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**Job Name:** **Buchan Country Park, Laundry Cottages Horsham Road**
**Date:** **3rd October 2024**
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**Subject:** **Technical Response – DC/24/0928**

This technical response has been produced in response to the Place Services;

*'We have reviewed the Preliminary Ecological Appraisal (The Ecology Partnership, May 2024) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation. Please note that comments on Biodiversity Net Gain are provided by the LPA's in-house ecologist.*

*We are not satisfied that there is sufficient ecological information available for determination.*

*This is because we note that the bramble and mixed scrub on the boundaries provide potential Hazel Dormouse habitat and the scrub is well connected to nearby suitable habitat in deciduous and ancient woodland (Section 4.22 Preliminary Ecological Appraisal (The Ecology Partnership, May 2024)). In addition, European Protected Species Mitigation Licences for Hazel Dormouse were granted in 2017 and 2018 for two sites approximately 2km to the southwest of the site (MAGIC maps). Therefore we support the implementation of a Non-licensed Precautionary Method Statement for Hazel Dormouse. However the outline mitigation measures must be submitted to the LPA for review prior to determination so that the LPA has certainty of likely impacts on protected species.*

*The outline mitigation measures to support a lawful decision need to be submitted to the LPA, according to Government Standing Advice.*

*The outline mitigation measures above are required prior to determination because paragraph 99 of ODPM Circular 06/2005 highlights that: "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."*

*This information is required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.'*

The requirement for a non licensed precautionary method statement of works for dormice is therefore provided below.

***Precautionary Method of Works***

The site largely comprised vegetated garden, bordered by areas of mixed and bramble scrub as shown in the habitat map in Figure 1 below.




***Figure 1: Habitat map***

The small pockets of bramble scrub and the small area of mixed scrub has low potential to support dormouse due to the connectivity to the off site woodland and scrub habitats. These areas are small in scale, equating to approximately 50 sqm. They are, however, well connected to significant areas of woodland.

Whilst there are no immediate records for dormice, dormice are known to be present in the wider landscape. The lack of data does not necessarily mean that lack of the species. As such, a precautionary method of works is provided.

Dormice are protected under the Wildlife and Countryside Act (1981) (as amended) it is an offence to:

- disturb hazel dormice while they occupy a structure or place used for shelter or protection;
- obstruct access to a place of shelter or protection.

Dormice are further protected under the Conservation of Habitats and Species Regulations (2017) it is an offence to:

- deliberately kill, injure, disturb or capture them;
- damage or destroy their breeding sites and resting places;
- possess, control, transport (alive or dead).

In the unlikely event that dormouse is present within the scrub, when cleared there is a danger of it being killed, disturbed or injured. Measures to minimise impacts are provided below. It must be noted that as clearance areas are small, and located adjacent to residential gardens, the potential for dormice within the red line boundary is considered to be unlikely.

In order to avoid this potential impact, this habitat will be cleared to ground level using hand tools under the supervision of the ECoW. This will be carried out in October/ November (in suitable weather conditions) or March / April/ May (in suitable weather conditions) which falls outside both the maternity and hibernation seasons (as well as nesting bird season). The sensitive clearance practises will comprise:

- Clearance will be undertaken by starting at one end of the section to be cleared, and working in one direction only towards areas of retained habitat outside the red line boundary. This method ensures that in the unlikely event of dormice being present in the areas dormice can move away from the works through the retained habitat.
- All areas of trees and scrub will be finger tipped searched by the ECoW prior to clearance.
- All clearance must be with hand tools and under ecological supervision. No large tracked vehicles should be used, or heavy machinery. Trees and scrub should be moved by hand to the chippers or trailers, with some wood to remain on site.
- Any natural refugia found during clearance will be dismantled by hand or using sensitive machine work under close supervision of the ecologist.
- All arisings must be hand dragged to a pre-agreed works area, unless otherwise stated by the ECoW.
- Once the above is complete any necessary stump grinding can also take place if deemed appropriate by the ECoW.

If a dormouse or dormouse nest is identified on site during works, then the following procedure must be followed;

- If a dormice is discovered at the site all works must cease immediately and Natural England and/or a licenced ecologist must be contacted immediately to provide further advice.
- A licence might be required before works can recommence. If so, procedures will be followed to obtain a Natural England European Protected Species Mitigation Licence (EPSML).

It is considered that if these methods are used on site then it is considered that no individual dormouse would be harmed as a result of the proposals.

It is believed that if the mitigation measures laid out within this technical note are followed, no dormice should be harmed during the clearance process of the development. It is considered that dormice are unlikely to be present on site, however, a precautionary method of works is proposed.