



Preliminary Ecological Appraisal

Haynes, Partridge Green, Horsham, West Sussex, RH13 8JF

June 2025



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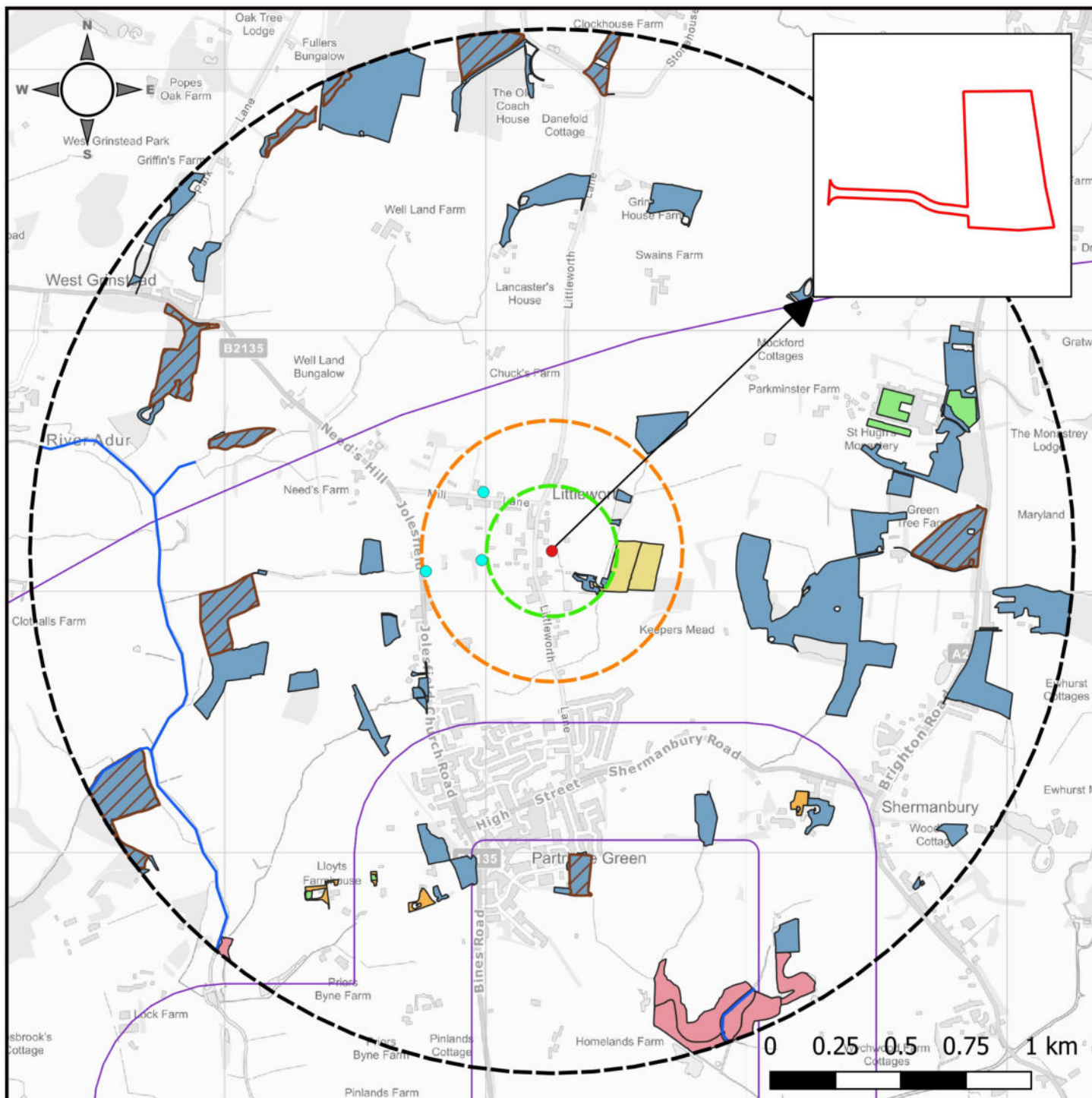
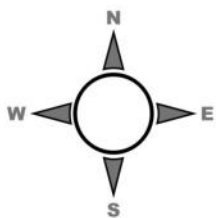


Figure title:			Site Location and Desk Study - Results		
Site location:			Haynes, Partridge Green, Horsham, West Sussex, RH13 8JF		
Figure number:			1		
Date drawn:			23/06/2025		
Scale at A4:			1:22000		
Revision:			1		
Cartographer:			AO		
Approver:			HB		

Client: C-NJA-064-001-001
Mr & Mrs J Clarfelt





Legend

Development boundary

UKHab Classification

g4 - Modified grassland

u1b5 - Developed land, sealed surface (building)

u1 847 - Introduced shrub

h2a - Native hedgerow

h2b - Non-native hedgerow

w2c 33 - Line of trees

● Scattered trees

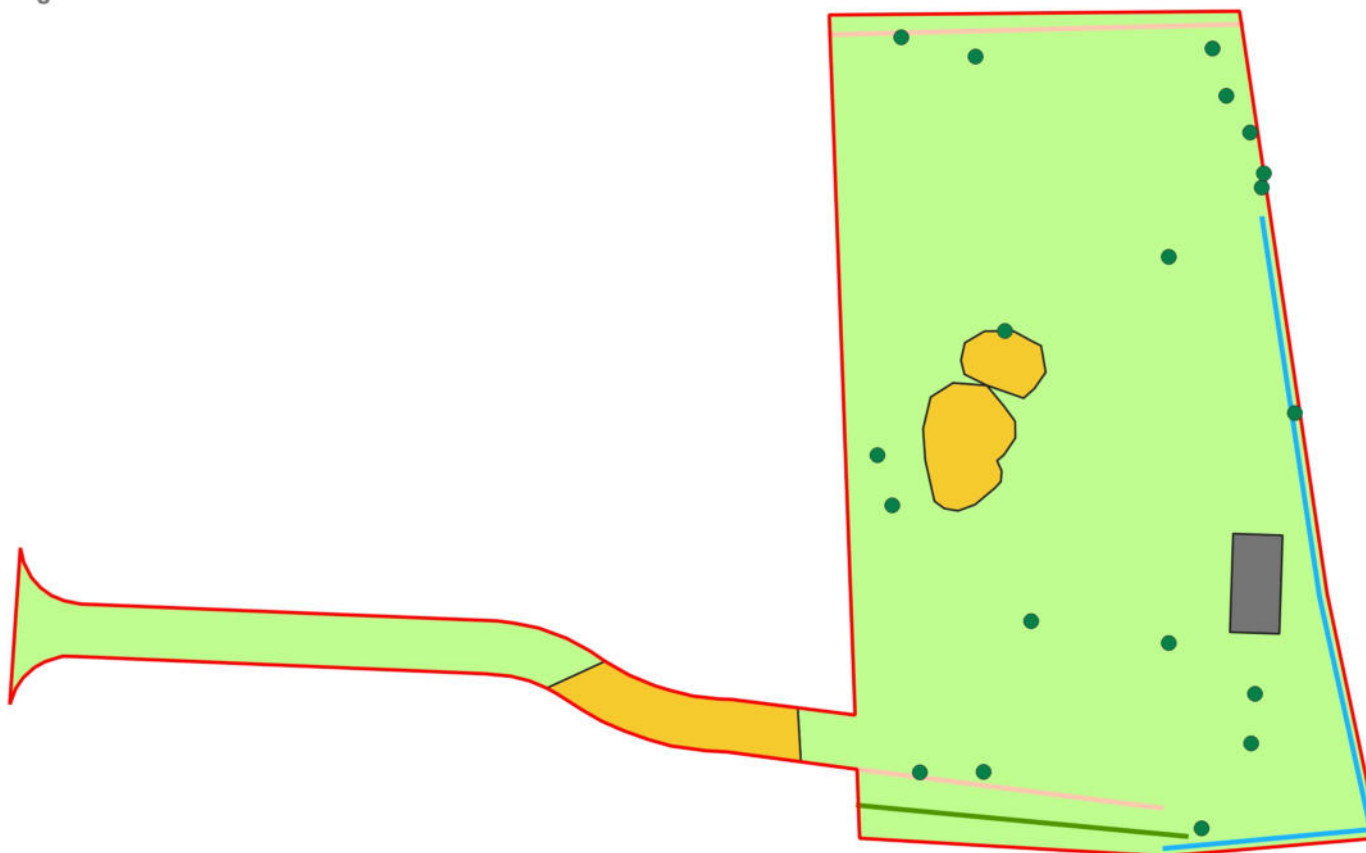


Figure Title:

UK Habitat Classification Survey - Results

Client/ Project Reference:

C-NJA-064-001-001
Mr & Mrs J Clarfelt

Figure number:

2

Revision:

1

Scale at A4:

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Cartographer:

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Date drawn:

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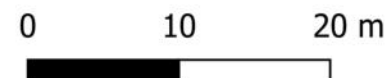


Photo 1: Displaying modified grassland within the development boundary.



Photo 2: Displaying the mobile residential structure within the eastern section of the development boundary.



Photo 3: Displaying a native hedgerow along the eastern development boundary.



Photo 4: Displaying a non-native and ornamental hedgerow and line of trees along the southern development boundary.

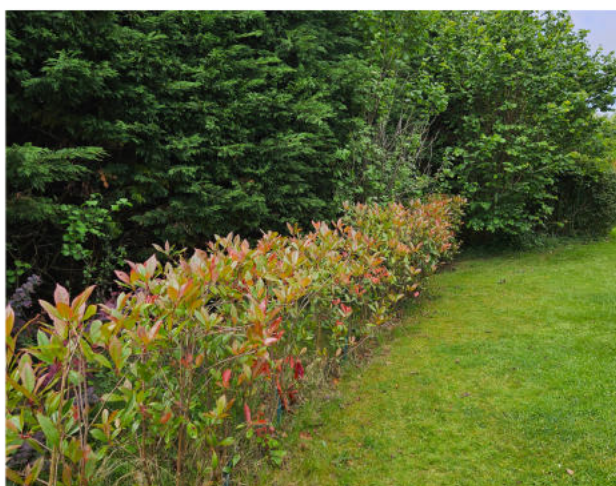


Photo 5: Displaying modified grassland and introduced shrubs within the development boundary.

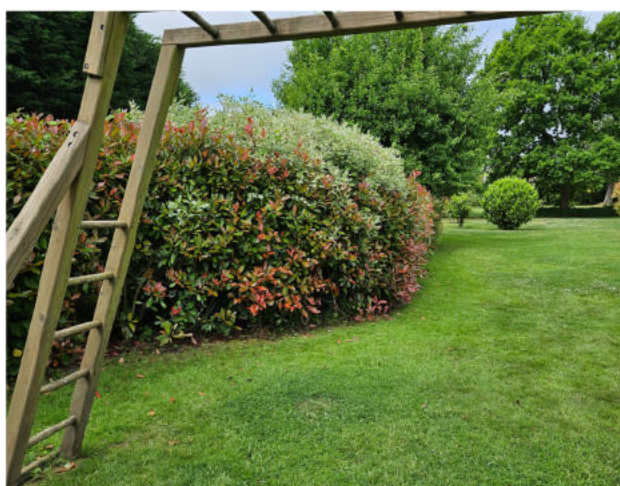



Photo 6: Displaying introduced shrubs in the central section of the development boundary.



Site Location			Client	
Haynes, Partridge Green, Horsham, West Sussex, RH13 8JF			Mr & Mrs J Clarfelt	
Figure Title			Report reference	
UK Habitat Classification Survey - Photographs			C-NJA-064-001-001	
Figure no:	Revision no:	Scale:	 enquiries@arunecology.com www.arunecology.com	
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Cartographer:	Date Drawn	Reviewed by:		
AO	23/06/2025	HB		



1. Summary and Recommendations

Proposals	<ul style="list-style-type: none">• Mr & Mrs J Clarfelt are proposing a development at Haynes, Partridge Green, Horsham, West Sussex, RH13 8JF (see Figure 1).• The proposals include the construction of a residential dwelling and carport, relocation of an existing mobile residential structure and associated landscaping within the development boundary.
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 and an appraisal of the habitats within the development boundary 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.• The development will not adversely impact any ancient woodland or any other irreplaceable habitat type.• Mitigation will be required during the construction phase of the development to ensure the protection of the native hedgerow that falls within the development boundary and that is reasonably likely to qualify as a Habitat of Principal Importance (HPI).• Based upon the desk study results, the habitats recorded within the development boundary and the development proposals, bats (foraging and commuting) nesting birds, hedgehogs and GCN are a material consideration for the development. Additionally, [REDACTED] other mammal burrows are a precautionary consideration for the development.• Mitigation will be required during the construction phase of the development to prevent pollution of on-site and offsite habitats and waterbodies.• In line with national and local policy, the development will be required to incorporate ecological enhancements into the design. It is our understanding, however, that measurable net gains as defined by The Environment Act, 2021 will not be required.



Recommendations	<p>The recommendations below represent a summary only. The full recommendations of this report are outlined in section 6.</p> <p>Further Assessments, Surveys and Consultations</p> <ul style="list-style-type: none">• To ensure there are no adverse impacts on the Arun Valley RAMSAR/SAC/SPA, a water neutrality statement that demonstrates how the proposed development will not increase the total water abstraction for drinking water supplies above existing levels within the Sussex North Water Resource Zone should be submitted with the planning application. <p>Mitigation</p> <ul style="list-style-type: none">• The mitigation measures outlined in this report for native hedgerows and bat flightlines (light pollution) should be incorporated into the design of the development.• The mitigation measures outlined in this report for native hedgerows, bat flightlines, hedgehogs, nesting birds, mammal burrows, GCN and pollution prevention should be followed during the construction phase of the development. <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.
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2. Introduction

2.1 Development Location

2.1.1 Mr & Mrs J Clarfelt are proposing a development (grid reference: TQ 19261 20153) at Haynes, Partridge Green, Horsham, West Sussex RH13 8JF (see Figure 1). The above address is hereafter referred to as ‘the site’ and Mr & Mrs J Clarfelt as the ‘applicant’.

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

2.2 Development Proposals

2.2.1 The applicant seeks planning consent for the construction of a new residential dwelling (as per Scandia-hus drawing number: 673770_01 (Revision C)). The proposals include:

- Construction of a single-storey residential dwelling;
- Construction of a carport and gravel driveway;
- Associated landscaping within the development boundary; and
- Relocation of an existing mobile residential structure.

2.2.2 The proposals above are hereafter referred to collectively as ‘the development’ in this report and the location of the development as the development boundary.

2.3 Ecology Background

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

2.4 Brief and Objectives

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

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

- Identify the likely ecological constraints associated with the development;
- Identify any mitigation measures likely to be required, following the ‘mitigation hierarchy’, as per BS42020:2013 Clause 5:2 (BSI, 2013);
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (ECiA); and



- Identify the opportunities offered by the development to deliver ecological enhancements and net gains for biodiversity.

2.4.3 The brief agreed with the applicant included:

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



3. Method

3.1 Preliminary Ecological Appraisal

General Approach

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

3.2 Desk Study

- 3.2.1 The study area for the desk study at this stage of the development is based upon a provisional *'zone of influence'*. *'The 'zone of influence' is defined as per CIEEM guidance 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).*

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

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

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

- The Multi-Agency Geographical Information for the Countryside (MAGIC);
- Government open-source GIS datasets;
- Horsham District Council Local Plan (2015);
- Satellite images (powered by google via QGIS 3.38); and
- Purchased records from Sussex Biodiversity Record Centre (SxBRC).



3.3 Field Habitat Survey

UK Habitat Classification Survey

- 3.3.1 The field survey was undertaken using the UK Hab Survey methodology (UK Hab, 2023a) to record the habitat types within the development boundary. The study area for the UK Hab Survey was defined as all of the land within the development boundary (see Figure 2).
- 3.3.2 The UK Hab Survey 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 Hab Survey Professional Edition to levels 3, 4 or 5 (UK Hab, 2023b).
- 3.3.3 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.
- 3.3.4 To identify each habitat, the dominant plant and other readily identified species were recorded and their abundance within the development boundary was measured using the DAFOR scale (Stace, 2019).

3.4 Site Habitat Suitability Assessment

General Approach

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



the overall suitability of habitat. The classification descriptions are detailed below in Table 2 for structures and Table 3 for trees.

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

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



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

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

3.5 Survey Dates and Conditions

3.5.1 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		
30/05/2025	UKHab Survey and bat PRA	10:00	11:00	19	20	None	2

3.6 Surveyors

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

3.7 Limitations

3.7.1 There were no limitations recorded during the UKHab Survey or bat PRA.



4. Results

4.1 Desk Study

Designated Sites

- 4.1.1 The results of the desk study search for statutory and non-statutory designated sites are detailed below in Table 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
RAMSAR/ SAC/SPA	Arun Valley	The site is located within the Sussex North Water Resource Zone.	This site covers an area of approximately, 487 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.

Ancient Woodland

- 4.1.2 There were ten ancient woodland parcels returned within 2 km of the development boundary (see Figure 1). The nearest ancient woodland parcel was 1.15 km west of the development boundary.

Habitats of Principle Importance

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



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

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	58	<ul style="list-style-type: none"> The nearest deciduous woodland parcel is located 0.09 km southeast of the development boundary.
Traditional orchard	5	<ul style="list-style-type: none"> The nearest traditional orchard is 1.29 km northeast of the development boundary.
Coastal and floodplain grazing marsh	6	<ul style="list-style-type: none"> The nearest coastal and floodplain grazing marsh is 1.59 km southeast of the development boundary.
Good quality semi-improved grassland	2	<ul style="list-style-type: none"> The nearest good quality semi-improved grassland is 0.16 km southeast of the development boundary.
No main habitat but additional habitats present	5	<ul style="list-style-type: none"> The nearest parcel within the category is 1.31 km southeast of the development boundary; and These parcels include deciduous woodland and traditional orchards.

4.1.4 Three ponds were recorded within 0.5 km of the development boundary (see Figure 1). The nearest pond is located 0.20 km west of the development boundary.

4.1.5 Six main river parcels were returned within 2 km of the development boundary (see Figure 1). None of the parcels were listed as priority river habitats under the national inventory. The nearest main river parcel is located 1.40 km west of the development boundary.

Protected Species and Other Species of Conservation Concern

4.1.6 One hundred and sixteen 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 development boundary. The above species included 5 bats, 2 reptiles, 5 amphibians, 39 birds, 1 higher plant, 52 invertebrates, 2 mammals (excluding bats) and 10 invasive non-natives (see Table 10, Appendix I).

4.1.7 No EPSLs were granted within 1 km of the development boundary.

4.1.8 The development boundary falls within the HDC great crested newt (GCN) District Level Licence (DLL) Red Risk Zone (based on maps provided by NatureSpace).



4.2 UK Habitat Classification Survey Results

4.2.1 The habitats recorded during the UK Hab Survey within the development boundary are described below in Table 7 (see Figure 2 and Figure 3).

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

UK Hab Survey Classification Code	Approx. Area sqm / length m	Summary and Species List
Grassland		
Primary: Modified grassland Secondary: Scattered trees Code: g4 32	1600	<p>The majority of the habitat within the development boundary was modified grassland. The grassland had a sward height of approximately 50 mm and typically had six species per metre squared. The modified grassland was dominated by grasses (75% cover) and had a species composition indicative of improvement. Several scattered trees were recorded within this parcel.</p> <p><u>Species recorded:</u></p> <p>Grasses: (D) perennial rye grass, (F) Yorkshire fog.</p> <p>Forbs and other plants: (A) white clover, (F) creeping buttercup, (O) ribwort plantain, (O) ground ivy, (O) field speedwell, (O) birds foot trefoil, (R) dandelion, (R) barren strawberry, (R) betony, (R) creeping thistle, (R) common chickweed, (R) spear thistle, (R) ragwort, (R) cranesbill sp., (R) common daisy, (R) yarrow, (R) red clover, (R) Rumex sp., (R) cleavers.</p> <p>Scattered trees: oak, fir, cherry, apple, hazel.</p>
Woodland		
Primary: Other coniferous woodland Secondary: Line of trees Code: w2c 33	22	<p>There is a line of conifer trees along part of the southern development boundary.</p> <p><u>Species recorded:</u></p> <p>Cypress <i>sp.</i></p>



Heathland and Shrub		
Primary: Native hedgerow Code: h2a	56	<p>There is a native hedgerow located along part of the eastern and southern development boundary. The hedgerow was intact throughout its canopy and was approximately 56 m in length.</p> <p><u>Species recorded:</u></p> <p>(F) bramble, (F) hawthorn, (F) blackthorn, (O) oak, (O) privet, (O) black elder, (R) field maple, (R) hazel.</p>
Primary: Non-native and ornamental hedgerow Code: h2b	27	<p>There is a non-native ornamental hedgerow located along the entire northern development boundary. The hedgerow was species poor, approximately 27 m in length and dominated by cherry laurel. The hedgerow canopy has a consistent dense structure and appears to be subject to on-going management.</p> <p><u>Species recorded:</u></p> <p>(D) cherry laurel.</p>
Primary: Non-native and ornamental hedgerow Code: h2b	20	<p>There is a non-native ornamental hedgerow located along the southern development boundary. The hedgerow was species poor, approximately 18 m in length and dominated by Fraser's photinia. The hedgerow appeared to be young and was approximately 1 m tall.</p> <p><u>Species recorded:</u></p> <p>(D) Fraser's photinia, (F) privet, (O) hazel.</p>
Urban		
Primary: Developed land, sealed surface Secondary: Building Code: u1b5	21	<p>One mobile residential structure was recorded within the development boundary. No vegetation was associated with this structure. There were no other buildings or structures within the development boundary.</p>
Primary: Built-up areas and gardens Secondary: Introduced shrub Code: u1 847	57	<p>There was an area of introduced shrub within the central section of the development boundary.</p> <p><u>Species recorded:</u></p> <p>(D) cherry laurel, (A) snowmound spirea, (O) bramble.</p>



Primary: Built-up areas and gardens Secondary: Introduced shrub Code: u1 847	54	<p>There was an area of introduced shrub within the southern section of the development boundary.</p> <p><u>Species recorded:</u></p> <p>D) Fraser's photinia, (A) red-barked dogwood.</p>
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4.3 Site Habitat Suitability Assessment

4.3.1 An assessment of habitat within the development boundary to act as an ecological receptor for protected species and species of conservation concern, based upon the desk study results and the habitats recorded during the UK Hab Survey is provided below in Table 8.

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">Records of GCN were returned from the desk study search within 1 km of the development boundary. The development boundary appears to fall within the Horsham GCN DLL – Red Risk Zone (based on maps provided by NatureSpace). One pond was recorded within 0.25 km of the development boundary. Arun Ecology Ltd conducted a GCN eDNA survey on this pond in May 2024 (as part of a separate development) and the result was negative, indicating that GCN were likely absent from this pond at the time of the survey. Two further ponds were recorded within 0.5 km of the development boundary.No GCN breeding habitat was recorded within the development boundary. The habitat within the development boundary includes a native hedgerow and line of trees that broadly provides suitable terrestrial habitat (resting places) for GCN. The majority of the habitat within the main footprint of the development consists of modified grassland which provides sub-optimal habitat as a permanent resting place for GCN due to having insufficient cover that is characterised by the short sward height and regular management.Based on the above points, particularly the negative eDNA result of the only pond within 250 m, it is reasonably unlikely that GCN could be encountered within the development boundary.
Bats	<ul style="list-style-type: none">Records of bats (including SPI) were returned from the desk study search within 1 km of the development boundary.There was one structure within the development boundary at the time of the UK Hab Survey. This structure was a mobile residence and was assessed as having negligible suitability for roosting bats. All trees recorded within the main footprint of the development were assessed as having negligible suitability for roosting bats.The habitat within the development boundary was assessed as having moderate suitability for bats, with the line of trees, scattered trees, native hedgerows and modified grassland within the development boundary providing suitable foraging and commuting habitat (flightlines) for bats. This habitat connects well to the wider rural landscape, including local parcels of deciduous woodland.



Birds	<ul style="list-style-type: none">• Several records of birds including species of conservation concern were returned from the desk study search within 1 km of the development boundary.• The habitat within the development boundary includes line of trees, native hedgerow, non-native and ornamental hedgerow, introduced shrub and several individual trees that provide suitable habitat for nesting and foraging birds. The modified grassland habitat within the development boundary had a short sward height at the time of the UK Hab survey and is reasonably unlikely to provide suitable habitat for ground nesting birds.• The overall quantity and quality of available habitat for nesting birds within the footprint of the development is insufficient to support important bird assemblages and populations of conservation concern.
Terrestrial mammals (non-bats)	<ul style="list-style-type: none">• [REDACTED]• Hazel dormice: No records of hazel dormice were returned from the desk study search within 1 km of the development boundary. The habitat within the development boundary includes a line of trees and a native hedgerow, which is a habitat that can typically be associated with hazel dormice. The native hedgerow has suitable structure for hazel dormice, however it is isolated and lacks any connectivity to other typical hazel dormice habitats. The habitat within the immediate footprint of the development consists of well cropped modified grassland with no suitability for hazel dormice.• Hedgehogs: Records of hedgehogs were returned from the desk study search within 1 km of the development boundary. The native hedgerow and line of trees are reasonably likely to provide foraging and resting places for hedgehogs. The modified grassland within the development boundary also provides suitable foraging habitat. As such, it is reasonably likely that hedgehogs could be encountered within the development boundary.• Otters and water voles: No records of otters or water vole were returned from the desk study search within 1 km of the development boundary. The nearest waterbody was located 1.40 km from the development boundary and is separated by a network of roads. Based on the habitats recorded within the development boundary and the connectivity and distance of these habitat to the nearest waterbody,



	<p>it is reasonably unlikely otter or water vole will be encountered within the development boundary or that the habitat will be associated with any population of these species.</p> <ul style="list-style-type: none"> • Other mammals: No mammal burrows such as those of rabbit or fox were recorded within the development boundary at the time of the UK Hab Survey. Habitats recorded within the development boundary such as a native hedgerow and modified grassland margins could conceal such burrows. As such, it is possible the above species could be found in or near to the main footprint of the development prior to its commencement.
Reptiles	<ul style="list-style-type: none"> • Records of common reptiles were returned from the desk study search within 1 km of the development boundary. • The main extent of habitat within the development boundary was formed of modified grassland with a short sward height which provided insufficient structure and cover to support a permanent reptile population. The structure of the grassland also resulted in a poor interface between other habitats such as line of trees, native hedgerows, introduced shrub and non-native ornamental hedgerows. There was also no suitable reptile refugia recorded within the development boundary. Therefore, it is reasonably unlikely that reptiles will be encountered within the immediate footprint of the development.
Invertebrates	<ul style="list-style-type: none"> • Several records of invertebrates including species of conservation concern were returned from the desk study search within 1 km of the development boundary. • The habitats within the development boundary include a native hedgerow which is broadly a habitat of value to invertebrates and can be associated with species of conservation concern. The modified grassland, line of trees, non-native hedgerows and introduced shrub within the development boundary lacked botanical diversity and environmental heterogeneity, and as such, only offer limited value for invertebrates at a site level. No waterbodies were recorded within the development boundary and as such, aquatic favouring species of conservation concern are reasonably unlikely to be encountered within the development boundary. • Based on the above points it is reasonably unlikely that any important assemblages or populations of conservation concern will be encountered within the immediate footprint of the development.
Plants, Lichens and Fungi	<ul style="list-style-type: none"> • No European or nationally protected plants, SPI or other species of conservation concern were recorded within the development boundary. The habitat within the main footprint of the development consisted of modified grassland of limited botanical value, as such, this grassland is reasonably unlikely to be associated with plants, fungi and lichens of conservation concern.



Non-native and Invasive Species	<ul style="list-style-type: none">No invasive non-native species listed under Schedule 9 of the Wildlife & Countryside Act, 1981 or the Invasive Alien Species Order, 2019 were recorded within the development boundary at the time of the UK Hab Survey.
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5. Legislation and Planning Policy

5.1.1 A summary of the relevant legislation and planning policy that could be a material consideration to the development is provided below in Table 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; National Planning Policy Framework, 2024; 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 development that requires a public water supply that is located within the SNWRZ. Due to the small scale, extent and magnitude of the development as well as it’s distance to the designation, there will be no direct loss of area within the designation, and it is reasonably unlikely that there will be any adverse impacts due to degradation that might arise from increased recreational pressure or pollution. The recommendations outlined in section 6.2 of this report should be followed to ensure the development proceeds lawfully.
Habitats			
Irreplaceable habitat	<ul style="list-style-type: none"> National Planning Policy Framework, 2024; and HDC Local Plan – Policy 25 and 31. 	Adverse impacts/offence reasonably unlikely.	<ul style="list-style-type: none"> No ancient woodland parcels or any other type of irreplaceable habitat are located within the development boundary or will be directly lost as part of the development. Due to the small scale, extent and magnitude of the development and its distance to any ancient woodland parcels, it is reasonably unlikely that there



			will be any adverse impacts resulting from degradation through increased recreational pressure or pollution to ancient woodland outside of the development boundary.
Habitats of Principle Importance	<ul style="list-style-type: none"> Natural Environment & Rural Communities Act, 2006 – Section 41; National Planning Policy Framework, 2024; and HDC Local Plan – Policy 25 and 31. 	Mitigation required	<ul style="list-style-type: none"> No HPI were recorded within the main footprint of the development, however a native hedgerow that is reasonable likely to qualify as HPI was identified elsewhere within the development boundary. Due to the proximity of this hedgerow to the main footprint of the development, mitigation will be required during the construction phase of the development to ensure the long-term safeguarding of the hedgerow and promote its conservation. The recommendations outlined in section 6.4 of this report should be followed to ensure the development is compliant with local planning policy.
Pollution Prevention	<ul style="list-style-type: none"> Environmental Protection Act, 1990; National Planning Policy Framework, 2024; and HDC Local Plan – Policy 25 and 31. 	Mitigation required	<ul style="list-style-type: none"> The level of pollution generated from the development is anticipated to be low due to the small scale of the development, however, pollution prevention measures should be incorporated into the construction phase of the development to avoid onsite and offsite pollution to habitats and the nearby waterbodies. Mitigation measures will be required within the design of the development to ensure that there are no significant increases in the levels of light pollution as a result of the installation of artificial lighting as part of the development. The recommendations outlined in section 6.4 and 6.5 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; National Planning Policy Framework, 2024; and 	Exempt development.	<ul style="list-style-type: none"> Based on information supplied by the applicant, it is our understanding that the development will be exempt from the mandatory biodiversity net gain (BNG) requirements, as defined under The Environment Act, 2021. No further recommendations are outlined in this report with respect to BNG.



	<ul style="list-style-type: none"> HDC Local Plan – Policy 25 and 31. 		
Ecological Enhancement	<ul style="list-style-type: none"> National Planning Policy Framework, 2024; 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 6.3 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			
Bats	<ul style="list-style-type: none"> Conservation of Habitat & Species Regulation, 2017; Wildlife & Countryside Act, 1981 – schedule 5; Natural Environment & Rural Communities Act, 2006 – Section 40/41; and HDC Local Plan – Policy 25 and 31. 	Mitigation required	<ul style="list-style-type: none"> There were no buildings or structures with suitability for roosting bats within the development boundary, and as such, roosting bats will not be adversely impacted by the development. Therefore, no further assessment for bats will be required on any buildings. No trees with potential to support roosting bats will be adversely impacted by the development, based on the current development layout. For the reasons outlined above in the pollution prevention section, the development will be required to mitigate new light pollution from the installation of artificial lighting to ensure it does not adversely impact potential bat flightlines within the site. Whilst some vegetation with potential for use as bat flightlines, such as introduced shrub and non-native ornamental hedgerows will be removed



			<p>during the development, the major habitat with potential for use as bat flightlines (the line of trees and native hedgerow along the eastern and southern development boundary) will be retained.</p> <ul style="list-style-type: none"> The recommendations outlined in section 6.5 and 6.6 should be followed to ensure the development proceeds lawfully.
Birds	<ul style="list-style-type: none"> Wildlife & Countryside Act, 1981 – Section 1 and Schedule 1; and Natural Environment & Rural Communities Act, 2006 – Section 40/41. 	Mitigation required	<ul style="list-style-type: none"> The development will include the removal of a non-native ornamental hedgerow and introduced shrub habitat that have suitability to support nesting birds. It is, therefore, possible that nesting birds could be adversely impacted during the construction phase of the development without appropriate mitigation. It is reasonably unlikely that significant assemblages or populations of birds, including SPI, will be adversely impacted by the development. The recommendations outlined in section 6.5 of this report should be followed to ensure the development proceeds lawfully.
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 40/41. 	Mitigation required	<ul style="list-style-type: none"> The habitat removal required to enable the development is limited to small, isolated parcels of non-native ornamental hedgerows, introduced shrub and modified grassland within a residential garden that is unsuitable as a permanent resting place for GCN. Based on the above, in our professional judgment the development is reasonably unlikely to result in adverse impacts to GCN at a population level as: <ul style="list-style-type: none"> No GCN breeding habitat will be removed or modified; The removal of habitat within 250 m of the nearest pond is very small scale; There is only one pond located within 250 m of the development boundary and GCN were confirmed to be likely absent from this pond in 2024, following a GCN eDNA survey conducted by Arun Ecology (for another development); and



			<ul style="list-style-type: none"> ○ The extent of works will be completed over a short timeframe, reducing the risk of a GCN being obstructed from reaching their breeding or resting places at a population level. • The risk of harm to individual GCN, in our professional opinion is also acceptably low, based on the development proposals, and with appropriate mitigation it will ensure that an offence is reasonably unlikely to be committed. • The mitigation to safeguard any individual GCN during the construction phase of the development, in our professional opinion, can be reasonably predicted, that, it would not be proportionate to undertake further presence/ absence surveys to inform the impacts of the development. • To ensure the development proceeds lawfully the recommendations outlined in section 6.5 should be followed.
Hazel dormice	<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 40/41. 	Compliant/ adverse impacts reasonably unlikely	<ul style="list-style-type: none"> • The development is reasonably unlikely to result in harm to individual hazel dormice or adversely impact any habitat associated with any hazel dormouse populations.
Hedgehogs	<ul style="list-style-type: none"> • Natural Environment & Rural Communities Act, 2006 - Section 40/41; and • Wild Mammals (Protection) Act, 1996. 	Mitigation required	<ul style="list-style-type: none"> • It is reasonably likely that individual hedgehogs could be encountered within the development boundary, and as such, it is possible that they could be inadvertently killed with methods prohibited under the Wild Mammals (Protection) Act, 1996 without appropriate mitigation. • The recommendations outlined in section 6.5 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 Natural Environment & Rural Communities Act, 2006 – Section 40/41. 	Adverse impacts/ offence reasonably unlikely	<ul style="list-style-type: none"> The risk of harm to individual reptiles as a result of the development is low, due to the majority of habitat within the footprint of the development (short modified grassland) being unsuitable for reptiles and the small areas of non-native hedgerow and introduced scrub to be removed being isolated within the site and with limited connectivity to other suitable reptile habitat outside of the development boundary. Based on the above points, the development is reasonably unlikely to result in adverse impact to individual reptiles or significant populations of reptiles. No further recommendations are outlined within this report with respect to reptiles.
Other Mammal Burrows	<ul style="list-style-type: none"> Wild Mammals Protection Act, 1996. 	Mitigation required	<ul style="list-style-type: none"> It is possible that mammals could be inadvertently harmed with methods prohibited under the Wild Mammals Act, 1996 whilst inhabiting their burrows without appropriate mitigation. To ensure the development proceeds lawfully the mitigation outlined in section 6.5 should be followed.
Otters	<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 40/41. 	Adverse impacts/ offence reasonably unlikely	<ul style="list-style-type: none"> The development is reasonably unlikely to result in harm to individual otters or adversely impact their habitat (including resting and breeding places), and therefore, will not adversely impact the favourable conservation status of this species.
Water Voles	<ul style="list-style-type: none"> Wildlife & Countryside Act, 1981 – schedule 5; and Natural Environment & Rural Communities Act, 2006 – Section 40/41. 	Adverse impacts/ offence reasonably unlikely	<ul style="list-style-type: none"> The development is reasonably unlikely to result in harm to individual water vole or adversely impact their burrows or habitat, and therefore, will not adversely impact the conservation status of this species.



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 – Section 40/41. 	Adverse impacts/ offence reasonably unlikely	<ul style="list-style-type: none"> • The development is reasonably unlikely to result in any adverse impacts to any European protected invertebrates, nationally protected species, important populations of SPI or nationally or locally important assemblages of conservation value.
Invasive non-native species	<ul style="list-style-type: none"> • Wildlife & Countryside Act, 1981 – Schedule 9; and • Invasive Alien Species Order, 2019. 	Adverse impacts/ offence reasonably unlikely	<ul style="list-style-type: none"> • 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 or Invasive Alien Species Order, 2019 (i.e. intentional release or spreading).
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. 	Adverse impacts/ offence reasonably unlikely	<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, nationally protected species, SPI or those of national or local conservation concern.



6. Requirements and Recommendations

6.1 Background

- 6.1.1 The recommendations included in this section are based upon the mitigation hierarchy (avoidance, mitigation, and compensation; BSI, 2013) and takes consideration of government circular: Biodiversity and Geological Conservation Circular 06/2005.
- 6.1.2 Mitigation is not discussed where further surveys are required to inform such mitigation or compensation, unless in our professional judgement it would not be proportionate to request further surveys as the risk of a legal offence being committed as a result of the development is acceptably low.

6.2 Designated sites

Arun Valley RAMSAR/SAC/SPA

- 6.2.1 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 it includes a new residential property. 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 and to inform any appropriate assessment (if required).

6.3 Ecological Enhancements

- 6.3.1 The following ecological enhancements relevant to the development are recommended:
- One solitary bee box to be installed within a sunny grassland location within the development boundary;
 - One bat box to be installed on a suitable mature tree within the development boundary; and
 - One integrated bird box to be installed as part of the proposed dwelling.



6.4 Habitat Mitigation

Native Hedgerows

- 6.4.1 To ensure there is no damage to the rooting zones of the native hedgerow HPI adjacent to the footprint of the development during the construction phase of the development, temporary barrier fencing should be installed (taking into consideration root protection zones) for the duration of the construction works.

Pollution Prevention Measures

- 6.4.2 The following pollution prevention measures should be followed during the construction phase of the development to ensure that there is no onsite or offsite pollution to nearby habitats (including deciduous woodland parcels) and watercourses:
- Safe storage of fuels, oils and chemicals within the development boundary (such as on hardstanding) with appropriate spill kits (for the scale of activities) available on-site at all times;
 - Appropriate locating and storage of construction materials outside of the root protection zone of woodland and trees within the development boundary;
 - Safe disposal of any contaminated water or soil and general waste within the development boundary or with appropriate offsite management;
 - Appropriate locating of mixing stations and inclusion of dust prevention measures where required within the development boundary;
 - Monitoring and prevention of water and silt run-off from construction areas including the installation of silt traps where appropriate; and
 - Where possible the use of fertiliser and herbicides should be minimised as part of on-going site management.

6.5 Protected Species Mitigation

Mammal Burrows

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]



- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Bats

6.5.3 To ensure that the development avoids adverse impacts on bat foraging and commuting habitats within the development boundary, 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).

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

- Avoid illumination of the line of trees and hedgerows within the development boundary; and
- Minimise the overall levels of light pollution within the site as a result of the development by:
 - Selecting appropriate lighting sources such as LED lighting that lack UV components, have peak wavelengths higher than 550 nm and that have a warm white light (2,700 kelvin or lower);
 - Appropriate fitting of lighting to include horizontal mounting with no light output above 90° and/or no upward tilt, or as a last resort the use of baffles, hoods or louvres to reduce light spill and direct lighting to only where it is needed;
 - Using light only when necessary within the site, by using timers and motion sensors;
 - Providing natural screens in landscaping plans to break up artificial light where light spill cannot be avoided.



Nesting Birds

- 6.5.5 To ensure that the development is compliant with the legislation and planning policy relating to nesting birds, works impacting the existing vegetation with suitability for nesting birds (such as the non-native ornamental hedgerow and introduced shrub) within the development boundary should ideally be scheduled outside of the breeding bird season (typically March – September). A pre-works inspection by an appropriately qualified ecologist should be undertaken where it is not possible to avoid works during the breeding bird season. The inspection should cover all suitable habitat for nesting birds that could conceal a bird nest and that will be impacted by the development.
- 6.5.6 If an active bird nest or nesting activity is recorded onsite during the pre-works inspection or at any other time during the development (such as the storage of building materials), the nest should be protected from damage and destruction (including disturbance that may cause the nest to be abandoned). An exclusion area should be implemented around any active nests and works in and around these areas should be controlled or delayed until the chicks have fledged.

Hedgehogs

- 6.5.7 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 hedgehog 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.

Great Crested Newts

- 6.5.8 A precautionary method of works for GCN should be followed during the construction phase of the development. The following mitigation measures should be followed:
- GCN should be discouraged from colonising the habitat within the main footprint of the development boundary by:
 - Retaining the existing short length of the modified grassland with regular cutting of the grassland, preventing a long tussocky structure that could create suitable resting places for GCN establishing; and



- Keeping a tidy construction site and where reasonably practical keeping building materials off ground to prevent the creation of hibernacula/ refugia for GCN;
- The mitigation outlined for the native hedgerow (as per section 5.4) should be followed to ensure that habitats that broadly, have suitable structure as resting places for GCN are not damaged or disturbed during the construction phase of the development. This includes the installation of protective barriers, to segregate these habitats from the main footprint of the development; and
- Any holes, pits or trenches should be kept covered overnight and checked each morning in case a newt has become trapped. Where practical it is advised to include small escape ramps/sticks into any holes, pits and trenches (where it might be difficult to seal them effectively with a cover).

6.5.9 The precautionary method of works outlined above, does not act as legal protection for an action that would otherwise be an offence with respect to GCN. Therefore, in the unlikely event a GCN is encountered within the development boundary, works must momentarily stop, and a professional ecologist should be consulted. The ecologist's professional judgement should be relied upon to determine the need for a GCN mitigation licence. Works should then recommence once a GCN mitigation licence has been obtained (if required).



7. Conclusion

- 7.1.1 To ensure the development can proceed lawfully, mitigation will be required within the design and the construction phase of the development. Furthermore, the development will be required to implement ecological enhancements as part of the development.
- 7.1.2 The recommendations outlined within this report demonstrate how the above can be achieved as part of the development.



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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 development boundary (SxBRC, 2025).

Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Mammals							
West European Hedgehog	<i>Erinaceus europaeus</i>			✓		GB post 2001	WMA 2006 ⁸
European rabbit	<i>Oryctolagus cuniculus</i>					Global post 2001 NT	WMA 2006 ⁸
Bats							
Serotine	<i>Eptesicus serotinus</i>	✓	✓ (5)				
Natterer's	<i>Myotis nattereri</i>	✓	✓ (5)				
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	✓	✓ (5)				
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	✓	✓ (5)	✓			
Brown long eared	<i>Plecotus auritus</i>	✓	✓ (5)	✓			
Amphibians							
Common frog	<i>Rana temporaria</i>		✓ (sale only)				
Common toad	<i>Bufo bufo</i>		✓ (sale only)	✓			
Great crested newt	<i>Triturus cristatus</i>	✓	✓ (5)	✓			
Palmate newt	<i>Lissotriton helveticus</i>		✓ (sale only)	✓			
Smooth newt	<i>Lissotriton vulgaris</i>		✓ (sale only)				
Birds							
Barn Owl	<i>Tyto alba</i>		✓ (1)				
Bewick's Swan	<i>Cygnus columbianus bewickii</i>		✓ (1)	✓			Birds Directive
Bullfinch	<i>Pyrrhula pyrrhula</i>		✓	✓	Amber		
Canada Goose	<i>Branta canadensis</i>		✓ (9)				
Cetti's Warbler	<i>Cettia cetti</i>		✓ (1)				
Cuckoo	<i>Cuculus canorus</i>		✓	✓	Red		
Dunnock	<i>Prunella modularis</i>		✓	✓	Amber		
Egyptian Goose	<i>Alopochen aegyptiaca</i>		✓ (9)				
Green Woodpecker	<i>Picus viridis</i>		✓				
Grey Wagtail	<i>Motacilla cinerea</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						
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		
Linnet	<i>Linaria cannabina</i>		✓	✓	Red		
Mallard	<i>Anas platyrhynchos</i>		✓		Amber		
Mandarin Duck	<i>Aix galericulata</i>		✓ (9)				
Marsh tit	<i>Poecile palustris</i>		✓	✓	Red		
Merlin	<i>Falco columbarius</i>		✓ (1)		Red		Birds Directive
Mistle thrush	<i>Turdus viscivorus</i>		✓		Red		
Mute Swan	<i>Cygnus olor</i>		✓				
Nightingale	<i>Luscinia megarhynchos</i>		✓		Red		
Osprey	<i>Pandion haliaetus</i>		✓ (1)	✓	Amber		Birds Directive
Red kite	<i>Milvus milvus</i>		✓ (1)		Red	Global post2001 NT	Birds Directive
Reed bunting	<i>Emberiza schoeniclus</i>		✓	✓	Amber		
Skylark	<i>Alauda arvensis</i>		✓	✓	Red		
Song Thrush	<i>Turdus philomelos</i>		✓				
Spotted Flycatcher	<i>Muscicapa striata</i>		✓	✓	Red		
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		
Turtle Dove	<i>Streptopelia turtur</i>		✓	✓	Red		
Whitethroat	<i>Curruca communis</i>		✓		Amber		
Whooper Swan	<i>Cygnus cygnus</i>		✓ (1)				Birds Directive
Willow Warbler	<i>Phylloscopus trochilus</i>		✓		Amber		
Woodlark	<i>Lullula arborea</i>		✓ (1)	✓			Bird directive Annex I
Higher plants							
Bluebell	<i>Hyacinthoides non-scripta</i>		✓ (8) Sale only				



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Invasive non-natives							
A Flowering Plant	<i>Lamiastrum galeobdolon subsp. argentatum</i>		✓ (9)				
Canada Goose	<i>Branta canadensis</i>		✓ (9)				
Eastern Grey Squirrel	<i>Sciurus carolinensis</i>		✓ (9)				
Egyptian Goose	<i>Alopochen aegyptiaca</i>		✓ (9)				
Himalayan Balsam	<i>Impatiens glandulifera</i>		✓ (9)				
Himalayan Cotoneaster	<i>Cotoneaster simonsii</i>		✓ (9)				
Japanese Knotweed	<i>Fallopia japonica</i>		✓ (9)				
Mandarin Duck	<i>Aix galericulata</i>		✓ (9)				
Montbretia	<i>Crocasmia pottsii</i> x <i>aurea</i> = <i>C. x crocosmiiflora</i>		✓ (9)				
Wall Cotoneaster	<i>Cotoneaster horizontalis</i>		✓ (9)				
Invertebrates							
Stag Beetle	<i>Lucanus cervus</i>		✓ (5 sale only)	✓			
Small Heath	<i>Coenonympha pamphilus</i>			✓		GB post2001 NT	
Dingy Skipper	<i>Erynnis tages</i>			✓		GB post2001 VU	
Knot Grass	<i>Acronicta rumicis</i>			✓			
Beaded Chestnut	<i>Agrochola lychnidis</i>			✓			
Ear Moth	<i>Amphipoea oculatea</i>			✓			
Centre-barred Sallow	<i>Atethmia centrargo</i>			✓			
White Admiral	<i>Limenitis camilla</i>		✓ (5)	✓		GB post2001 EN	
Grey Dagger	<i>Acronicta psi</i>			✓			
Minor Shoulder-knot	<i>Brachylomia viminalis</i>			✓			
Mottled Rustic	<i>Caradrina morpheus</i>			✓			
Green-brindled Crescent	<i>Allophyes oxyacanthae</i>			✓			
Sallow	<i>Cirrhia icteritia</i>			✓			
Mouse Moth	<i>Amphipyra tragopoginis</i>			✓			
Brown-spot Pinion	<i>Anchoscelis litura</i>			✓			
Dusky Brocade	<i>Apamea remissa</i>			✓			



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Deep-brown Dart	<i>Aporophyla lutulenta</i>			✓			
Sprawler	<i>Asteroscopus sphinx</i>			✓			
Oak Lutestring	<i>Cymatophorina diluta hartwegi</i>			✓			
Small Square-spot	<i>Diarsia rubi</i>			✓			
Dusky Thorn	<i>Ennomos fuscantaria</i>			✓			
Broom Moth	<i>Ceramica pisi</i>			✓			
August Thorn	<i>Ennomos quercinaria</i>			✓			
Mocha	<i>Cyclophora annularia</i>			✓			
Small Emerald	<i>Hemistola chrysoprasaria</i>			✓			
Figure of Eight	<i>Diloba caeruleocephala</i>			✓			
Rustic	<i>Hoplodrina blanda</i>			✓			
Rosy Rustic	<i>Hydraecia micacea</i>			✓			
Spinach	<i>Eulithis mellinata</i>			✓			
Shoulder-striped Wainscot	<i>Leucania comma</i>			✓			
Ghost Moth	<i>Hepialus humuli</i>			✓			
White Admiral	<i>Limenitis camilla</i>			✓		GB post2001 VU	
Brindled Beauty	<i>Lycia hirtaria</i>			✓			
Lackey	<i>Malacosoma neustria</i>			✓			
Dot Moth	<i>Melanchra persicariae</i>			✓			
Grizzled Skipper	<i>Pyrgus malvae</i>			✓		GB post2001 NT	
Pretty Chalk Carpet	<i>Melanthia procellata</i>			✓			
Powdered Quaker	<i>Orthosia gracilis</i>			✓			
Dark Spinach	<i>Pelurga comitata</i>			✓			
Large Wainscot	<i>Rhizedra lutosa</i>			✓			
Mullein Wave	<i>Scopula marginepunctata</i>			✓			
Shaded Broad-bar	<i>Scotopteryx chenopodiata</i>			✓			
White Ermine	<i>Spilosoma lubricipeda</i>			✓			
Buff Ermine	<i>Spilosoma lutea</i>			✓			
Brown Hairstreak	<i>Thecla betulae</i>		✓ (5)	✓		GB post2001 NT	
Feathered Gothic	<i>Tholera decimalis</i>			✓			
Pale Eggar	<i>Trichiura crataegi</i>			✓			



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Blood-vein	<i>Timandra comae</i>			✓			
Cinnabar	<i>Tyria jacobaeae</i>			✓			
Dark-barred Twin-spot Carpet	<i>Xanthorhoe ferrugata</i>			✓			
Oak Hook-tip	<i>Watsonalla binaria</i>			✓			
Reptiles							
Grass snake	<i>Natrix helvetica</i>		✓ (5)	✓			
Slow worm	<i>Anguis fragilis</i>		✓ (5)	✓			
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 III – Legislation & Planning Policy

8.2 Background

- 8.2.1 This section provides a summary of the legislation and planning policy that could be relevant to the development. Where possible we have limited this section to the areas relevant to this report. This means the legislation and planning policy outlined below is not included in its entirety.
- 8.2.2 This section does not constitute legal advice, and only, represents the interpretation and professional judgement of the ecologists named in this report, on the legislation and planning policy deemed relevant to the development.

8.3 RAMSAR Convention

- 8.3.1 RAMSAR sites are wetlands of international importance that have been designated under the criteria of the RAMSAR Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological biodiversity (JNCC, 2019).
- 8.3.2 The National Planning Policy Framework (NPPF, 2024) outlines the level of consideration that should be given to RAMSAR sites in Planning. Paragraph 187 states that RAMSAR and potential RAMSAR sites should be given the same protection as 'habitat sites' defined as those afforded protection under the Conservation of Habitat and Species Regulations (2017), such as Special Protection Areas or Special Areas of Conservation.

8.4 Conservation of Habitat and Species Regulations, 2017

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

Protected Species

- 8.4.2 The regulations include provisions that prohibit certain actions from the protection of species listed under Annex II of the Habitat Directive. It is a criminal offence for a person to 'intentionally or recklessly' take the following action:
- Deliberately capture, injure or kill any wild animal of a European Protected Species (EPS);



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

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

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

Protected Sites

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

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

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

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



8.5 Wildlife and Countryside Act, 1981 (as amended)

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

Protection of Birds

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

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

Protection of Animals

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

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



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

Protection of Plants

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

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

Invasive Species

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

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



Sites of Specific Scientific Interest

- 8.5.6 Part 2 – Sections 28-33 of the act set out the law regarding Sites of Specific Scientific Interest (SSSI) by the conservation bodies in England (Natural England) and Wales (Natural Resource Wales) and outlines the offences with respect to SSSI.
- 8.5.7 The offences outlined in the act apply to any person(s), public body, landowner or occupier as well as statutory undertakers or permitted developments. Examples of offences include (but are not limited to):
- Any person intentionally or recklessly damaging or destroying any of the features of special interest of an SSSI, or disturbing wildlife for which the site was notified;
 - Public bodies are not allowed to carry out damaging operations on an SSSI, except where they notified the relevant conservation agency. It is also an offence for a public body to fail to minimise damage on an SSSI or – if damage occurs – to fail to restore a SSSI to its former state; and
 - Statutory bodies have a general duty to take reasonable steps to further 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

- 8.5.8 Part 2 – Section 34 to 52 of the act deals with other protected areas within the UK such as limestone pavements, national nature reserves and marine nature reserves. The act allows designation of these sites by the appropriate authority for the purpose of conserving flora and fauna or geological or physiological features of specific interest in an area to protect the site. Furthermore, the act prohibits certain actions in National Parks for certain habitats without consent from local authorities.

8.6 Countryside Right of Ways Act, 2000

- 8.6.1 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

- 8.6.2 Part III of the CRow Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.
- 8.6.3 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.
- 8.6.4 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.

8.7 National Parks and Access to the Countryside Act, 1949

- 8.7.1 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.

8.8 Natural Environment & Rural Communities Act, 2006

- 8.8.1 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

- 8.8.2 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.
- 8.8.3 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

8.8.4 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.

8.8.5 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.

8.8.6 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.



[REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]

8.10 Wild Mammals (Protection) Act, 1996.

8.10.1 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.

8.11 The Environment Act, 2021

8.11.1 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

- 8.11.2 Part 6 – Sections 98 - 101 of the act outlines provisions for biodiversity gain in planning.
- 8.11.3 Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England.
- 8.11.4 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.
- 8.11.5 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.
- 8.11.6 The relevant percentage is set at 10% for biodiversity gain.
- 8.11.7 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).
- 8.11.8 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.
- 8.11.9 Part 6 – Section 101 states that the secretary of state may make arrangements under which a person who is entitled to carry out the development of any land may purchase a credit from the secretary of state for the purpose of meeting the



biodiversity gain objective referred to in schedule 7A to the Town and Country Planning Act, 1990 and Schedule 2A of the Planning Act, 2008.

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

8.11.11 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.

8.12 National Planning Policy Framework (2024)

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

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

Conserving and Enhancing the Natural Environment

8.12.3 Paragraph 187 states: 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 and incorporating features which support priority or threatened



species such as swifts, bats and hedgehogs;

- 8.12.4 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
- 8.12.5 f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 8.12.6 Paragraph 188 states: 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.
- 8.12.7 Paragraph 189 states that: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 8.12.8 Paragraph 190 states that: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.



- 8.12.9 Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 189), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and Biodiversity

- 8.12.10 Paragraph 192 states that: To protect and enhance biodiversity and geodiversity, plans should:

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

- 8.12.11 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.

8.12.12 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.

8.12.13 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.

Ground Conditions and Pollution

8.12.14 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

8.13 Biodiversity and Geological Conservation Circular 06/2005

8.13.1 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.

- 8.13.2 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

- 8.13.3 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’.
- 8.13.4 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’.
- 8.13.5 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.’

8.14 Horsham District Council Adopted Local Plan (2015)

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

Policy 25

- 8.14.2 Policy 25 sets out Horsham District Councils (HDCs) commitment to protecting the Natural Environment and Landscape Character. Policy 25 states:
- 8.14.3 The Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:



- 8.14.4 Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.
- 8.14.5 Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.
- 8.14.6 Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.
- 8.14.7 Conserve and where possible enhance the setting of the South Downs National Park.

Policy 31

- 8.14.8 Development will be supported where it can demonstrate that it maintains and enhances the existing network of green infrastructure, the Nature Recovery Network, natural capital and biodiversity. Proposals that would result in the loss of existing green infrastructure or part of the Nature Recovery Network will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained.
- 8.14.9 Proposals will be expected to retain and enhance existing freshwater features, hedgerows, trees and deciduous woodland and the provision of additional hedgerow and tree planting will be sought subject to appropriate consideration of local and wider context, habitats and species.
- 8.14.10 Where the felling of a tree is necessary, for example due to disease, replacement planting with a suitable species and location to retain the link with the wider network of habitats and Green Infrastructure, will be required.
- 8.14.11 Development proposals will be expected to remove invasive species and will be required to contribute to the enhancement of existing biodiversity and deliver, as a minimum, a 10% net gain through the delivery of appropriate on-site biodiversity net gain or, where this is not practicable, to off-set the delivery to the Nature Recovery Network.
- 8.14.12 Proposals should create and manage appropriate new habitats, taking into account pollination, where practicable. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity, and where appropriate the Nature Recovery Network, through the creation of green spaces, and linkages between habitats to create local and regional ecological networks and allow the movement of wildlife through development sites.



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

- Special Protection Area (SPA) and Special Areas of Conservation (SAC);
- Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNRs);
- Local Wildlife Sites (LWS), Local Nature Reserves (LNRs) and any areas of Ancient Woodland, traditional orchards, local geodiversity or other irreplaceable habitats not already identified in a & b above.

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

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

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

8.15 Birds of Conservation Concern

8.15.1 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.

8.15.2 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.



8.16 IUCN Red List

- 8.16.1 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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