Greengage

Brighter strategies
for greener projects

Client: Lovell

Project: Novartis Site, Horsham Phase 1&2

Report: Bird Survey Report

QUALITY ASSURANCE

Issue/Revision:	Draft	Final
Date:	July 2025	August 2025
Comments:		
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File Reference:	552979cp16Jul25_FV01_BirdSurvey_tidy.docx	552979cp16Jul25_FV01_BirdSurvey_tidy.docx

N.B. This report contains sensitive information regarding protected bird species. Before being released into the public domain, the author should be contacted to advise if and where redaction of particular species location information should be actioned.

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1.0 EXECUTIVE SUMMARY

Greengage Environmental Ltd (Greengage) was commissioned by Lovell to conduct a breeding bird survey (BBS) for the proposed development at an area of land on the former Novartis research centre, known as Novartis Phase 1&2, in Horsham, West Sussex, hereafter referred to as 'the site'.

This bird survey report has been produced to present the results of the BBS to inform a planning application for the site (planning application reference: DC/25/0629) which proposes to deliver 43 residential units, as well as three blocks of flats, one of which will be within the footprint of the current building (hereafter referred to as the 'former Novartis building', with the proposed retention of the clock tower on the north facing aspect of the former Novartis building,. The soft landscaping is at the draft stage but it understood to be likely to include vegetated garden associated with the 43 residential units, and the creation of other neutral grassland, introduced shrub, rain garden, 88 small urban trees, vegetated gardens and native hedgerow.

The site boundary can be seen as the red line boundary shown in the Fabrik (2025) 'Illustrative Landscape Masterplan[1], provided as Figure B.1 at Appendix B.

The site comprised predominantly developed land; sealed surface with the former Novartis building situated in the east of the site. Vegetated habitats at the site included: bramble scrub, modified grassland, individual trees, sparsely vegetated urban land, other neutral grassland, willow scrub, woodland, and hedgerow.

The site comprises Phase 1 and 2 of a phased development. A third phase (Phase 3) is located immediately to the east of the site. The site and Phase 3 are hereafter collectively referred to as the 'wider site'. A separate bird survey report has been produced for Phase 3[2]

Due to the close proximity between Phase 1&2 and Phase 3, site visits for the BBS were conducted across the wider site as a whole. The BBS aimed to establish the ecological value of the site for birds and to assess the number of likely breeding pairs present at the site, in order to inform appropriate mitigation, compensation and enhancement actions in light of proposed development works.

A total of 28 bird species were recorded during the BBS, including one Wildlife and Countryside Act (WCA) 1981 (as amended) Schedule 1 species, three Birds of Conservation Concern (fifth version) (BoCC5) Red listed species, eight BoCC5 Amber listed species, and seventeen BoCC5 Green listed species.

Current development proposals have potential to cause impacts at the regional level to breeding peregrine falcon, and at the local level to breeding blue tit *Cyanistes caeruleus*, goldcrest Regulus regulus, great tit *Parus major*, great spotted woodpecker *Dendrocopos major*, greenfinch Carduelis chloris, song thrush *Turdus philomelos*, wood pigeon *Columba palumbus*, carrion crow *Corvus corone*, chiffchaff *Phylloscopus collybita*, robin *Erithacus rubecula*, dunnock *Prunella modularis*, stock dove *Columba oenas*, wren *Troglodytes troglodytes*, blackbird *Turdus merula*, blackcap *Sylvia atricapilla*, coal tit *Periparus ater*, feral pigeon *Columba livia*, nuthatch *Sitta europaea*, grey wagtail *Motacilla cinerea*, jay *Garrulus glandarius*, magpie *Pica pica*, pied wagtail *Motcilla alba*, treecreeper *Certhia familiaris*.

A Construction Environmental Management Plan (CEMP) and Landscape Enhancement and Management Plan (LEMP) are recommended to be produced, to provide measures for appropriate mitigation, compensation and enhancement for breeding birds during and post-development.

The CEMP and LEMP inclusions have been detailed within Section 6.3, but are summarised below:

- Peregrine Falcon Mitigation Strategy for construction and operational phases of development;
- Protection of existing and retained ecological features;
- Nesting bird checks;
- Ground level tree assessments; and,
- Retention of scrub and trees.

Enhancements to the site for breeding birds should include:

- Meadow grassland creation; and,
- Installation of bird boxes.

If data or assessments referred to in this bird survey report are to be used for any other applications relating to the site, the assessment/recommendations should be re-evaluated by the author and a separate report produced. N.B. To inform a planning application, data collected during the latest activity season is now typically requested by the Local Planning Authority (LPA).

The data collected during the BBS is considered valid for 18 months in accordance Chartered Institute of Ecology and Environmental Management (CIEEM) guidance[3]. The BBS at the site was undertaken in the breeding bird survey season of 2025 (March to July). Therefore, these results are valid until the start of the breeding bird survey season of 2027. If the development has not commenced within this timeframe or should site conditions change significantly during this time, this dataset should be reviewed by an experienced ornithologist, which may consider the requirement for an updated BBS.

2.0 INTRODUCTION

Greengage Environmental Ltd (Greengage) was commissioned by Lovell to conduct a breeding bird survey (BBS) for the proposed development of an area of land on the former Novartis research centre, known as Novartis Phase 1&2, in Horsham, West Sussex, hereafter referred to as 'the site'.

This bird survey report has been produced to present the results of the BBS and inform a planning application for the site (planning application reference: DC/25/0629) which proposes to deliver 43 residential units, as well as three blocks of flats, one of which will be within the footprint of the current building (hereafter referred to as the 'former Novartis building', with the proposed retention of the clock tower on the north facing aspect of the former Novartis building. The soft landscaping is at the draft stage but it understood to be likely to include vegetated garden associated with the 43 residential units, and the creation of other neutral grassland, introduced shrub, rain garden, 88 small urban trees, vegetated gardens and native hedgerow.

The site comprises Phase 1 and 2 of a phased development, Phase 3 is located immediately to the east of the site. The site and Phase 3 are hereafter collectively referred to as the 'wider site'. A separate bird survey report has been produced for Phase 3[2].

Due to the proximity between Phase 1&2 and Phase 3, site visits for the BBS were conducted across the wider site as a whole, with data extrapolated to establish the ecological value of the site for birds and to assess the number of likely breeding pairs present at the site, in order to inform appropriate mitigation, compensation and enhancement actions in light of proposed development works.

2.1 SITE DESCRIPTION

The site extends to approximately 2.63 hectares (ha) and is centred on Ordnance Survey National Grid Reference (OS NGR): TQ 17809 31816, OS Co-ordinates: 517809, 131816. The red line boundary (site extents) can be seen in the Fabrik (2025) 'Illustrative Landscape Masterplan'[1], Figure B.1 provided at Appendix B. Further landscape proposals are detailed on Fabrik (2025) 'Landscape General Arrangement Plans' (Sheet 1[4], Sheet 2[5] and Sheet 3[6]), 'Legend, Plant Schedule and General Specification Notes'[7] and 'Sitewide Illustrative Colour Masterplan'[8].

The site comprised primarily of developed land; sealed surface, with the former Novartis building including courtyard located adjacent to the site's eastern boundary. The courtyard included a pond, surrounded by bramble scrub, dense scrub, modified grassland and individual trees. Two large patches of sparsely vegetated urban land were located towards the centre of the site, both of which were boarded by large patches of bramble scrub. Multiple areas of other neutral grassland were located throughout the site, positioned around the centre of the site, and in the northeast and southwest corners of the site. Two patches of willow scrub were located adjacent to the western site boundary. An area of modified grassland was located towards the north-western corner. At the entrance to the site, situated to the south along the western boundary, a small patch of other woodland - mixed, supporting a high proportion of coniferous species, was present, with bramble scrub to the north bordered by another

native hedgerow. Individual trees were located through the site, with the highest density located along the northern boundary of the site.

The site is located in the centre of Horsham and therefore situated in an urban setting, primarily surrounded by residential buildings and gardens. Parsonage Road and Wimblehurst Road run along the northern and western boundaries of the site respectively, with a railway line running adjacent to the southern boundary. An additional railway line is located in close proximity to the west of the site.

Fragmented priority woodland is found throughout Horsham with the closest found in Horsham Park approximately 480 metres (m) south of the site boundary. Warnham Local Nature Reserve (LNR) is located approximately 665m northwest of the site boundary, with a golf course located directly south of the LNR. Large areas of ancient woodland are present within the wider area, with the closest located approximately 850m north of the site boundary. Multiple parcels of different priority habitats are located between 1 kilometre (km) to 2km from the site boundary. These include woodland pasture and parks, good quality semi-improved grassland (non priority), ancient replacement woodland, and lowland meadows, which are all classified as priority habitats.

2.2 EXISTING ECOLOGICAL INFORMATION

Preliminary Ecological Appraisal

2015/ 2018

An initial Ecological Appraisal by Hampshire County Council (HCC) was produced in 2015 and updated in 2018 (HCC (2018) Ecological Appraisal)[9]. This surveyed across the Novartis site as a whole, i.e. the wider site. The HCC (2018) Ecological Appraisal identified that the woody vegetation and buildings on the wider site provided opportunities for nesting birds, and that it is likely that common and widespread urban bird species occurred and nested on-site. At the time of the site visit to inform the HCC (2018) Ecological Appraisal, nesting herring gulls *Larus argentatus* were recorded on the tower on the former Novartis building. Overall, the wider site was considered to have moderate potential to support common and widespread breeding birds.

2023

A subsequent Preliminary Ecological Appraisal (PEA) was produced by Ecology & Habitat Management Ltd in 2023 (Ecology & Habitat Management (2023) PEA)[10]. This report identified the wider site as having high suitability to support nesting birds with suitable habitat for nesting including scrub, scattered trees and building. During the site visit to inform the Ecology & Habitat Management (2023) PEA, peregrine falcon *Falco peregrinus* was noted to be nesting on the former Novartis building.

2024

Due to the time elapsed since the previous ecological surveys, an update PEA was undertaken by Greengage in December 2024 (Greengage (2024) PEA)[11] at the wider site to inform the current site conditions. The Greengage (2024) PEA identified the wider site as having moderate suitability to support nesting birds. The presence of a single peregrine falcon and two kestrels *Falco tinnunculus* was

recorded, and bird nests were observed within a tree in the former Novartis building courtyard, during the site visit. It was also noted that the tower in the western part of the former Novartis building provides suitability for nesting peregrine falcon. Suburban and fragmented habitats containing areas of scrub and grassland were noted to provide suitable habitat for red kite *Milvus milvus*, redwing *Turdus iliacus*, dunnock and starling *Sturnus vulgaris*. The sparsely vegetated habitat was also considered suitable foraging habitat for black redstart *Phoenicurus ochruros*, and the former Novartis building provided potential nesting suitability for this species. The uneven rubble covered ground on site and the flat roof of the former Novartis building was also considered to provide suitable nesting conditions for gulls, including Mediterranean gull *Ichthyaetus melanocephalus* and herring gull. Scrub habitat at the site was considered suitable to support nightingale *Luscinia megarhynchos*, of which the site occurs within the geographical range of this species (south/southeast of England). Additionally, house sparrow *Passer domesticus*, bullfinch *Pyrrhula pyrrhula* and grasshopper warbler *Locustella naevia* could utilise the dense vegetation, such as bramble scrub and grassland, for foraging at the site.

Desk Study

Alongside the Greengage (2024) PEA[11], a desk study data consultation was undertaken with the local biological records centre, Sussex Biodiversity Record Centre (SxBRC), to review collated environmental records within 2km of the site.

The local ornithology group relevant to the Horsham area was also contacted as part of the desk study for this bird survey report.

The results from the Greengage (2024) PEA desk study consultation and local ornithology group have been used to help inform the assessments as part of this BBS. A summary has been included within this bird survey report at Section 5.1 for completeness.

3.0 LEGISLATION AND CONSERVATION STATUS

In the United Kingdom (UK), birds are protected by various European and UK legislation. The legislation creates a hierarchy of protection status for different bird species. Conservation status also provides an outlook for targeting conservation efforts of particular bird species within the UK.

The following sections detail legislation and conservation protection for birds in the UK and has been used in the assessment of the bird species identified using the site for breeding purposes.

European Legislation

Annex I of the European Union (EU) Directive on the Conservation of Wild Birds (also known as, and hereafter referred to as, the Birds Directive) lists a total of 194 bird species and sub-species. Under the Birds Directive, all EU Member States must employ conservation measures on the listed species' most suitable territories in number and size, by designating those sites as Special Protection Areas (SPAs). This conservation aims to increase the survival of the listed species as well as all migratory bird species. Of relevance to this report, it is noted here that peregrine falcon is a species listed under Annex I.

UK Legislation

The Wildlife and Countryside Act (WCA) 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in Great Britain. This legislation is the means by which the Birds Directive is implemented in Great Britain.

Under the WCA 1981 (as amended), all wild birds, their nests and eggs are protected while a nest is in use or occupied. The nesting bird season is typically recognised to fall between March and August (inclusive). Part 1 of Schedule 1 of the WCA 1981 (as amended) offers greater protection against damage and disturbance whilst a nest is occupied, for the particular species that are listed. Of relevance to this report, it is noted here that peregrine falcon is a species listed on Schedule 1 of the WCA 1981 (as amended).

Part 1 of Schedule 9 of the WCA 1981 (as amended) includes a list of animals that are non-native to the UK and which are established in the wild. Under this Schedule of the WCA 1981 (as amended), it is an offence if any person releases or allows the escape into the wild of an animal which is not ordinarily resident in, and is not a regular visitor to Great Britain, in a wild state; or is included within the list of species within this Part of Schedule 9. Of relevance to this report, it is noted here that there were no species listed on Schedule 9 of the WCA 1981 (as amended) recorded at the site.

Birds of Conservation Concern

The fifth version of Birds of Conservation Concern (BoCC5) was published as an update in 2021 by the British Trust for Ornithology (BTO), Royal Society for the Protection of Birds (RSPB), UK Government and others[12]. The BoCC5 assigned bird species to one of three conservation status lists; Red, Amber or Green, which are described as the following:

- Red is the highest conservation priority, with species which are globally threatened, have a population or range that has recently declined rapidly, or that have declined historically and have not shown a substantial recent recovery;
- Amber is the second highest conservation priority, with species qualifying for this status which have an unfavourable conservation status in Europe, a population or range that has declined moderately in recent years, or a population that has declined historically but made a recent substantial recovery. It also includes species for which breeding occurs on a rare basis and/or for which the UK holds international importance or localised populations; and,
- Green which indicates that the species are currently relatively unthreatened, do not fulfil any of the above criteria, and are of the least conservation concern.

These lists are based on standardised assessment criteria, describing the level of conservation threat to each species. Some species are listed as 'Introduced', applying to species which are non-native in the UK and thus have no UK conservation status. Details for the multiple BoCC5 species of relevance to site are discussed in Section 5.2.

Species of Principal Importance

Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 lists certain bird species as species of principal importance for the purposes of biodiversity conservation. The Secretary of State must promote actions to further the conservation of species within this list. Details for the multiple species of principal importance of relevance to the site are discussed in Section 5.2.

4.0 METHODOLOGY

4.1 DESKTOP REVIEW

Species Records

Bird records were returned as part of the Greengage (2024) PEA following a data consultation with SxBRC for up to 2km from the site. Bird species returned from the records have been assessed where considered relevant to the site (i.e. where the site holds suitable habitat to support the breeding or foraging of the species) and are recent records (i.e. recorded within the last 10 years).

Data from the local ornithology group was provided through email correspondence (with Barry Clough (recorder), dated 17th April 2025, titled "Novartis Peregrines"), and during a Microsoft Teams call, undertaken on 14th July 2025 with representatives from the local ornithology group, as well as Greengage, local stakeholders, and the clients for the wider site (Lovell and Muse).

Records from the SxBRC and the local ornithology group are discussed in Section 5.1 below.

Designated Sites

A review of readily available ecological information and other relevant environmental databases (including Defra's Multi-Agency Geographic Information for the Countryside (Magic) website[13]) was undertaken for the site to identify the location and citations of statutory designated sites relevant to birds i.e. designated for importance for birds or have bird species listed as qualifying features of the designated site. Birds are a highly mobile species and therefore may disperse across a large distance to use other areas situated around the statutory designated sites that they are primarily associated with. The search area was extended to 2km radius for local level designated sites and to 10km radius for international level designated sites for the purpose of this search.

4.2 BREEDING BIRD SURVEY

The BBS took place at the site between late March and early July 2025, following guidance in the Bird Survey Guidelines (Bird Survey & Assessment Steering Group, 2025)[14] and Bird Monitoring Methods (Gilbert et al, 2011)[15].

A total of seven site visits were undertaken, including five dawn, one dusk, and one nocturnal site visit. The nocturnal site visitwas undertaken as an additional site visit to the typical minimum of six site visits for a BBS in order to assess presence of nightingale at the site, alongside the standard dusk site visit, due to the site being within the geographical range of nightingale as identified in the Greengage (2024) PEA[11]. This species-specific additional effort to assess for nightingale as part of the BBS was designed following the Gilbert et al (2011)[15] guidance for nightingale surveys.

The dawn site visits started within the half an hour either side of sunrise and were finished by mid-morning. The dusk site visit started within the hour leading up to sunset and finished within the hour after sunset. The nocturnal site visit started around midnight and lasted approximately three hours, in the hours leading to sunrise. All site visits were carried out in appropriate weather conditions in

accordance with survey guidance, avoiding heavy rain, strong winds and other scenarios where visibility/detection was negatively affected. The timings, dates and weather conditions for each site visit is detailed in Table 4.1 below, including dates of site visits, start and finish times, appropriate sunrise or sunset times for the site visit, temperature in °C, cloud cover following the Oktas scale (1-9), wind speed using the Beaufort scale (0-12), and any levels of precipitation.

Binoculars were used as a visual aid to surveyors during each site visit. A thermal imaging scope was also used as a visual aid for identifying locations of bird activity amongst the site during the dusk and nocturnal site visits.

The pre-determined transect route (shown in Appendix A) was walked at a slow pace ensuring full coverage of the site, including stopping points (where deemed appropriate) based on priority habitat/features (e.g. trees/hedgerows), and/or areas of interesting bird activity. The direction of travel along the transect route was again alternated between site visits and was either walked in a clockwise or anti-clockwise direction to ensure coverage of the site at different times across the site visits. Due to the close proximity of Phase 1&2 and Phase 3, site visits were conducted across the wider site as a whole, as requested by the client for efficiency and to collect a more robust data set. The dual entry/exit points for the transect route are demonstrative of the route leaving/returning from Phase 3. The auxiliary data for each site visit is the same for both Phase 1&2 and Phase 3, as the site visits were conducted together, as shown in Table 4.1 below.

Observations of breeding activity such as singing, territorial behaviour, carrying food or nest material were recorded for each bird species, where encountered during each site visit.

Figure B.1a-g (Appendix A), showing 'priority species' in accordance with Bird Survey Guidelines (2025)[14], have been created for each site visit. A list of BTO codes for those species illustrated in Figure B.1a-g is provided as Figure B.1h. Breeding behaviour activity (i.e. male/female/pair of birds, alarm calling, singing etc) was also recorded using the BTO Activity Codes, with details provided within the legend of each Figure.

Details for the species, numbers recorded per site visit, the conservation status of each species recorded and whether the species are confirmed, probable, possible or non-breeding birds at the site, based on the findings of the site visits, is included as Table C.1 in Appendix C.

The BTO Breeding Status Codes are detailed in Table D.1 in Appendix D.

Table 4.1 Auxiliary Data - Breeding Bird Survey

Site Visit	Date	Surveyor/s	Survey Timings (24 hour) and Weather		Sunrise/ Sunset (24 hour)	Optics
			Start	End		
1	27.03.2025	Jonty Denton	• Time: 06:20 • Temperature: 1°C • Cloud cover: 0	• Time: 09:20 • Temperature: 6°C • Cloud cover: 0	06:35	Binoculars

Site Visit	Date	Surveyor/s	Survey Timings (24 hour) and Weather		Sunrise/ Sunset (24 hour)	Optics
			Start	End		
			• Wind: 0 • Precipitation: dry	• Wind: 0 • Precipitation: dry		
2	15.04.2025	Jonty Denton	• Time: 06:20 • Temperature: 8°C • Cloud cover: 8 • Wind: 0 • Precipitation: dry	• Time: 09:20 • Temperature: 6°C • Cloud cover: 8 • Wind: 0 • Precipitation: drizzle	06:06	Binoculars
3 (dusk)	08.05.2025	Oliver Hamilton and Chloe Peace	• Time: 19:15 • Temperature: 14°C • Cloud cover: 5 • Wind: 2 • Precipitation: dry	• Time: 22:15 • Temperature: 10°C • Cloud cover: 3 • Wind: 2 • Precipitation: dry	20:34	Binoculars and thermal imagine scope
4 (noc-turnal)	15.05.2025	Oliver Hamilton and Chloe Peace	• Time: 23:57 • Temperature: 9°C • Cloud cover: 0 • Wind: 0 • Precipitation: dry	• Time: 02:51 • Temperature: 8°C • Cloud cover: 0 • Wind: 0 • Precipitation: dry	Sunset 20:46/Sunrise 05:10	Binoculars and thermal imagine scope
5	12.06.2025	Izabela Kennedy	• Time: 04:15 • Temperature: 15°C • Cloud cover: 1 • Wind: 1 • Precipitation: dry	• Time: 07:30 • Temperature: 15°C • Cloud cover: 5 • Wind: 3 • Precipitation: dry	04:46	Binoculars
6	24.06.2025	Oliver Hamilton	• Time: 03:45	• Time: 06:45	04:15	Binoculars

Site Visit	Date	Surveyor/s	Survey Timings (24 hour) and Weather		Sunrise/ Sunset (24 hour)	Optics
			Start	End		
			• Temperature: 13°C • Cloud cover: 3 • Wind: 2 • Precipitation: dry	• Temperature: 22°C • Cloud cover: 5 • Wind: 2 • Precipitation: dry		
7	11.07.2025	Oliver Hamilton	• Time: 04:30 • Temperature: 14°C • Cloud cover: 0 • Wind: 1 • Precipitation: dry	• Time: 07:30 • Temperature: 15°C • Cloud cover: 0 • Wind: 1 • Precipitation: dry	04:59	Binoculars

4.3 ASSESSMENT

The value of the site and sensitivity of bird species present within it was determined based on the guidance from the Chartered Institute for Ecology and Environmental Management (CIEEM)[16]. Individual ecological receptors (i.e. breeding birds and the habitats which support these) that could be affected by the proposed development were assigned levels of importance for nature conservation. The highest level is international, then decreasing order of importance through national, regional, county, and local level (within the zone of influence). Where the site had very low to no suitable habitat available to support a breeding species, or where no breeding activity was recorded during the BBS (i.e. flyovers only), the level of the importance of the site has been assigned negligible.

4.4 COMPETENCIES

Dr Jonty Denton is a freelance Chartered Ecologist of over 30 years experience, with Natural England licenses for bats, dormice *Muscardinus avellanarius*, Great Crested Newt *Triturus cristatus*, natterjack toad *Epidalea calamita*, sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, and white-clawed crayfish *Austropotamobius pallipes*. His clients include Natural England, the National Trust, Crown Estates, County Trusts, Butterfly Conservation, the Ministry of Defence, Royal Parks, and many County and District Councils, as well as the Environment Agency and Thames Water. Jonty is a highly experienced ornithologist having carried out ornithological surveys (for breeding and wintering birds), including pioneering studies of impact on birds of construction of bridge crossings and specialist surveys of impacts of piling works on brent geese in Langstone harbour.

Oliver Hamilton, Graduate Consultant, has a BSc (Hons) in Zoology and 2 years' experience in ecological surveying. Oliver assists in a variety of field surveys and related reports such as Preliminary Ecological Appraisals and Protected Species Reports, providing recommendations on biodiversity enhancements.

Chloe Peace, Consultant, has a BSc (Hons) in Zoology and is a Qualifying member of CIEEM. Chloe has three years of experience in ecological survey and assessment in consultancy with a particular focus on design and delivery of bird surveys. Her experience spans the aquatic and terrestrial environments, with particular interest in ornithology, white-clawed crayfish, natural capital, and habitat management and conservation. Chloe has also been a trainee bird ringer with the British Trust for Ornithology (BTO) since 2021 and has completed professional training for peregrine falcon and barn owl *Tyto alba*.

Izabela Kennedy, freelance Ecologist, holds a MSc in Wildlife Biology and Conservation, and specialises in ornithology. Over the past five years, Izabela has been involved in bird monitoring, surveying, and conservation initiatives. She has completed two seasons conducting ecological surveys and assessments of protected species.

Helen Hinchliffe, Principal Consultant, has a BSc (Hons) in Physical Geography, is a full member of CIEEM, holds a Natural England Great Crested Newt licence and has over 17 years' experience as a professional ecological consultant.

Jennie Caddick, Associate Consultant, holds a BSc (Hons) in Ecology and full CIEEM membership. She has 20 years consultancy experience working for a varied client base, with a focus on complex schemes where requirement for consultation and bespoke surveying has been used and holds Natural England survey licences for bats (Class 2), great crested newt, water vole and white-clawed crayfish. In addition, she has also held mitigation licences for otter.

The site visits were designed and conducted by Chloe Peace. This report was written by Chloe Peace, reviewed by Helen Hinchliffe and verified by Jennie Caddick who confirms in writing that the report is in line with the following:

- Represents sound industry practice;
- Reports and recommends correctly, truthfully and objectively;
- Is appropriate given the local site conditions and scope of works proposed; and,
- Avoids invalid, biased and exaggerated statements.

4.5 CONSTRAINTS

The BBS was undertaken during optimal times of year during ideal weather and timing conditions by a suitably qualified ecologist. It was possible to access all areas of the site.

No significant constraints that stand to impact conclusions drawn in this report therefore presented.

5.0 RESULTS

5.1 DESKTOP REVIEW

Species Records

A total of 169,097 bird records of 147 species within 2km of the site, dated between 2014 and 2024, were returned from SxBRC. Seventy-two of the species that were returned were noted to be relevant to the site, due to the presence of habitats that could potentially support them and are included in Table 5.1 below.

Table 5.1 Bird Species of Relevance to the Site Returned Within 2km of the Site from SxBRC

Common Name	Scientific Name
Blackbird	*Turdus merula*
Blackcap	*Sylvia atricapilla*
Black-headed gull	*Chroicocephalus ridibundus*
Blue tit	*Cyanistes caeruleus*
Brambling	*Fringilla montifringilla*
Bullfinch	*Pyrrhula pyrrhula*
Buzzard	*Buteo buteo*
Carrion crow	*Corvus corone corone*
Cetti's warbler	*Cettia cetti*
Chaffinch	*Fringilla coelebs*
Chiffchaff	*Phylloscopus collybita*
Coal tit	*Periparus ater*
Collared dove	*Streptopelia decaocto*
Crossbill	*Loxia curvirostra*
Cuckoo	*Cuculus canorus*
Dunnock	*Prunella modularis*
Firecrest	*Regulus ignicapilla*
Garden warbler	*Sylvia borin*
Goldcrest	*Regulus regulus*
Goldfinch	*Carduelis carduelis*
Great tit	*Parus major*
Green woodpecker	*Picus viridis*
Greenfinch	*Chloris chloris*
Grey wagtail	*Motacilla cinerea*

Common Name	Scientific Name
Hawfinch	*Coccothraustes coccothraustes*
Herring gull	*Larus argentatus*
House martin	*Delichon urbicum*
House sparrow	*Passer domesticus*
Jackdaw	*Coloeus monedula*
Jay	*Garrulus glandarius*
Kestrel	*Falco tinnunculus*
Lesser black-backed gull	*Larus fuscus*
Lesser redpoll	*Acanthis cabaret*
Lesser spotted woodpecker	*Dryobates minor*
Linnet	*Linaria cannabina*
Little ringed plover	*Charadrius dubius*
Long-tailed tit	*Aegithalos caudatus*
Magpie	*Pica pica*
Mallard	*Anas platyrhynchos*
Marsh tit	*Poecile palustris*
Mistle thrush	*Turdus viscivorus*
Nightingale	*Luscinia megarhynchos*
Nightjar	*Caprimulgus europaeus*
Nuthatch	*Sitta europaea*
Peregrine falcon	*Falco peregrinus*
Pied wagtail	*Motacilla alba*
Raven	*Corvus corax*
Red kite	*Milvus milvus*
Reed bunting	*Emberiza schoeniclus*
Robin	*Erithacus rubecula*
Rock dove/Feral pigeon	*Columba livia*
Rook	*Corvus frugilegus*
Skylark	*Alauda arvensis*
Song thrush	*Turdus philomelos*
Sparrowhawk	*Accipiter nisus*
Starling	*Sturnus vulgaris*
Stock dove	*Columba oenas*
Swallow	*Hirundo rustica*

Common Name	Scientific Name
Swift	*Apus apus*
Tawny owl	*Strix aluco*
Tree pipit	*Anthus trivialis*
Treecreeper	*Treecreeper*
Turtle dove	*Streptopelia turtur*
White wagtail	*Motacilla alba alba*
Whitethroat	*Curruca communis*
Willow tit	*Poecile montanus*
Willow warbler	*Phylloscopus trochilus*
Wood pigeon	*Columba palumbus*
Woodcock	*Scolopax rusticola*
Wren	*Troglodytes troglodytes*
Yellowhammer	*Emberiza citrinella*

Data from the local ornithology group identified that peregrine falcons have been present within the area of Horsham since approximately 2010. It was noted that peregrine falcons have been recorded at the site since 2022 and breeding had been recorded since 2023. It was also highlighted that breeding had been recorded at the site during this breeding season, with a pair and juveniles recorded (2025).

Designated Sites

Table 5.2 details international level designated sites within 10km of the site and local level designated sites which are relevant to this report, along with their approximate location from the site and their description. Designated sites are listed in order of the distance they occur from the site.

Table 5.2 Designated sites with importance for birds or birds as a qualifying feature for designation

Designated site	Approximate distance and direction from the site	Description
Statutory		
Warnham LNR	670m northwest	The 17-acre Warnham Mill pond with its reedbeds, islands and marginal vegetation dominates the reserve. The diverse habitats have a wealth of plants and animals along with 162 bird species. The reedbeds are good for warblers including Cetti's warbler and water rails *Rallus aquaticus*. The woodlands are home to owls, sparrowhawks *Accipiter nisus* and winter flocks of siskin *Carduelis spinus* and redwing.

Designated site	Approximate distance and direction from the site	Description
St Leonard's Forest Site of Special Scientific Interest (SSSI)	2.2km southeast	This site includes the remnants of a formerly more extensive deciduous forest on the Tunbridge Wells Sands (Hastings Beds), 3km east of Horsham. The woodland bird population is varied and includes some of the more local species of old woodlands. It has a diversity of woodland breeding birds including all three British woodpecker species, nightjar *Caprimulgus europaeus*, redstart and wood warbler.
Vann Lake and Ockley Woods SSSI	6.7km north	This site contains a wooded gill (steep sided valley) which has been dammed to form a hammer pond. The woodland and freshwater habitats support a diverse range of breeding birds, including kingfisher, lesser-spotted woodpecker *Dryobates minor* and hawfinch *Coccothraustes coccothraustes*.
Target Hill Park LNR	7.2km northeast	A mosaic of habitats including wetlands, woodlands, meadow and scrub areas. A pond and several ephemeral scrape ponds have been excavated, creating a range of wetland habitats. Birds to be found include the linnet, green woodpecker and yellowhammer.
Cow Wood and Harry's Wood SSSI	8.8km southeast	This ancient woodland has several ghylls (steep sided stream valleys) and supports a rich community of breeding birds, including 47 species such as hawfinch, lesser spotted woodpecker, wood warbler, willow tit and redstart.

5.2 BREEDING BIRD SURVEY

A total of 28 bird species were recorded during the seven site visits for the BBS at the site. Figure B.1a-g illustrate the survey results relating to WCA 1981 (as amended) Schedule 1 bird species, BoCC5 Red and BoCC5 Amber listed bird species from each of the seven site visits. BTO Species Codes for species illustrated are provided in Figure B.1h.

A list of the species recorded during each of the BBS site visits is provided in Table C.1 which also details the conservation status of each species recorded and the total counts of each species.

Wildlife & Countryside Act 1981 (as amended) Schedule 1 Bird Species

One WCA 1981 (as amended) Schedule 1 bird species was recorded during the BBS, detailed below.

Peregrine falcon

Peregrine falcon was recorded on all site visits except for the nocturnal site visit (site visit 4). The species was regularly recorded as a pair on the south facing aspect of the former Novartis building in the

east of the site. Site visit 5 recorded evidence of breeding, with a pair of adults and two juveniles recorded together at the site, either on the former Novartis building, flying around the site, or adults bringing prey for the juvenile birds. Peregrine falcon tend to nest on the highest point of a building and therefore, in this case, this would be the tower block on the north facing aspect of the former Novartis building. However, it has been noted during the BBS and from anecdotal evidence from the local ornithological group that the nest site (also known as an 'eyrie' when specific to peregrine falcon) is located on the south east facing aspect of the former Novartis building, utilising the western lift shaft block. This may indicates some unsuitability of the clock tower to support nesting peregrine falcon. Peregrine falcon are, therefore, confirmed breeders at the site, with one territory. Previous presence has been recorded since 2022 and breeding has been recorded since 2023 at the site, according to the local ornithology group. It is typical of this species to return to the same breeding site each year. Therefore, it is considered that the birds recorded during the BBS are highly likely to be the same birds that have been breeding at the site since at least 2023. Therefore, the site is considered to have regional importance to breeding peregrine falcon.

BoCC5 Red Listed Species

Three BoCC5 Red listed species were recorded during the BBS, which are detailed below.

Herring gull

Herring gull was recorded in four of the seven site visits, comprising site visits 3, 4, 6 and 7. All recordings pertained to either flying over the site, or perched in unsuitable breeding habitat. Breeding is considered likely on flat roof buildings immediately surrounding the site, with regular recordings of large numbers off-site. Herring gull are considered to be non-breeders at the site. The site is considered to have negligible importance for breeding herring gull.

Greenfinch

Greenfinch was recorded in low numbers, with the highest count being two individuals recorded in site visit 5. These two individuals were recorded in close proximity location-wise, however they were definitely different birds as they were recorded singing simultaneously. Individual greenfinch were also recorded in site visits 1 and 7, in the same locations as other recordings. Due to recorded males singing from regular locations within suitable breeding habitat, greenfinch are considered to be probable breeders at the site. With only one recording of two singing males, it is likely that one of these males held their territory over the other. Therefore, one territory is considered present at the site. The site is therefore considered to be of local importance to breeding greenfinch.

House martin

House martin were recorded during site visits 5 and 7 only. Recordings were of groups of four and two flying over the site only, with the species showing no interaction with the site itself. Therefore, house martin are considered to be non-breeders at the site. The site is considered to have negligible importance for breeding house martin.

BoCC5 Amber Listed Species

Eight BoCC5 Amber listed species were recorded during the BBS. Species are detailed below.

Dunnock

Dunnock was recorded in site visits 1, 2, 6 and 7. All recordings pertained to individuals, with only one individual recorded during each of the occurring site visits. Individuals were recorded singing and calling in suitable breeding habitat. Dunnocks are therefore considered to be possible breeders at the site with one estimated territory. Dunnocks are typically early-season breeders and tend to have multiple broods throughout the season. Due to the gap of recordings between site visit 2 and 6, it is likely that dunnock had a brood at the start of the season, and again at the end. Due to the low numbers recorded, the site is considered to be of local importance only to breeding dunnock.

Song thrush

Song thrush were recorded on four occasions at the site, during site visits 1, 3, 6 and 7. Recordings ranged from 1 to 2 individuals, with one recording of two males singing in close proximity to each other in site visit 6. The song thrush were recorded consistently in the same location, indicating territory holding. This was located along the western boundary of the site along scrub on the north-western edge of the site or on the other side of the railway line to the site. Due to song thrushes having large territories, this is considered to be the same male in this one location, holding territory. Where two males were recorded in close proximity, this only occurred on one occasion and was not repeated. Therefore, there is only one territory estimated. Due to the low numbers recorded at the site, the site is considered to have local level importance only for breeding song thrush.

Grey wagtail

Grey wagtail was recorded on occasion at the site during site visit 6. This pertained to one individual seen perched on the northwest facing aspect of the former Novartis building. This species was a rare occurrence at the site, and was likely just passing through, using the site for foraging purposes only. Therefore, grey wagtail are considered to be non-breeders at the site. The site is therefore considered to be of local importance only for breeding grey wagtail.

Kestrel

Kestrel was recorded at the site on one occasion only, during site visit 2. The individual was recorded perched on a tree in the southeast of the site. Whilst this is suitable breeding habitat within a tree, due to only being recorded on one occasion and no other evidence of breeding behaviour recorded for this species, it is considered that it was using the tree as a hunting perch only and kestrel are non-breeders at the site. The site is considered to be of negligible importance to breeding kestrel.

Lesser black-backed gull

Lesser black-backed gull were recorded in site visit 2 and 6, with a group of 17 and a group of 5 recorded, respectively. All recordings pertained to flyovers only, where they were landing on flat roofs in the surroundings of the site. Larger numbers are likely off-site. The species is therefore considered to be

non-breeders at the site, and the site is considered to be of negligible value to breeding lesser black-backed gull.

Stock dove

Stock dove was recorded during site visits 2 and 3, with only one individual recorded during each of these site visits. Site visit 2 recorded a flyover, and site visit 3 recorded a singing male within a tree along the northern boundary of the site. Due to a singing male being recorded in suitable breeding habitat, stock dove are considered possible breeders. However, due to the low numbers and infrequency of recordings, the site is considered to be of local level importance to breeding stock dove.

Wood pigeon

Wood pigeon were recorded during all seven site visits, with the highest total count being 14 recorded during site visit 7. Across the recordings, singing males, pairs, and display behaviour was observed, all within suitable breeding habitat available at the site (including trees, with potential also within the former Novartis building). Wood pigeon are therefore considered probable breeders at the site. As wood pigeon can utilise a range of habitat types/structures, which are widely available in the surrounding area, the site is considered to be of importance at local level only for breeding wood pigeon.

Wren

Wren were recorded during all site visits except for site visit 4 which was the nocturnal site visit. The highest total count was 9 recordings during site visit 7, with numbers increasing throughout the season. Recordings pertained to singing males in suitable breeding habitat, and some calling recorded. Although numbers recorded at the start of the season were low, the presence of suitable habitat and the increase in recordings indicates an estimated number of approximately 4 territories at the site. Suitable breeding habitat is present for wren in the wider area, in the form of residential gardens and urban parks in the wider area. Therefore the site is considered to be of local importance only to breeding wren.

BoCC5 Green Listed Species

Seventeen of the bird species recorded on the site are BoCC5 Green listed species.

Confirmed breeders

Five BoCC5 Green listed species were recorded as confirmed breeders at the site. This was based on the identification of active nests/nest sites, recordings of families/recently fledged young, and delivery of prey to a nest site. These species included peregrine falcon, blue tit, goldcrest, great tit, and great spotted woodpecker.

Probable breeders

Three BoCC5 Green listed species were considered probable breeders at the site based on the identification of singing males in suitable nesting habitat and in regular locations. These species included carrion crow, chiffchaff and robin.

Possible breeders

Five BoCC5 Green listed species were considered possible breeders at the site based on the identification of singing males present within suitable habitat and/or the species being present within suitable nesting habitat during the breeding bird season. This included blackbird, blackcap, coal tit, feral pigeon and nuthatch.

Non-breeders

Four BoCC5 Green listed species were considered to be non-breeding birds based on no breeding behaviour being observed during the site visits, recorded activity including foraging only or flyovers, i.e. no direct interaction with the site, and/or no suitable nesting habitat present at the site. This applied to jay, magpie, pied wagtail and treecreeper.

Due to BoCC5 Green listed birds being common species and the presence of suitable habitat in the wider area, with no significantly high populations of a particular species recorded during the BBS, the site is considered to be of local level importance only for breeding BoCC5 Green listed species. This is in exception to peregrine falcon, which is a WCA 1981 (as amended) Schedule 1 listed species, which is described above.

Species of Principal Importance

Three bird species recorded at the site are listed as species of principal importance under Section 41 of the NERC Act 2006, which are also a BoCC5 Red listed species; herring gull, and BoCC5 Amber listed species; dunnock and song thrush. These species are discussed above and thus not repeated here.

Dusk/nocturnal-related Species

No dusk/nocturnal-related species were recorded during the BBS dusk site visit (site visit 3), or the BBS nocturnal site visit (site visit 4).

Nightingale was not recorded during the additional nocturnal site visit (site visit 4) nor during any of the other site visits.

Whilst the site does possess some suitable scrub habitat to support breeding and foraging nightingale there is other more suitable habitat in the wider area, including Warnham LNR located approximately 670m northwest of the site. Therefore, nightingale are considered to be non-breeders at the site and the site is considered as having negligible suitability to support breeding nightingale.

Therefore, the site is considered to have negligible importance to breeding dusk/nocturnal-related species, notably nightingale.

6.0 IMPACT ASSESSMENT AND MITIGATION

6.1 PROPOSALS

As detailed on the Fabrik (2025) 'Landscape General Arrangement Plans' (Sheet 1[4], Sheet 2[5] and Sheet 3[6]), 'Legend, Plant Schedule and General Specification Notes'[7], 'Illustrative Landscape Masterplan'[1], and 'Sitewide Illustrative Colour Masterplan'[8], the proposed development seeks to deliver 43 residential units, as well as three blocks of flats, one of which will be within the footprint of the former Novartis building. The clock tower on the north facing aspect of the former Novartis building is proposed to be retained. The soft landscaping is at the draft stage but it understood to be likely to include vegetated garden associated with the 43 residential units, and the creation of other neutral grassland, introduced shrub, rain garden, 88 small urban trees, vegetated gardens and native hedgerow.

6.2 IMPACT ASSESSMENT

This assessment reviews anticipated direct and indirect impacts to bird species using the site, as a result of the proposed development.

Breeding Birds

A total count of 28 bird species were recorded at the site across the BBS site visits.

The breeding status's of the bird species and level of site importance to bird species recorded are summarised in Table 6.1 below, arranged by level of breeding status from Confirmed to Non-breeder. See Section 5.2 above for more detail.

Table 6.1 Breeding bird status and level of site importance summary

Common name	Species name	WCA, NERC (41) or BoCC conservation status	Breeding status	Level of Importance (national, regional, county, local, or negligible)
Peregrine falcon	*Falco peregrinus*	Annex 1, Schedule 1, Green	Confirmed	Regional
Blue tit	*Cyanistes caeruleus*	Green	Confirmed	Local
Goldcrest	*Regulus regulus*	Green	Confirmed	Local
Great tit	*Parus major*	Green	Confirmed	Local
Great spotted woodpecker	*Dendrocopos major*	Green	Confirmed	Local
Greenfinch	*Carduelis chloris*	Red	Probable	Local
Song thrush	*Turdus philomelos*	Amber, NERC	Probable	Local

Common name	Species name	WCA, NERC (41) or BoCC conservation status	Breeding status	Level of Importance (national, regional, county, local, or negligible)
Wood pigeon	*Columba palumbus*	Amber	Probable	Local
Carrion crow	*Corvus corone*	Green	Probable	Local
Chiffchaff	*Phylloscopus collybita*	Green	Probable	Local
Robin	*Erithacus rubecula*	Green	Probable	Local
Dunnock	*Prunella modularis*	Amber, NERC	Possible	Local
Kestrel	*Falco tinnunculus*	Amber	Possible	Negligible
Stock dove	*Columba oenas*	Amber	Possible	Local
Wren	*Troglodytes troglodytes*	Amber	Possible	Local
Blackbird	*Turdus merula*	Green	Possible	Local
Blackcap	*Sylvia atricapilla*	Green	Possible	Local
Coal tit	*Periparus ater*	Green	Possible	Local
Feral pigeon	*Columba livia*	Green	Possible	Local
Nuthatch	*Sitta europaea*	Green	Possible	Local
Herring gull	*Larus argentatus*	Red, NERC	Non-breeding	Negligible
House martin	*Delichon urbicum*	Red	Non-breeding	Negligible
Grey wagtail	*Motacilla cinerea*	Amber	Non-breeding	Local
Lesser black-backed gull	*Larus fuscus subsp. graellsii*	Amber	Non-breeding	Negligible
Jay	*Garrulus glandarius*	Green	Non-breeding	Local
Magpie	*Pica pica*	Green	Non-breeding	Local
Pied wagtail	*Motacilla alba*	Green	Non-breeding	Local
Treecreeper	*Certhia familiaris*	Green	Non-breeding	Local

WCA 1981 (as amended) Schedule 1 Species

The BBS has confirmed that WCA 1981 (as amended) Schedule 1 bird species peregrine falcon has used and is currently continuing to use the site (the former Novartis building in particular) for breeding.

Peregrine falcon

The development proposals involve the creation of residential housing and blocks of flats, including one of which is in the footprint of the former Novartis building. Impacts in relation to potential destruction/damage and disturbance need to be taken into consideration and firstly avoided where possible, then mitigated and/or compensated if not avoidable. In the first instance, it is recommended that site enabling works/site clearance/early construction phase works (including building demolition) are programmed to begin and start to be progressed outside of the breeding bird period, i.e. begin in September/October and gradually increase ahead of March. This is to allow for acclimatisation by the peregrine falcons where possible and to avoid potential destruction/disturbance of/to an active nest (if present) during the typical breeding bird period, which is March to August inclusive. Further precautions should also be taken to minimise disturbance throughout the construction phase, detailed within a Peregrine Falcon Mitigation Strategy. Furthermore, the baseline activity at the site will be changed as a result of the development (i.e. operational phase), with an increased presence of people using the site, as well as change in landscape at the site. Therefore, the Peregrine Falcon Mitigation Strategy should also include measures to minimise/avoid disturbance during both the constructional and the operational phases. Further detail is provided in 6.3 below.

Without mitigation, development proposals at the site could potentially destroy an active nest (if present at that time) and are likely to create regional level disturbance to breeding peregrine falcon. Indirect impacts are considered to include: disturbance potentially resulting in mortality events (through parental abandonment of nest/egg/chicks), disturbance from lighting or noise, air pollution in the form of dust, disturbance from traffic and personnel and water pollution. Mitigation/compensation proposals are included in Section 6.3 below. Where mitigation/compensation proposals are followed, impacts of the proposed development would be negligible to breeding peregrine falcon.

BoCC5 Red and Amber Listed Species

The BoCC5 Red list species identified to be at risk of impact from the development works at the site comprise greenfinch (probable breeder) and herring gull (non-breeder but present).

The BoCC5 Amber list species identified to be at risk of impact from the proposed development comprise song thrush, wood pigeon (probable breeders), dunnock, kestrel, stock dove, and wren (possible breeders).

The development proposals will result in the loss of some breeding habitat at the site, including scrub and trees. The extent and types of post development habitat at the site will not replace the full amount of scrub lost, however other valuable and suitable habitat will still be provided as part of soft landscaping proposals at the site.

Despite habitat changes, the direct impacts to the above breeding bird species as a result of the proposed development are likely to be at the local level only. This is due to species comprising

predominantly of common bird species within urban habitat, with abundant similar suitable habitat in residential gardens in the wider area. Also, there were no significant numbers of species recorded at the site that would contribute to large populations. Furthermore, none of the BoCC5 Red and Amber list species recorded at the site are considered to be solely reliant on the site.

Indirect impacts to the breeding bird species are considered to potentially include disturbance resulting in mortality events (through parental abandonment of nest/egg/s/chicks), lighting, noise, air pollution (in the form of dust), and temporary loss of foraging opportunities (through vegetation clearance). These would be applicable during the construction and/or operational phases. Given that these BoCC5 Red and Amber listed species are typically more tolerant to other potential disturbances, these indirect impacts are considered likely to be at a low-level. Mitigation/compensation proposals are included in Section 6.3 below. Where mitigation/compensation proposals are followed, impacts of the proposed development would be negligible to breeding BoCC5 Red and Amber list species.

The BoCC5 Green and the remaining non-breeding BoCC5 Red listed and BoCC5 Amber listed species recorded were either found in common habitat types at the site or recorded as flyovers. Therefore, the impacts to these breeding or non-breeding species as a result of the proposals are also considered to be of local level importance only due to not breeding at the site, and the intended creation of similar or an alternative suitable replacement breeding habitat.

6.3 RECOMMENDATIONS

Peregrine Falcon Mitigation Strategy

As peregrine falcon is a WCA 1981 (as amended) Schedule 1 bird species it is subject to additional protection against disturbance, as well as destruction or damage, during the breeding bird season, due to being more susceptible to disturbance compared to other species not listed on Schedule 1. Peregrine falcon have been recorded as confirmed breeders at the site since 2023. Therefore, prior to works at the site, a Natural England A08 licence should be applied for to mitigate for the potential disturbance to peregrine falcon during the construction phase of the development. Disturbance from the following actions would therefore be mitigated for; operating machinery near the nest, close human or animal presence to wild or nesting birds, visual or auditory disturbance, and vibrations. Measures should be outlined within a Peregrine Falcon Mitigation Strategy to minimise disturbance during the development (including construction and operational phases).

Construction works (encompassing enabling works/site clearance/demolition and construction) and increases to the baseline level of human activity at the site, including at ground level and in relation to the former Novartis building/the block of flats to be developed within the footprint of the former Novartis building, will likely cause disturbance to breeding peregrine falcon during the breeding bird season. To avoid disturbance, construction works are recommended to be programmed to commence and proceed outside of the breeding bird season, i.e. occur during September to February inclusive. Construction works should also be conducted within a strategic noise level programme, to allow for habituation and avoid disturbance. However, it should be noted that the breeding bird season can alter for peregrine falcons depending on the stage and time that they start to breed, or should they attempt a

second brood after a failed first brood. The peregrine falcons at the site are to be monitored throughout the development for stages of breeding. A Peregrine Falcon Mitigation Strategy is recommended to be created for the construction and operational phases of the development at the site, to include to detail the above and additional measures where construction works are necessary to start or proceed during the breeding bird season i.e. between March to August inclusive. The Peregrine Falcon Mitigation Strategy should be used to apply for a Natural England A08 licence.

The Peregrine Falcon Mitigation Strategy should include the following, but not exclusively:

- Careful construction programming with noise level programming to allow peregrine falcons to habituate to gradually increased levels of construction;
- Provision of a compensatory peregrine falcon box at the site;
- Regular monitoring visits throughout the breeding bird season (March to August) or until breeding has been confirmed to be concluded, to be undertaken by a Suitability Qualified Ecologist (SQE);
- Provisions to minimise/avoid disturbance from the block of flats to be developed into the footprint of the former Novartis phase during the operational phase, such as overhanging ledges/screens over the roof;
- Restrictions to avoid access to the roof, particularly within the breeding bird season (March to August), without reason; and,
- Post-development monitoring.

Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) for the development is recommended to be produced, to detail measures to be followed during the construction phase to mitigate impacts to birds. The following actions should be outlined within the CEMP, as a minimum, alongside any additional methods deemed to be applicable:

Protection of Existing and Retained Ecological Features

The more valuable habitats present at the site for breeding birds have been identified as scrub and tree habitat across the site and along the boundaries. Where these habitats are to be retained as part of the proposals, these should be protected from damage. Protection measures should be detailed within the CEMP and these areas will form Biodiversity Protection Zones (BPZ's) which will ensure continued presence and functionality of these habitats for birds and other species during the construction phase of the development.

Nesting Bird Checks

To minimise the risk of committing an offence in relation to nesting birds, any vegetation removal as part of the proposed works should ideally take place outside of the breeding bird season. Furthermore, the potential for the former Novartis building to support breeding common species such as wood pigeon has been identified, as well as supporting nesting peregrine falcon on its roof. Therefore, it is also

recommended that demolition of the building at the site be undertaken outside of the breeding bird season. It should be borne in mind that pigeons can breed at any time of year, but their optimal period it typically between March - October, inclusive when weather conditions remain mild. Therefore, the breeding bird season in relation to this species should be considered as March - October inclusive. However, it is acknowledged that recommendations made in respect of other protected/notable species potentially associated with the site (e.g. reptiles, amphibians, badgers, and hedgehogs, see Greengage (2024) PEA[2]) may require works to be undertaken within this period to reduce impacts to other species. If it is not possible to schedule vegetation removal or building works outside of these months, i.e. during November - February inclusive, nesting bird checks by a suitably qualified ecologist (SQE) would be required to take place no more than 48 hours prior to removal/works. If an active nest is identified, it would require an exclusion zone (typically 5 to 10m, to be determined by an SQE) to be established and adhered to until the young have fledged and/or the nest is no longer in use (to be monitored and confirmed by an SQE). Monitoring by an SQE for periods of at least up to a month depending on the nesting stage can be applicable.

Repeat visits will be required if vegetation removal is not completed within a 48-hour timeframe after authorisation to commence has been permitted by the SQE.

Ground Level Tree Assessment

Where trees are proposed for removal as part of the works, detailed tree removal drawings showing the specific trees/areas to be affected are to be made available to an SQE to enable a detailed ground level tree assessment (GLTA) at these trees/areas to be undertaken prior to any works to them occurring. The GLTA would assess for any cavities present and any ecological value pertaining to the cavities, e.g. a tennis-ball sized cavity hole at the top of the tree trunk would have suitability for supporting kestrel. Any other sized cavities may also be suitable for use by other species including smaller nesting passerine birds (and bats). If a suitable cavity is identified, the tree should be subject to a nesting bird check by a SQE if removal works are planned to be undertaken within the breeding bird season (surveys in relation to other species/timing constraints may also be applicable).

Landscape Enhancement and Management Plan

A Landscape Enhancement and Management Plan (LEMP) should be produced to detail habitat creation and enhancement measures that will be beneficial for biodiversity, including birds, in the long-term. Measures that would benefit birds are detailed below but a LEMP should be created and referred to for full details of measures to be implemented and their management. As per the details included within Section 6.2, recommended measures are included below.

Retention of Scrub and Trees

The scrub and trees at the site should be retained where possible. Some areas are to be lost based on current proposals, however retained habitat should be protected in accord with 'British Standard (BS) 5837 (2012) – Trees in Relation to Design, Demolition and Construction' throughout construction

works and subsequently will be maintained during the operational phase of the proposed development at the site.

Meadow Grassland Creation

Additional creation of suitable habitat for a variety of bird species could be included in areas dedicated for soft landscaping. This would include a meadow grassland seed mix supplemented with grassland plants that will provide foraging opportunities for wintering birds.

Artificial Bird Box Installation

As an enhancement for nesting birds, integral boxes should be included within the development design as part of building material. Where integral boxes are not possible, external boxes should be provisioned, mounted to a tree (minimum medium sized tree, at least 30cm diameter at breast height) or on building facades. These should include 12 boxes, comprising 4 general purpose bird boxes, 2 swift boxes, 4 open-fronted boxes (for wrens, robins, pied wagtails), and 2 house sparrow boxes.

As detailed above, as part of the Peregrine Falcon Mitigation Strategy, details/specifications a peregrine falcon box is also recommended for the site.

Details on box type specification, locations and aspects of the bird boxes should be included within the LEMP. Examples of nest boxes are provided in Plate 6.1 to Plate 6.5, however Greengage does not officially endorse any products. If the suggested models cannot be sourced at the time of requirement, possible suitable alternatives should be discussed and agreed with a SQE prior to installation.

Plate 6.1 Example external general purpose bird box (Schwegler Nest Box 1B)

Plate 6.2 Example external swift box (WoodStone Burgos Swift Box)

Plate 6.3 Example external open-fronted bird box (Schwegler 2H Open Fronted Bird Box)

Plate 6.4 Example external house sparrow box (Vivara Pro WoodStone House Sparrow Nest Box)

Plate 6.5 Example peregrine falcon box (Schwegler Peregrine Falcon Nest Box)

7.0 SUMMARY

Greengage Environmental Ltd (Greengage) was commissioned by Lovell to breeding bird survey (BBS) for the proposed development (planning application number: DC/25/0629) at the site.

The BBS took place at site between late March and early July 2025, in accordance with the Bird Survey Guidelines[17].

A total of 28 bird species were recorded during the BBS, including one WCA 1981 (as amended) Schedule 1 species, three BoCC5 Red listed species, eight BoCC5 Amber listed species, and seventeen BoCC5 Green listed species.

A Construction Environmental Management Plan (CEMP) and Landscape Enhancement and Management Plan (LEMP) are recommended to be produced, to provide measures for appropriate mitigation, compensation and enhancement for breeding birds during and post-development.

The CEMP and LEMP inclusion have been detailed within Section 6.3, summarised below:

- Peregrine Falcon Mitigation Strategy for construction and operational phases of development;
- Protection of existing and retained ecological features;
- Nesting bird checks;
- Ground level tree assessments; and,
- Retention of scrub and trees.

Enhancements to the site for breeding birds should include:

- Meadow grassland creation; and
- Nesting bird boxes.

If data or assessments referred to in this bird survey report are to be used for any other applications relating to the site, the assessment/recommendations should be re-evaluated by the author and a separate report produced. N.B. To inform a planning application, data collected during the latest activity season is now typically requested by the LPA.

APPENDIX B BREEDING BIRD SURVEY RESULTS

Figure B.1 a-h Breeding Bird Survey Results Site Visits 1-7 and BTO species codes for illustrated species

NOVARTIS SITE, HORSHAM PHASE 1&2

Red Line Boundary

Transect route

Observations

Singing

Pair

XX - Species code

See Figure A.1f for Key to BTO Species Codes

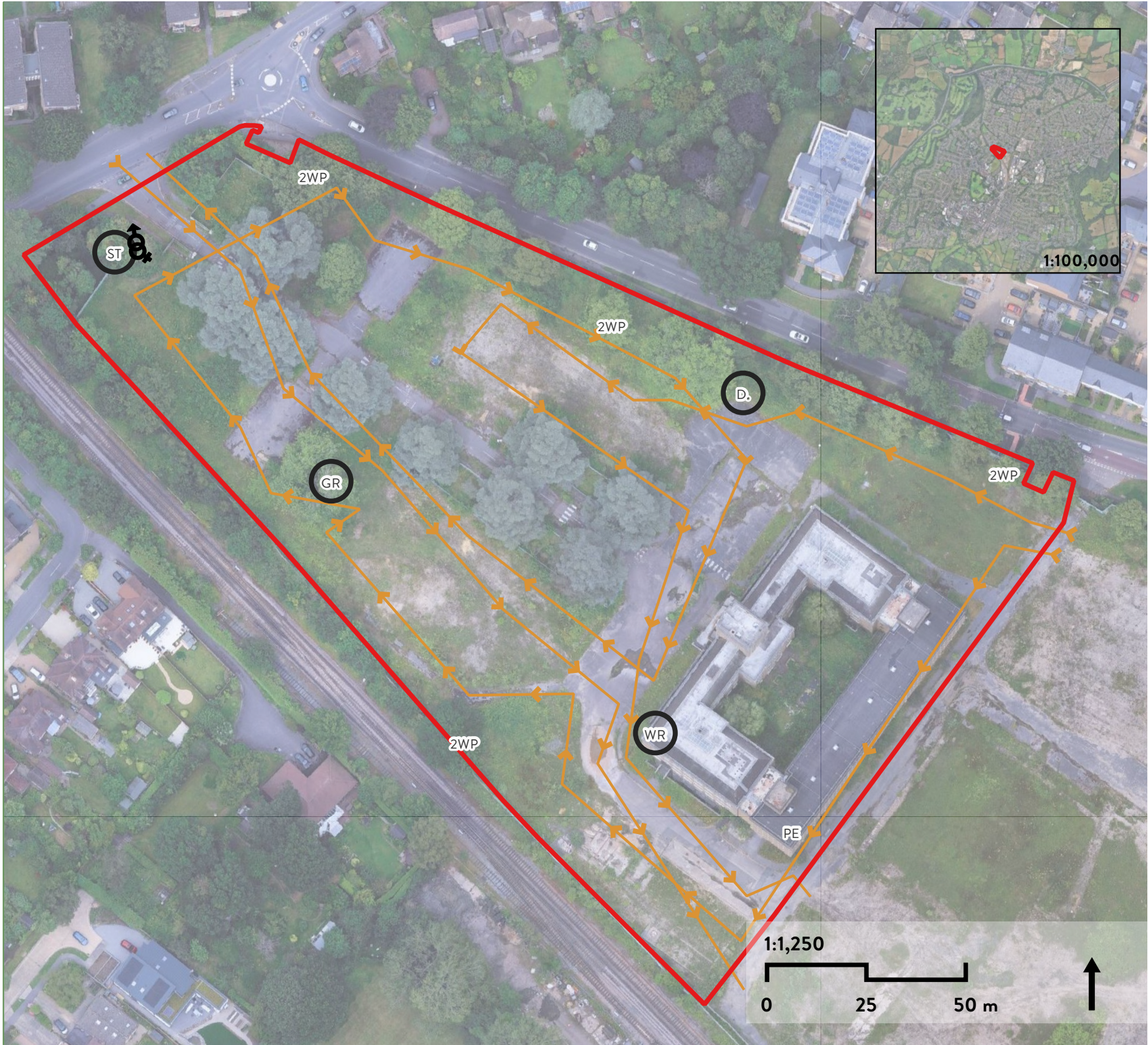
Title: Figure A.1a Breeding Bird Survey Results - Site Visit 1

Drawn by: CP
Date: 23/07/2025

Reviewed by: JC
Date: 23/07/2025

Project number: 552979
Sources: Google Satellite

Greengage



NOVARTIS SITE, HORSHAM PHASE 1 & 2

Red Line Boundary

Transect route

Observations

Singing

Pair

Flyovers

XX - Species code

See Figure A.1h for Key to BTO Species Codes

Title: Figure A.1b Breeding Bird Survey Results - Site Visit 2

Drawn by: OH
Date: 16/06/2025

Reviewed by: JC
Date: 16/06/2025

Project number: 552979
Sources: Google Satellite

Greengage

NOVARTIS SITE, HORSHAM PHASE 1&2

Red Line Boundary

Transect route

Observations

Singing

Pair

-XX→ Flyovers

XX→ Perched then flying

→XX Flying then perched

XX - Species code

See Figure A.1h for Key to BTO Species Codes

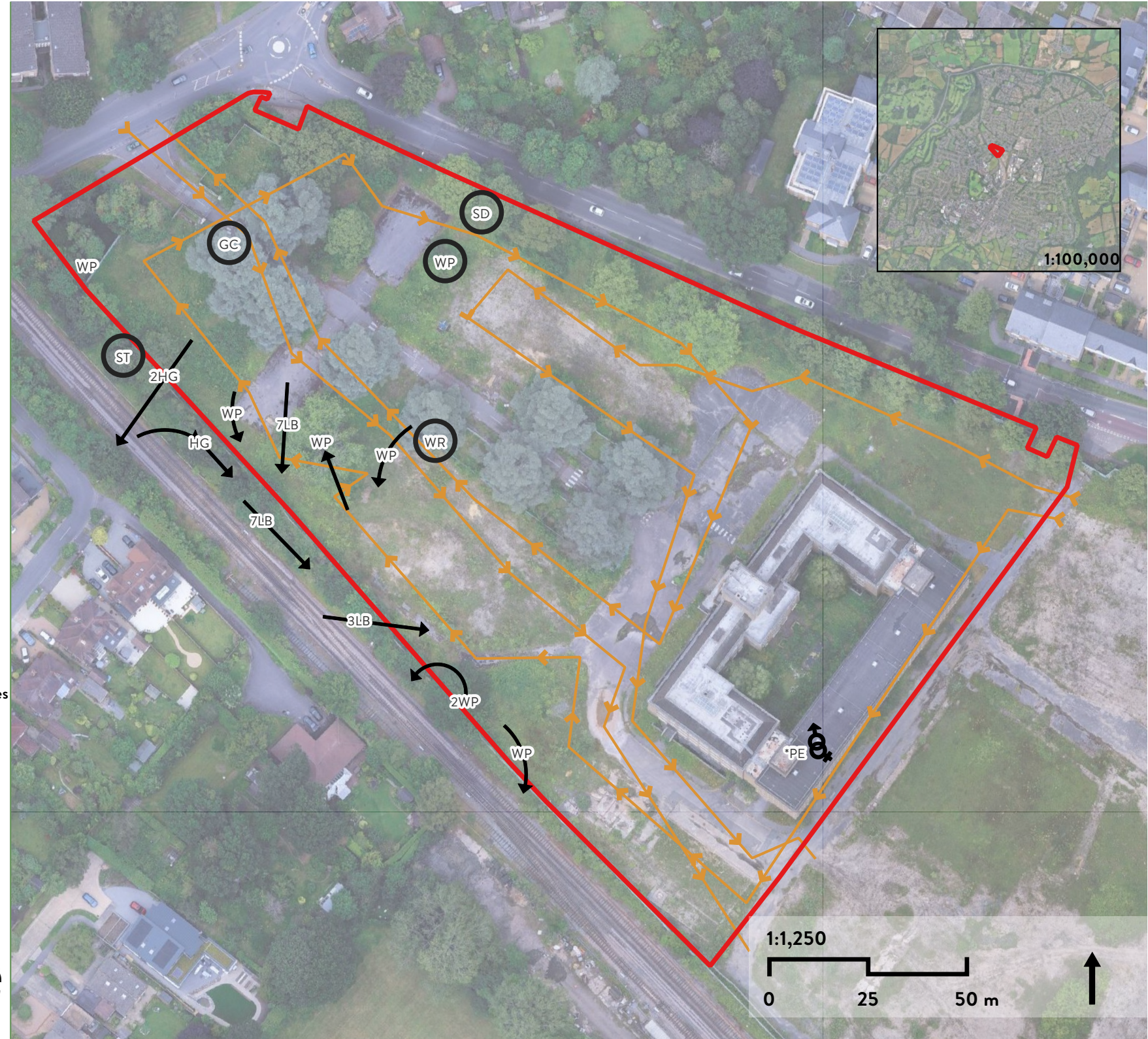
Title: Figure A.1c Breeding Bird Survey Results - Site Visit 3

Drawn by: OH/CP
Date: 16/06/2025

Reviewed by: JC
Date: 16/06/2025

Project number: 552979
Sources: Google Satellite

Greengage



NOVARTIS SITE, HORSHAM PHASE 1&2

Red Line Boundary

Transect route

Observations

— Calling

xx→ Perched then flying

XX - Species code

See Figure A.1h for Key to BTO Species Codes

Title: Figure A.1d Breeding Bird Survey Results - Site Visit 4

Drawn by: OH/CP
Date: 16/06/2025

Reviewed by: JC
Date: 16/06/2025

Project number: 552979
Sources: Google Satellite

Greengage

NOVARTIS SITE, HORSHAM PHASE 1&2

Red Line Boundary

Transect route

Observations

- Alarm calling
- Singing
- Calling
- Definitely different birds recorded
- Probably the same birds recorded
- Flyovers

XX - Species code

See Figure A.1f for Key to BTO Species Codes

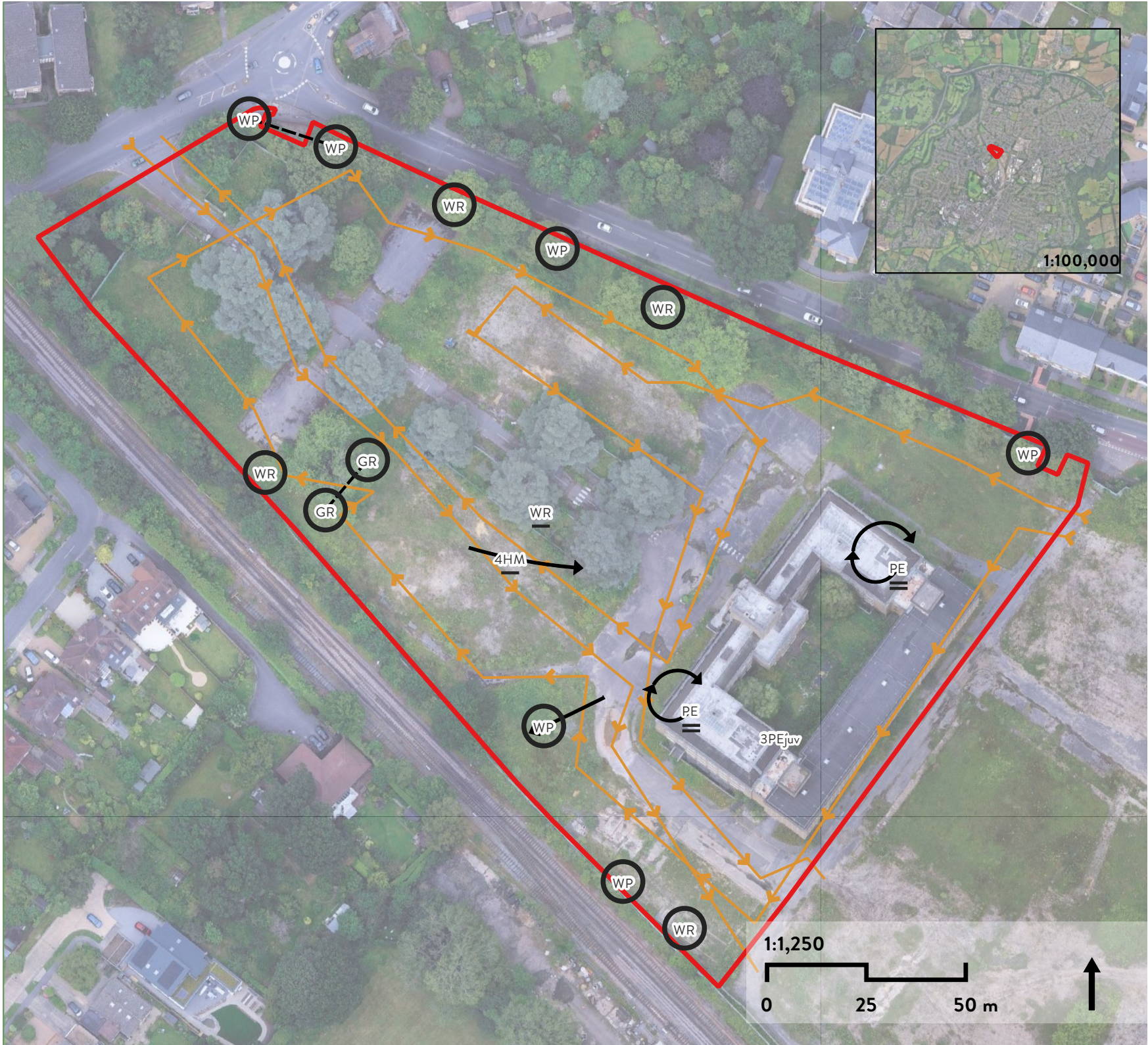
Title: Figure A.1e Breeding Bird Survey Results - Site Visit 5

Drawn by: CP
Date: 23/07/2025

Reviewed by: JC
Date: 23/07/2025

Project number: 552979
Sources: Google Satellite

Greengage



NOVARTIS SITE, HORSHAM PHASE 1&2

Red Line Boundary

Transect route

Observations

- Alarm calling
- Singing
- Calling
- Definitely different birds recorded
- .xx→ Flyovers
- xx→ Perched then flying

XX - Species code

See Figure A.1f for Key to BTO Species Codes

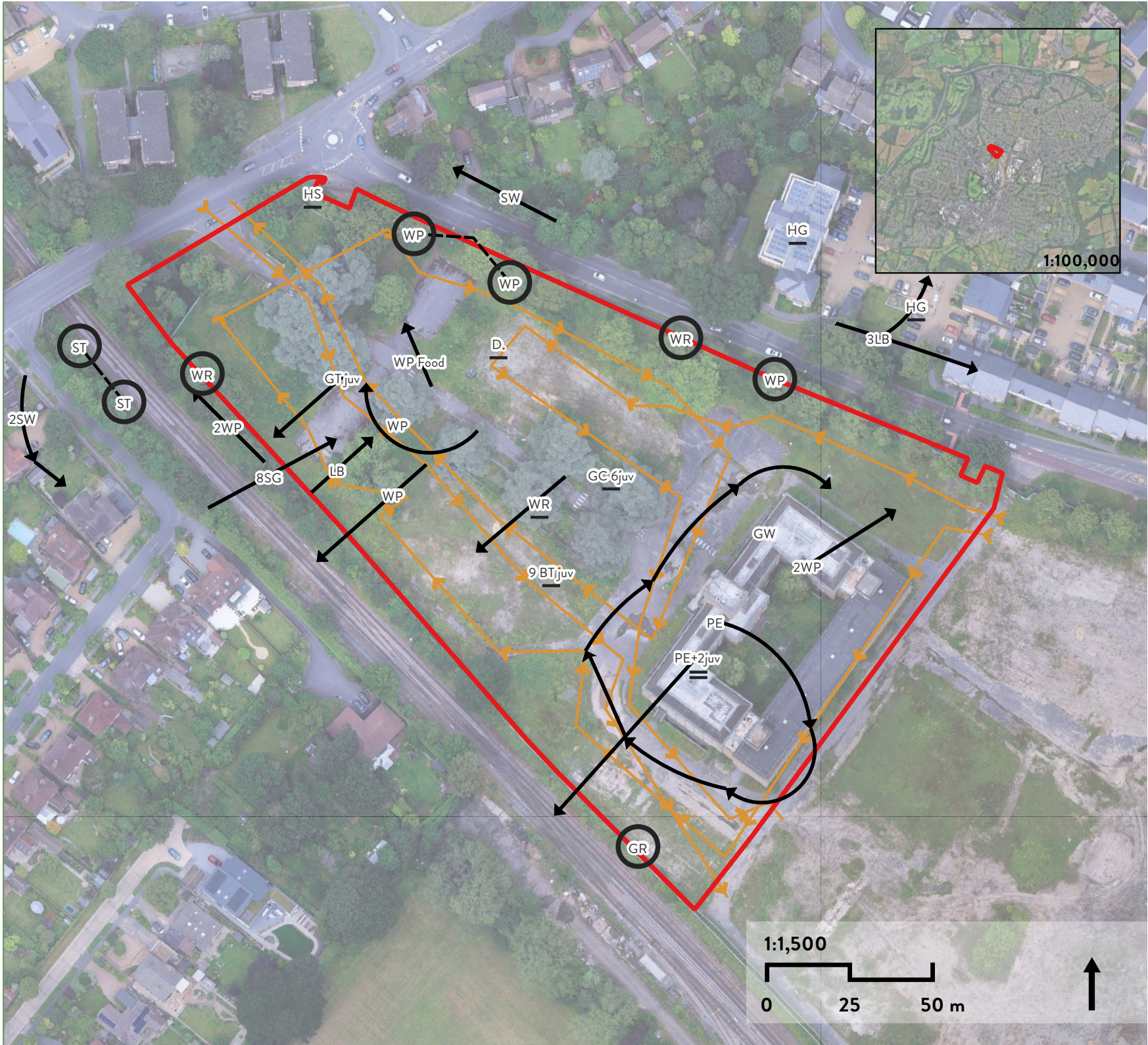
Title: Figure A.1f Breeding Bird Survey Results - Site Visit 6

Drawn by: OH
Date: 23/07/2025

Reviewed by: JC
Date: 23/07/2025

Project number: 552979
Sources: Google Satellite

Greengage



NOVARTIS SITE, HORSHAM PHASE 1&2

Red Line Boundary

Transect route

Observations

Singing

Pair

Calling

Aggressive encounter

Flyovers

Perched then flying

Flying then perched

XX - Species code

See Figure A.1f for Key to BTO Species Codes

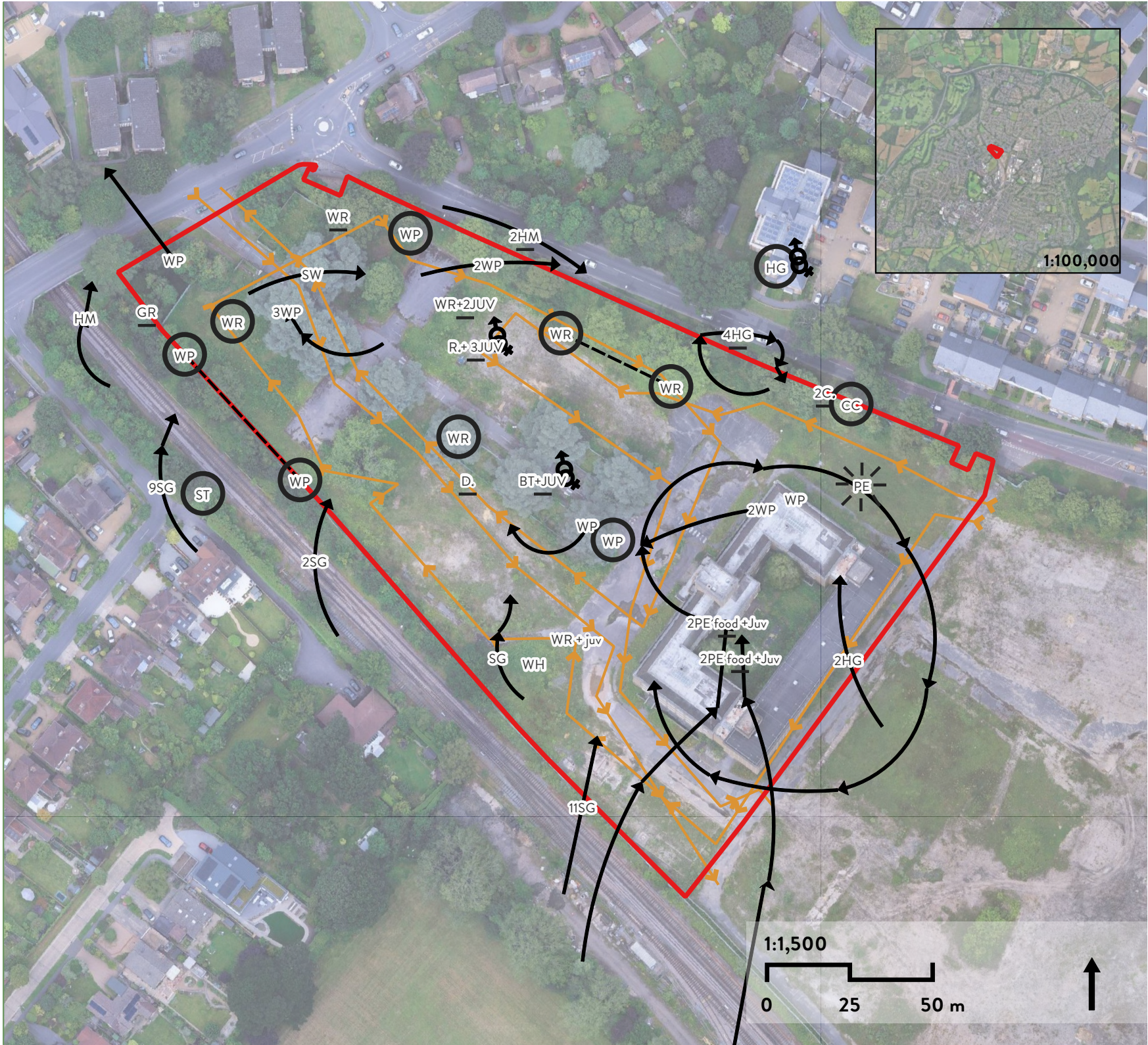
Title: Figure A.1g Breeding Bird Survey Results - Site Visit 7

Drawn by: OH/CP
Date: 23/07/2025

Reviewed by: JC
Date: 23/07/2025

Project number: 552979
Sources: Google Satellite

Greengage



BTO Code	Common name	Species name
HG	Herring gull	*Larus argentatus*
GR	Greenfinch	*Carduelis chloris*
HM	House martin	*Delichon urbicum*
D.	Dunnock	*Prunella modularis*
ST	Song thrush	*Turdus philomelos*
GW	Grey wagtail	*Motacilla cinerea*
K.	Kestrel	*Falco tinnunculus*
LB	Lesser black-backed gull	*Larus fuscus subsp. graellsii*
SD	Stock dove	*Columba oenas*
WP	Wood pigeon	*Columba palumbus*
WR	Wren	*Troglodytes troglodytes*

Figure A.1h – BTO species codes for illustrated species – breeding

APPENDIX C SPECIES RECORDED DURING THE BREEDING BIRD SURVEY - CONSERVATION STATUS AND BREEDING STATUS

Table C.1 Species recorded during the BBS, including total counts recorded per site visit, conservation and breeding status

Common name	Species name	BTO Species Code	WCA, NERC (41) & BoCC Conservation Status	No. of individuals recorded per survey							Breeding status on site based on survey results	Estimated no. of territories (where breeding possible)	Justification	BTO Breeding Status Code
				Site visit 1	Site visit 2	Site visit 3 (dusk)	Site visit 4 (nocturnal)	Site visit 5	Site visit 6	Site visit 7				
HG	Herring gull	*Larus argentatus*	Red, NERC	0	0	3	2	0	2	8	Non-breeding	N/A	Flyovers only, some on site but in unsuitable breeding habitat. Breeding on buildings adjacent site likely	F, U
GR	Greenfinch	*Carduelis chloris*	Red	1	0	0	0	2	0	1	Probable	1	Male heard singing/calling in regular location	H, S, T
HM	House martin	*Delichon urbicum*	Red	0	0	0	0	4	0	2	Non-breeding	N/A	Group seen together flying over	F
D.	Dunnock	*Prunella modularis*	Amber, NERC	1	1	0	0	0	1	1	Possible	1	Individuals singing/calling in suitable habitat	H, S
ST	Song thrush	*Turdus philomelos*	Amber, NERC	2	0	1	0	0	2	1	Probable	1	Pair observed and singing male recorded in a regular location	S, P, T
GW	Grey wagtail	*Motacilla cinerea*	Amber	0	0	0	0	0	1	0	Non-breeding	N/A	Rare occurrence at the site, likely just foraging	U
K.	Kestrel	*Falco tinnunculus*	Amber	0	1	0	0	0	0	0	Possible	1	Male observed perched on a tree - suitable nesting habitat	H
LB	Lesser black-backed gull	*Larus fuscus subsp. graellsii*	Amber	0	17	0	0	0	5	0	Non-breeding	N/A	Flyovers only	F
SD	Stock dove	*Columba oenas*	Amber	0	1	1	0	0	0	0	Possible	1	Singing male	H, S
WP	Wood pigeon	*Columba palumbus*	Amber	8	4	8	4	6	10	14	Probable	6	Singing males, pairs and display behaviour observed in suitable nesting habitat	H, S, P, D
WR	Wren	*Troglodytes troglodytes*	Amber	1	2	1	0	5	2	9	Possible	4	Singing males in suitable nesting habitat	H, S

Common name	Species name	BTO Species Code	WCA, NERC (41) & BoCC Conservation Status	No. of individuals recorded per survey							Breeding status on site based on survey results	Estimated no. of territories (where breeding possible)	Justification	BTO Breeding Status Code
				Site visit 1	Site visit 2	Site visit 3 (dusk)	Site visit 4 (nocturnal)	Site visit 5	Site visit 6	Site visit 7				
PE	Peregrine falcon	*Falco peregrinus*	Green, Schedule 1, Annex 1	1	2	2	0	5	5	4	Confirmed	1	Pair observed alarm calling with juveniles, in a permanent territory in suitable nesting habitat	P, T, N, A, ON, NY
B.	Blackbird	*Turdus merula*	Green	2	0	5	0	3	4	6	Possible	3	Adults seen in suitable nesting habitat, and singing males observed	H, S
BC	Blackcap	*Sylvia atricapilla*	Green	1	2	0	0	0	0	0	Possible	2	Singing males in suitable nesting habitat	H, S
BT	Blue tit	*Cyanistes caeruleus*	Green	2	2	2	0	9	16	1	Confirmed	5+	Singing males in suitable nesting habitat and family recorded with fledged young	H, S, FL
C.	Carrion crow	*Corvus corone*	Green	2	1	8	0	2	9	19	Probable	1	Probable nest in willow tree	H, N, F
CC	Chiffchaff	*Phylloscopus collybita*	Green	1	1	0	0	4	0	5	Probable	2	Singing males in regular location	H, S, T
CT	Coal tit	*Periparus ater*	Green	0	0	0	0	1	0	0	Possible	1	Singing male in suitable nesting habitat	S
FP	Feral pigeon	*Columba livia*	Green	1	0	2	0	0	0	2	Possible	2	Species present in suitable nesting habitat	H
GC	Goldcrest	*Regulus regulus*	Green	0	2	1	0	1	6	1	Confirmed	2	Singing male in suitable nesting habitat, juveniles recorded	S
GT	Great tit	*Parus major*	Green	2	0	0	0	5	2	0	Confirmed	2	Singing males in suitable nesting habitat and family recorded with fledged young	S, FL
GS	Great spotted woodpecker	*Dendrocopos major*	Green	0	0	0	0	0	3	1	Confirmed	1	Family recorded on site	U

Common name	Species name	BTO Species Code	WCA, NERC (41) & BoCC Conservation Status	No. of individuals recorded per survey							Breeding status on site based on survey results	Estimated no. of territories (where breeding possible)	Justification	BTO Breeding Status Code
				Site visit 1	Site visit 2	Site visit 3 (dusk)	Site visit 4 (nocturnal)	Site visit 5	Site visit 6	Site visit 7				
J.	Jay	*Garrulus glandarius*	Green	1	0	0	0	0	0	0	Non-breeding	N/A	Recorded on one occasion and in unsuitable nesting habitat	U
MG	Magpie	*Pica pica*	Green	2	0	0	0	0	1	0	Non-breeding	N/A	Recorded on one occasion	U
NH	Nuthatch	*Sitta europaea*	Green	0	0	0	0	1	0	0	Possible	1	Recorded in suitable nesting habitat	H
PW	Pied wagtail	*Motacilla alba*	Green	1	0	0	0	0	0	0	Non-breeding	N/A	Recorded on one occasion and in unsuitable nesting habitat	U
R.	Robin	*Erithacus rubecula*	Green	2	4	1	0	4	3	9	Probable	4	Singing males in suitable nesting habitat recorded in regular locations	H, S, T
TC	Treecreeper	*Certhia familiaris*	Green	0	0	0	0	0	0	2	Non-breeding	N/A	Rare occurrence, likely breeding elsewhere	U

APPENDIX D BTO BREEDING STATUS CODES

Table D.1 Key to BTO breeding status codes

Code	Breeding Status
Non-breeding	
F	Flying over
M	Species observed but suspected to be still on migration
U	Species observed but suspected to be summering non-breeder
Possible breeder	
H	Species observed in breeding season in suitable nesting habitat
S	Singing male present (or breeding calls heard) in breeding season in suitable breeding habitat
Probable breeding	
P	Pair observed in suitable nesting habitat in breeding season
T	Permanent territory presumed through registration of territorial behaviour (song etc) on at least two different days a week or more part at the same place or many individuals on one day
D	Courtship and display (judged to be in or near potential breeding habitat; be cautious with wildfowl)
N	Visiting probable nest site
A	Agitated behaviour or anxiety calls from adults, suggesting probable presence of nest or young nearby
I	Brood patch on adult examined in the hand, suggesting incubation
B	Nest building or excavating nest-hole
Confirmed breeding	
DD	Distraction-display or injury feigning
UN	Used nest or eggshells found (occupied or laid within period of survey)
FL	Recently fledged young
ON	Adults entering or leaving the nest-site in circumstances indicating occupied nest (including high nests or nest holes, the contents of which can not be seen) or adults seen incubating
FF	Adult carrying faecal sac or food for young
NE	Nest containing eggs
NY	Nest with young seen or heard

APPENDIX E LEGISLATION AND PLANNING POLICY

A.1 LEGISLATION

Current key legislation relating to ecology includes The Environment Act 2021[18] Wildlife and Countryside Act 1981 (as amended)[19]; The Conservation of Habitats and Species Regulations 2019 ('Habitats & Species Regulations')[20], The Countryside and Rights of Way Act 2000 (CRoW Act)[21], and The Natural Environment and Rural Communities Act 2006[22].

Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats[23] (the 'Bern Convention') and the Birds Directive and EU Habitats Directive are implemented in Great Britain.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats & Species Regulations replace The Conservation (Natural Habitats, etc.) Regulations 1994 (as amended)[24], and transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive')[25], and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive')[26] into UK law (in conjunction with the Wildlife and Countryside Act).

Regulation 43 and 47 respectively of the Conservation of Habitats & Species Regulations makes it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2 (European protected species of animals), or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 5 (European protected species of plant). Development that would contravene the protection afforded to European protected species requires a derogation (in the form of a licence) from the provisions of the Habitats Directive.

Regulation 63 (1) states: 'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and

(b) is not directly connected with or necessary to the management of that site;

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.'

The Countryside and Rights of Way Act 2000

The Wildlife and Countryside Act has been updated by the CRoW Act. The CRoW Act amends the law relating to nature conservation and protection of wildlife. In relation to threatened species it strengthens the legal protection and adds the word 'reckless' to the offences of damaging, disturbing, or obstructing access to any structure or place a protected species uses for shelter or protection, and disturbing any protected species whilst it is occupying a structure or place it uses for shelter or protection.

The Natural Environment and Rural Communities Act 2006

The NERC Act 2006 states that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity Action Plans provide a framework for prioritising conservation actions for biodiversity.

Section 41 of the NERC Act requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity. The list, a result of the most comprehensive analysis ever undertaken in the UK, currently contains 1,149 species, including for example, hedgehog (Erinaceus europaeus), and 65 habitats that were listed as priorities for conservation action under the now defunct UK Biodiversity Action Plan[27] (UK BAP). Despite the devolution of the UK BAP and succession of the UK Post-2010 Biodiversity Framework[28] (and Biodiversity 2020 strategy[29] in England), as a response to the Convention on Biological Diversity's (CBD's) Global Biodiversity Framework (GBF) for 2023[30] and EU Biodiversity Strategy (EUBS),[31] this list (now referred to as the list of Species and Habitats of Principal Importance in England) will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 41 of the NERC Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions.

Biodiversity Action Plans

Non-statutory Biodiversity Action Plans (BAPs) have been prepared on a local and regional scale throughout the UK over the past 15 years. Such plans provide a mechanism for implementing the government's broad strategy for conserving and enhancing the most endangered ('priority') habitats and species in the UK for the next 20 years. As described above the UK BAP was succeeded in England by Biodiversity 2020 although the list of priority habitats and species remains valid as the list of Species of Principal Importance for Nature Conservation.

Regional and local BAPs are still valid however and continue to be updated and produced.

Legislation Relating to Nesting Birds

Nesting birds, with certain exceptions, are protected from intentional killing, destruction of nests and destruction/taking of eggs under the Wildlife and Countryside Act 1981 (as amended) and the CRoW

Act. Any clearance of dense vegetation should therefore be undertaken outside of the nesting bird season, taken to run conservatively from March to August (inclusive), unless an ecologist confirms the absence of active nests prior to clearance.

Legislation Relating to Natura 2000 Sites and Habitats Directive Annex I/II Species

European Commission Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive'), and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive') form the cornerstones of nature conservation legislation across EU member states. Priority species requiring protection across Europe are listed in the Annexes of these Directives. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2019 and Offshore Marine Conservation Regulations, 2007 (as amended) transpose these directives into UK law and set the basis for the designations of protected sites (known as Natura 2000 sites; Special Areas of Conservation under the Habitat Directive and Special Areas of Protection under the Birds Directive) that are of importance for habitats, species or assemblages listed on the directive Annexes. In the UK Ramsar sites are also offered the same level of protection as SPAs and SACs however the qualifying species for the designation may differ; Ramsar sites being designated specifically as important wetland habitats.

Under article 6(3) of the Habitats Directive, where projects stand to have likely significant effect (in accordance with the European Court of Justice ruling of C-127/02 Waddenzee cockle fishing) upon the integrity of conservation objectives (i.e. conservation status of the qualifying species or habitats) within the designated sites then the Competent Authority must undertake an Appropriate Assessment.

A.2 PLANNING POLICY

National

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2024[32] sets out the Government's planning policies for England, including how plans and decisions are expected to apply a presumption in favour of sustainable development. Chapter 15 of the NPPF focuses on conservation and enhancement of the natural environment, stating plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.

It goes on to state: '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'. Alongside this, it acknowledges that planning should be refused where irreplaceable habitats such as ancient woodland are lost.

Regional

West Sussex Planning Policy[33]

Climate Change Resilience

No formal environmental strategy is included however key points within this document include increasing access to nature, prioritising natural flood solutions and increasing opportunities for BNG to promote the following:

- Green tourism;
- Natural capital investment funding when available;
- Sustainable businesses;
- Sustainable business growth; and
- Green innovation amongst business.

Local

Horsham District Council

Biodiversity and Green Infrastructure Planning Advice Note

To achieve biodiversity net gain, all 'Relevant Development' applications must demonstrate use of the mitigation hierarchy as set out in BS42020 Biodiversity: Code of Practice for Planning and Development[34] (and subsequent updates) and as expected in the Environment Act 2021 and emerging Regulations. In summary, the mitigation hierarchy seeks to address impacts on biodiversity in the order detailed: avoidance, minimisation, mitigation [rehabilitation / restoration], and then as a last resort compensation / off-setting for unavoidable biodiversity loss that is considered acceptable in accordance with the NPPF.

The delivery of BNG is in addition to any mitigation / compensation measures required to address any harm caused by the development to habitats in accordance with the mitigation hierarchy. The Biodiversity Metric or small sites metric, as appropriate, should be used to measure the proposed enhancements (habitat creation) against the baseline of the whole site area. This means it is important that the baseline (existing habitats) is an accurate reflection of the site. Any habitat degradation of pre development habitats since 30 January 2020 will have to be accounted for in the baseline, unless the action causing degradation has been approved by planning permission (the details and planning reference of which should be submitted).

Development proposals will be expected to take a landscape led approach. They must provide any necessary ecological / geodiversity surveys and reports in line with best practice guidance from the Chartered Institute for Ecology and Environmental Management (CIEEM)[35] and have regard to the advice from the Landscape Institute. They should also have regard to relevant British Standards, such as, BS42020[34], BS8683[36] and BS42021[37]; as well as guidance from the Planning Advisory Service (PAS) and the national PPG (which get updated regularly). Impacts arising from development such as lighting

and recreational impacts, including dog walking should be assessed using professional assessment methods, and appropriately mitigated.

BNG should be delivered on site in the first instance. If this is not possible regard may be given to off-site provision if this can be secured by the applicant. The market in off-site 'Biodiversity Units' is in its infancy but is expected to rapidly grow in light of the Environment Act 2021. In the meantime, the Council will consider off-site offsetting on a case-by-case basis, and as a minimum will expect to see proof that the applicant has control of the land providing the offsetting, and a deliverable biodiversity gain plan. Any off-setting will be expected to be located within the District of Horsham, as close as practicable to the development site, unless an alternative location offers more appropriate biodiversity net gains and is agreed by the Council.

BNG projects will normally be secured by a legal agreement and require a Council approved funded management and maintenance plan. The BNG aims and objectives should be outlined in any Landscape and Ecological Management Plan (LEMP) secured as a condition of any consent. The emerging statutory requirements seek the management of sites to secure the BNG for a minimum of 30 years. Applicants are therefore expected to be mindful of this when considering future management arrangements. The council will seek to ensure there are sufficient measures in place to support long term management and monitoring and may require financial contributions in all relevant instances to monitor and provide a contingency (to resolve any situations where there is a likelihood the proposed habitat enhancements may fail to reach their target type and condition) for the delivery of BNG for the respective period.

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