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## Preliminary Ecological Appraisal

### Site Name

Stone Pits Manor

### Issue Date

11<sup>th</sup> September 2025

### Client

Lee Sheward

### Author

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**Project No: 10808**

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## About the Author

This report has been prepared by Paul Whitby, a Principal Ecologist at The Ecology Co-op, with 19 years experience. He has a Level 2 bat survey license and has prepared numerous European Protected Species licenses for bats. As a Full member of the Chartered Institute for Ecology and Environmental Management (CIEEM) and as Chartered Ecologist through this body, he is bound by their code of professional conduct.

## About the Reviewer

This report has been reviewed by Emma Baker, who is a Senior ecologist with eight years experience. She holds Level 1 great crested newt and hazel dormouse survey licenses. As a Full member of the Chartered Institute for Ecology and Environmental Management (CIEEM), she is bound by their code of professional conduct.



## Report Summary

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Purpose</b>                       | The Ecology Co-op was commissioned by Lee Sheward to undertake a Preliminary Ecological Appraisal of land at the Stone Pits Manor property near Billingshurst, West Sussex, further to a proposal to establish three glamping pitches within a field of pasture.                                                                                                                                                                                                                                                                                                         |
| <b>Context</b>                       | The site is within a secluded rural location set in farmland on the south-eastern outskirts of Billingshurst, bordered by mixed broadleaved woodland and pastoral land, with fields divided by native hedgerows. The site itself is currently managed through 'topping' with a relatively short cut several times a year through the summer and receives no grazing or hay management.                                                                                                                                                                                   |
| <b>Key findings</b>                  | <p>Whilst the sward present is not particularly diverse, some more interesting grassland plants indicative of neutral soils were present, including meadow vetchling, hoary ragwort and common sorrel. Some negative indicators were however also present, including broad-leaved dock and common ragwort, indicating the potential for sward enhancement.</p> <p>The sward has the potential to support common reptiles and amphibians, though this suitability is no better than moderate given the reasonably frequent short mowing of the field.</p>                 |
| <b>Recommendations</b>               | <p>Given that the proposals pose a very low impact risk and no groundworks, the risk to amphibians and reptiles is considered to be very low. As a precautionary measure however, the zone where the glamping pods will be established should be kept as managed, short grassland prior to installation of the glamping pods. This should reduce the risk of wildlife being present in and around this zone whilst the pods are being delivered and lifted into position.</p> <p>Opportunities for the enhancement of the grassland sward are provided in section 5.</p> |
| <b>Are further surveys required?</b> | No, precautionary measures only are required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



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# 1 INTRODUCTION

## 1.1 Purpose of the Report

The Ecology Co-op has been commissioned to undertake a Preliminary Ecological Appraisal (PEA) of land at Stone Pits Manor by the owner of the property, Lee Sheward. This report presents the findings of a walkover survey undertaken by Paul Whitby, a Full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM), Chartered Ecologist (CEcol) and Natural England Level 2 Bat Survey Class Licence holder on the 28<sup>th</sup> July 2025. It provides details on the potential for any protected/notable species and/or habitats to be present at the site and a simple assessment of the potential ecological constraints and opportunities in relation to a proposal to establish three glamping pods at the site. Recommendations for further surveys that are likely to be required to inform a planning application and Ecological Impact Assessment (EclA) of the proposal are provided where necessary, and possible measures to avoid, mitigate and/or compensate for significant adverse effects are summarised. The potential to incorporate ecological enhancement measures as part of the scheme is discussed, in addition to any requirement to achieve biodiversity net gain.

This PEA report is designed to inform the client and their team (as appropriate) about the initial findings of the site walkover and desk study research in relation to the site proposals, highlighting the key ecological constraints and opportunities, and any further survey requirements. It is not intended for submission in support of a planning application but can be used to inform a future Ecological Impact Assessment (EclA).

## 1.2 Background

This application site measures 0.34 hectares in area and is situated on the south-eastern outskirts of Billingshurst, West Sussex. The site comprises of a field of grassland pasture that is not farmed, but is maintained through several summer cuts. It is accessed by a track made up of scalpings, and includes a parking area adjacent to a storage building, just outside of the red line. The site is bordered by broadleaved woodland to the north, south and west, with further fields of pasture to the east. The nearest postcode for the site is RH14 9HH and the grid reference for the site centre is TQ 0958 2420. Figure 1 shows the boundary of the site.

The proposed development/project includes the establishment of three glamping pods (see Figure 2), utilising the existing access and small parking area and will help to service a growing demand for access to nature.



**Figure 1.** An aerial image showing the location of the site. The approximate site boundary is outlined in red. Image produced courtesy of Google maps (map data ©2025 Google).



**Figure 2.** An illustration of the type of free-standing glamping pod intended at the site.



## 1.3 Policy and Legislation

Legal protection applying to relevant bird, mammal, herpetofauna, invertebrate species and flora, and current nature conservation planning policy is outlined in Appendix 1 of this report.

Where possible, this report provides guidance on how the proposal can be designed to meet the requirements of both local planning policy and the National Planning Policy Framework (NPPF). Details of the NPPF can be found in Appendix 1 and relevant local planning policy by Horsham District Council is provided in Appendix 2.

## 2 METHODOLOGY

The methodologies used for this survey are in accordance with the Guidelines for Preliminary Ecological Appraisal<sup>1</sup>, but also consider the Guidelines for Ecological Report Writing, Second Edition<sup>2</sup>.

### 2.1 Desk Study

A search of on-line mapping resources was undertaken to identify the location of any features of potential ecological interest including ponds within 500m (relevant to great crested newts *Triturus cristatus*), watercourses (relevant to riparian mammals and crayfish) and connectivity to woodland, scrub, and hedgerow networks (relevant to bats and dormice *Muscardinus avellanarius*) in the wider landscape around the site. The connectivity of the site to these features, buildings and other semi-natural habitats, such as grassland and heathland, are also relevant to great crested newts, reptiles and a wide variety of notable species of conservation concern.

The MAGIC website resource ([www.magic.gov.uk](http://www.magic.gov.uk)) was used to identify the location of designated sites for nature conservation and European Protected Species (EPS) licences granted in relation to the survey site.

### 2.2 Field Survey

A site walkover survey was undertaken on the 28<sup>th</sup> July 2025, during which the habitats contained within the site were described and evaluated. Since this site is relatively small in scale and contains limited semi-natural habitat diversity, it was not considered necessary to undertake comprehensive UKHab mapping of the site. All habitat types contained within the site, together with the dominant botanical species and indicators of important habitat types, such as ancient woodland or unimproved grassland, have simply been listed and described where identified.

Habitats and features at the site were evaluated for their potential to support legally protected species and/or species of conservation interest. In addition, observations of any important plant communities, bird assemblages or other potentially valuable ecological features were recorded.

Details of the preliminary survey methods for each legally protected species are given below. Any site-specific

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<sup>1</sup> CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal, 2nd edition*. Chartered Institute of Ecology and Environmental Management, Winchester.

<sup>2</sup> CIEEM (2017). *Guidelines for Ecological Report Writing, 2<sup>nd</sup> edition*. Chartered Institute of Ecology and Environmental Management, Winchester.



limitations to the survey, e.g. access constraints or seasonal constraints, are set out in section 3.11.

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## 2.4 Bats

Bats can use a wide range of features for roosting purposes, including loft spaces, cavity walls, loose tiles, mortice joints and cracks/gaps in a variety of built structures. They can also be found in trees with holes, splits, cracks, cavities, ivy and loose bark.

Trees, buildings and other structures were broadly assessed for their potential to support roosting bats and further surveys are recommended as appropriate.

The potential for roosting bats for each feature, or group of features was assessed as negligible, low, moderate, or high, in accordance with best practice. Any evidence confirming the presence of bats was clearly recorded including photos and samples taken (e.g. droppings), where appropriate.

The habitats surrounding the site and wider landscape were broadly assessed for their potential to support foraging and commuting bats.

## 2.5 Breeding Birds

Birds can use a wide range of natural and artificial habitats when breeding, including trees, hedgerows, fields, houses and garden sheds. The habitats contained within the site and adjacent areas were broadly assessed for their potential to support important bird species/assemblages, and breeding birds. Any birds identified during the site visit were recorded. Special attention was paid to notable species such as red-listed Birds of Conservation Concern<sup>4</sup> and those species afforded special protection on Schedule 1 of the Wildlife and Countryside Act (1981).

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<sup>3</sup> Harris, S, Cresswell, P. and Jefferies, D. (1989). [REDACTED].

<sup>4</sup> Stanbury, A., Eaton, M., Aebischer, N., Balmer, N., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. (2021). Birds of Conservation Concern 5: the status of bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man. British Birds 114, pp 723-747.



## 2.6 Dormice

Dormice are found in deciduous woodland and hedgerows, feeding on flowers, pollen, fruits, insects and nuts, favouring hazel *Corylus avellana* and honeysuckle *Lonicera periclymenum* for food and as bedding. The site was broadly assessed for its potential to support dormice. This included use of on-line mapping resources to assess the surrounding area for connectivity to large blocks of woodland, scrub and extensive hedgerow networks.

## 2.7 Great Crested Newt

Great crested newts breed in ponds during the spring and spend the rest of the year feeding on invertebrates primarily in semi-natural habitats including woodland, hedgerows, marshes and tussocky grassland. A desk study was undertaken to identify ponds and wet ditches within 500m of the site that might support breeding great crested newts. Where access permission was granted, or ponds could be viewed from public roads or footpaths, the ponds were assessed for their potential to support great crested newts using the Habitat Suitability Index (HSI) (Oldham et al 2000)<sup>5</sup>. The value of the site for terrestrially foraging great crested newts and any features that might be used by hibernating newts has also been assessed.

## 2.8 Reptiles

The common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, grass snake *Natrix helvetica* and adder *Vipera berus* are widespread species that can be found in any of these habitats, whereas smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* have much more restricted and isolated populations on lowland heathland and sand dunes.

Habitats on the site were broadly assessed for their potential to support reptiles. Particular attention was paid to those features that provide suitable basking areas (e.g. south-facing slopes), hibernation sites (e.g. banks, walls, piles of rotting vegetation) and opportunities for foraging (rough grassland and scrub).

## 2.9 Other Notable Species

The site's habitats were broadly assessed for their potential to support species of principal importance for nature conservation (Section 41 NERC Act 2006) and other notable species. This includes mammals such as harvest mouse *Micromys minutus*, hedgehog *Erinaceus europaeus*, brown hare *Lepus europaeus*, and many bird species. The site was broadly assessed for its potential to support important invertebrate assemblages with particular attention paid to features such as standing dead-wood, wet flushes, bare earth banks and botanically rich areas.

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<sup>5</sup> Oldham, R.S., Keeble, J., Swan, M.J.S. and Jeffcote, M. (2000). Evaluating the suitability of habitat for the great crested newt (*Triturus cristatus*). *Herpetological Journal* 10, 143-155.



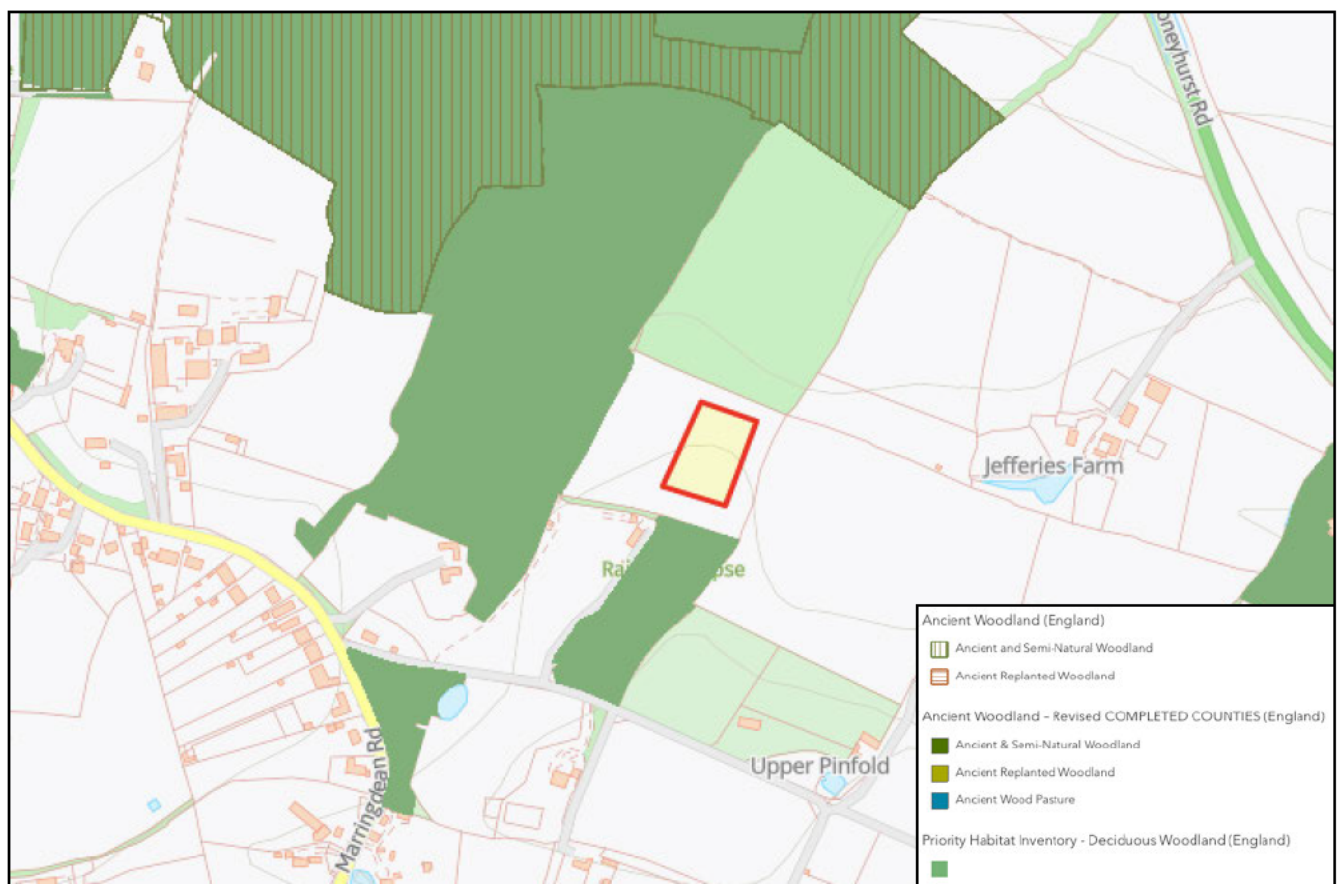
### 3 BASELINE CONDITIONS

#### 3.1 Designated Sites and Granted EPS Licences

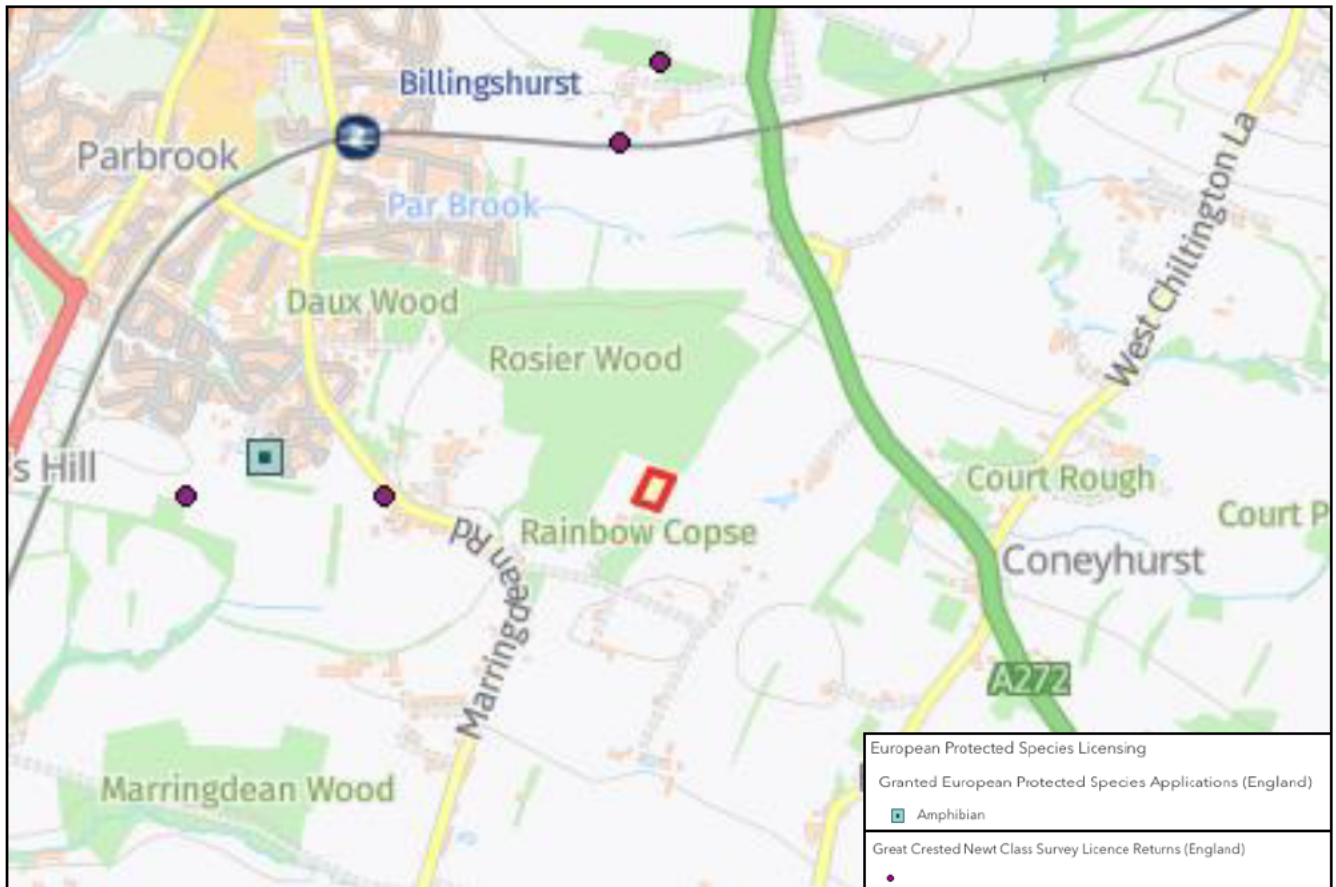
There are no designated sites within the zone of influence of the site relevant to nature conservation and therefore sites designated for nature conservation are unlikely to be a consideration for the proposed development. A single Site of Special Scientific Interest (SSSI) called 'Coneyhurst Cutting' is situated approximately 500m to the northeast of the site, however this designation is for a geological feature of interest (exposed limestone).

The closest ancient woodland habitat is situated approximately 250m to the north of the site, though the close surrounding landscape includes priority habitat deciduous woodland. The closest parcel borders the eastern side of the access track and to the west of the proposed glamping pod locations (see Figure 3).

There is a single granted EPS licence for mitigation projects within 1km of the site boundary (see Figure 4). This is approximately 990m to the west of the site and concerns a great crested newt license granted in 2017. The closest visible record for great crested newts on the license returns dataset is for a pond approximately 550m to the west.



**Figure 3.** Ancient woodland and Priority habitat Deciduous woodland found within close proximity to the site. Image produced courtesy of Magic maps (<http://www.magic.gov.uk/>, contains public sector information licensed under the Open Government Licence v3.0).



**Figure 4.** Granted EPS licences within 1km of the application site. Image produced courtesy of Magic maps (<http://www.magic.gov.uk/>), contains public sector information licensed under the Open Government Licence v3.0).

### 3.2 Habitats

The location where the glamping pods are proposed comprises of 'other neutral grassland' (g3c) habitat, which includes generally common and widespread grasses and grassland plant species, including common sorrel *Rumex acetosa*, field bindweed *Convolvulus arvensis*, common bent *Agrostis capillaris*, Yorkshire fog *Holcus lanatus*, creeping buttercup *Ranunculus repens*, broad-leaved *Rumex obtusifolius* and meadow vetchling *Lathyrus pratensis*.

At the time of the survey the field had been cut within the last 2 months, with some dried cut grass visible and a relatively short sward present.

The access track and parking area supported largely sparse vegetative growth, though parts of the access track had largely been colonised by grasses, including common bent and Yorkshire fog, with some creeping buttercup and red bartsia *Odontites vernus* noted; indicating the poor nutrients available across the track area.



**Photograph 1.** The character of the grassland sward, which has been mown within 2 weeks of the site visit.



**Photograph 2.** The surfacing of the existing car parking area.



**Photograph 3.** The surfacing across the access track, made up of scalplings with some establishing grassland.

[REDACTED]

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[REDACTED]  
[REDACTED]

### 3.4 Bats

The closest feature of interest for bats includes a line of mature trees forming the field boundary on the eastern side. These trees did not exhibit character that would suggest they may support a large number of suitable roost features (such as standing deadwood, broken branches or visible woodpecker holes), however, they were not extensively assessed, with the trees straddling the site ownership boundary.

The surrounding landscape was noted to be of high value for foraging bats, with the nearby woodland supporting the greatest value for bats, whilst the field is likely to support a reasonable population of invertebrates that makes up prey for bats.



### 3.5 Breeding Birds

The field is highly unlikely to support ground nesting birds, owing to the relatively regular summer mowing of the sward, which reduces suitable taller tussocky cover for birds like skylark *Alauda arvensis*, whilst the disturbance would also deter nesting. The surrounding woodland and tree lines are likely to support an interesting assemblage of woodland and farmland birds.

### 3.6 Dormice

The development will not result in the direct disturbance of any suitable dormouse habitat such as woodland, hedgerows or scrub. These habitats are however all present nearby or adjacent to the application site and the quantity of mixed broadleaf woodland found in the surrounding local area increases the probability that dormice may be present, with West Sussex acting as a relative stronghold for the UK population.

### 3.7 Great Crested Newts and other Amphibians

There are no ponds contained by the site, however two ponds are visible on background mapping or aerial imagery within 250m of the site. This includes a pond within woodland immediately east of the access track (estimated to be 20m east of the access track itself) and a pond situated approximately 80m to the southwest of the site access point.

The field of pasture is considered to hold some relatively restricted value for foraging amphibians, with the shorter sward providing some cover, but clearly with high-value foraging habitats present nearby in the form of mixed broadleaf woodland.

### 3.8 Reptiles

The field contains some value for foraging reptiles, particularly around the field margins, where there is a mixture of taller cover and shorter sward. This would provide a mixture of basking and foraging habitat opportunities, though the value of the mown sward itself is considered to be of moderate value at best.

### 3.9 Invasive Non-native Species

No evidence of invasive non-native species was found during the walkover survey and invasive species are therefore not considered further in this report.

### 3.10 Other Notable Species

The site has some potential to support hedgehogs, though this species tends to prefer to stay near areas of taller cover, with the most suitable habitat being the field margins adjacent to the woodland and treeline.



### 3.11 Survey Limitations

An initial site assessment such as this is only able to act like a 'snapshot' to record any flora or fauna that is present at the time of the survey. It is therefore possible that some species may not have been present during the survey, but may be evident at other times of the year. For this reason, habitats are assessed for their potential to support some species, even where no direct evidence (such as droppings) has been found.

The mowing regime at the site made the identification of some grasses and grassland plants challenging, though a reasonable list of plant species was gathered from the site assessment enabling the characterisation of the habitat present.

## 4 IMPACT APPRAISAL

### 4.1 Designated Sites

The site is outside the zone of influence of all designated sites and, based on this and the small scale of the development, there are no identified mechanisms of impact on designated sites as a result of the proposed development.

### 4.2 Habitats

There are no high value habitats present within the red line boundary, though some priority habitat deciduous woodland is situated adjacent to the access track and in close surrounds. The footprint of the pods will result in a very small impact to available grassland habitat that can easily be offset through wider biodiversity enhancement.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### 4.4 Bats

The woodland edge habitats at the site are likely to be used by foraging and commuting bats as part of a wider resource across the landscape. Bat activity surveys are however not considered necessary given the very small scale of the proposal and low associated impact risk. It is understood that the use of the site will be a 'torchlight' experience, with no installed lighting along the access routes to the glamping pods and sensitive internal lighting within the pods only. Guidance on the use of artificial light is provided in Appendix 3 of this report and should be carefully considered.



## 4.5 Breeding Birds

No significant impact risks have been identified for breeding birds, with the site supporting minimal value for ground nesting birds.

## 4.6 Dormice

The proposed development is highly unlikely to impact dormice given the absence of suitable habitats for this species within the application site red line and no further surveys are recommended.

## 4.7 Great Crested Newts

No further surveys are recommended with respect to great crested newts, as the impact risk to this species is considered to be negligible. Whilst potential breeding ponds and nearby records have been identified, the establishment of the glamping pods requires no earthworks and ongoing use of the site poses no significant risk to amphibians. As a precautionary measure, it is recommended that the grassland areas used to access the site and where the glamping pods will be sited are kept mown short (below a height of 50mm) prior to installation of the three pods to deter amphibians from seeking cover in these locations during the installation process.

## 4.8 Reptiles

The site supports habitats that may support common reptiles including slow worm and common lizard, though the cutting regime utilised within the field reduces the likelihood of a significant population being present. The proposals pose a very low risk to reptiles through the construction phase, with no earthworks required and as set out in the section above for great crested newts, it is recommended that the grassland habitat that will be used to access the pods and lift them into place should be kept mown short, to deter reptiles from this area during construction.

## 4.9 Other Notable Species

Whilst there is potential for hedgehogs to be present in the close surrounding landscape, the proposal poses no impact risk to this species.

# 5 OPPORTUNITIES FOR ENHANCEMENT

This development includes a proposal to enhance the biodiversity value of the wider field, creating a wildflower meadow habitat of greater value for wildlife and acting as an attractive feature for those visiting the site. A separate Biodiversity Impact Calculation report<sup>6</sup> has been produced by the Ecology Co-op to demonstrate this biodiversity uplift, leading to a gain of 29.54% in habitat units. Enhancing the existing other neutral grassland sward can be easily implemented through changes to the mowing regime to a cut and gather management that is implemented no more than twice a year, whilst the introduction of yellow rattle *Rhianthus minor*, which is a plant that parasitises

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<sup>6</sup> The Ecology Co-op (2025) Biodiversity Impact Calculation – Stone Pits Manor.



on grasses, will aid the establishment of more grassland plants and assist in creating more natural sward height variance.

Further specific enhancement opportunities could include the establishment of a 'bee bank', by creating a continuous area of slightly raised bare ground within the field that can be utilised by ground nesting bees. Alternatively, a log pile, with a number of holes drilled into standing logs to a width of 7mm can support leaf-cutter bees as well as a variety of saproxylic invertebrates.

These enhancements can be detailed within a dedicated Biodiversity Enhancement Strategy report.

## 6 CONCLUSIONS

The small scale and low-impact proposal to establish three glamping pods on the land at Stone Pits Manor poses a negligible risk to wildlife with the precautionary measures set out in sections 4.7 and 4.8 to deter animals from the proposed construction zone where the glamping pods would be lifted into place. The operational risk of disturbance is considered to be very low as long as no external artificial light is introduced at the site, though it is understood that the proposal is for a 'torchlight' experience.

Opportunities for biodiversity enhancement have been provided in section 5 and can be easily secured through a Biodiversity Enhancement Strategy document produced to satisfy an appropriately worded planning condition.

**It is important that no habitat clearance or other site preparation work should be undertaken until planning permission has been granted and all relevant protections for habitats of importance and protected species have been detailed and implemented. Please be advised that any work to remove or modify habitats outside of typical management may undermine a future planning application.**

Should you need any further advice on the information provided above, please do not hesitate to contact The Ecology Co-op, [info@ecologyco-op.co.uk](mailto:info@ecologyco-op.co.uk), [www.ecologyco-op.co.uk](http://www.ecologyco-op.co.uk), Office: 01798 861800.



## APPENDIX 1 – Wildlife Legislation and National Planning Policy

### Introduction

The following text is intended for general guidance only and does not constitute comprehensive professional legal advice. It provides a summary of the current legal protection afforded to wildlife in general and certain species. It includes current national planning policy relevant to nature conservation.

### The ‘Birds Directive’, ‘Habitats Directive’ and ‘Natura 2000 Sites’

The Council Directive 79/409/EEC on the Conservation of Wild Birds (“the Birds Directive”) sets a framework for the protection of wild birds. Under the Directive, several provisions are made including the designation and protection of ‘Special Protection Areas’ (SPAs) – areas which support important bird populations, and the legal protection of rare or vulnerable species.

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the “Habitats Directive”) directs member states of the EU to take measures to maintain the favourable conservation status of important habitats and species. This requires the designation of a series of sites which contain important populations of species listed on Annex II of the Directive (for example Bechstein’s bat *Myotis bechsteinii*, Barbastelle bat *Barbastella barbastellus* and white-clawed crayfish *Austropotamobius pallipes*. Together with ‘Special Areas of Conservation’ (SACs), SPAs form a network across Europe of protected areas known as the ‘Natura 2000 sites’.

Annex IV lists species in need of more strict protection, these are known as “European Protected Species (EPS)”. All bat species, common dormice *Muscardinus avellana*, otter *Lutra lutra* and great crested newts *Triturus cristatus* are examples of EPS that are regularly encountered during development projects.

### The ‘Habitats Regulations’

The Conservation of Habitats and Species Regulations 2017, as amended (the “Habitats Regulations”) is the principle means of transposing the Habitats Directive and the Birds Directive, and updates the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 regulations”) in England and Wales.

‘Natura 2000’ sites, now known as National Site Network sites under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, receive the highest level of protection under the Regulations which requires that any activity within the zone of influence of these sites would be subject to a Habitats Regulations Assessment (HRA) by the competent authority (e.g. planning authority), leading to an Appropriate Assessment (AA) in cases where ‘likely significant effects’ to the conservation objectives are identified.

For European Protected Species, Regulation 41 makes it a criminal offence to:

- deliberately capture, injure or kill any such animal;
- deliberately disturb wild animals of such species;
- deliberately take or destroy their eggs (where relevant);
- damage or destroy a *breeding or resting place* of such an animal;
- possess, control, sell or exchange any live or dead animal or plant, of such species;
- deliberately pick, collect, cut, uproot or destroy a wild plant of such species.

The Habitats Directive and Habitats Regulations provide for the derogation from these prohibitions for specific



reasons provided certain conditions are met. An EPS licensing regime allows operations that would otherwise be unlawful acts to be carried out lawfully. Natural England is the licensing Authority and, in order to grant a license, ensures that three statutory conditions (sometimes referred to as the 'three derogation tests') are met:

- a licence can be granted for the purposes of “preserving public health or safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” (Regulation 53 (2) (e);
- a licence can be granted if “there are no satisfactory alternatives” to the proposed action;
- a licence shall not be granted unless the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

### **Wildlife and Countryside Act (1981) as amended.**

This remains one of the most important pieces of wildlife legislation in the UK. There are various schedules to the Act protecting birds (Schedule 1), other animals including insects (Schedule 5), plants (Schedule 8), and control of invasive non-native species (Schedule 9).

Under the Wildlife and Countryside Act (WCA) 1981, all wild birds (with the exception of those listed on Schedule 2), their eggs and nests are protected by law and it is an offence to:

- take, damage or destroy the nest of any wild bird while it is in use or being built
- take or destroy the egg of any wild bird
- disturb any bird listed on Schedule 1, while it is nest building, or at a nest with eggs or young, or disturb the dependant young of any such bird.

Schedule 5 lists all non-avian animals receiving protection to a varied degree. At its strongest, the Act makes it an offence to intentionally kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturb animals while occupying such places. Examples of species with *full protection* include all EPS, common reptile species, water vole *Arvicola amphibius*, white-clawed crayfish *Austropotamobius pallipes* and Roman snail *Helix pomatia*. Other species are protected from sale, barter or exchange only, such as white letter hairstreak *Satyrrium w-album*.

The Act makes it an offence to intentionally pick, uproot or destroy any plant or seed, and sell or possess any plant listed on Schedule 8. It is also an offence to intentionally uproot any wild plant not listed on Schedule 8 unless authorised [by the land owner]. Species on Schedules 5 and 8 are reviewed every 5 years when species can be added or removed.

Measures for the prevention of spreading non-native species which may be detrimental to native wildlife is included in the Act, which prohibits the release of animals or planting of plants into the wild of species listed on Schedule 9 (for example, Japanese knotweed *Fallopia japonica*, Himalayan balsam *Impatiens glandifera*, New Zealand Pygmyweed *Crassula helmsii*).

The Wildlife and Countryside Act 1981 (as amended) also prohibits certain inhumane methods of traps and devices for the capture or killing of wild animals and certain additional methods such as fixed trap, poisoning with gas or smoke, or spot-lighting with vehicles for killing species listed on Schedule 6 of the Act (this includes all bat species, [REDACTED] otter, polecat, dormice, hedgehog and red squirrel).

### **Natural Environment and Rural Communities (NERC) Act (2006)**

The NERC Act (2006) created the statutory nature conservation body Natural England, and places a statutory



duty on all public bodies, including planning authorities, under Section 40, to take, or promote the taking by others, steps to further the conservation of *habitats and species of principal importance for the conservation of biodiversity* in England (commonly referred to as the ‘Biodiversity Duty’). This duty extends to all public bodies the biodiversity duty of Section 74 of the Countryside and Rights of Way (CROW) Act 2000, which placed a duty only on Government and Ministers. Section 41 of the NERC Act lists the habitats and species of principle importance. This includes a wide range of species from mosses, vascular plants, invertebrates through to mammals and birds. It originates from the priority species listed under the UK Biodiversity Action Plan (UK BAP) with some omissions and additions.

## Environment Act (2021)

The Environment Act sets a target of halting the decline in species through the inclusion of a legally binding 2030 species abundance target. Aiming to restore natural habitats and enhance biodiversity, the Act requires new developments to improve or create habitats for nature (through mechanisms such as mandatory Biodiversity Net Gain), and tackle deforestation. Going forwards, UK businesses will need to look closely at their supply chains as amongst other measures they will be prohibited from using commodities associated with wide-scale deforestation. Woodland protection measures are also strengthened through the Act.

The Act enables the reform of the Habitats Regulations and further improves protection for nature through the establishment of Local Nature Recovery Strategies that support national Nature Recovery Networks. In addition, the Act provides for the production of Protected Site Strategies and Species Conservation Strategies, aimed at supporting the design and delivery of strategic approaches to deliver better outcomes for nature.

[REDACTED]

[REDACTED]

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- [REDACTED]
- [REDACTED]
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## National Planning Policy Framework

The National Planning Policy Framework (NPPF 2023)<sup>7</sup> sets out the Government’s view on how planners should balance nature conservation with development and helps ensure that Government meets its biodiversity commitments with regard to the operation of the planning system.

Paragraph 185b, states that council plans should “*promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue*

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<sup>7</sup> HM Government (2023). National Planning Policy Framework. Department for Communities and Local Government. Available online at: [https://assets.publishing.service.gov.uk/media/64f991c99ee0f2000fb7c001/NPPF\\_Sept\\_23.pdf](https://assets.publishing.service.gov.uk/media/64f991c99ee0f2000fb7c001/NPPF_Sept_23.pdf).



*opportunities for securing measurable net gains for biodiversity.”*

The Office of the Deputy Prime Minister (ODPM) Circular 06/2005, 2005)<sup>8</sup>. In accordance with the NPPF, it is important that developments should contribute to and enhance the natural and local environment by:

- minimising impacts on existing biodiversity and habitats;
- providing net gains in biodiversity and habitats, wherever possible;
- establishing coherent ecological networks that are more resilient to current and future pressures.

## **UK Post-2010 Biodiversity Framework**

The UK Biodiversity Action Plan (UK BAP), first published in 1994, was the UK’s response to the commitments of the Rio Convention on Biological Diversity (1992) until 2010, when the UK BAP was replaced by the UK Post-2010 Biodiversity Framework. This framework covers the period 2011 to 2020 and forms the UK government’s response to the new strategic plan of the United Nations Convention on Biodiversity (CBD) published in 2010. This promotes a focus on individual countries delivering target for protection for biodiversity through their own strategies.

The most recent biodiversity strategy for England, 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' was published by Defra (2011), and a progress update was provided in July 2013 (Defra 2013).

'Biodiversity 2020' builds on the Natural Environment White Paper for England – 'The Natural Choice', published on 7 June 2011, and sets out the strategic direction for biodiversity policy for the next decade.

Biodiversity 2020 deliberately avoids setting specific targets and actions for local areas and species because the Government believes that local people and organisations are best placed to decide how to implement the strategy in the most appropriate way for their local area or situation.

## **Birds of Conservation Concern (BoCC)**

In 1996, the UK’s leading non-governmental bird conservation organisations listed the conservation status of all bird species in the UK against a series of criteria relating to their population size, trends and relative importance to global conservation. The lists, known as the 'Red', 'Amber' and 'Green' lists (in order of decreasing concern) are used to inform key conservation policy and decisions. The lists are reviewed every five years and are a useful reference for determining the current importance of a particular site for birds. The most recent review was undertaken in 2021 (Stanbury et al, 2021), which provides an up to date assessment of the conservation status of birds in the UK.

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<sup>8</sup> HM Government (2005) ODPM Circular 06/05 Government Circular: *Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*. Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7692/147570.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf).



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## APPENDIX 2 – Horsham District Council Planning policy

Policy 25 (Strategic Policy: The Natural Environment and Landscape Character) of the current District Planning Policy Framework from Horsham District Council<sup>9</sup> notes that it will support development proposals which:

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

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<sup>9</sup> Horsham District Council (2015) Horsham District Planning Framework (excluding South Downs National Park). Available online at: [Horsham District Planning Framework 2015](#)



## APPENDIX 3 – Reducing Impacts of Artificial Light

Bright external lighting can have a detrimental impact upon foraging and commuting bat flight paths, but more importantly can also cause bats to remain in their roosts for longer. Artificial lighting can also cause significant impacts to other nocturnal species, most notably moths and other nocturnal insects. It can also result in disruption of the circadian rhythms of birds, reducing their fitness.

Guidelines issued by the Bat Conservation Trust<sup>10</sup> should be referred to when designing the lighting scheme. Note that lighting designs in very sensitive areas should be created with consultation from an ecologist and using up-to-date bat activity data where possible. The guidance contains techniques that can be used on all sites, whether a small domestic project or larger mixed-use, commercial or infrastructure development. This includes the following measures:

### **Avoid lighting key habitats and features altogether**

There is no legal duty requiring any place to be lit. British Standards and other policy documents allow for deviation from their own guidance where there are significant ecological/environmental reasons for doing so. It is acknowledged that in certain situations lighting is critical in maintaining safety, such as some industrial sites with 24-hour operation; however, in the public realm, while lighting can increase the perception of safety and security, measurable benefits can be subjective. Consequently, lighting design should be flexible and be able to fully consider the presence of protected species.

### **Apply mitigation methods to reduce lighting to agreed limits in other sensitive locations – lighting design considerations**

Where bat habitats and features are considered to be of lower importance or sensitivity to illumination, the need to provide lighting may outweigh the needs of bats. Consequently, a balance between a reduced lighting level appropriate to the ecological importance of each feature and species, and the lighting objectives for that area will need to be achieved. The following are techniques which have been successfully used on projects and are often used in combination for best results:

- dark buffers, illuminance limits and zonation;
- sensitive site configuration, whereby the location, orientation and height of newly built structures and hard standing can have a considerable impact on light spill;
- consideration of the design of the light and fittings, whereby the spread of light is minimised ensuring that only the task area is lit. Flat cut-off lanterns or accessories should be used to shield or direct light to where it is required. Consideration should be given to the height of lighting columns. It should be noted that a lower mounting height is not always better. A lower mounting height can create more light-spill or require more columns. Column height should be carefully considered to balance task and mitigation measures. Consider no lighting solutions where possible such as white lining, good signage, and LED cats eyes. For example, light only high-risk stretches of roads, such as crossings and junctions, allowing headlights to provide any necessary illumination at other times;
- screening, whereby light spill can be successfully screened through soft landscaping and the installation of walls, fences and bunding;
- glazing treatments, whereby glazing should be restricted or redesigned wherever the ecologist and lighting professional determine there is a likely significant effect upon key bat habitat and

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<sup>10</sup> Bat Conservation Trust and Institute for Lighting Professionals (2018) Guidance note 8. Bats and Artificial Lighting. <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>



features;

- creation of alternative valuable bat habitat on site, whereby additional or alternative bat flightpaths, commuting habitat or foraging habitat could result in appropriate compensation for any such habitat being lost to the development;
- dimming and part-night lighting. Depending on the pattern of bat activity across the key features identified on site it may be appropriate for an element of on-site lighting to be controlled either diurnally, seasonally or according to human activity. A control management system can be used to dim (typically to 25% or less) or turn off groups of lights when not in use.

### **Demonstrate compliance with illuminance limits and buffers**

- *Design and pre-planning phase*; it may be necessary to demonstrate that the proposed lighting will comply with any agreed light-limitation or screening measures set as a result of your ecologist's recommendations and evaluation. This is especially likely to be requested if planning permission is required.
- *Baseline and post-completion light monitoring surveys*; baseline, pre-development lighting surveys may be useful where existing on or off-site lighting is suspected to be acting on key habitats and features and so may prevent the agreed or modelled illuminance limits being achieved.
- *Post-construction/operational phase compliance-checking*; as a condition of planning, post-completion lighting surveys by a suitably qualified person should be undertaken and a report produced for the local planning authority to confirm compliance. Any form of non-compliance must be clearly reported, and remedial measures outlined. Ongoing monitoring may be necessary, especially for systems with automated lighting/dimming or physical screening solutions.

### **Lighting Fixture Specifications**

The Bat Conservation Trust recommends the following specifications for lighting on developments to prevent disturbance:

- Lighting spectra: peak wavelength >550nm
- Colour temperature: <2700K (warm)
- Reduction in light intensity
- Minimal UV emitted
- Upward light ratio of 0% and good optical control

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End.

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