

Preliminary Ecological Appraisal

Woodside Lodge, Picts Lane, Cowfold, West Sussex, RH13 8AT

October 2026

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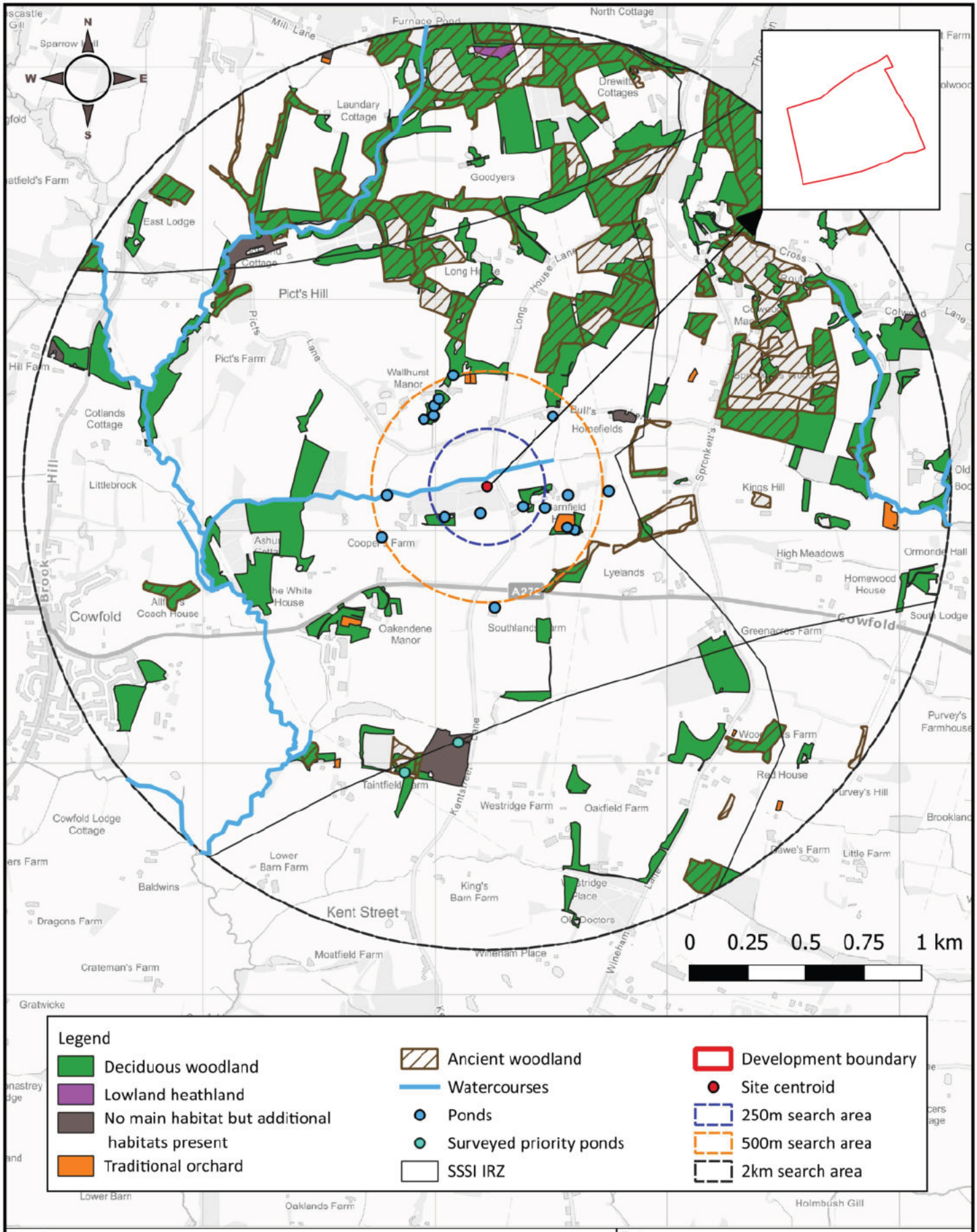

Figure title: Site Location and Desk Study Results	Client: Tom White C-NJA-081
Site location: Woodside Lodge, Picts Lane, Cowfold, West Sussex, RH13 8AT	
Figure number: 1	Date drawn: 20/05/26
Scale at A4: 1:22000	
Revision: 3	Cartographer: AM
Approver: HB	

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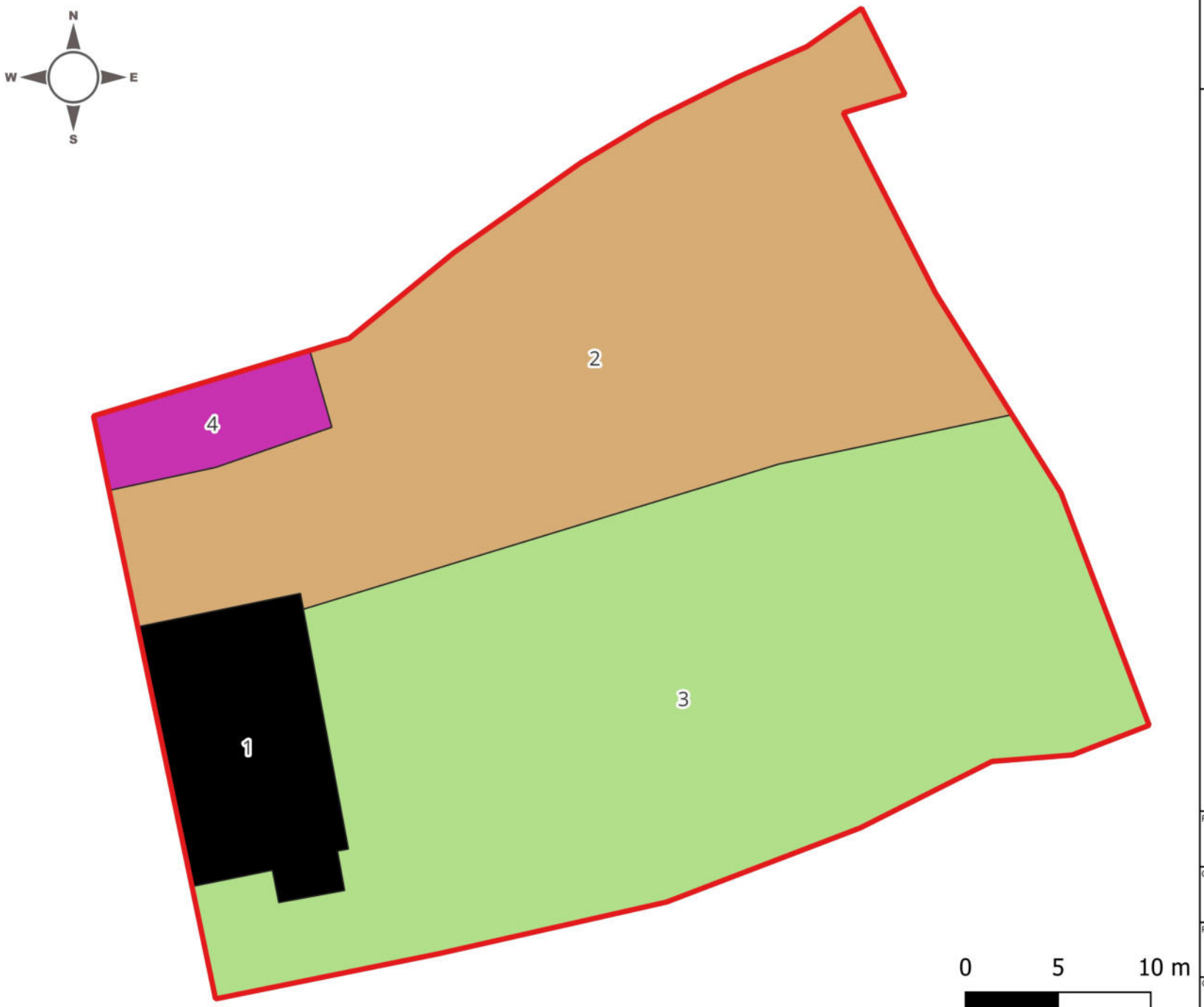

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Legend

Development boundary

UK Habitat Classification

- g4 - Modified grassland
- h3d - Bramble scrub
- u1b5 - Buildings
- u1f - Sparsely vegetated urban land

Figure Title: UK Habitat Classification Survey Results		
Client/ Project Reference: Tom White C-NJA-081		
Figure number: 2	Revision: 4	Scale at A4: 1:300
Cartographer: HB	Date drawn: 22/10/2026	Approver: n/a

Photo 1: Displaying building B1, within the development boundary.



Photo 2: Displaying the area of sparsely vegetated urban land habitat, within the development boundary.



Photo 3: Displaying an area of modified grassland habitat, within the development boundary.



Photo 4: Displaying the area of bramble scrub habitat, within the development boundary.



Photo 5: Displaying an area of modified grassland habitat, within the development boundary.



Photo 6: Displaying some scattered trees, within the development boundary.



Figure Title: UK Habitat Classification Survey - Photographs			**Client:** Tom White
Site Location: Woodside Lodge, Picts Lane, Cowfold, West Sussex RH13 8AT			**Project Ref:** C-NJA-081
Figure No: 3	**Revision No:** 3	**Scale:** n/a	arun ecology
Cartographer: AM	**Date Drawn:** 12/01/2026	**Reviewed By:** HB	

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1. Summary and Recommendations

Proposals	• Tom White is proposing a development at Woodside Lodge, Picts Lane, Cowfold, West Sussex, RH13 8AT (see Figure 1). • The proposals include the demolition of the existing residential building, which will be replaced by a new residential dwelling.
Surveys	• A desk study was conducted that included the purchase of records from the Sussex Biodiversity Record Centre. • A site visit was completed that included a UK Habitat Classification Survey and an appraisal of the habitats within the development boundary to act as ecological receptors.
Impact Assessment	• The development will not result in any adverse impacts on any designated sites of international, national or local importance. • The development will not adversely impact any habitats of principal importance (HPI) or irreplaceable habitats including ancient woodland. • Based upon the desk study results, the habitats recorded within the development boundary and the development proposals, [redacted] mammal burrows, bats (commuting and foraging), nesting birds, great crested newts, hedgehogs and reptiles are a material consideration for the development. • Building B1, was classified as having negligible potential for roosting bats. As such, no further bat emergence surveys are required. • No other structures or trees with features suitable for roosting bats will be adversely impacted by the development. • It is not anticipated that the development will generate significant levels of pollution due to its small scale, however, mitigation will be required during the construction phase of the development to ensure there is no on-site or off-site pollution to habitats or water sources. • In line with national and local policy, the development will be required to incorporate ecological enhancements into the design. It is our understanding, however, that measurable net gains as defined by The Environment Act, 2021 will not be required, as the proposed development is in relation to a self-build planning application.

Recommendations	**The recommendations below represent a summary only. The full recommendations of this report are outlined in section 6.** **Further Surveys** • In line with Natural England's standing advice for GCN, presence or probable absence surveys for GCN at the pond within the development boundary and ponds up to 250 m from the development boundary should be undertaken, to determine if any adverse impacts will arise on GCN as a result of the development. **Mitigation** • The mitigation measures outlined in this report for [redacted] mammal burrows, bats (foraging and commuting), hedgehogs, nesting birds, reptiles and pollution prevention should be followed during the design and construction phase of the development. **Ecological Enhancements** • The ecological enhancements outlined within this report should be incorporated into the design of the development.

2. Introduction

2.1 Development Location

2.1.1 Tom White is proposing a development (grid reference: TQ 23225 23194) at Woodside Lodge, Picts Lane, Cowfold, West Sussex, RH13 8AT (see Figure 1). The above address is hereafter referred to as 'the site' and Tom White as the 'applicant'.

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

2.2 Development Proposals

2.2.1 The applicant seeks planning consent for the redevelopment of a residential site (as shown on DMA Building Designs Ltd, Drawing No. NJA023 - PL02, Revision P4). The proposals include:

- Demolition of the existing residential building; and
- Construction of a new residential dwelling and parking area.

2.2.2 The proposals above are hereafter referred to collectively as 'the development' in this report. The footprint of the works and their immediate surroundings are hereafter referred to as the 'development boundary'.

2.3 Ecology Background

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

2.4 Brief and Objectives

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

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

- Identify the likely ecological constraints associated with the development;
- Identify any mitigation measures likely to be required, following the 'mitigation hierarchy', as per BS42020:2013 Clause 5:2 (BSI, 2013);
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (ECiA); and
- Identify the opportunities offered by the development to deliver ecological enhancements and net gains for biodiversity.

2.4.3 The brief agreed with the applicant included:

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

3. Method

3.1 Preliminary Ecological Appraisal

General Approach

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

3.2 Desk Study

3.2.1 The study area for the desk study at this stage of the development is based upon a provisional *'zone of influence'*. *'The 'zone of influence'* is defined as per CIEEM guidance as *'the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities'* (CIEEM, 2018).

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

- RAMSAR, Special Conservation Areas (SACs) and Special Protection Areas (SPAs), (including potentially designated sites), Sites of Specific Scientific Interest (SSSI) and locally designated sites – 2 km;
- All other non-statutory designated sites – 1 km;
- Habitats of Principle Importance (HPI), Ancient woodland and Main Rivers – 2 km;
- Ponds – 0.5 km; and
- Protected Species, Species of Principle Importance (SPI) and other species of conservation concern – 1 km (from the last 20 years).

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

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

3.3 Field Habitat Survey

UK Habitat Classification Survey

3.3.1 The field survey was undertaken using the UKHab Survey methodology (UKHab, 2023a) to record the habitat types within the development boundary. The study area for the UKHab Survey was defined as all of the land within the development boundary (see Figure 2).

3.3.2 The UKHab Survey has 5 hierarchical levels of habitat classification that aligns with those outlined under national legislation and planning policy. Habitats were mapped in the field using the primary habitat codes described in the UKHab Survey Professional Edition to levels 3, 4 or 5 (UKHab, 2023b).

3.3.3 Secondary habitat codes and target notes were assigned along with primary habitat codes to provide additional context where the habitat contained additional features that deviate from the primary classification.

3.3.4 To identify each habitat, the dominant plant and other readily identified species were recorded and their abundance within the development boundary was measured using the DAFOR scale (Stace, 2019).

3.4 Site Habitat Suitability Assessment

General Approach

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

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

Group/ taxa	Habitat Appraisal References
Amphibians/ GCN	• GCN Habitat Suitability Index (Oldham et al. 2010); and • Great Crested Newt Conservation Handbook (Langton et al, 2001).
Bats	• Bat Conservation Trust Good Practice Guidelines (Collins, 2023).
Birds	• A Field Guide to Monitoring Nests (Ferguson-Lees et al, 2011); and • Barn Owl Tyto alba Survey Methodology and Techniques for use in Ecological Assessment (Shawyer, 2011).
Mammals	• Surveying Badgers (Harris et al, 1989) and Badger Trust Best Practice Guidelines (Badger Trust, 2023); • The Dormouse Conservation Handbook (Bright et al, 2006); • UK BAP Mammals Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation (Cresswell, et al, 2012); • Otter (Woodroofe, 2007), Hedgehog (Morris, 2011); Water shrew (Carter, 2006) - Mammal Society Species Series; and • Water Vole Field Signs and Habitat assessment (Dean, 2022) and Water Vole Mitigation Handbook (Dean et al, 2016).
Reptiles	• Herpetofauna Workers' Manual (Gent & Gibson, 2003); and • Reptile Habitat Management Handbook (Edgar, 2010).
Invertebrates	• Good Planning Practice for Invertebrates (Buglife, 2015); and • Organising Surveys to Determine Site Quality for Invertebrates (English Nature, 2005).

Bats – Preliminary Roost Assessment

3.4.2 A bat preliminary roost assessment (PRA) of structures and trees as well as an assessment of the habitat within the development boundary for bats was carried out in accordance with the Bat Conservation Trust Good Practice Guidelines for Ecologists (Collins, 2023).

3.4.3 A ground level inspection of the exterior of any structures within the development boundary, and any trees that will be adversely impacted by the development, was undertaken with the aid of torchlight and binoculars to search for bat PRFs that might provide suitable crevices or access/egress points to voids or cavities for roosting bats.

3.4.4 Where accessible and safe to do so, a search for signs of bats such as bat specimens, droppings, urine staining and audible sound (such as social calls) was undertaken at each structure or tree. This included an internal inspection of roof voids at structures and the use of an endoscope to inspect any accessible bat PRFs.

3.4.5 A classification based upon the roosting suitability for bats was assigned for each structure and tree that was inspected within the development boundary as well as

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

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

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

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

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

3.5 Survey Dates and Conditions

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

Table 4– Field Survey Information.

Date	Survey Type	Survey Timings		Temperature (°C)		Rain	Wind (Beaufort scale)
		Start	Finish	Start	Finish		
15/10/2025	UK Hab Survey and bat PRA.	11:00	12:00	13	13	None	1

3.6 Surveyors

3.6.1 The field survey was undertaken by Alice Motola BSc, MSc (Hons) and Hannah Baker BSc (Hons) MSc ACIEEM. Alice Motola has 1 year and 10 months of professional consultancy experience and is adequately trained to carry out UKHab Surveys. Alice Motola is also registered to use the Level 1 Class Licence to survey Great Crested Newts and a MoRPh river accredited surveyor.

3.6.2 Hannah Baker has over 11 years of professional consultancy experience and is adequately trained to carry out UKHab Surveys. Hannah Baker is also registered to use the Level 2 Class Licence to survey bats and Level 1 Class Licence to Survey GCN. Hannah Baker was assisted by Amy Oldham BSc (Hons).

3.7 Limitations

3.7.1 No survey limitations were recorded during the UKHab Survey.

4. Results

4.1 Desk Study

Designated Sites

4.1.1 No designated and non-designated sites were identified within the search area. As such, the proposed development is not anticipated to result in any adverse impacts on statutorily or non-statutorily designated sites. Consequently, designated sites are not considered further within this report.

Ancient Woodland

4.1.2 There were sixty-seven ancient woodland parcels returned within 2 km of the development boundary (see Figure 1). The nearest ancient woodland parcel was 0.43 km southeast of the development boundary.

Habitats of Principle Importance

4.1.3 Details on the number of HPI, the habitat type and the distance from the development boundary to the closest HPI parcel are detailed in Table 5 and displayed in Figure 1.

Table 5 - Habitats of Principle Importance returned from the desk study search within 2 km of the development boundary.

Habitat of Principle Importance		
Habitat Type	**Number of HPI parcels within 2 km**	**Distance and direction of nearest HPI parcel and other notable parcels**
Deciduous woodland	104	• The nearest deciduous woodland parcel is located 0.08 km southeast of the development boundary.
Lowland heathland	1	• The nearest lowland fens parcel is 1.81 km north of the development boundary.
Traditional orchard	11	• The nearest traditional orchard is 0.31 km southeast of the development boundary.
No main habitat but additional habitats present	6	• These parcels overall include deciduous woodland, traditional orchard and pond. • The nearest parcel of this type is 0.57 km northeast of the development boundary and corresponds to traditional orchard.

Priority ponds	2	• Both priority ponds are located southwest of the development boundary and the closest is at a 1.09 km distance from site.

4.1.4 Seventeen ponds were recorded within 0.5 km of the development boundary (see Figure 1). Three of these ponds are located within 0.25 km of the development boundary and the nearest pond is located 0.1 km southwest of the development boundary. There were no surveyed priority ponds within 0.5 km of the development boundary.

4.1.5 Twenty-nine main river parcels were returned within 2 km of the development boundary (see Figure 1). None of the parcels were listed as priority river habitats under the national inventory. The nearest main river parcel is located 0.005 km north of the development boundary and directly adjacent to it.

Protected Species and Other Species of Conservation Concern

4.1.6 No European Protected Species Licenses (EPSLs) has been granted within 1 km of the site for any protected species.

4.2 UK Habitat Classification Survey Results

4.2.1 The habitats recorded during the UKHab Survey within the development boundary are described below in Table 6 (see Figure 2 and Figure 3).

Table 6 – Habitats recorded within the development boundary during the UK Habitat Classification Survey.

Habitat Reference (Figure 2)	UK Hab Survey Classification Code	Approx. Area sqm	Summary and Species List
Urban			
1	**Primary:** Developed land; sealed surface **Code:** u1b5	132	One residential building (B1) was recorded within the southwestern section of the development boundary. Building B1 is currently used as a living home space by the applicant. A detailed description of building B1 is provided in Table 9, Appendix I.
2	**Primary:** Sparsely vegetated urban land **Code:** u1f	708	An area of sparsely vegetated urban land was recorded within the northeastern section of the development boundary, which is currently used as parking area. This parcel has a vegetation cover approximately 10-50%. **Species recorded:** **Grasses:** perennial ryegrass (D), Yorkshire fog (A), cocks' foot (F), red fescue (O), annual meadowgrass (O). **Forbs and other plants:** creeping thistle (O), dock (R), bramble (R), bristly oxtongue (R), broadleaf and ribwort plantain (R), common ragwort (R), and mosses belonging to the *Sphagnum* genus.
Grassland			
3	**Primary:** Modified grassland **Secondary:** active management, scattered trees **Code:** g4 - 516, 32	880	The southern half of the site consisted of modified grassland, characterised by a varied sward height, ranging approximately between 5-30cm and an active management regime, which appears to be consisting of regular mowing. The grassland was classified as modified grassland due to being dominated by plant species indicative of nutrient enrichment (including white clover and plantain) and the low number of species recorded per meter square (approximately five). The grassland presented very small, scattered areas of disturbed ground which covered <10% of the total habitat area.

			Species recorded: **Grasses:** perennial ryegrass (D), Yorkshire fog (A), cocks' foot (F), soft rush (O), red fescue (O), annual meadowgrass(O), pendulous sedge (R). **Forbs and other plants:** white clover (A), creeping buttercup (F), creeping cinquefoil (O), creeping thistle (O), dock (R), ground ivy (R), bramble (R), bristly oxtongue (R), bird's-foot-trefoil (R), hedge bindweed (R), *Geranium* species (R), broadleaf and ribwort plantain (R), common ragwort (R), Fungi (R) and mosses belonging to the *Sphagnum* genus. **Scattered trees:** Norway spruce, goat willow.
Heathland and shrub			
4	**Primary:** Bramble scrub **Secondary:** N/A **Code:** h3d	54	A parcel of bramble scrub was recorded within the northern section of the development boundary, growing above a slope. **Species recorded**: Bramble (D), old man's beard (O), hedge bindweed (R), wild teasel (R).

4.3 Site Habitat Suitability Assessment

4.3.1 An assessment of habitat within the development boundary to act as an ecological receptor for protected species and species of conservation concern, based upon the desk study results and the habitats recorded during the UKHab Survey is provided below in Table 7. The bat PRA results are summarised below and given in full in Table 9 in Appendix I.

Table 7 – Site habitat assessment for protected species and species of conservation concern.

Species/Group	Site Assessment and Rationale
GCN and Other Amphibians	• Records of GCN were returned from the desk study search within 1 km of the development boundary. No records of other common amphibians were returned. • There are seventeen ponds within 0.5 km of the development boundary, of which four are within 0.25 km • The nearest pond is located 105 m southwest of the development boundary and is ecologically connected to the main development footprint through mixed scrub and plantation woodland habitat. • Likewise, the majority of the other ponds within 0.5 km are well connected to the development boundary via line of trees and deciduous woodland parcels. • No suitable breeding habitat for GCN was recorded within the development boundary. The development boundary included habitats with suitability for foraging and commuting GCN such as modified grassland and bramble scrub . Based on the above points combined, it is reasonably likely that GCN could be encountered within the main footprint of the development boundary.
Bats	• Several records of bats were returned from the desk study search within 1 km of the development boundary. • Building B1, located within the southwestern section of the development boundary, was classified as having negligible potential to support roosting bats, during the PRA, given the lack of suitable PRFs (see Table 9 in Appendix I). • No other structures or trees were recorded within the development boundary with suitability for roosting bats, during the UKHab survey. • The habitat immediately within the development boundary including modified grassland, bramble scrub and scattered trees, was assessed as having suitability for foraging and commuting bats. Likewise, the habitats present within the wider site and directly

	surrounding it, such as plantation woodland, line of trees and deciduous woodland parcels, all provide suitable foraging and commuting habitat (flightlines) for bats and connect well to the habitats within the development boundary. As such, commuting and foraging bats could be encountered within the development boundary. • Approximately 260 m^2 of modified grassland with suitability for foraging bats will have to be removed to facilitate the construction of the replacement dwelling and new parking area.
Birds	• Several records of birds including species of conservation concern were returned from the desk study search within 1 km of the development boundary. • Building B1 has potential suitability for nesting birds under the canopy which extends from the western aspect of the dwelling. • The habitat within the development boundary includes scattered trees that provide suitable habitat for nesting birds and connect well with surrounding suitable habitats for birds within the wider landscape scale. • Despite approximately 260 m^2 of modified grassland will be removed as part of the development proposals, this grassland is reasonably unlikely to be suitable for ground nesting birds due to its short sward height. The overall quantity and quality of available habitat for nesting birds within the footprint of the development is insufficient to support important bird assemblages and populations of conservation concern.
Terrestrial mammals (non-bats)	• [redacted] • **Hazel dormice:** Records of hazel dormice were returned from the desk study search within 1 km of the development boundary. The habitats described immediately within the development boundary are not suitable to support dormice. However, the plantation woodland outside of the development boundary, within the wider site ownership boundary is well connected with the surrounding line of trees and deciduous woodland parcels which on the wider landscape scale and may provide suitable habitat for hazel dormice. • **Hedgehogs:** Records of hedgehog were returned from the desk study search within 1 km of the development boundary. Both the habitats described within the development and those found immediately surrounding the site, are reasonably likely to provide foraging

	and resting places for hedgehogs. As such, it is reasonably likely that hedgehog could be encountered within the development boundary and the immediate footprint of the development. • **Otters and water voles:** No records of otter or water vole were returned from the desk study search within 1 km of the development boundary. The nearest lotic waterbody is located only 25 m north of the development boundary and 12 m north of the northern development boundary. Along both of the banks of the river flowing parallel to the northern development boundary grows a well-established riparian vegetation. However, the riparian habitat will not be impacted by the development and the habitats recorded immediately within the development boundary are unsuitable to support otter and water vole and as such it is reasonably unlikely otter or water vole will be encountered within the development boundary or that the habitat will be associated with any population of these species. • **Other mammals:** Mammal burrows such as those of rabbit or fox and mammal runs were recorded within the development boundary at the time of the UKHab Survey. Additionally, given the rural location of the site it is reasonably likely that the above species could be found in or near to the main footprint of the development prior to its commencement.
Reptiles	• No records of common or rare reptiles were returned from the desk study search within 1 km of the development boundary. • Although approximately 234 m^2 of modified grassland will be removed as part of the development proposals, the grassland within the immediate development footprint presented a short sward height which is subject to regular mowing and as such provides insufficient structure and cover to support a permanent reptile population. • Additionally, according to the current proposal design four Norway spruce trees, will have to be removed in order to facilitate the development. However, conifer trees generally provide sub-optimal suitable habitat for reptiles and are located within the short sward height modified grassland habitat parcel 3. • All other existing habitats with suitability for reptiles including the bramble scrub, will be retained. • Based on the above points combined it is reasonably unlikely that a permanent population of reptiles will be present within the main footprint of the development, however, there is the potential for reptiles to be present in close proximity to the main footprint of the development.
Invertebrates	• Several records of invertebrates including species of conservation concern were returned from the desk study search within 1 km of the development boundary.

	• The development boundary includes habitats with suitability for invertebrates such as bramble scrub, scattered trees, whereas the modified grassland which formed the main extent of the area within the main development footprint provides only limited value for invertebrates. • Despite part of the existing modified grassland requiring removal to facilitate the development, is it reasonably unlikely that any important invertebrate assemblages or populations of conservation concern will be encountered within this habitat parcel and within the development boundary.
Plants, Lichens and Fungi	• Several common lichen species were observed growing on the trees within the development boundary. • However, no European or nationally protected plants, SPI or other species of conservation concern were recorded within the development boundary.
Non-native and Invasive Species	• No invasive non-native species listed under Schedule 9 of the Wildlife & Countryside Act, 1981 or the Invasive Alien Species Order, 2019 were recorded within the development boundary at the time of the UKHab Survey.

5. Legislation and Planning Policy

5.1.1 A summary of the relevant legislation and planning policy that could be a material consideration to the development is provided below in Table 8. Further details of the UK legislation and planning policy relevant to the qualifying features in this section are detailed in Appendix II.

Table 8 – Legislation and planning policy evaluation of the development.

Ecological Feature	Relevant Legislation & Planning Policy	Impact Assessment and Legal Compliance	Rationale and Comments
Habitats			
Irreplaceable habitat	• National Planning Policy Framework, 2026; and • HDC Adopted Local Plan, 2015 – Policy 31: Green Infrastructure and Biodiversity.	Compliant	• No ancient woodland parcels or any other type of irreplaceable habitat are located within the development boundary or will be directly lost as part of the development. • Based upon the scale, extent and magnitude of the development and its distance to the nearest ancient woodland/ irreplaceable habitat parcel it is reasonably unlikely that there will be any adverse impacts as a result of degradation from increased recreational pressure or construction related pollution.
Habitats of Principle Importance	• Natural Environment & Rural Communities Act, 2006 – Section 41; • National Planning Policy Framework, 2026.	Compliant/ adverse impacts reasonably unlikely	• No Habitats of Principal Importance are located within the development boundary or will be directly lost as part of the development. • For the reasons outlined above for ancient woodland, it is not anticipated that there will be any adverse impacts on HPI located outside of the development boundary.

Pollution Prevention	• Environmental Protection Act, 1990; and • National Planning Policy Framework, 2026; and • HDC Adopted Local Plan, 2015 – Policy 24: Environmental Protection.	Mitigation required	• Pollution prevention measures should be incorporated into the construction phase of the development to avoid onsite and offsite pollution to habitats and the nearby waterbodies. • Mitigation measures will be required within the design of the development to ensure that there are no significant increases in the levels of light pollution as a result of the installation of artificial lighting as part of the development. • The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.
Biodiversity Net Gain and Ecological Enhancements			
Biodiversity Net Gain	• The Environment Act, 2021; and • National Planning Policy Framework, 2026; and • HDC Adopted Local Plan, 2015 – Policy 31: Green Infrastructure and Biodiversity; Strategic Policy 24: The Natural Environment and Landscape Character.	Exempt development	• The development will be exempt from the mandatory biodiversity net gain (BNG) requirements as defined under The Environment Act, 2021, as the area within the red line boundary is no larger than 0.2 ha and the proposed development will not impact any onsite priority habitat. • No further recommendations are outlined in this report with respect to BNG.
Ecological Enhancement	• National Planning Policy Framework, 2026.	Further action required.	• The development will be required to implement ecological enhancements into the design of the development to ensure it is compliant with national and local planning policy. • The recommendations outlined in section 6 of this report should be followed to ensure the development is compliant with national and local planning policy.
Protected Species and Species of Conservation Concern			
[redacted]	[redacted]	[redacted]	[redacted]

			[redacted]
Bats	• Conservation of Habitat & Species Regulation, 2017; • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41; and • HDC Adopted Local Plan, 2015 – Policy 31: Green Infrastructure and Biodiversity.	Mitigation required	• Building B1, was classified as having negligible potential to support roosting bats. As such, no further bat emergence surveys are required. • No buildings, trees or other structures were recorded within the development boundary with suitability for roosting bats. • The development will result in the loss of a small amount of modified grassland within the development boundary that provides low to moderate quality foraging habitat for bats. Despite this, it can be reasonably predicted that the favourable conservation status of bats will not be adversely impacted by such actions without the need for further bat activity surveys, as the area of habitat loss will be small and due to the quality and quantity of habitat available within and adjacent to the development boundary. • For the reasons outlined in the pollution prevention section, the development should aim to reduce light pollution from the installation of artificial lighting to ensure it does not adversely impact potential bat flightlines within the site. • The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.
Birds	• Wildlife & Countryside Act, 1981 – Section 1 and Schedule 1; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Mitigation required	• Building B1 with potential suitability for nesting birds will be demolished as part of the development proposals and four conifer trees with potential suitability for nesting birds will be removed to facilitate the construction of the new dwelling.

			• Based on the available habitat within the development boundary, it is reasonably unlikely that important assemblages or populations of birds of conservation concern will be adversely impacted by the development. • Mitigation will be required during the construction phase to avoid adverse impacts to nesting birds. • The recommendations outlined in section 6 of this report should be followed to ensure the development proceeds lawfully.

Great crested newts	• Conservation of Habitat & Species Regulations, 2017;
	• Wildlife & Countryside Act, 1981 – schedule 5; and
	• Natural Environment & Rural Communities Act, 2006 – Section 40/41.
		Further assessment required	• No potential GCN breeding habitat will be directly impacted as part of the development.
			• However, it is possible that GCN could be encountered and inadvertently harmed during the enabling and the construction phase of the development, given the below points:
			  ○ The presence of four potential GCN breeding ponds within 250 m of the development boundary;
			  ○ The closest pond being only 100m southwest of the wider ownership boundary and ecologically connected continuously to the main development footprint;
			  ○ The habitat within the development boundary having continuous connectivity to other suitable GCN terrestrial habitat (as viewed from aerial imagery) within 500 m of the development boundary.
			  ○ The development will also result in the removal of a small amount of potential GCN terrestrial habitat (modified grassland).
			• Despite this, the scale of habitat removal is reasonably unlikely to adversely impact GCN at a population level.
			• To ensure the development proceeds lawfully the recommendations outlined in section 6 should be followed.

Hazel dormice	• Conservation of Habitat & Species Regulations, 2017; • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Compliant/ adverse impacts reasonably unlikely	• The development is reasonably unlikely to result in harm to individual hazel dormice or adversely impact any habitat associated with any hazel dormouse populations.
Hedgehogs	• Natural Environment & Rural Communities Act, 2006 - Section 40/41; and • Wild Mammals (Protection) Act, 1996.	Mitigation required	• It is reasonably likely that individual hedgehogs could be encountered within the development boundary, and as such, it is possible that they could be inadvertently killed with methods prohibited under the Wild Mammals (Protection) Act, 1996 without appropriate mitigation. • The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.
Reptiles	• Conservation of Habitat & Species Regulations, 2017 (Sand Lizard & Smooth Snake only); • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Mitigation required	• The risk of harm to individual reptiles as a result of the development is considered to be low, due to only sub-optimal habitat being present within the main footprint of the proposed development (modified grassland with a short sward height and four conifer trees), with all other habitats with greater suitability for reptiles within the wider development boundary being retained in their entirety (including the bramble scrub habitat). As such, it is reasonably unlikely that a significant population of reptiles will be adversely impacted by the development. • Suitable reptile habitat will be retained within close proximity to the development boundary. As such, appropriate mitigation measures will be required during the construction phase to ensure the risk of encountering or harming reptiles remains acceptably low. • In our professional opinion, the likely impacts on reptiles can be reasonably predicted and can be appropriately managed through mitigation. Therefore,

			further survey effort is considered disproportionate to the level of risk posed by the development. • The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.
Other Mammal Burrows	• Wild Mammals Protection Act, 1996.	Mitigation required	• It is possible that mammals could be inadvertently harmed with methods prohibited under the Wild Mammals Act, 1996 whilst inhabiting their burrows without appropriate mitigation. • To ensure the development proceeds lawfully the mitigation outlined in section 6 should be followed.
Otters	• Conservation of Habitat & Species Regulation, 2017; • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely	• The development is reasonably unlikely to result in harm to individual otters or adversely impact their habitat (including resting and breeding places), and therefore, will not adversely impact the favourable conservation status of this species.
Water Voles	• Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely	• The development is reasonably unlikely to result in harm to individual water vole or adversely impact their burrows or habitat, and therefore, will not adversely impact the conservation status of this species.
Invertebrates	• Conservation of Habitat & Species Regulations, 2017 – Schedule 2; • Wildlife & Countryside Act, 1981 – Schedule 5; and	Adverse impacts/ offence reasonably unlikely	• The majority of habitats of value for invertebrates within the development boundary, including scattered trees and bramble scrub will be retained as part of the development. A small area of modified grassland will be removed as part of the development.

	• Natural Environment & Rural Communities Act, 2006 – Section 40/41.		• Based on the above point and the small scale of the development, the development is reasonably unlikely to result in any adverse impacts to any European protected invertebrate species, nationally protected species, important populations of SPI or nationally or locally important assemblages of conservation value.
Invasive non-native species	• Wildlife & Countryside Act, 1981 – Schedule 9; and • Invasive Alien Species Order, 2019.	Adverse impacts/ offence reasonably unlikely	• The development is reasonably unlikely to result in an act that would constitute an offence for a species listed under Schedule 9 of the Wildlife & Countryside Act, 1981 or Invasive Alien Species Order, 2019 (i.e. intentional release or spreading).
Protected Plants, Fungi and Lichens	• Conservation of Habitat & Species Regulations, 2017 – Schedule 5; • Wildlife & Countryside Act, 1981 - Schedule 8; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely	• The development is reasonably unlikely to result in intentional picking, uprooting, destruction, or intentional clearance of any wild plant, fungi or lichen, including, European protected species, nationally protected species, SPI or those of national or local conservation concern.

6. Requirements and Recommendations

6.1 Background

6.1.1 The recommendations included in this section are based upon the mitigation hierarchy (avoidance, mitigation, and compensation; BSI, 2013) and takes consideration of government circular: Biodiversity and Geological Conservation Circular 06/2005.

6.1.2 Mitigation is not discussed where further surveys are required to inform such mitigation or compensation, unless in our professional judgement it would not be proportionate to request further surveys as the risk of a legal offence being committed as a result of the development is acceptably low.

6.2 Ecological Enhancements

6.2.1 The following ecological enhancements relevant to the development are recommended:

- Installation of artificial habitat provisions to include:
    - One bat box to be installed on a suitable mature tree within the development boundary or wider site;
    - One integrated bird box to be installed as part of the new residential dwelling;
    - One solitary bee box to be installed within a sunny grassland location within the development boundary; and
    - One small refugia/hibernacula log pile to be created along the northern wider ownership boundary for the benefit of amphibians, reptiles and invertebrates.

6.3 Habitat Mitigation

Pollution Prevention

6.3.1 The following pollution prevention measures should be incorporated during the construction phase of the development to ensure that there is not any on-site or offsite pollution, with particular regard to the protection of the offsite stream;

6.3.2 Both the offsite stream and its adjacent riparian habitat will be protected by installing Heras fencing along its full perimeter corresponding to the development boundary

length and appropriate signage will be affixed to prohibit the workers from accessing the riparian and stream habitat;

- All fuels, oils, lubricants, chemicals, and potentially polluting substances shall be stored securely within designated, bunded areas on an impermeable surface, with spill kits of an appropriate size and specification available on site at all times. All operatives shall be briefed in the use of spill response procedures;

- Construction materials, plant, and equipment shall be stored and operated only within designated areas and shall be located outside the Root Protection Areas of retained trees and woodland, and away from drainage pathways leading towards the offsite stream;

- Any mixing of concrete, cement, mortar, or other potentially contaminating materials shall be undertaken only within designated mixing areas located as far as practicable from the offsite stream and any surface water features. Washout of concrete or cementitious materials shall be strictly prohibited on bare ground or within drainage routes;

- Measures shall be implemented to prevent the generation and spread of dust and airborne particulates where required, including damping down during dry conditions, particularly where there is potential for deposition into nearby watercourses;

- All contaminated water, soil, and construction waste shall be managed and disposed of in accordance with relevant waste management legislation, either within designated on-site facilities or via appropriately licensed off-site contractors. No contaminated materials shall be discharged to ground, surface water, or drainage systems;

- Surface water runoff from construction areas shall be monitored and controlled at all times. Where there is a risk of sediment-laden runoff reaching the stream, appropriate mitigation measures such as silt fencing, sediment traps, or temporary bunding shall be installed and maintained for the duration of the works;

- The use of fertilisers, herbicides, and pesticides as part of ongoing site management shall be minimised and, where necessary, carried out strictly in accordance with manufacturers' instructions and best practice guidance to avoid runoff or leaching into adjacent habitats and watercourses.

[redacted]

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

Bats

Lighting Strategy

6.4.3 To ensure that the development avoids adverse impacts on bat foraging and commuting habitats within the development boundary, any lighting as part of the proposed development should be installed in line with current guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals: Guidance Note GN08/23 Bats and Artificial Lighting At Night (BCT & ILP 2023).

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

- Avoid illumination of the retained scattered trees within development boundary; and
- Minimise the overall levels of light pollution within the site as a result of the development by:

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

Nesting Birds

6.4.5 To ensure that the development is compliant with the legislation and planning policy relating to nesting birds, the removal of building B1 and the four conifer trees should ideally be completed outside of the breeding bird season (typically March – September). If it is not possible to avoid the breeding bird season to complete these works, a pre-works inspection by an appropriately qualified ecologist should be undertaken.

6.4.6 If an active bird nest or nesting activity is recorded within the development boundary during the pre-works inspection or at any other time during the development (such as the storage of building materials) the nest should be protected from damage and destruction (including disturbance that may cause the nest to be abandoned). A protective buffer should be implemented around any active nests (the size to be determined based on the professional judgement of an ecologist or environmental manager) and works in and around these areas should be controlled or delayed until the chicks have fledged.

Hedgehogs

6.4.7 Where reasonably practical, measures should be taken to avoid the unnecessary killing or injuring (that could result in undue suffering and harm) of hedgehog as a result of the developments construction-based activities. Stakeholders and contractors should remain vigilant for the presence of hedgehogs around any vegetation, debris or stored materials. A reasonable action would be to move an individual hedgehog to a safe location either within retained habitat on-site or off-site. During the construction phase of the development, any excavations on site should be covered nightly or include a suitable escape ramp to prevent nocturnal mammals (including hedgehog) from becoming trapped.

Reptiles

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

- The retained reptile suitable habitats, including the bramble scrub (habitat reference 4, Figure 2) should be separated from surrounding construction areas using barrier fencing, such as Heras fencing.
- Grassland both within and immediately adjacent to the footprint of the development should be kept short to prevent reptiles colonising this area;
- A tidy construction area should be targeted, with appropriate storage of building materials (off ground where reasonably practical) to prevent the unintended creation of refugia and hibernacula for reptiles; and
- Where reasonably practical, any holes or excavation within the development boundary should be kept covered when not in use to prevent reptiles becoming trapped, checked regularly when not covered, and have an escape ramp installed to allow reptiles to escape; and
- In the unlikely event an individual reptile is encountered within the development boundary, the reptile should be encouraged to move to safety, or alternatively, advice from an ecologist should be sought, prior to moving the reptile.

6.5 Further Surveys

Great Crested Newts

6.5.1 In line with Natural England's standing advice, further surveys to establish the presence/ probable absence (and class population size, where appropriate) of GCN at ponds within the development boundary and up to 500 m from the development boundary should be undertaken to inform any mitigation and licensing requirements for GCN (if applicable). The further surveys for GCN, should be undertaken at an appropriate time of year and follow industry best practice guidelines.

6.5.2 Natural England's standing advice states 'surveys up to 250 metres are usually sufficient' for GCN from the development boundary. As such, the professional judgment of an ecologist should be used to determine the required level of survey effort for GCN.

6.5.3 Alternatively, the applicant may opt-in to join the HDC GCN DLL scheme. Registration under the GCN DLL can be undertaken at any time and would not require any further surveys to determine the planning application.

7. Conclusion

7.1.1 To ensure the development can proceed lawfully, further assessment to ascertain the ecological impacts of the development will be required. Mitigation will also be required within the design and construction phase to ensure the development proceeds lawfully. Furthermore, the development will be required to implement ecological enhancements as part of the development.

7.1.2 The recommendations outlined within this report demonstrate how the above can be achieved as part of the development.

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Appendix I - Bat Preliminary Roost Assessment Results

Table 9 – Bat Preliminary Roost Assessment Results.

Building no.	Description	External Inspection	Internal inspection	Evidence of bats	Bat roost potential	Rational and potential roosting features recorded
B1	• Building B1 is a wooden cladded residential house, with corrugated metal roofing sheets. • Additionally, a wooden cladded canopy with corrugated metal roofing sheets, extends from the western aspect of the building.	Yes	Yes	None	Negligible	• No bat PRFs or potential access/ egress points were recorded on the exterior of building B1. • The internal area of the wooden cladded canopy area is reasonably unlikely to provide adequate cover or conditions that are typically used by roosting bats.

Appendix II – Legislation & Planning Policy

8.2 Background

8.2.1 This section provides a summary of the legislation and planning policy that could be relevant to the development. Where possible we have limited this section to the areas relevant to this report. This means the legislation and planning policy outlined below is not included in its entirety.

8.2.2 This section does not constitute legal advice, and only, represents the interpretation and professional judgement of the ecologists named in this report, on the legislation and planning policy deemed relevant to the development.

8.3 RAMSAR Convention

8.3.1 RAMSAR sites are wetlands of international importance that have been designated under the criteria of the RAMSAR Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological biodiversity (JNCC, 2019).

8.3.2 The National Planning Policy Framework (NPPF, 2026) outlines the level of consideration that should be given to RAMSAR sites in Planning. Paragraph 187 states that RAMSAR and potential RAMSAR sites should be given the same protection as 'habitat sites' defined as those afforded protection under the Conservation of Habitat and Species Regulations (2017), such as Special Protection Areas or Special Areas of Conservation.

8.4 Conservation of Habitat and Species Regulations, 2017

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

Protected Species

8.4.2 The regulations include provisions that prohibit certain actions from the protection of species listed under Annex II of the Habitat Directive. It is a criminal offence for a person to 'intentionally or recklessly' take the following action:

- Deliberately capture, injure or kill any wild animal of a European Protected Species (EPS);

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

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

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

Protected Sites

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

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

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

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

8.5 Wildlife and Countryside Act, 1981 (as amended)

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

Protection of Birds

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

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

Protection of Animals

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

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

- If any person intentionally or recklessly damages or destroys, or obstructs access to, any structure or place which any wild animal included in schedule 5 uses for shelter or protection; or

- Disturb any such animal while it is occupying a structure or place which it uses for that purpose; and

- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal, or publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.

Protection of Plants

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

- Intentionally picks, uproots or destroys any wild plant included in schedule 8, or not being an authorised person, intentionally uproots any wild plants not included in that schedule;

- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild plant included in schedule 8, or any part of, or anything derived from, such a plant; or

- Publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.

Invasive Species

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

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

- Subject to the provisions of this part, any person who plants, or otherwise causes to grow, any plant in the wild at a place out with its native range is guilty of an offence.

Sites of Specific Scientific Interest

8.5.6 Part 2 – Sections 28-33 of the act set out the law regarding Sites of Specific Scientific Interest (SSSI) by the conservation bodies in England (Natural England) and Wales (Natural Resource Wales) and outlines the offences with respect to SSSI.

8.5.7 The offences outlined in the act apply to any person(s), public body, landowner or occupier as well as statutory undertakers or permitted developments. Examples of offences include (but are not limited to):

- Any person intentionally or recklessly damaging or destroying any of the features of special interest of an SSSI, or disturbing wildlife for which the site was notified;
- Public bodies are not allowed to carry out damaging operations on an SSSI, except where they notified the relevant conservation agency. It is also an offence for a public body to fail to minimise damage on an SSSI or – if damage occurs – to fail to restore a SSSI to its former state; and
- Statutory bodies have a general duty to take reasonable steps to further to conservation and enhancement of the special feature of SSSI's;
- Where statutory bodies propose to undertake or permit activities that could affect a SSSI they must consult the relevant statutory nature conservation agency. If the activity cannot be avoided it must be undertaken in a way least damaging to the SSSI; and
- If you are the owner or occupier of a SSSI, it is an offence to carry out any activity that may likely damage the SSSI without consent from the relevant conservation agency. The law requires that you inform the conservation agency of any changes in the ownership or occupancy.

Other Protected Areas

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

8.6 Countryside Right of Ways Act, 2000

8.6.1 The Countryside Right of Ways Act, 2000 (CRoW Act, 2000) makes provisions for public access, amends the law for public rights of ways and amends existing law on

nature conservation and the protection of wildlife as well as makes further provisions for Areas of Outstanding Natural Beauty.

Wildlife Legislation

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

8.6.3 Schedule 9 of the CRoW Act, 2000 increases powers for the protection and management of SSSI. There are increased powers for appropriate authorities to secure management agreements for SSSI. A duty is placed on public bodies to have regard for the continued conservation and enhancement of SSSI. Furthermore, there are increased penalties for the prosecution of wildlife crime, including for third parties that damage SSSI.

8.6.4 Schedule 12 of the CRoW Act, 2000 makes certain offences under the provision of the Wildlife and Countryside Act, 1981 arrestable. Greater powers are given to police and appointed wildlife inspectors under the CRoW Act, 2000 and enables heavier penalties for the prosecution of wildlife crime.

8.7 National Parks and Access to the Countryside Act, 1949

8.7.1 This act makes provisions for National Parks and the establishment of a National Parks Commission; to confer on the Nature Conservancy and local authorities' powers for the establishment and maintenance of nature reserves. Part III of the act specifically outlines provisions for the designation of nature reserves.

8.8 Natural Environment & Rural Communities Act, 2006

8.8.1 The Natural Environment and Rural Communities Act (NERC), 2006 is primarily intended to implement key aspects of the governments rural strategy published in July 2004. It also addresses a wider range of issues relating broadly to the natural environment.

Section 40

8.8.2 Section 40 of the NERC Act, 2006, places a duty on any public authority and statutory undertaker to have due regard for the conservation and enhancement of biodiversity when delivering their functions, extending the provisions outlined under section 74 of the CRoW Act, 2000.

8.8.3 The policy goes on to state that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population of that habitat.

Section 41

8.8.4 Section 41 of the NERC Act, 2006 requires the secretary of state in consultation with Natural England to outline Species of Principle Importance (SPI) and Habitats of Principle Importance (HPI) that in their opinion are important for the conservation of biodiversity.

8.8.5 The secretary of state is required to:

- Take such steps as appear to the secretary of state to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section; or
- Promote the taking by other of such steps.

8.8.6 The NERC Act, 2006 also provides some amendments to the Wildlife & Countryside Act, 1981 (as amended) and includes provisions for enforcement powers and the protection of SSSI.

8.9 Protection of Badgers Act, 1992

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

8.10 Wild Mammals (Protection) Act, 1996.

8.10.1 The Wild Mammals (Protection) Act, 1996 makes provision for the protection of wild mammals from certain cruel acts, and for connected purposes. It would be an offence for any person that mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, drags or asphyxiates any wild animal with intent to inflict unnecessary suffering.

8.11 The Environment Act, 2021

8.11.1 The Environment Act, 2021 gained royal ascent on the 9th November, 2021. The act is wide ranging and broadly has the following aim:

'a bill to make provision about targets, plans and policies for improving the natural environment, for statements and reports about environmental protection; for the office of environmental protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards, about water, about nature and biodiversity; for conservation covenants; about the regulation of chemicals, and for connected purposes'.

8.11.2 Part 6 – Sections 98 - 101 of the act outlines provisions for biodiversity gain in planning.

8.11.3 Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England.

8.11.4 Schedule 14 states that, the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the on-site habitat by at least the relevant percentage.

8.11.5 It goes on to state that the biodiversity value attributable to the development is the total of:

- The post development biodiversity value of the on-site habitat;
- The biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development; and
- The biodiversity value of any biodiversity credits purchased for the development.

8.11.6 The relevant percentage is set at 10% for biodiversity gain.

8.11.7 Part 6 – Section 100 of the act outlines provisions by regulation for the secretary of a register of biodiversity gain sites (known as the biodiversity gain site register).

8.11.8 A biodiversity gain site is land where:

- A person is required under the conservation covenant or planning obligation to carry out works for the purpose of habitat enhancement;
- That or another person is required to maintain the enhancement for at least 30 years after the completion of the works; and
- For the purpose of schedule 7A to the Town and Country Planning Act, 1990 the enhancement is made available to be allocated (conditionally or unconditionally, and whether for consideration or otherwise) in accordance with the terms of the covenant or obligation to one or more developments for which planning permission is granted.

8.11.9 Part 6 – Section 101 states that the secretary of state may make arrangements under which a person who is entitled to carry out the development of any land may purchase a credit from the secretary of state for the purpose of meeting the

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

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

8.11.11 The arrangements may in particular include arrangements relating to:

- Applications to purchase credits;
- The amount payable in respect of a credit of a given value;
- Proof of purchase; and
- Reimbursement for credits purchased for development which is not carried out.

8.12 National Planning Policy Framework (2026)

8.12.1 The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2026) sets out the Governments planning policies for England and how these should be applied. The NPPF contains policies for plan-making and national decision-making policies which are material considerations in the determination of planning applications.

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

Conserving and Enhancing the Natural Environment

8.12.3 Chapter 19 of the NPPF concerns conserving and enhancing the natural environment. Its objective is to influence the design and location of development to support nature's recovery and wider environmental outcomes, safeguard important habitats, species and landscapes, and recognise the role of natural capital in delivering sustainable growth.

Identifying Environmental Opportunities and Safeguards

8.12.4 **Policy N1**: Identifying environmental opportunities and safeguards is a plan-making policy which states that development plans should safeguard and enhance the natural environment and reflect the wider benefits provided by natural capital and ecosystem services. In doing so, plans should make use of Local Nature Recovery Strategies, Protected Landscape Management Plans, River Basin Management Plans, National Forest Strategies, Community Forest Plans and other relevant evidence.

8.12.5 Policy N1 requires development plans to identify the hierarchy of international, national and locally designated sites and areas of landscape, biodiversity and geodiversity importance, together with other environmentally important features such as chalk streams. Plans should also identify opportunities for the conservation, enhancement and recovery of landscapes, sensitive waterbodies, habitats and priority or threatened species, including through habitat restoration, nature-based solutions and the creation and strengthening of ecological networks.

8.12.6 Development should be directed towards land of least environmental value where this is consistent with other policies in the NPPF. This includes avoiding and minimising harm to designated sites of importance for nature and taking account of areas identified within Local Nature Recovery Strategies as potential opportunities for environmental restoration.

8.12.7 Policy N1 also states that development plans should establish standards for green infrastructure provision, drawing upon Natural England's Green Infrastructure Standards for England where appropriate.

8.12.8 Development plans should only set local biodiversity net gain requirements exceeding the statutory biodiversity net gain requirement where these relate to specific site allocations and are fully justified and deliverable. Such local requirements should not extend to categories of development which are exempt from statutory biodiversity net gain.

Improving the Natural Environment

8.12.9 **Policy N2**: Improving the natural environment is a national decision-making policy. It states that, in order to contribute positively to the natural environment and support nature's recovery, development proposals should consider the environmental qualities of the land, including its habitats, landscape character and the natural beauty of the countryside, and identify opportunities to conserve or enhance these qualities, including through biodiversity net gain where applicable.

8.12.10 Development proposals should take suitable opportunities to connect to and strengthen ecological networks extending beyond the development site, drawing upon measures identified within Local Nature Recovery Strategies, National Forest Strategies, Community Forest Plans and other relevant assessments where present.

8.12.11 Existing natural features of visual, historic or nature conservation value, including established trees and hedgerows, should be conserved and enhanced where possible, with appropriate landscaping used to integrate development into its surroundings.

8.12.12 Green infrastructure and nature-based solutions should be used to secure multiple benefits, including for biodiversity, surface-water and pollution management, climate-change mitigation and adaptation, and recreation.

8.12.13 Development proposals should minimise adverse impacts on biodiversity and include features which support priority or threatened species, such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes, commonly known as swift bricks, unless there are compelling technical reasons which prevent their use or would make them ineffective.

8.12.14 Green infrastructure and other features supporting nature should be appropriately located and designed to minimise the risk of future failure, with suitable measures in place for any necessary long-term management.

8.12.15 Policy N2 retains the mitigation hierarchy. Where significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for, the development should be refused.

8.12.16 Development proposals may provide biodiversity enhancements exceeding the statutory biodiversity net gain objective. However, such additional gains should only be required where this is established through an up-to-date development plan policy relating to a specific site allocation. Decision-makers should not give weight to other development plan policies requiring biodiversity gains beyond the statutory framework, including policies seeking such gains from development which is exempt from statutory biodiversity net gain.

Trees in New Development

8.12.17 **Policy N3**: Trees in new development recognises the benefits that trees provide for biodiversity, climate-change mitigation and adaptation, and the character and quality of the built environment.

8.12.18 Development proposals should provide tree-lined streets unless there are strong reasons why this would be inappropriate and should incorporate trees in other suitable locations.

8.12.19 The selection and location of trees should take account of highways and infrastructure requirements, the needs of users of public spaces, climate-change adaptation and other environmental benefits. Appropriate arboricultural advice should be sought where necessary to ensure that suitable trees are planted in suitable locations.

8.12.20 Provision should also be made for the long-term maintenance of both existing and newly planted trees forming part of the development.

Protected Landscapes

8.12.21 **Policy N4:** Protected Landscapes states that development within Protected Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to their statutory purposes and special qualities. Substantial weight should be given to conserving and enhancing the natural beauty of these areas and to conserving and enhancing wildlife and cultural heritage within National Parks and the Broads.

8.12.22 Major development within Protected Landscapes should be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest. Consideration should include the need for the development; the scope for locating the development outside the Protected Landscape or meeting the need in another way; and any detrimental effects upon the environment, landscape and recreational opportunities and the extent to which these could be moderated.

8.12.23 Where major development is exceptionally approved within a Protected Landscape, measures should be taken to mitigate potential adverse impacts on its special qualities and statutory purposes, including features such as tranquillity and dark skies. Development within the setting of a Protected Landscape should also be sensitively located and designed to avoid or minimise adverse impacts.

Maintaining the Character of the Coast

8.12.24 **Policy N5**: Maintaining the character of the coast states that development proposals should maintain the character of undeveloped areas of coast, including land designated for its landscape, habitat or heritage value, while improving public access where appropriate. Development should not hinder completion or maintenance of the King Charles III England Coast Path National Trail.

8.12.25 Development within areas defined as Heritage Coast which do not already fall within a Protected Landscape should be consistent with the special character of the area and the importance of its conservation. Major development within Heritage Coast areas should not be supported unless it is compatible with the area's special character.

8.12.26 Where development is located within a Coastal Change Management Area, Policy F9 should also be taken into consideration.

Areas of Particular Importance for Biodiversity and Geodiversity

8.12.27 **Policy N6**: Areas of particular importance for biodiversity and geodiversity provides specific decision-making principles for sites of international, national and local nature conservation importance and for irreplaceable habitats.

8.12.28 Development proposals affecting a site of international importance, which for the purpose of Policy N6 is a habitats site, should be refused unless an appropriate assessment concludes that the proposal would not adversely affect the integrity of the site, the relevant Habitats Regulations derogation tests can be satisfied and/or the impacts on the relevant protected features are being addressed through an applicable Environmental Delivery Plan and the developer has committed to paying the nature restoration levy.

8.12.29 Development proposals affecting a Site of Special Scientific Interest (SSSI) should only be supported where there would be no adverse effect, either individually or in combination with other developments, upon the features of special scientific interest; where the benefits of development in the proposed location clearly outweigh both the likely impacts upon the SSSI and any broader effects upon the national network of SSSIs; or where the relevant impacts are being addressed through an applicable Environmental Delivery Plan and nature restoration levy.

8.12.30 Development proposals affecting a site of local importance, including a Local Nature Reserve, Local Wildlife Site, Local Geological Site or equivalent designation identified in the development plan, should only be supported where there would not be a significant adverse effect upon the integrity of the site, or where the benefits of the development in the proposed location clearly outweigh the likely impacts upon the features which make the site valuable for nature conservation.

8.12.31 Irrespective of a site's nature conservation designation or status, development proposals resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodland and ancient or veteran trees, should be refused unless there are wholly exceptional reasons and a suitable compensation strategy is provided.

8.12.32 Policy N6 applies to development both within and outside a designated area where the development could affect the identified biodiversity or geodiversity value of that area.

Priority or Threatened Species

8.12.33 The NPPF defines 'priority or threatened species' as species which are particularly vulnerable to the impacts of development. This includes, but is not limited to, species of principal importance in England identified under Section 41 of the Natural Environment and Rural Communities Act 2006, species listed in Schedules 2 and 5 of the Conservation of Habitats and Species Regulations 2017, and species protected under the Wildlife and Countryside Act 1981.

Ground Conditions and Pollution

8.12.34 **Policy P3**: Living conditions and pollution states that development proposals should be appropriate for their location, taking account of the likely effects, including cumulative effects, of pollution upon health, living conditions and the natural environment, whether these effects occur on or off-site. Consideration should be given to the sensitivity of the site and the surrounding environment.

8.12.35 Development proposals should avoid giving rise to, or contributing to, unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse effects should be avoided where possible or otherwise mitigated to an acceptable degree, and opportunities should be taken to reduce existing pollution where possible.

8.12.36 Development proposals should limit adverse impacts from artificial light upon local amenity, intrinsically dark landscapes and nature.

8.12.37 Development proposals should also assess and mitigate impacts where development could have an unacceptable adverse effect upon water quality, particularly in relation to sensitive waterbodies such as chalk streams.

8.13 Biodiversity and Geological Conservation Circular 06/2005

8.13.1 Biodiversity and geological conservation circular 06/2005 provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy within the NPPF, 2026 and the Planning Practice Guidance. Broadly the guidance covers designated sites, the conservation of habitats and species, including outside of designated sites, protected species by law and the duties and powers used by planning authorities.

8.13.2 Paragraph 82 of the guidance states that 'in determining the application for development that is covered by up-to-date standing advice, a planning authority must take into account this standing advice'.

Protected Species and Planning

8.13.3 Paragraph 98 of the guidance states 'the presence of a protected species is a material planning consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'.

8.13.4 Paragraph 98 also states that 'they (the planning authority) should consider attaching appropriate planning conditions or entering into planning obligations

under which the developer would take steps to secure the long-term protection of the species'.

8.13.5 Paragraph 99 of the guidance goes on to state: 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'. Paragraph 99 also states that 'this is justified only, where there is a reasonable likelihood of the species being present and affected by the development.'

8.14 Horsham District Council Adopted Local Plan (2015)

Policy 25

8.14.1 Policy 25 sets out Horsham District Councils (HDCs) commitment to protecting the Natural Environment and Landscape Character. Policy 25 states:

8.14.2 The Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:

8.14.3 Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.

8.14.4 Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.

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

8.14.6 Conserve and where possible enhance the setting of the South Downs National Park.

Policy 31

8.14.7 Policy 31 sets out Horsham District Councils (HDCs) commitment to protecting biodiversity in the district. Policy 31 states:

8.14.8 1) Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be

demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained.

8.14.9 2) Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

8.14.10 3) Where felling of protected trees is necessary, replacement planting with a suitable species will be required.

8.14.11 4. a) Particular consideration will be given to the hierarchy of sites and habitats in the district as follows:

i. Special Protection Area (SPA) and Special Areas of Conservation (SAC)

ii. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); and

iii. Sites of Nature Conservation Importance (SNCIs), Local Nature Reserves (LNRs) and any areas of Ancient woodland, local geodiversity or other irreplaceable habitats not already identified in I & II above.

8.14.12 b) Where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that:

i. The reason for the development clearly outweighs the need to protect the value of the site; and,

ii. That appropriate mitigation and compensation measures are provided.

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

8.15 Birds of Conservation Concern

8.15.1 Birds of Conservation Concern is a report compiled by a coalition of the UK's leading bird conservation and monitoring organisations and reviews the conservation status

of all regularly occurring birds in the UK, Channel Islands and Isle of Man. The report was first released in 1996 and is currently in its 5th edition, released in 2021.

8.15.2 The bird species that breed and overwinter in the UK are assessed against a set of objective criteria and placed on the Green, Amber or Red lists that indicate the levels of conservation concern. The quantitative criteria collected is assessed against the historical decline, recent trends in population and range, population size, localisation, and the level of international importance of each species, as well as its global and European threat status.

8.16 IUCN Red List

8.16.1 The international Union for Conservation of Nature (IUCN) Red List of Threatened Species (also known as the IUCN Red List or Red Data Book) is an inventory of the global conservation status of biological species. The inventory is based upon internationally accepted criteria that evaluates the extinction risk of species in all regions of the world. There are two types of red list, the global and national lists. In the UK the IUCN Red List is overseen by an interagency working group that is coordinated by the Joint Nature Conservation Commission.

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