>		✓				
Starling	<i>Sturnus vulgaris</i>		✓	✓	Red		
Stock dove	<i>Columba oenas</i>		✓		Amber		
Swallow	<i>Hirundo rustica</i>		✓				
Swift	<i>Apus apus</i>		✓		Red		
Tawny Owl	<i>Strix aluco</i>		✓		Amber		
Whinchat	<i>Saxicola rubetra</i>		✓		Red		
Whitethroat	<i>Curruca communis</i>		✓		Amber		
Willow Warbler	<i>Phylloscopus trochilus</i>		✓		Amber		
Yellowhammer	<i>Emberiza citronella</i>		✓	✓	Red		
Reptiles							
Grass snake	<i>Natrix helvetica</i>		✓ (5)	✓			
Invertebrates							



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Brown Hairstreak	<i>Thecla betulae</i>		✓ (5 – sale only)	✓		GB post2001 NT	
Cinnabar moth	<i>Tyria jacobaeae</i>			✓			
Mammals - Terrestrial (excl. bats)							
West European Hedgehog	<i>Erinaceus europaeus</i>			✓		GB post 2001	WMA 1996 ⁸
Hazel Dormouse	<i>Muscardinus avellanarius</i>	✓	✓ (5)	✓		GB post 2001	Habitats Directive - Annex IV
Polecat	<i>Mustela putorius</i>			✓			WMA 1996 ⁸ Habitats Directive - Annex V
European rabbit	<i>Oryctolagus cuniculus</i>					Global post 2001 NT	WMA 1996 ⁸
¹ Conservation of Habitat and Species Regulation, 2017. ² Wildlife & Countryside Act, 1981 (Schedules – 1, 4, 8 and 9). ³ Species of Principle importance listed under the Natural Environment & Rural Communities Act, 2006. ⁴ Birds of Conservation Concern – RSPB ⁵ Species listed on the Global and National IUCN Red data list (EX – Extinct, Extinct in wild, CE - Critically Endangered, Endangered, VU - Vulnerable, NR - Near Threatened, LC – Least Concern, Data Deficient. GB Red Data Book: Under IUCN Criteria Includes Nationally Rare, Nationally Rare Marine, Nationally Scarce				⁶ EC Habitat Directive ⁷ EC Bird Directive ⁸ Wild Mammals (Protection Act), 1996			



Appendix II - Bat Preliminary Roost Assessment Results

Table 11 – Bat Preliminary Roost Assessment Results.

Building no.	Description	External Inspection	Internal inspection	Evidence of bats	Bat roost potential	Rational and potential roosting features recorded
B1	<ul style="list-style-type: none"> Residential dwelling. 1930s two storey detached cottage with a thatched roof and two chimneys. Brick built with timber frame. 	Yes	No	None recorded	Moderate	<p>The following bat PRFs were recorded on building B1:</p> <ul style="list-style-type: none"> Gaps between timber and brickwork under eaves; Gaps between timber and thatch under eaves; Gaps around metal pipe work under eaves; Gaps under lead flashing around chimney; and Gaps in brickwork.
B2	<ul style="list-style-type: none"> Building B2 is a single storey brick-built garage with a thatched roof. 	Yes	Yes	None recorded	Negligible	<ul style="list-style-type: none"> No bat PRFs were recorded on the exterior of building B2, and no access/ egress points were recorded that lead to the internal area of building B2.
B3	<ul style="list-style-type: none"> Building B3 is a small metal storage container 	Yes	Yes	None recorded	Negligible	<ul style="list-style-type: none"> No bat PRFs were recorded on the exterior of building B3, and no access/ egress points were recorded that lead to the internal area of building B3.
B4	<ul style="list-style-type: none"> Building B4 is a wooden outbuilding with a bitumen felt roof. 	Yes	Yes	None recorded	Negligible	<ul style="list-style-type: none"> No bat PRFs were recorded on the exterior of building B4, and no access/ egress points were recorded that lead to the internal area of building B4.
B5	<ul style="list-style-type: none"> Building B5 is a small wooden shed with bitumen felt roof, located immediately adjacent to building B6 in the north of the site 	Yes	Yes	None recorded	Negligible	<ul style="list-style-type: none"> No bat PRFs were recorded on the exterior of building B5, and no access/ egress points were recorded that lead to the internal area of building B5.



B6	<ul style="list-style-type: none">Building B6 is a small wooden shed with bitumen felt roof, located immediately adjacent to building B5 in the north of the site	Yes	Yes	None recorded	Negligible	<ul style="list-style-type: none">No bat PRFs were recorded on the exterior of building B6, and no access/ egress points were recorded that lead to the internal area of building B6.
B7	<ul style="list-style-type: none">Building B7 is a wooden summer house, in good condition, currently used for storage.	Yes	Yes	None recorded	Negligible	<ul style="list-style-type: none">No bat PRFs were recorded on the exterior of building B7, and no access/ egress points were recorded that lead to the internal area of building B7.
B8	<ul style="list-style-type: none">Building B8 is a wooden shed with a bitumen felt roof, used for storage.	Yes	Yes	None recorded	Negligible	<ul style="list-style-type: none">No bat PRFs were recorded on the exterior of building B8, and no access/ egress points were recorded that lead to the internal area of building B8.



Appendix III – Legislation & Planning Policy

7.2 Background

- 7.2.1 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.
- 7.2.2 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.

7.3 RAMSAR Convention

- 7.3.1 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).
- 7.3.2 The National Planning Policy Framework (NPPF, 2023) 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.

7.4 Conservation of Habitat and Species Regulations, 2017

- 7.4.1 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

- 7.4.2 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.

7.4.3 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

7.4.4 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.

7.4.5 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.

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

- A natural habitat type specific 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.



7.5 Wildlife and Countryside Act, 1981 (as amended)

7.5.1 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

7.5.2 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

7.5.3 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

7.5.4 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

7.5.5 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 out with its native range is guilty of an offence.



Sites of Specific Scientific Interest

- 7.5.6 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.
- 7.5.7 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 to 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

- 7.5.8 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.

7.6 Countryside Right of Ways Act, 2000

- 7.6.1 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

- 7.6.2 Part III of the CRoW Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.
- 7.6.3 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.
- 7.6.4 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.

7.7 National Parks and Access to the Countryside Act, 1949

- 7.7.1 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.

7.8 Natural Environment & Rural Communities Act, 2006

- 7.8.1 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

- 7.8.2 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.
- 7.8.3 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

7.8.4 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.

7.8.5 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 other of such steps.

7.8.6 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.

7.9 Protection of Badgers Act, 1992

7.9.1 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.

7.10 Wild Mammals (Protection) Act, 1996.

7.10.1 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.

7.11 The Environment Act, 2021

7.11.1 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

- 7.11.2 Part 6 – Sections 98 - 101 of the act outlines provisions for biodiversity gain in planning.
- 7.11.3 Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England.
- 7.11.4 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.
- 7.11.5 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.
- 7.11.6 The relevant percentage is set at 10% for biodiversity gain.
- 7.11.7 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).
- 7.11.8 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;
 - That 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.
- 7.11.9 a) 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.

7.11.10 A credit is to be regarded for the purpose of that schedule as having such biodiversity value as is determined under the arrangements.

7.11.11 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.

7.12 National Planning Policy Framework (2023)

7.12.1 The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2023) sets out the Government's planning policies for England and how these should be applied. It provides a framework which locally prepared plans for housing and other developments can be produced.

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

Conserving and Enhancing the Natural Environment

7.12.3 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.

7.12.4 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

7.12.5 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.

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

- a) 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.

7.12.7 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.
- 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.

7.13 Biodiversity and Geological Conservation Circular 06/2005

7.13.1 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, 2023 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.

7.13.2 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

- 7.13.3 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’.
- 7.13.4 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’.
- 7.13.5 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.’

7.14 Horsham District Council Adopted Local Plan (2015)

Policy 25

- 7.14.1 Policy 25 sets out Horsham District Councils (HDCs) commitment to protecting the Natural Environment and Landscape Character. Policy 25 states:
- 7.14.2 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:
- 7.14.3 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.
- 7.14.4 Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.
- 7.14.5 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.
- 7.14.6 Conserve and where possible enhance the setting of the South Downs National Park.



Policy 31

- 7.14.7 Policy 31 sets out Horsham District Councils (HDCs) commitment to protecting biodiversity in the district. Policy 31 states:
- 7.14.8 1) Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure 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.
- 7.14.9 2) Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. 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 through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.
- 7.14.10 3) Where felling of protected trees is necessary, replacement planting with a suitable species will be required.
- 7.14.11 4. a) Particular consideration will be given to the hierarchy of sites and habitats in the district as follows:
- i. Special Protection Area (SPA) and Special Areas of Conservation (SAC)
 - ii. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); and
 - iii. Sites of Nature Conservation Importance (SNCIs), Local Nature Reserves (LNRs) and any areas of Ancient woodland, local geodiversity or other irreplaceable habitats not already identified in I & II above.
- 7.14.12 b) Where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that:
- i. The reason for the development clearly outweighs the need to protect the value of the site; and,
 - ii. That appropriate mitigation and compensation measures are provided.
- 7.14.13 5. Any development with the potential to impact Arun Valley SPA or the Mens SAC will be subject to a HRA 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.

7.15 Birds of Conservation Concern

- 7.15.1 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.
- 7.15.2 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.

7.16 IUCN Red List

- 7.16.1 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.

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