



Preliminary Ecological Appraisal

Land at Greenacres, Saucelands Lane,
Shingley, RH13 8PU

February 2025



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Project	Preliminary Ecological Appraisal – Greenacres, Saucelands Lane, Shipley, RH13 8PU
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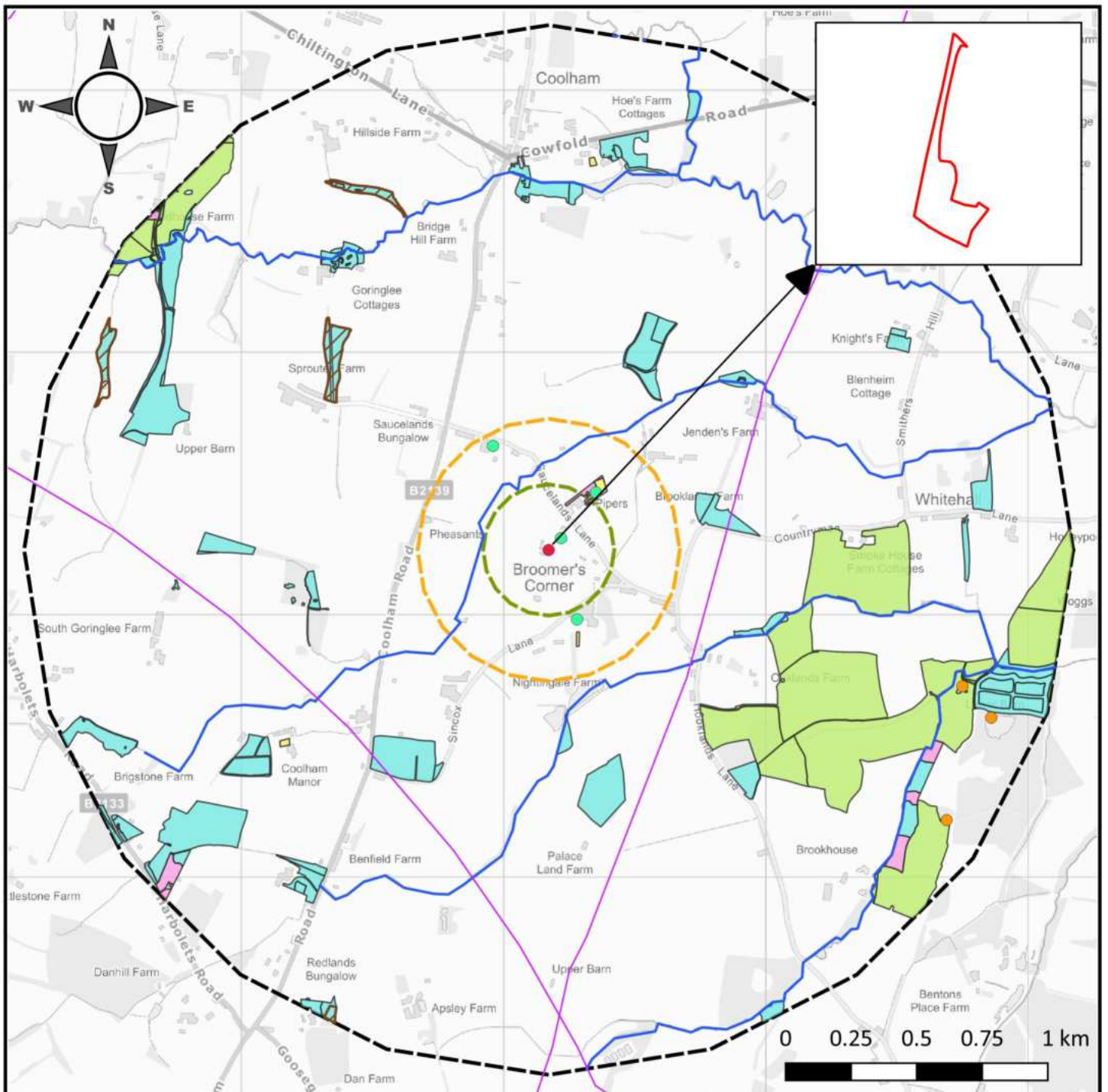
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Legend

- Deciduous woodland
- Good quality semi-improved grassland
- Traditional orchard
- No main habitat but additional habitats present
- Ancient woodland
- SSSI IRZ
- Rivers
- Ponds
- Surveyed priority ponds
- Site centroid
- Development boundary
- 250 m search area
- 500 m search area
- 2 km search area

Figure title:

Site Location and Desk Study Results

Client:

C-CHI-001-001-001
Chidhurst Limited

Site location:

Greenacres, Saucelands Lane, Shipley, RH13 8PU

Figure number:

1

Date drawn:

10/02/2025

Scale at A4:

1:22000

Revision:

1

Cartographer:

AO

Approver:

HB





Legend

- Development boundary
- UK Habs Codes
- g3c - other neutral grassland
- w1f - Lowland mixed deciduous woodland
- u1f (81) - Sparceley vegetated urban land (ruderal/ephemeral)
- u1b - developed land sealed surface
- u1b5 - buildings
- u1c (82) - artificial unvegetated unsealed surface (vacant/derelict land)
- r1g (41) - other standing water (pond)
- 32 - Scattered trees

1 - 12: Habitat reference number Table 7 - PEA Report

TN1 - TN4: Target notes

Smooth/palemate newt eggs recorded

Rabbit burrows in sand piles

Large soil bund that borders the development boundary

Large soil bund

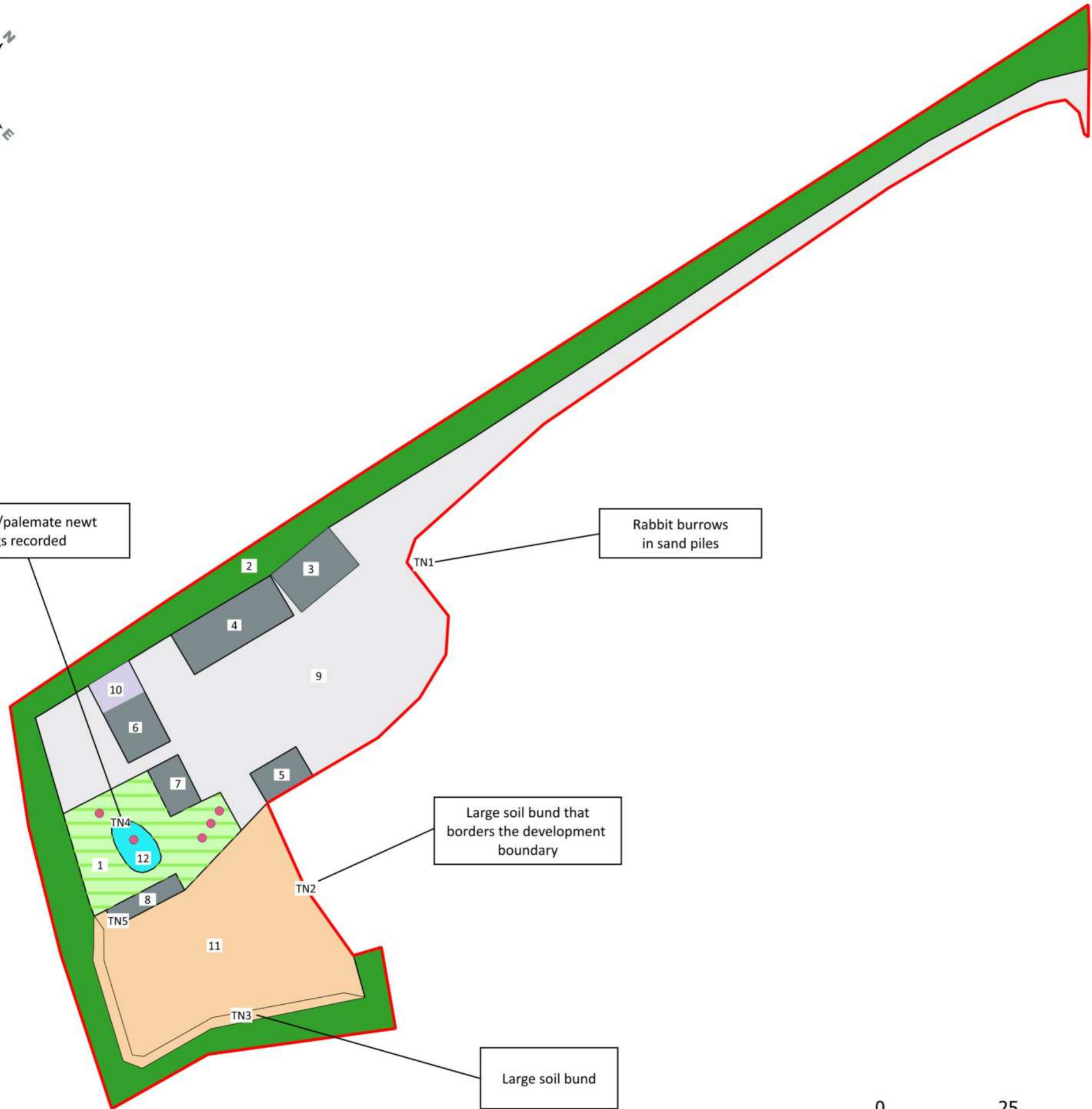


Figure Title:		
Uk Habitat Classification Survey - Results		
Client/ Document reference:		
Chidhurst Ltd C-CHI-001-001-001		
Figure number:	Revision:	Scale at A3:
2	2	1:850
Cartographer:	Date drawn:	Approver:
JB	29/04/2025	JB

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Photo 1: Displaying an area of developed land sealed surface which provides access to the site and lowland mixed deciduous woodland.



Photo 2: Displaying an area of developed land sealed surface located within the development boundary.



Photo 3: Displaying an area of artificial unvegetated unsealed surface and building B6 within the development boundary.



Photo 4: Displaying other neutral grassland located within the development boundary.




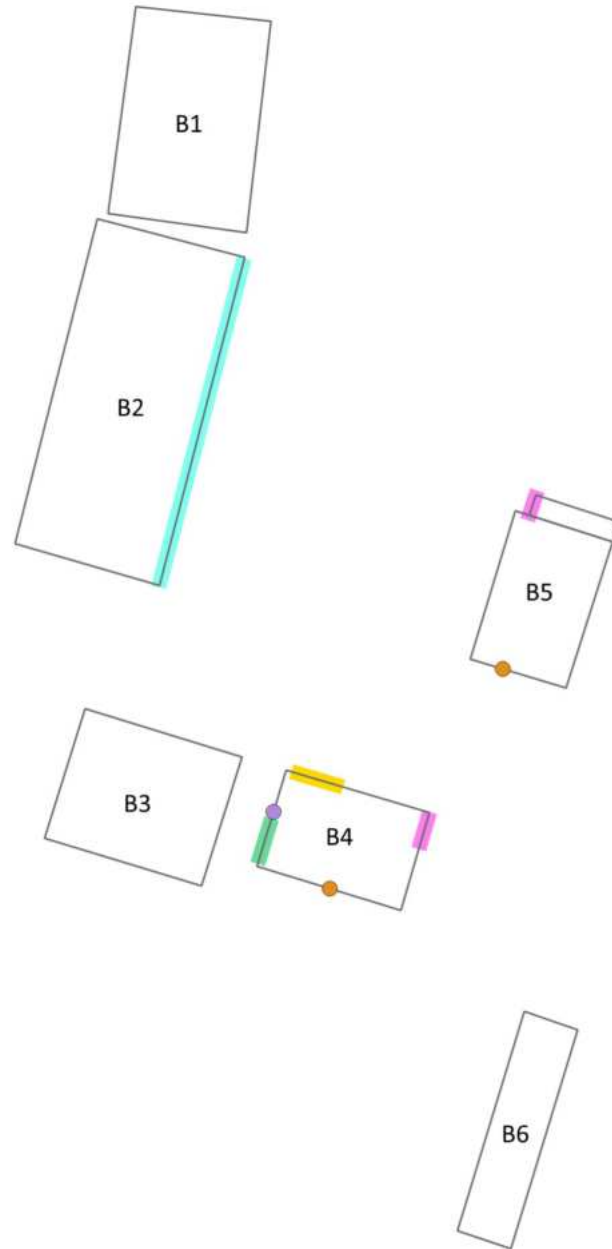
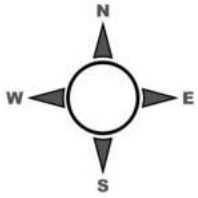
Photo 5: Displaying an area of sparseley vegatated land (ruderal/ephemeral) habitat in the northwestern area of the development boundary.



Photo 6: Displaying a pond within the development boundary.



Site Location			Client
Greenacres, Saucelands Lane, Shipley, RH13 8PU			Chidhurst Limited
Figure Title			Report reference
UK Habitat Classification Survey – Photographs			C-CHI-001-001-001
Figure no:	Revision no:	Scale:	 enquiries@arunecology.com www.arunecology.com
3	1	n/a	
Cartographer:	Date Drawn	Reviewed by:	
AO	10/02/2025	HB	



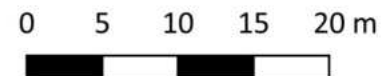
Legend

- Building layout
- Potential roosting features and access/ egress points**
- Gaps in soffit box
- Gaps above door
- Gaps under cement board
- Open doorway
- Gap behind cladding
- Gap under lead flashing

Figure Title:
Bat Preliminary Roost Assessment - Results

Client/ Project Reference:
Chidhurst Limited
C-CHI-001-001-001

Figure number:	Revision:	Scale at A4:
4	1	1:500
Cartographer:	Date drawn:	Approver:
AO	10/02/25	HB



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Photo 1: Displaying building B1 within the development boundary.



Photo 2: Displaying building B2 within the development boundary.



Photo 3: Displaying building B3 within the development boundary.



Photo 4: Displaying building B4 within the development boundary.




Photo 5: Displaying building B5 within the development boundary.



Photo 6: Displaying building B6 within the development boundary.



Site Location			Client		
Greenacres, Saucelands Lane, Shipley, RH13 8PU			Chidhurst Limited		
Figure Title			Report reference		
Preliminary Roost Assessment – Results			C-CHI-001-001-001		
Figure no:	Revision no:	Scale:	 enquiries@arunecology.com www.arunecology.com		
5	1	n/a			
Cartographer:	Date Drawn	Reviewed by:			
AO	10/02/2025	HB			



1. Summary and Recommendations

Proposals	<ul style="list-style-type: none"> Chidhurst Limited on behalf of their client is proposing development on land at Greenacres, Saucelands Lane, Shipley, RH13 8PU (see Figure 1). The proposals include the demolition of existing storage buildings, construction of four new residential dwellings 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. Mitigation will be required within the design of the development to ensure there are no adverse impacts that arise from light pollution on bat flightlines, that fall within the 12 km conservation zone of The Mens SAC. The development will not adversely impact any ancient woodland or any other irreplaceable habitat type. Mitigation will be required within the design and construction phase of the development to ensure the long-term safeguarding and promote the conservation of the lowland mixed deciduous woodland that falls within the development boundary and that qualifies as a Habitat of Principal Importance (HPI). Based upon the desk study results, the habitats recorded within the development boundary and the development proposals, [REDACTED] other mammal burrows, bats, nesting birds, great crested newts, hedgehogs and reptiles are a material consideration for the development. Buildings B2, B4 and B5 were assessed as having suitability to support roosting bats, and the removal of these buildings as part of the development could potentially result in harm to bats and adversely impact their roosts without further surveys to determine the presence or probable absence of roosting bats. Mitigation will be required during the construction phase of the development to prevent pollution of on-site and offsite habitats and waterbodies. The development will be required to achieve a measurable net gain for biodiversity as defined by The Environment Act, 1981, as well as incorporate 'non-measurable' ecological enhancements into the design of the development in line with national and local planning policy.



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.• A Biodiversity Net Gain (BNG) assessment should be carried out for the development and submitted with the planning application. This should include a BNG Gain Plan, Condition Assessment and Habitat Management and Monitoring Plan (where applicable).• One bat emergence survey on building B5, and two bat emergence surveys on both building B2 and B4 should be undertaken in line with BCT Good Practice Guidelines (Collins, 2023) to determine the presence or probable absence of bats, characterise any bat roosts (if present) and inform the need for any mitigation or licencing.• In line with Natural England’s standing advice for GCN, presence or probable absence surveys for GCN at the pond within the development boundary and ponds up to 500 m (if required) from the development boundary should be undertaken, to determine if any adverse impacts will arise on GCN as a result of the development.• The applicant may wish to opt-in to the Horsham District Council (HDC) GCN District Level Licencing (DLL) Scheme administered by NatureSpace, as an alternative to further surveying for GCN to ensure the development proceeds lawfully. <p>Mitigation</p> <ul style="list-style-type: none">• The mitigation measures outlined in this report for lowland mixed deciduous woodland and bat flightlines (light pollution) should be incorporated into the design of the development.• The mitigation measures outlined in this report for lowland mixed deciduous woodland, [REDACTED] hedgehogs, nesting birds, mammal burrows, reptiles 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 Chidhurst Limited on behalf of their client is proposing a development (grid reference: TQ 12163 21250) at Greenacres, Saucelands Lane, Shipley, RH13 8PU (see Figure 1). The above address is hereafter referred to as ‘the site’ and Chidhurst Limited 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 redevelopment of a brownfield site consisting of several storage units (as per STARC Architects DWG NO 100_01). The proposals include:

- Demolition of existing storage buildings;
- Construction of four new residential dwellings; and
- Associated landscaping within the development boundary.

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 (see Figure 1 and STARC Architects drawing reference: DWG NO 100_01).

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.



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

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

Bats – Preliminary Roost Assessment

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



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

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

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



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

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

3.5 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		
12/06/2024	UK Hab Survey and bat PRA.	12:30	14:30	18	18	None	2

3.6 Surveyors

3.6.1 The field surveys were undertaken by Joseph Baker BSc. Joseph Baker has over 8 years of professional consultancy experience and is adequately trained to carry out UK Hab Surveys. Joseph Baker is also registered to use the Level 2 Class Licence to survey bats and Level 1 Class Licence to Survey GCN.

3.7 Limitations

3.7.1 It was not possible to enter building B4 and B5 at the time of the UK Hab Survey for reasons of health and safety and the suspected presence of asbestos containing materials (ACMs). As such it was not possible inspect the interior of these buildings for barn owls or bats. This is not deemed as a major limitation to the conclusions made in this report and the recommendations outlined in section 6 adequately mitigate the limitations.



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.
SAC/SSSI	The Mens	The Mens designation is located 9.3 km west of the site. The site falls within the SACs 12 km 'wider conservation area'.	Designated due to its lowland broadleaved, mixed and yew woodland, and its assemblages of invertebrates and breeding birds. Barbastelle bat (<i>Barbastella barbastellus</i>) is also another qualifying feature of this designation.

Ancient Woodland

4.1.2 There were four ancient woodland parcels returned within 2 km of the development boundary (see Figure 1). The nearest ancient woodland parcel was 0.93 km northwest 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	112	<ul style="list-style-type: none"> The nearest deciduous woodland parcel is located 0.56 km east of the development boundary.
Traditional orchard	5	<ul style="list-style-type: none"> There are three traditional orchard parcels located within 0.5 km of the development boundary; and The nearest traditional orchard is 0.3 km northeast of the development boundary.
Good quality semi-improved grassland	22	<ul style="list-style-type: none"> The nearest good quality semi-improved grassland is 0.82 km southeast the development boundary.
No main habitat but additional habitats present	8	<ul style="list-style-type: none"> There are two parcels within 0.5 km of the development boundary; and These parcels include lowland fens, deciduous woodland, traditional orchard and good quality semi-improved grassland.

4.1.4 Four ponds were recorded within 0.5 km of the development boundary (see Figure 1). The nearest pond is located 0.04 km east of the development boundary.

4.1.5 Twenty-three main river parcels were returned within 2 km of the development boundary (see Figure 1). None of the parcels were listed as priority river habitats under the national inventory. The nearest main river parcel is located 0.1 km north of the development boundary.

Protected Species and Other Species of Conservation Concern

4.1.6 Seventy-one 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 9 bats, 2 reptiles, 41 birds, 1 higher plant, 8 invertebrates, 2 mammals (excluding bats) and 8 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) Amber and Red Risk Zones (based on information 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.

Habitat Reference (Figure 2)	UK Hab Survey Classification Code	Approx. Area sqm	Summary and Species List
Grassland			
1	<p>Primary: Other neutral grassland</p> <p>Secondary: Scattered trees</p> <p>Code: g3c – 32</p>	450	<p>There was a small parcel of other neutral grassland recorded at the central point along the southern development boundary. The grassland had a sward height of 200 – 300 mm. The grassland typically had 8 species per metre squared. The species composition was mixed reflecting the presence of a pond edge and a woodland edge, waste ground species and the neglect of management. Other neutral grassland was selected due to the absence of perennial rye grass, >30% herbaceous plant cover and at least one species not typically sown for agricultural improvement being abundant. No invasive non-native species were recorded within the grassland. Four scattered trees were recorded within this parcel.</p> <p>Species recorded:</p> <p>Grasses: Yorkshire fog (D), cock’s foot (A), common bent (F), annual meadow grass (O), false oat grass (O), false brome, (F) meadow foxtail (F), sweet vernal grass (F), smooth meadow grass (R).</p> <p>Forbs and other plants: creeping buttercup (A), broad-leaved dock (F), common nettle (F), herb Robert (F), willowherb sp. (F), creeping thistle (F), cut-leaved crane's-bill (F), common vetch (O), common ragwort (O), ribwort plantain (O), wild thyme (O), common fleabane (O), hogweed (O), pendulous sedge (O).</p> <p>Scattered trees: weeping willow (R), pedunculate oak (R).</p>



Woodland			
2	<p>Primary: Lowland mixed deciduous woodland</p> <p>Secondary: Line of trees</p> <p>Code: w1f - 33</p>	2175	<p>A parcel of lowland mixed deciduous woodland was recorded along the southeastern, southwestern and northwestern development boundary. The woodland canopy was continuous throughout the extent of the habitat parcel and the understory had a dense structure throughout its extent.</p> <p>Species recorded:</p> <p>Canopy layer: Pedunculate oak (D), field maple (O), ash (O).</p> <p>Shrub layer: hazel (F), hawthorn (F), field maple (F), holly (F), field rose (R), blackthorn (O), grey willow (O), horse chestnut (R).</p> <p>Ground layer: Common nettle (A), wood avens (F), willowherb (F), cleavers (F), burdock (F), bramble (O), hedge woundwort (O), nightshade (O), wood dock (O), bracken (O), creeping thistle, (O), false oat grass (R).</p>
Urban			
3, 4, 5, 6, 7, 8.	<p>Primary: Developed land, sealed surface</p> <p>Secondary: Building</p> <p>Code: u1b5</p>	625	<p>Six buildings (B1-B6) were recorded within the development boundary. Four of the buildings were storage units and two appeared to be disused office buildings. A detailed description of each building is provided in Table 11, Appendix II.</p> <p>No vegetation is associated with these habitat parcels.</p>
9	<p>Primary: Developed land, sealed surface</p> <p>Code: u1b</p> <p>Target Note: TN1</p>	2559	<p>There is an area of developed land, sealed surface comprised of a driveway and a concrete hardstanding yard in the centre of the development boundary.</p> <p>No vegetation is associated with this habitat parcel.</p> <p>TN3: Rabbit burrows recorded in sand pile.</p>
10	<p>Primary: Sparsely vegetated urban land</p> <p>Secondary: Ruderal/ephemeral</p> <p>Code: u1f - 81</p>	59	<p>There is a small area with a sparse cover of vegetation that has developed while the site has been vacant and lies derelict. Vegetation cover is between 10-50%. The species recorded within this habitat parcel do not strongly fit any UK Hab Survey classification, as such, professional judgment has been used to find a best fit.</p> <p>Species recorded: Common nettle (F), creeping buttercup (F), square stalked willowherb (F), woodland figwort (F), primrose (O), wood avens (O), broad leaved dock (O), curly leaved dock (O) bramble (O), field maple sapling (R).</p>



11	<p>Primary: Artificial unvegetated, unsealed surface</p> <p>Secondary: Vacant/ derelict land</p> <p>Code: u1c - 82</p> <p>Target Note: TN2 and TN3</p>	1430	<p>There is an area of artificial unvegetated, unsealed surface located in the eastern section of the development boundary.</p> <p>This habitat parcel includes bunds of soil (approx. 2-3m tall) located along the northeastern, southwestern and southeastern development boundary. These bunds had very low (<10%) cover of vegetation at the time of the UK Hab Survey, and the rest of the parcel has no vegetation associated with it. As such, this parcel was classified as artificial unvegetated, unsealed surface.</p> <p>Species recorded: Common nettle (F); common sorrel (O); annual meadow grass (O); common comfrey (O); greater plantain (O); bramble (O); cleavers (R).</p> <p>TN1 and TN2: Large mounds/ banks of soil waste and mixed construction debris.</p>
Rivers and Lakes			
12	<p>Primary: Other standing water</p> <p>Secondary: Pond</p> <p>Code: r1g – 41</p> <p>Target note: TN4</p>	68	<p>A pond was recorded in the centre of the development boundary within the other neutral grassland parcel. The pond included a small quantity of submerged and emergent plant species, with no floating plant species recorded. The pond is likely to dry annually and was dry at the time of further site visits between July – September 2024.</p> <p>Species recorded:</p> <p>Aquatic: water mint (O), flag iris(O).</p> <p>TN4: Smooth/ palmate eggs recorded.</p>



4.3 Site Habitat Suitability Assessment

4.3.1 An assessment of habitat within the development boundary to act as an ecological receptor for protected species and species of conservation concern, based upon the desk study results and the habitats recorded during the UK Hab Survey is provided below in Table 8. The bat PRA results are summarised below, given in full in Table 11 Appendix II and displayed in Figure 4 and Figure 5.

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"> • There were no records of GCN returned from the desk study search within 1 km of the development boundary. There is a pond within the development boundary (habitat ref: 12) which provides potential GCN breeding habitat. Evidence of smooth/ palmate newt was recorded at the pond with egg folds recorded at the time of the UK Hab Survey. Four additional ponds were identified within 500 m of the development boundary from the desk study search, the closest was located 40 m from the development boundary. • Suitable GCN terrestrial habitat that could provide resting places for GCN including other neutral grassland (habitat ref: 1) and deciduous woodland (habitat ref: 2) was recorded within the development boundary. Furthermore, the soil bunds and building debris that form part of artificial unvegetated unsealed surface habitat (habitat ref: 11) provide potential resting places and hibernacula for GCN. The developed land sealed surface (habitat ref: 3-9) which forms the main extent of habitat within the development boundary provides unsuitable habitat as a resting place for GCN. • Based on the above points it is reasonably likely that GCN could be encountered within the development boundary. Additionally, the habitat within the development boundary has the potential to form part of the terrestrial habitat of any nearby GCN population, given the presence of a pond within the site and additional ponds within 250 m of 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. • Buildings B2 and B4 were classified as having moderate suitability to support roosting bats and building B5 was classified as having low potential to support roosting bats, during the bat PRA (see Table 11, Appendix II). All trees recorded within the main footprint of the development were assessed as having no or negligible potential for roosting bats.



	<ul style="list-style-type: none"> The habitat within the development boundary was assessed as having moderate suitability for bats, with the other neutral grassland, pond and lowland mixed deciduous woodland 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. Evidence of nesting birds was recorded in building B2 and on the island of the pond during the UK Hab Survey. There are scattered trees, lowland mixed deciduous woodland and buildings (B1, B3, B4 and B5) within the development boundary that provide potential habitat for nesting birds. A barn owl was also recorded on the roof of building B6 during a separate visit to the site (late afternoon). The other neutral grassland within the immediate footprint of the development is reasonably unlikely to be suitable for ground nesting birds due to its small extent, as are all other habitats within the development boundary.
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. The development boundary includes lowland mixed deciduous woodland (habitat ref: 2) which is broadly a habitat type used by hazel dormice. The woodland also connects to other nearby suitable dormice habitats including native hedgerows and deciduous woodland parcels. Hedgehogs: The lowland mixed deciduous woodland (habitat ref: 2) within the development boundary is reasonably likely to provide foraging and resting places for hedgehog. The other neutral grassland (habitat ref: 1) within the development boundary also provides suitable foraging habitat for hedgehog. As such, it is reasonably likely that hedgehog could be encountered within the development boundary and the immediate footprint of the development. Otters and water voles: No records of otter or water vole were returned from the desk study search within 1 km of the development boundary. The closest lotic waterbody is a small tributary of the River Adur located 0.1 km from the development boundary, which is a habitat that, broadly, can be associated with otter and water vole. In our professional judgement, it is reasonably unlikely the habitats within the development boundary will be associated with the above species, due to their restricted distribution within the Adur



	<p>catchment, small amount of non-typical connecting habitat, small extent of habitat within the site and previous commercial land-use within the development boundary.</p> <ul style="list-style-type: none"> • Other mammals: Rabbit burrows were recorded within the main footprint of the development in spoil heaps (see habitat ref: 9 TN1, in Figure 2). Furthermore, a dead fox was recorded within the development boundary. It is possible that the lowland mixed deciduous woodland, other neutral grassland and artificial unvegetated unsealed surface (see TN2 and TN3) habitat parcels could provide potential for burrowing mammals within the development boundary, particularly as it is vacant at this time.
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. • There is a small area of other neutral grassland (see habitat ref: 1) surrounding a pond within the development boundary with sub-optimal suitability for reptiles. While there are some taller grasses and forbs present, the structure of the grassland is quite patchy/ open in structure and is heavily shaded by oversailing mature trees, furthermore the parcel is small in size and marginally isolated from other suitable reptile habitat. In our professional judgment this reduces the likelihood of there being a significant permanent population of reptiles within the other neutral grassland, with use likely to be limited to occasional use by transitional grass snake investigating the pond. • The main extent of habitat within the development boundary was primarily formed of developed land sealed surface (see habitat ref: 3-9) and artificial unvegetated unsealed surface (see habitat ref: 11), which provide unsuitable habitat structure (lack of cover) for reptiles. The artificial unvegetated unsealed surface habitat parcels also included large soil bunds (see Habitat ref: 11, TN2 and TN3, Figure 2). The soil bunds were assessed as providing unsuitable habitat structure for reptiles due to the very low (<10%) cover of vegetation at the time of the UK Hab survey.
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 included lowland mixed deciduous woodland (habitat ref: 2) and a pond (habitat ref: 12) which are habitats, that, broadly, can be of value to invertebrates and can be associated with species of conservation concern. The pond was heavily shaded and lacked aquatic vegetation, suggesting it is likely to be of lower suitability for invertebrates, and indicative of assemblages that tolerate poorer water quality. • There were small areas of other neutral grassland (habitat ref: 1) which provided habitats of limited value for invertebrates due to the small scale, shading from oversailing vegetation and lack of overall botanical diversity in this parcel. The remaining habitat within the



	<p>main footprint of the development was primarily formed of developed land sealed surface and artificial unvegetated unsealed surface that provide only limited value for invertebrates.</p>
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. All habitat parcels within the development boundary were relatively species poor varieties including the lowland mixed deciduous woodland (see habitat ref: 3), and as such, are reasonably unlikely in this case 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.



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.
The Mens SAC	<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. 	Mitigation required	<ul style="list-style-type: none"> The development boundary falls within the outer section of the 12 km conservation area of The Mens SAC. The development, however: <ul style="list-style-type: none"> Will not result in the loss of any area of habitat within the SAC as it is located outside of the SAC boundary; and



			<ul style="list-style-type: none"> ○ Will not directly remove any habitat within the development boundary that could provide a suitable flightline for a qualifying feature of the SAC (barbastelle bat). • While it is reasonably unlikely alone to adversely impact the qualifying features of the designation, the artificial lighting of important bat flightlines within the outer conservation zone of the SAC, such as the lowland mixed deciduous woodland within the development boundary could have an accumulative adverse impact locally on the available flightlines for barbastelle bat. • The recommendations outlined in section 6.2 should be followed to ensure the development proceeds lawfully.
Habitats			
Irreplaceable habitat	<ul style="list-style-type: none"> • National Planning Policy Framework, 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"> • There is a parcel of lowland mixed deciduous woodland (HPI) within the development boundary. • Due to the proximity of this woodland parcel 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 deciduous woodland 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.



<p>Pollution Prevention</p>	<ul style="list-style-type: none"> • Environmental Protection Act, 1990; • National Planning Policy Framework, 2024; and • HDC Local Plan – Policy 25 and 31. 	<p>Mitigation required</p>	<ul style="list-style-type: none"> • 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 6.2 and 6.4 should be followed to ensure the development proceeds lawfully.
<p>Biodiversity Net Gain and Ecological Enhancements</p>			
<p>Biodiversity Net Gain</p>	<ul style="list-style-type: none"> • The Environment Act, 2021; • National Planning Policy Framework, 2024; and • HDC Local Plan – Policy 25 and 31. 	<p>Further assessment required</p>	<ul style="list-style-type: none"> • The development will be required to demonstrate that an uplift in the baseline biodiversity value as defined under The Environment Act, 2021 has been achieved to proceed lawfully. • The recommendations outlined in section 6.3 should be followed to ensure the development proceeds lawfully.
<p>Ecological Enhancement</p>	<ul style="list-style-type: none"> • National Planning Policy Framework, 2024; and • HDC Local Plan – Policy 25 and 31. 	<p>Further action required.</p>	<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.
<p>Protected Species and Species of Conservation Concern</p>			
<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>



			<ul style="list-style-type: none"> The recommendations outlined in section 6.5 should be followed to ensure the development proceeds lawfully.
Bats	<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. 	Further assessment and mitigation required	<ul style="list-style-type: none"> Buildings B2, B4 and B5 were classified as having potential to support roosting bats. As these buildings will be removed as part of the development, it could result in harm to individual bats and adversely impact their roosts, without further assessment to determine the presence or probable absence of roosting bats. No trees with potential to support roosting bats will be adversely impacted by the development, based on the current development layout, including a small willow tree proposed for removal as part of enhancement recommendations for the pond habitat (see section 6.3). All potential bat flightlines along the edge of lowland mixed deciduous woodland will be retained as part of the development. The development will result in the loss of a small area of other neutral grassland. Despite this, it is reasonably unlikely the conservation status of bats will be adversely impacted due to the small scale of the habitat loss and the net increase of habitat creation as part of the final landscaping plans and BNG opportunities as part of the development. As such, further bat activity surveys will not be required to inform the development. For the reasons outlined above for The Mens SAC and pollution prevention section, the development will be required to mitigate the level of new light pollution from the installation of artificial lighting to ensure it does not adversely impact potential bat flightlines within the development boundary. 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 	Mitigation required	<ul style="list-style-type: none"> The development includes the removal of building B2, where past use by nesting birds was recorded, and buildings B1, B3, B4 and B5 which provide potential habitat for nesting birds. As such, it is reasonably likely that nesting



	<ul style="list-style-type: none"> Natural Environment & Rural Communities Act, 2006 – Section 40/41. 		<p>birds could be adversely impacted without appropriate mitigation during the construction phase of the development.</p> <ul style="list-style-type: none"> A barn owl was recorded within the development boundary; however, no evidence of nesting was recorded at the time of the UK Hab Survey. 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. 	Further assessment required.	<ul style="list-style-type: none"> It is reasonably likely that GCN could be encountered within the development boundary due to: <ul style="list-style-type: none"> The presence of a potential GCN breeding pond within the development boundary and other ponds being present near (< 250 m) to the development boundary; Suitable terrestrial habitat and refugia potentially acting as resting places for GCN being present within the development boundary and part of this area being proposed for removal; and The habitat within the development boundary having continuous connectivity to other suitable GCN terrestrial habitat (as viewed from aerial imagery) and a nearby pond (40 m from the development boundary) with other ponds within 500 m of the development boundary. Based on the above, further assessment will be required to determine the presence or probable absence of GCN and ascertain if the development will adversely impact GCN in order to proceed lawfully. It is not anticipated the development will result in the removal of any potential GCN breeding habitat as the pond within the development boundary will be retained as part of the development.



			<ul style="list-style-type: none"> The recommendations outlined in section 6.6 of this report should be followed to ensure the development proceeds lawfully.
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. 	Adverse impacts/offence reasonably unlikely.	<ul style="list-style-type: none"> There is lowland mixed deciduous woodland onsite that is, broadly, a habitat type suitable for hazel dormice. However, all woodland within the development boundary will be retained as part of the development and mitigation measures have been recommended in section 6.4 to safeguard the woodland during the construction phase. Based on the above point, the development is reasonably unlikely to result in harm to individual hazel dormice or adversely impact any habitat associated with a hazel dormouse population.
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. 	Mitigation required	<ul style="list-style-type: none"> There is habitat (other neutral grassland – see habitat parcel 1, Figure 2) with sub-optimal suitability (due to shading and the small size of the parcel) for reptiles present within the development boundary, which in our professional opinion suggests the likelihood of a permanent reptile population being present is low. A small part (edge) of the other neutral grassland will be lost based on the development proposals. The remaining area of other neutral grassland will be retained in close proximity to the main construction activities. As such, mitigation will be required to safeguard this habitat during the construction phase of the development. The remaining area of other neutral grassland as well as the pond on-site will be retained as part of the development and has been identified as a BNG



			<p>enhancement opportunity. As such, appropriate mitigation is outlined in section 6.5, to ensure habitat enhancements will be completed in a phased approach to ensure reptile habitat is retained on-site.</p> <ul style="list-style-type: none"> Based on the above points, in our professional opinion, potential adverse impacts on any potential reptile population and appropriate mitigation can be reasonably predicted that further surveys would be disproportionate in determining the development. Furthermore, that with appropriate mitigation and enhancement opportunities it can be demonstrated that there has been due regard for conserving, restoring or enhancing any reptile population. The recommendations outlined in section 6.5 should be followed to ensure the development proceeds lawfully.
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 	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.



	<ul style="list-style-type: none"> Natural Environment & Rural Communities Act, 2006 – Section 40/41. 		
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"> Habitats of value for invertebrates within the development boundary, including lowland mixed deciduous woodland and a pond will all be retained in their entirety as part of the development. Based on the above point, the development is reasonably unlikely to result in any adverse impacts to any European protected invertebrate species, 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 new residential properties. 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).

The Mens SAC

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

6.2.3 The lighting strategy for the development boundary as a minimum should aim to:

- Avoid illumination of the lowland mixed deciduous woodland within the development boundary, other neutral grassland and pond as well as any new habitat creation directly linked to these habitats as part of BNG requirements; and



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

6.3 Biodiversity Net Gain and Ecological Enhancements

Biodiversity Net Gain

- 6.3.1 A BNG assessment for the development should be undertaken within the development boundary to ensure the development is compliant with the legislation and national planning policy requirements.
- 6.3.2 The BNG assessment should follow industry good practice guidelines and the principles of BNG (Baker et al, 2019 and CIEEM, 2021) and be calculated based upon the final landscaping plans using the latest edition of the Statutory Biodiversity Metric Tool.
- 6.3.3 The BNG assessment should be accompanied by a BNG Gain Plan and Habitat Management and Monitoring Plan (where there are 'significant gains') and should outline the strategy for achieving biodiversity net gain over a defined 30-year period.

Ecological Enhancements

- 6.3.4 The following ecological enhancements relevant to the development are recommended:
 - Installation of artificial habitat provisions to include:
 - One wooden barn owl nest box on a mature tree within the development boundary (in line with Barn Owl Trust Guidance (see reference in section 8 of this report));



- Two bat boxes for crevice dwelling bats on mature trees; and
 - One integrated bird box should be installed within each of the new proposed dwellings.
- The incorporation of 13 cm x 13 cm gaps into any permanent boundary fencing of each residential garden to allow the movement of small animals including hedgehogs;
 - Installation of two small refugia/hibernacula log piles within the other neutral grassland located around the pond within the development boundary for the benefit of amphibians and invertebrates;
 - Planting of native hedgerows within the development boundary. This will include planting in the southern section of the development boundary around the other neutral grassland and the boundary of two residential plots to segregate retained habitats.

6.3.5 Details on the specification and methodology of creation/ instalment for ecological enhancements can be included in addition to the BNG requirements within the BNG Habitat Management and Monitoring Plan.

6.4 Habitat Mitigation

Habitats of Principle Importance

6.4.1 To safeguard the lowland mixed deciduous woodland within the development boundary from damage or degradation during the construction phase of the development, specialist arboricultural advice should be sought. This, broadly, is likely to include as a minimum:

- The installation of temporary tree protection barriers and matting where appropriate; and
- Supervision during the removal of developed land sealed surface habitat located in close proximity to the tree rooting zones.

6.4.2 To ensure the long-term safeguarding of the lowland mixed deciduous woodland within the development boundary, a protective buffer along the edge of the woodland should be established as part of the landscaping plans for the development (where reasonably practical). The buffer should:

- As a minimum encompass the root protection zones of mature trees on the edge of the lowland mixed deciduous woodland;



- Allow the establishment of semi-natural habitat within the woodland buffer that could include grassland and a proposed native hedgerow around the border of residential units located near to the woodland; and
- Ensure that the woodland buffer is clearly defined and segregated from residential gardens within the design of the development, which could be achieved with a post and rail style fence.

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

Pollution Prevention Measures

6.4.4 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

Other Mammal Burrows

6.5.1

[Redacted text block]



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

Bats

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

Nesting Birds

- 6.5.4 To ensure that the development is compliant with the legislation and planning policy relating to nesting birds, the removal of buildings B1, B2, B3, B4 and B5 within the development boundary should ideally be completed outside of the breeding bird season (typically March – September). If it is not possible to avoid the breeding bird season to complete these works, a pre-works inspection by an appropriately qualified ecologist should be undertaken.
- 6.5.5 As barn owls have been incidentally recorded within the development boundary, a (pre-works) barn owl survey of buildings B2, B4 and B5 should be undertaken by a suitably qualified ecologist to check for nesting barn owls. The survey should be conducted no more than three days before works commence on buildings B2, B4 and B5.
- 6.5.6 If an active bird nest or nesting activity is recorded within the development boundary 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). A protective buffer should be implemented around any active nests (the size to be determined based on the professional judgement of an ecologist or environmental



manager) and works in and around these areas should be controlled or delayed until the chicks have fledged.

Reptiles

6.5.7 To ensure there are no adverse impacts on reptiles during the construction phase of the development the mitigation measures outlined below should be followed:

- The other neutral grassland parcel (habitat reference 1, Figure 2) should be separated from surrounding construction areas using barrier fencing.
- Any other habitats (excluding the other neutral grassland above) within the immediate footprint of the development should be kept short to prevent reptiles colonising the construction area (see habitat ref: 11 and TN2 and TN3, Figure 2) prior to removal;
- A tidy construction area should be targeted, with appropriate storage of building materials (off ground where reasonably practical) to prevent the unintended creation of refugia and hibernacula for reptiles; and
- Where reasonably practical, any holes or excavation within the development boundary should be kept covered when not in use to prevent reptiles becoming trapped, checked regularly when not covered, and have an escape ramp installed to allow reptiles to escape; and
- If an individual reptile is unexpectedly encountered within the development boundary, the reptile should be encouraged to move to safety, or alternatively, advice from an ecologist should be sought, prior to moving the reptile.

6.5.8 Any enhancement of the other neutral grassland as part of BNG requirements, should be undertaken in a phased approach to ensure potential reptile habitat is retained at all times. Any vegetation removal should be removed in a two-stage process with a first cut to 200 mm in height and left for 24 hours prior to cutting to ground level.

6.5.9 Please note the above mitigation may be subject to change based on the result of any assessment for GCN, to which any GCN mitigation strategy would take precedence.

Hedgehogs

6.5.10 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.

6.6 Further Surveys

Bats

- 6.6.1 Buildings B2 and B4 were classified as having moderate suitability to support roosting bats. Two further bat emergence surveys should be undertaken on both of these buildings to determine the presence or likely absence of bats in line with BCT Good Practice Guidelines (Collins, 2023). The bat emergence surveys should be completed between May and September, with at least one survey (on each building) completed between May and August.
- 6.6.2 Building B5 was classified as having low potential to support roosting bats. One further bat emergence survey should be undertaken on building B5 to determine the presence or likely absence of bats in line with BCT Good Practice Guidelines (Collins, 2023). The bat emergence survey should be completed between May and August.

Great Crested Newts

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



7. Conclusion

- 7.1.1 Further assessment will be required to inform the ecological impacts of the development. Mitigation will also be required within the design and the construction phase of the development to ensure it proceeds lawfully. Furthermore, the development will be required to demonstrate compliance with the relevant legislation for BNG and incorporate ecological enhancements into the development.
- 7.1.2 The recommendations within this report outline how the above can be achieved to inform the development and ensure it proceeds lawfully.



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

Table 10 – Records returned from the desk study search within 1 km of the development boundary (SxBRC, 2024).

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							
Barbastelle	<i>Barbastella barbastellus</i>	✓	✓ (5)	✓			
Serotine	<i>Eptesicus serotinus</i>	✓	✓ (5)				
Daubenton's	<i>Myotis daubentonii</i>	✓	✓ (5)				
Whiskered	<i>Myotis mystacinus</i>	✓	✓ (5)				
Myotis	<i>Myotis sp.</i>	✓	✓ (5)				
Noctule	<i>Nyctalus noctula</i>	✓	✓ (5)	✓			
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	✓	✓ (5)				
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	✓	✓ (5)	✓			
Brown long eared	<i>Plecotus auritus</i>	✓	✓ (5)	✓			
Birds							
Barn Owl	<i>Tyto alba</i>		✓ (1)				
Black Redstart	<i>Phoenicurus ochruros</i>		✓ (1)		Amber		
Bullfinch	<i>Pyrrhula pyrrhula</i>		✓	✓	Amber		
Crossbill	<i>Loxia curvirostra</i>		✓ (1)				
Cuckoo	<i>Cuculus canorus</i>		✓	✓	Red		
Dunnock	<i>Prunella modularis</i>		✓	✓	Amber		
Green Woodpecker	<i>Picus viridis</i>		✓				
Grey Wagtail	<i>Motacilla cinerea</i>		✓		Amber		
Hobby	<i>Falco subbuteo</i>		✓ (1)				
House martin	<i>Delichon urbicum</i>		✓		Red		
House Sparrow	<i>Passer domesticus</i>		✓	✓	Red		
Kestrel	<i>Falco tinnunculus</i>		✓		Amber		



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Kingfisher	<i>Alcedo atthis</i>		✓ (1)				Birds Directive
Lapwing	<i>Vanellus vanellus</i>		✓	✓	Red		
Lesser Spotted Woodpecker	<i>Dryobates minor</i>		✓	✓	Red		
Linnet	<i>Linaria cannabina</i>		✓	✓	Red		
Little Grebe	<i>Tachybaptus ruficollis</i>		✓				
Mallard	<i>Anas platyrhynchos</i>		✓		Amber		
Meadow pipit	<i>Anthus pratensis</i>		✓		Amber		
Mistle thrush	<i>Turdus viscivorus</i>		✓		Red		
Mute Swan	<i>Cygnus olor</i>		✓				
Nightingale	<i>Luscinia megarhynchos</i>		✓		Red		
Northern shoveler	<i>Spatula clypeata</i>		✓		Amber		
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		
Snipe	<i>Gallinago gallinago</i>		✓		Amber		
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		
Tufted Duck	<i>Aythya fuligula</i>		✓				
Turtle Dove	<i>Streptopelia turtur</i>		✓	✓	Red		
Whitethroat	<i>Curruca communis</i>		✓		Amber		
Willow Warbler	<i>Phylloscopus trochilus</i>		✓		Amber		
Woodcock	<i>Scolopax rusticola</i>		✓		Red		
Woodlark	<i>Lullula arborea</i>		✓ (1)	✓			Bird directive Annex I
Yellowhammer	<i>Emberiza citronella</i>		✓	✓	Red		
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							
Mandarin Duck	<i>Aix galericulata</i>		✓ (9)				
Egyptian Goose	<i>Alopochen aegyptiaca</i>		✓ (9)				
Canada Goose	<i>Branta canadensis</i>		✓ (9)				
Montbretia	<i>Crococsmia pottsii x aurea = C. x crocosmiiflora</i>		✓ (9)				
Japanese Knotweed	<i>Fallopia japonica</i>		✓ (9)				
Himalayan Balsam	<i>Impatiens glandulifera</i>		✓ (9)				
A Flowering Plant	<i>Lamium galeobdolon subsp. argentatum</i>		✓ (9)				
A Flowering Plant	<i>Rhododendron ponticum</i>		✓ (9)				
Invertebrates							
Purple Emperor	<i>Apatura iris</i>		✓ (5 – sale only)			GB post2001 NT	
Small Heath	<i>Coenonympha pamphilus</i>			✓		GB post2001 NT	
White Admiral	<i>Limenitis camilla</i>		✓ (5 – sale only)	✓		GB post2001 EN	
Brown Hairstreak	<i>Thecla betulae</i>		✓ (5 – sale only)	✓		GB post2001 NT	
White-letter Hairstreak	<i>Satyrrium w-album</i>			✓		GB post 2001 EN	
Shaded Broad-bar	<i>Scotopteryx chenopodiata</i>			✓			
Cinnabar	<i>Tyria jacobaeae</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 II - Bat Preliminary Roost Assessment Results

Table 11 – Bat Preliminary Roost Assessment Results.

Building no.	Description	External Inspection	Internal inspection	Evidence of bats	Bat roost potential	Rational and potential roosting features recorded
B1	<ul style="list-style-type: none"> Building B1 is a metal framed agricultural storage building with a gable roof. The building is finished with metal cladding that is in good condition. 	Yes	Yes	None recorded	Negligible	<ul style="list-style-type: none"> No bat PRFs or potential access/ egress points were recorded on the exterior of building B1, and as such, there is no access to the interior of building B1 for bats.
B2	<ul style="list-style-type: none"> Building B2 is a breeze block-built storage building with a tiled gable roof and a wooden soffit box. The building is in reasonable condition overall with damage to the soffit boxes evident. 	Yes	Yes	None recorded	Moderate	<ul style="list-style-type: none"> The following bat PRFs and access/egress points were recorded on building B2: <ul style="list-style-type: none"> Gaps in soffit box; and Gaps above door (access/egress point) that lead to the interior of building B2.
B3	<ul style="list-style-type: none"> Building B3 is a brick-built office building with a tiled gable roof. Building B3 is in good overall condition with no signs of damage. 	Yes	No	None recorded	Negligible	<ul style="list-style-type: none"> No bat PRFs or potential access/ egress points were recorded on the exterior of building B3, and as such, there is no access to the interior of building B3 for bats.
B4	<ul style="list-style-type: none"> Building B4 is a wooden framed storage barn with a gable style roof. Building B4 is finished with a mixture of wooden cladding and cement board that is likely to be an ACM. 	Yes	No	None recorded	Moderate	<ul style="list-style-type: none"> The following bat PRFs and access/egress points were recorded on building B4: <ul style="list-style-type: none"> Gaps under cement board; Gap under lead flashing; Gap behind cladding. Gaps above door (access/egress point); and Open doorway (access/egress point).



	<ul style="list-style-type: none"> The building including the outer material are in poor overall condition with considerable wear and damage evident. 					<ul style="list-style-type: none"> Building B4 was assessed as being unsafe to enter due to the condition of the building and the suspected presence of damaged ACMs.
B5	<ul style="list-style-type: none"> Building B5 is a disused office with wooden panelled walls and a gable roof constructed of corrugated roofing sheets. The wooden panels are in poor condition with several missing panels exposing a membrane beneath. 	Yes	No	None recorded	Low	<ul style="list-style-type: none"> The following bat PRFs and access/egress points were recorded on building B5: <ul style="list-style-type: none"> Shallow gap behind wooden cladding; and Open doorway (access/egress point) leading to the interior of building B5. Building B5 was assessed as being unsafe to enter due to the condition of the building and the suspected presence of ACMs.
B6	<ul style="list-style-type: none"> Building B6 is a steel framed, open faced agricultural barn. Building B6 is finished with a corrugated roof and corrugated cladding on the sides with exception to the open face; and Building B6 is in poor condition overall, with damage to the exterior cladding evident. 	Yes	Yes	None recorded	Negligible	<ul style="list-style-type: none"> There are no bat PRFs present on the exterior of building B6 and the interior of building B6 is completely exposed. As such, there is insufficient cover for roosting bats within building B6.



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 Government's obligations under the Bird Directive and Bern Convention into law. The act outlines provisions for the protection of nationally important sites for nature conservation and provides protection at different levels for certain animals and plants, including certain prohibitions.

Protection of Birds

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

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

Protection of Animals

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

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



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

Protection of Plants

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

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

Invasive Species

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

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

8.9 Protection of Badgers Act, 1992

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

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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