



Preliminary Ecological Appraisal

Taintfield Farm, Kings Lane, Kent Street, Cowfold, West Sussex
RH13 8BD

June 2025



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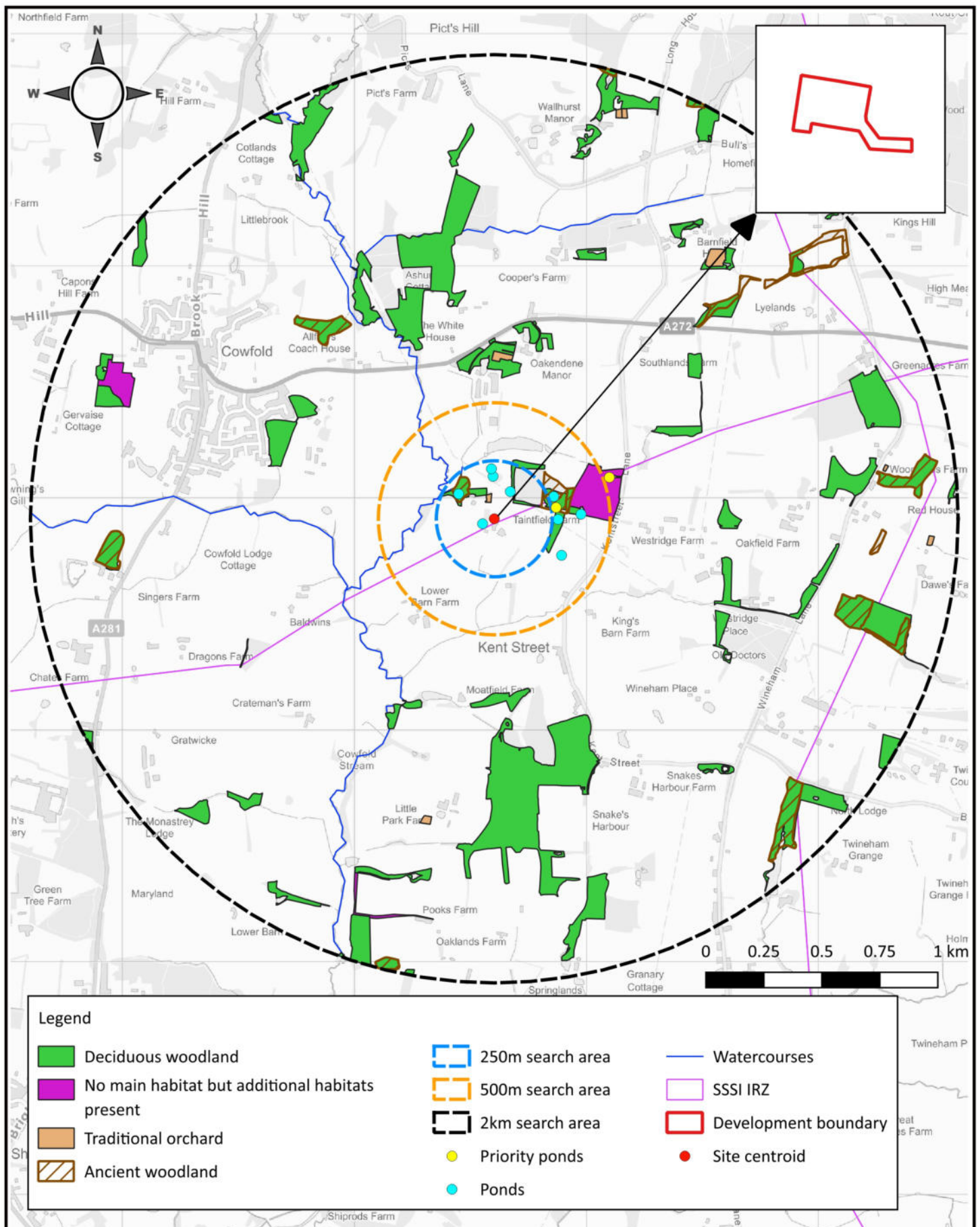
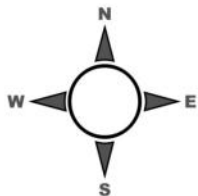


Figure title: Site Location and Desk Study Results			Client: C-NJA-062-001-001 Leigh Youles	
Site location: Taintfield Farm, Kings Lane, Kent Street, Cowfold, West Sussex, RH13 8BD				
Figure number: 1		Date drawn: 01/05/2025		Scale at A4: 1:22000
Revision: 1		Cartographer: Lia Hutchinson		Approver: Hannah Baker





Legend

 Development boundary

 u1b - Developed land;
sealed surface

 u1b5 - Developed land;
sealed surface - buildings

 Target Notes (TN 1-2)

1-4 = Habitat references

B1-2 = Building references

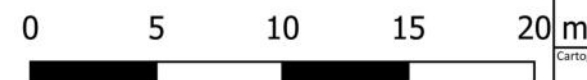
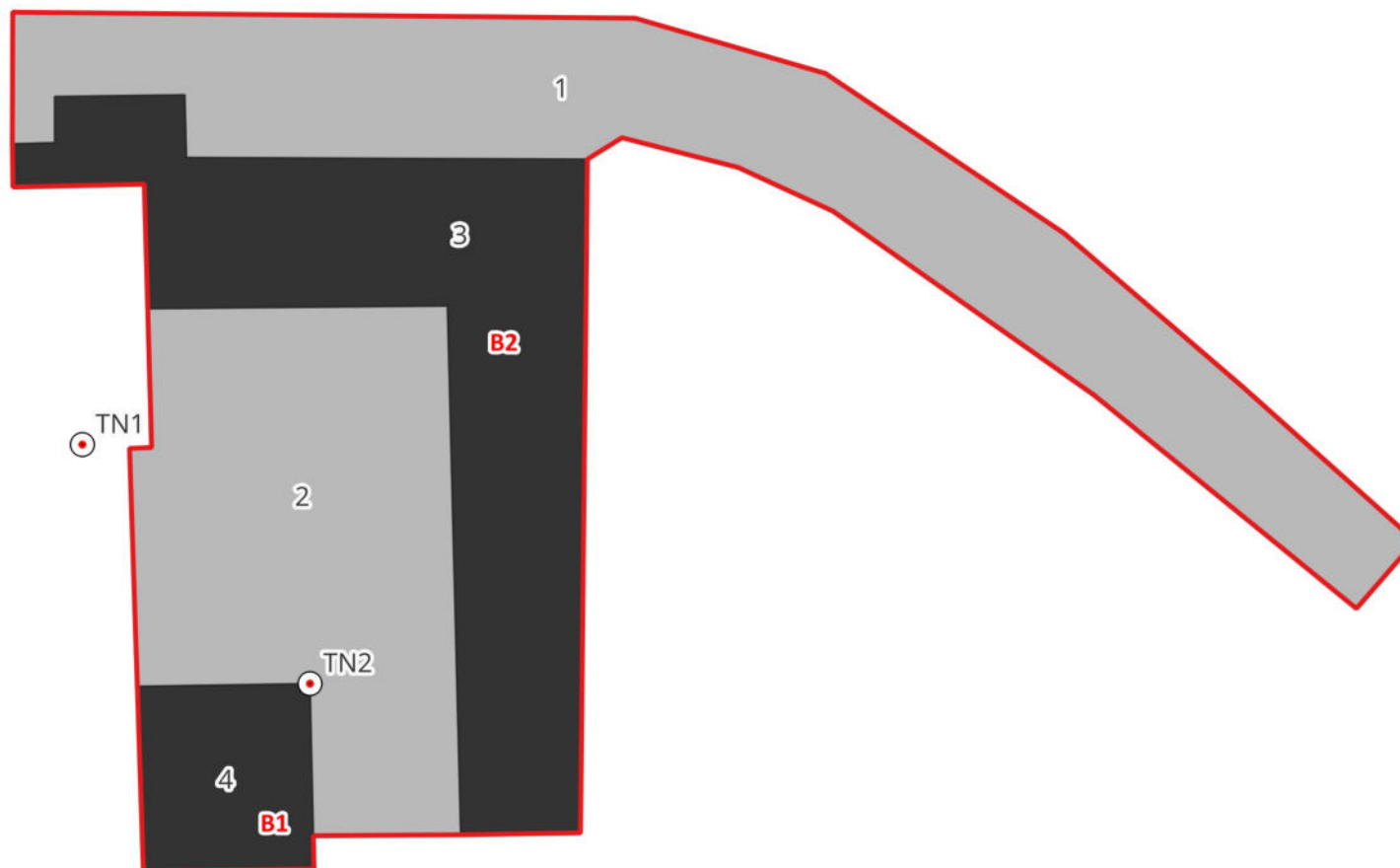


Figure Title:
UK Habitat Classification Survey
results

Client/ Project Reference:
C-NJA-062-001-001
Leigh Youles

Figure number: 2	Revision: 1	Scale at A4: 1:300
Cartographer: Lia Hutchinson	Date drawn: 01/05/2025	Approver: Hannah Baker

Photo 1: Displaying building B1 from the southeastern aspect.



Photo 2: Displaying building B1 from the northern aspect.



Photo 3: Displaying building B2 from the southern aspect.



Photo 4: Displaying building B2 from the western aspect and developed land; sealed surface area.



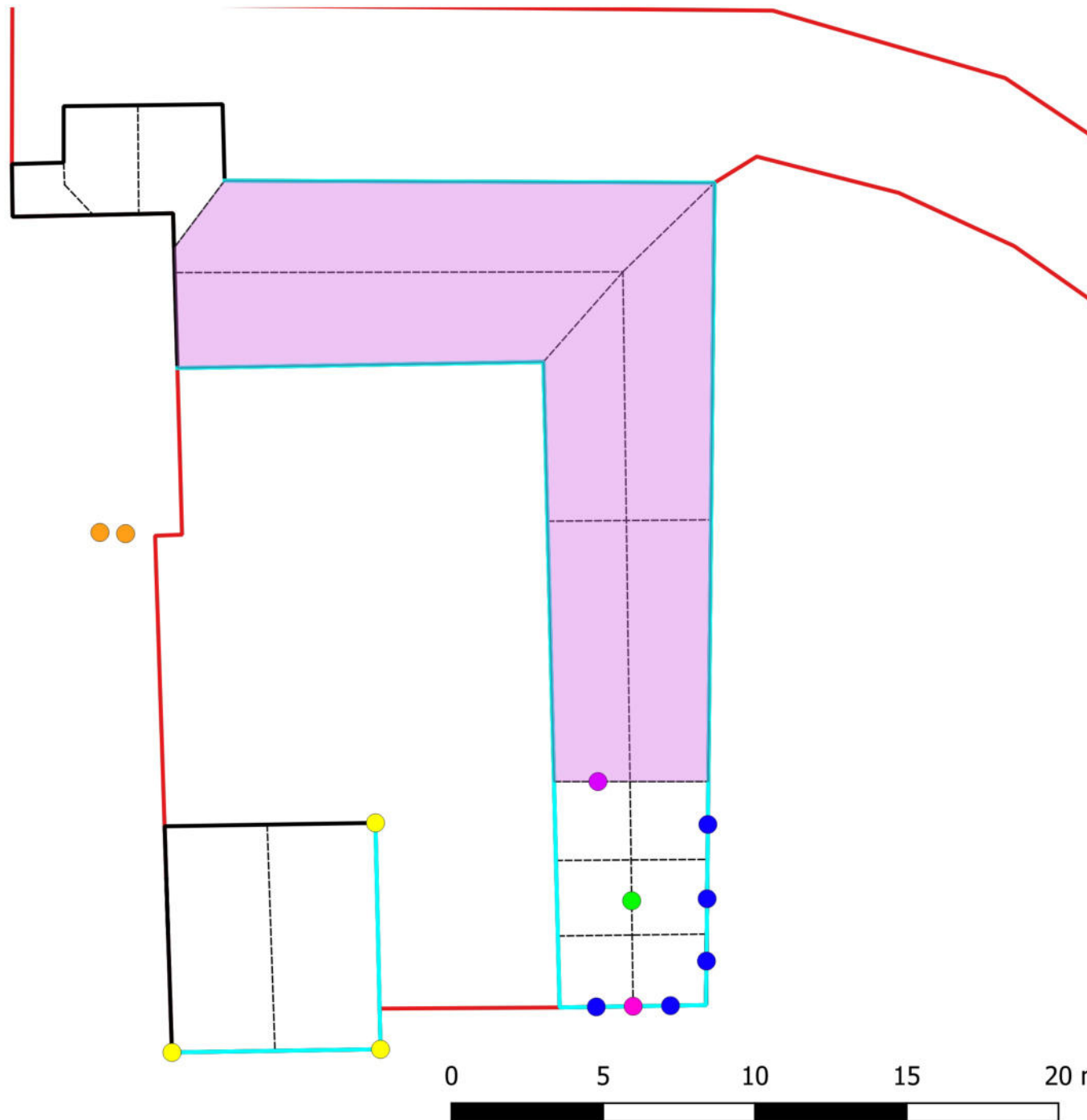
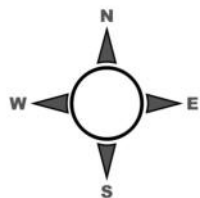
Photo 5: Displaying building B2 from the northern aspect.



Photo 6: Displaying building B2 from the eastern aspect.



Site Location: Taintfield Farm, Kings Lane, Kent Street, Cowfold, West Sussex, RH13 8BD			Client: Leigh Youles
Figure Title: UK Habitat Classification Survey - Photographs			Report Ref: C-NJA-001-001
Figure No: 03	Revision No: 01	Scale: n/a	
Cartographer: Lia Hutchinson	Date Drawn: 11/06/2025	Reviewed By: Hannah Baker	



Legend

- Development boundary
- Building layout
- Roof layout
- Lifted/ missing tiles
- Gap/damage to soffit
- Gaps behind rafters
- Missing bricks
- Gap behind membrane
- Bat boxes
- Ventilation slit
- Gaps under the eaves

Figure Title:
Preliminary Roost Assessment -
Results

Client/ Project Reference:
C-NJA-062-001-001
Leigh Youles

Figure number:	Revision:	Scale at A4:
4	1	1:200
Cartographer:	Date drawn:	Approver:
Lia Hutchinson	13/05/2025	Hannah Baker

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Photo 1: Displaying area of building B2 where lifted tiles were recorded.



Photo 2: Displaying ventilation slit in southern aspect of building B2.



Photo 3: Displaying internal gaps behind membrane in building B2.



Photo 4: Displaying two bat boxes in adjacent building.



Photo 5: Displaying gap in soffit box in southeast corner of building B1.



Photo 6: Displaying gap in soffit box in northeast corner of building B1.



Site Location: Taintfield Farm, Kings Lane, Kent Street, Cowfold, West Sussex, RH13 8BD			Client: Leigh Youles
Figure Title: Preliminary Roost Assessment - Results			Report Ref: C-NJA-062-001-001
Figure No: 05	Revision No: 01	Scale: n/a	
Cartographer: Lia Hutchinson	Date Drawn: 11/06/2025	Reviewed By: Hannah Baker	



1. Summary and Recommendations

Proposals	- Leigh Youles is proposing a development at Taintfield Farm, Kings Lane, Kent Street, Cowfold, West Sussex, RH13 8BD (Grid reference: TQ 22609 21875). - The proposals include the conversion of an existing stable building to an office and the conversion of an existing storage barn to a garage.
Surveys	- A desk study that included the purchase of records from the Sussex Biodiversity Record Centre. - A site visit was completed that included a UK Habitat Classification Survey (UKHab, 2023) and an appraisal of habitats within the development boundary to act as ecological receptors.
Impact Assessment	- It is not possible to conclude that there will be no adverse impacts on the Arun Valley RAMSAR/SPA/SAC arising from the development in line with Natural England's standing guidance for any new development that requires a public water supply within the Sussex North Water Resource Zone. - No ancient woodland, any other irreplaceable habitat or Habitats of Principle Importance (HPI) will be adversely impacted as a result of the development. - Based on the desk study results, the habitats recorded within the development boundary, and the development proposals, bats and nesting birds are considered a material consideration to the development. - Buildings B1 and B2 were assessed as having suitability to support roosting bats, and the proposed works to these buildings could potentially result in harm to bats and adversely impact their roosts without further surveys to determine the presence or probable absence of roosting bats. - It is not anticipated that the development will generate significant levels of pollution due to its small scale, extent and magnitude, however, mitigation will be required during the construction phase of the development to prevent pollution of offsite habitats and waterbodies. - 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.



Recommendations	A summary of recommendation is provided below. The full recommendations are provided in section 6. Further Assessments, Surveys and Consultations • To ensure there are no adverse impacts on the Arun Valley RAMSAR/SAC/SPA, a water neutrality statement that demonstrates how the proposed development will not increase the total water abstraction for drinking water supplies above existing levels within the Sussex North Water Resource Zone should be submitted with the planning application. • A minimum of one bat emergence survey on building B1 and a minimum of two bat emergence surveys on building B2 should be undertaken in line with BCT Good Practice Guidance (Collins, 2023) to determine the presence / likely absence of bats. Mitigation • The mitigation measures outlined in this report for bats, nesting birds and pollution prevention should be followed during the construction phase of the development. Ecological Enhancements • The ecological enhancements outlined within this report should be incorporated into the design of the development.
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2. Introduction

2.1 Development Location

2.1.1 Leigh Youles is proposing a development (grid reference: TQ 22609 21875) at Kings Lane Farm, Kings Lane, Kent Street, Cowfold, West Sussex, RH13 8BD (see Figure 1). The above address is hereafter referred to as ‘the site’ and Leigh Youles as the ‘applicant’.

2.1.2 The local planning authority for the site’s location is Horsham District Council.

2.2 Development Proposals

2.2.1 The applicant seeks planning consent for a development (as per Philips Surveyors Drawing reference: 2639/24-B / PL-01 & PL-02) that includes:

- Conversion of existing stables into an office space; and
- Conversion of existing storage barn into a garage.

2.2.2 The proposals above are hereafter referred to collectively as ‘the development’ in this report. The location of the development within the site is 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) within the development boundary.

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 the need for an Ecological Impact Assessment (EclA); 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 referred to as 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 and net gains for biodiversity.



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 '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) – 2 km;
- Ancient woodland – 2 km;
- Rivers – 2 km;
- Ponds – 0.5 km; and
- Protected Species, Species of Principle Importance (SPI) and other species of conservation concern – 1 km.

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

- The Multi-Agency Geographical Information for the Countryside (MAGIC);
- Government open-source GIS datasets;
- Horsham District Council Local Plan (2015);
- Satellite images (powered by google via QGIS 3.38); and



- Purchased records from Sussex Biodiversity Record Centre.

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 site 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 (Woodroffe, 2007), Hedgehog (Morris, 2011); Water shrew (Carter, 2006) - Mammal Society Species Series; and - Water Vole Field Signs and Habitat assessment (Dean, 2022) and Water Vole Mitigation Handbook (Dean et al, 2016).
Reptiles	- 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 and trees within the development boundary was undertaken with the aid of torchlight and binoculars to search for bat PRFs that might provide suitable crevices or access/egress points to voids or cavities for roosting bats.
- 3.4.4 Where accessible and safe to do so, a search for signs of bats such as bat specimens, droppings, urine staining and audible sound (such as social calls) was undertaken at each structure or tree. This included an internal inspection of roof voids at structures and the use of an endoscope to inspect any accessible bat PRFs.
- 3.4.5 A classification based upon the roosting suitability for bats was assigned for each structure and tree that was inspected within the development boundary as well as



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

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

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



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

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

3.5 Survey Dates, Conditions and Surveyors

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		
30/04/2025	UKHab Survey & Bat PRA	14:00	16:00	25	25	0	0

3.6 Surveyors

3.6.1 The field surveys were undertaken by Hannah Baker BSc (Hons) MSc ACIEEM and Lia Hutchinson BA. 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. Lia Hutchinson has over 1.5 years of professional consultancy and is adequately trained to carry out UKHab Surveys.

3.7 Limitations

3.7.1 No survey limitations were recorded during the UKHab Survey or bat PRA.



4. Results

4.1 Desk Study

Designated Sites

- 4.1.1 The results of the desk study search show that no statutory designated sites are located within 2 km of the development boundary. However, the development falls within the Arun Valley North Sussex North Water Resource Zone.

Habitats of Principle Importance

- 4.1.2 Details on the number of HPI, the habitat type and the distance from the development boundary of the closest HPI parcel are detailed in Table 5 (see Figure 1).

Table 5 - Habitats of Principle Importance returned from the desk study search.

Habitats 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	67	- There are three deciduous woodland parcels located within 0.25 km of the development boundary; - The nearest deciduous woodland parcel is located 0.11 km northwest of the development boundary.
Traditional orchard	8	The nearest traditional orchard parcel is located 0.08 km north of the development boundary.
No main habitat but additional habitats present	5	- The nearest parcel is located 0.30 km northeast of the development boundary. - These parcels include deciduous woodland, pond and traditional orchard.

- 4.1.3 Five ponds were recorded within 0.25 km of the development boundary, the closest of which was located 0.02 km west of the development boundary. Six additional ponds are located within 0.5 km. There were two surveyed priority ponds located within 2 km of the development boundary, the closest of which was 0.24 km northeast of the development boundary.
- 4.1.4 There were 16 main river parcels returned within 2 km of the development boundary (see Figure 1). None of these were priority river parcels. The nearest river parcel was located 0.24 km northwest of the development boundary.



Ancient Woodland

- 4.1.5 There were 17 ancient woodland parcels returned within 2 km of the development boundary (see Figure 1). The nearest ancient woodland parcel was located 0.15 km northwest of the development boundary.

Protected Species and Other Species of Conservation Concern

- 4.1.6 Fifty-seven species of conservation concern that broadly could be relevant to the development were identified from the records returned by the Sussex Biodiversity Record Centre within 1 km of the development boundary. The above species included 4 amphibians, 2 reptiles, 4 bats, 1 higher plant, 7 invasive non-natives, 7 invertebrates, 30 birds, and 2 mammals (excluding bats) (see Table 9, Appendix I).
- 4.1.7 No European Protected Species Licences (EPSLs) have been granted within 1 km of the development boundary.
- 4.1.8 The development boundary falls within the HDC great crested newt (GCN) District Level Licence (DLL) Red Risk Zone (based on information provided by NatureSpace).



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 UKHab Survey.

Habitat Reference (Figure 2)	UKHab Survey Classification Code	Approx. Area (m ²) / length (m)	Summary and Species List
Urban			
1-2	Primary: Developed land, sealed surface Code: u1b	484.3 m ²	The land surrounding the buildings and the access track comprised of developed land; sealed surface with gravel stones on top. No vegetation was associated with this habitat.
3-4	Primary: Developed land, sealed surface – building Secondary: Barn Code: u1b5 – 833 Target Notes: TN 1-2	288 m ²	Two buildings (B1 and B2) were recorded within the development boundary. Building B1 is a brick-built, single-storey outbuilding with concrete roof tiles. Building B2 is an L-shaped brick-built former stables building with a slate tiled roof. No vegetation was associated with any of the buildings. TN 1: Two integrated bat boxes on the gable end of a section of building B2 which is located outside of the development boundary. TN 2: Bird nest (robin) within hole in soffit box of northeast corner of building B1.



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 results of the bat PRA are summarised below and given in full in Appendix II – Table 10 (see Figure 4 and Figure 5).

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. Eleven ponds were recorded within 0.5 km of the development boundary, the closest of which is located 0.02 km west of the development boundary. - The habitat recorded within the development boundary is formed entirely of developed land sealed surface which provides unsuitable terrestrial habitat (and resting places) for GCN and other amphibians. There is suitable terrestrial habitat in the wider surroundings including hedgerows, trees, scrub and grassland. - Although potential breeding habitat is present within 500 m of the development boundary, based on the absence of suitable terrestrial habitat within the development boundary, with no commuting, foraging or resting places present within the boundary, as well as the main footprint of the development being entirely within the footprint of the existing buildings, GCN are reasonably unlikely to be encountered within the development boundary.
Bats	- Several records of bats were returned from the desk study search within 1 km of the development boundary. No EPSLs for bats have been granted within 1 km of the development boundary. - Building B1 was assessed as having low suitability for roosting bats and building B2 was assessed as having moderate suitability for roosting bats (see Table 10 Appendix II). - The habitat within the development boundary includes developed land only with no vegetation present. However, there are hedgerows and trees outside of the development boundary but immediately adjacent to Building B1 and B2, therefore bats may use the area within the development boundary for commuting (flightlines). The open space between the buildings may also be used for foraging although opportunities are limited due to the lack of vegetation. As such, the habitat within the development boundary was assessed as having



	low suitability for bats, in-line with BCT Good Practice Guidelines (Collins, 2023) and commuting and foraging bats could be encountered within the development boundary.
Birds	- Records of common bird species, as well as species of conservation concern, were returned from the desk study within 1 km of the development boundary. - The habitat within the development boundary includes developed land; sealed surface with no vegetation present. The buildings within the development boundary could provide suitable habitat for nesting birds. Evidence of nesting birds was recorded in building B1 (TN 2 on Figure 2). However, the buildings are not considered suitable for supporting important bird assemblages and populations of conservation concern.
Terrestrial mammals (non-bats)	Badgers: No signs of badger or their setts or any other mammal burrows were recorded during the UKHab Survey. The habitat within the development boundary was formed entirely of developed land sealed surface, providing no foraging opportunity for badgers and is unlikely to provide opportunity for sett or burrow creation in its current state. Hazel dormice: No records of hazel dormice were returned from the desk study search within 1 km of the development boundary. No EPSLs for hazel dormice have been granted within 1 km of the development boundary. The habitat within the development boundary was formed entirely of developed land; sealed surface which provides no suitability to support hazel dormice. As such, they are reasonably unlikely to be encountered within the development boundary. Hedgehogs: Records of hedgehogs were returned from the desk study search within 1 km of the development boundary. Whilst hedgehogs are known to be present in urban areas, the habitat within the development boundary was formed entirely of developed land sealed surface which provided no typical foraging or resting places for hedgehog. As such, they are reasonably unlikely to be encountered within the development boundary. Other mammal burrows: No mammal burrows such as those of rabbit or fox were recorded within the development boundary at the time of the UKHab Survey. The habitat within the development boundary was formed entirely of developed land; sealed surface which provides no suitability for burrow creation for any mammals as well as no foraging or commuting opportunities. As such, it is reasonably unlikely that other mammals (excluding bats) will be encountered within the development boundary. Otters and water voles: No records of otters or water vole were returned from the desk study search within 1 km of the development boundary. No EPSLs for any riparian species have been granted within 1 km of the development boundary. The closest lotic waterbody is a river located 0.24 km northwest of the development boundary. The habitat within the development boundary was formed entirely of



	developed land; sealed surface which provides no suitability for any riparian species. Based on the lack of habitat within the development boundary and the connectivity and distance of the area to the nearest lotic waterbody, it is reasonably unlikely otter or water vole will be encountered within the development boundary.
Reptiles	- Records of common reptile species (including grass snake and slow worm) were returned from the desk study search within 1 km of the development boundary. No EPSLs for rare reptiles have been granted within 1 km of the development boundary. - The habitat within the development boundary is formed entirely of developed land; sealed surface that provides insufficient cover or resources to support a reptile population, with no artificial refugia suitable for reptiles recorded. As such, reptiles are reasonably unlikely to be encountered within the development boundary.
Invertebrates	Several invertebrates of conservation concern including SPI were returned from the desk study search. The habitat within the development boundary is comprised entirely of developed land sealed surface and is devoid of vegetation so provides no value to invertebrates and is reasonably unlikely to support any important invertebrate assemblages or populations of conservation concern.
Plants, Fungi, Lichen	No protected plants or species of conservation concern were recorded within the development boundary at the time of the UKHab survey. The habitat within the development boundary is comprised entirely of developed land sealed surface that is devoid of any vegetation. As such, it is reasonably unlikely that any important plant, fungi or lichen species or important assemblages of conservation concern will be present within the development boundary.
Non-native and Invasive Species	No non-native plant species, including invasive non-native species (listed under schedule 9 of the Wildlife & Countryside Act, 1981 and 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 III.

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

Ecological Feature	Relevant Legislation & Planning policy	Impact Assessment and Legal Compliance	Rationale and Comments
Designated sites			
Arun Valley RAMSAR/SAC/ SPA	- Conservation of Habitat & Species Regulations, 2017; - National Planning Policy Framework, 2024; and - HDC Local Plan – Policy 25 and 31.	Further consultation/ assessment required	- In-line with Natural England’s standing advice, no adverse impacts on the Arun Valley RAMSAR/SAC/SPA can be concluded for any new development that requires a public water supply that is located within the SNWRZ. - Due to the small scale, extent and magnitude of the development as well as it’s distance to the designation, there will be no direct loss of area within the designation, and it is reasonably unlikely that there will be any adverse impacts due to degradation that might arise from increased recreational pressure or pollution. - The recommendations outlined in section 6.2 of this report should be followed to ensure the development proceeds lawfully.
Habitats			
Irreplaceable habitat	National Planning Policy Framework, 2024.	Compliant/ adverse impacts reasonably unlikely	- 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 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 40/41; - National Planning Policy Framework, 2024; and - HDC Local Plan – Policy 25 and 31.	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. - Based upon the scale, extent and magnitude of the development it is reasonably unlikely that there will be any adverse impacts as a result of degradation from increased recreational pressure or construction related pollution.
Biodiversity Net Gain and Ecological Enhancements			
Biodiversity Net Gain	- The Environment Act, 2021; - National Planning Policy Framework, 2024; and - HDC Local Plan – Policy 25 and 31.	Exempt development.	- Based on information supplied by the applicant, it is our understanding that the development will be exempt from the mandatory biodiversity net gain (BNG) requirements, as defined under The Environment Act, 2021. - No further recommendations are outlined in this report with respect to BNG.
Ecological Enhancement	- National Planning Policy Framework, 2024; and - HDC Local Plan – Policy 25 and 31.	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 6.3 should be followed to ensure the development is compliant with national and local planning policy.
Pollution Prevention	- National Planning Policy Framework, 2024; and - Environmental Protection Act, 1990.	Mitigation required	- The development is small scale, and as such, it is not anticipated that significant levels of pollution to habitats will be generated. However, to avoid any onsite or offsite pollution of habitats, good practice pollution prevention measures should be followed during the construction phase of the development. - Measures to reduce the overall level of light pollution from the installation of artificial lighting will be required within the design of the development.



			The recommendations outlined in section 6.4 should be followed to ensure the development proceeds lawfully.
Protected Species and Species of Conservation Concern			
Badgers	Badger Protection Act, 1992.	Compliant/ adverse impacts reasonably unlikely	No badger setts were recorded within the development boundary and there is no suitable habitat within the development boundary to support sett creation or foraging or commuting badgers. As such, the development is reasonably unlikely to result in adverse impacts to badger or their setts.
Bats	- Conservation of Habitat & Species Regulation, 2017; - Wildlife & Countryside Act, 1981 – schedule 5; - Natural Environment & Rural Communities Act, 2006 – Section 40/41; and - HDC Local Plan – Policy 25 and 31.	Further assessment/ mitigation required	- Building B1 was assessed as having low suitability for roosting bats and building B2 was assessed as having moderate suitability for roosting bats. As the proposed development involves both exterior and interior renovations (including some areas of the existing cement sheet roof to be replaced with new slate roof), a minimum of one emergence survey is required for building B1 and a minimum of two emergence surveys are required for building B2 to determine presence/absence of roosting bats. - The development will not result in any loss of habitat that provides foraging or commuting habitat for bats. As such, it is considered that the favourable conservation status of bats will not be adversely impacted by the development and there is no need for further bat activity surveys. - For the reasons outlined in the pollution prevention section, the development will be required to mitigate new light pollution from the installation of artificial lighting to ensure it does not adversely impact potential bat flightlines bordering the development boundary. - The recommendations outlined in sections 6.5 and 6.6 should be followed to ensure the development proceeds lawfully.
Birds	Wildlife & Countryside Act, 1981 – Section 1 and schedule 1;	Mitigation required	Although no vegetation is present within the development boundary, evidence of nesting birds was found within building B1 during the UKHab survey. As nesting birds are actively using the building within the development boundary,



	- Natural Environment & Rural Communities Act, 2006 – Section 41; and - HDC Local Plan – Policy 25 and 31.		these species could be directly impacted without appropriate mitigation during the construction phase of the development. - It is reasonably unlikely that significant assemblages or populations of birds, including SPI, will be adversely impacted by the development. - The recommendations outlined in section 6.5 of this report should be followed to ensure the development proceeds lawfully.
Great crested newts	- 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	- Although potential GCN breeding habitat is located within 500 m of the development boundary, the habitat within the development boundary comprises entirely of developed land, with no suitable GCN commuting, foraging or resting places present within the development boundary. - As such, is reasonably unlikely that the development will result in harm to individual GCN or adversely impact any breeding or terrestrial habitat associated with any GCN population.
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.	Compliant/ adverse impacts reasonably unlikely	- The risk of hedgehog being inadvertently killed with methods prohibited under the Wild Mammals (Protection) Act, 1996 during the construction phase of the development is acceptably low based on the absence of suitable resting and foraging places for hedgehog within the development boundary. - Based on the above point it is reasonably unlikely that a significant population of hedgehog will be adversely impacted by the development.



Reptiles	• Conservation of Habitat & Species Regulations, 2017 (sand lizard and smooth snake only); • 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 reptiles and will not result in the loss of any habitat with suitability to support a permanent reptile population.
Invasive non-native species	• Wildlife & Countryside Act, 1981 – Schedule 9; and • Invasive Alien Species Order, 2019.	Compliant/ adverse impacts 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).
Invertebrates	• Conservation of Habitat & Species Regulations, 2017 – Schedule 2; • 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 impacts to any European protected invertebrates, nationally protected species, important populations of SPI or nationally or locally important assemblages of conservation value.
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.	Compliant/ adverse impacts reasonably unlikely	• The development is reasonably unlikely to result in intentional picking, uprooting, destruction, or intentional clearance of any wild plant including European protected plants, nationally protected plants, SPI or those of national or local conservation concern.



Other mammal burrows	Wild Mammals Protection Act, 1996.	Compliant/ adverse impacts reasonably unlikely	It is reasonably unlikely that any mammals will be inadvertently killed in a way that would constitute an offence under the Wild Mammals (Protection) Act, 1996, while occupying a burrow, due to the lack of typical habitat for burrow creation within the development boundary.
Otter	- Conservation of Habitat & Species Regulation, 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 otters or adversely impact their breeding and resting places. Therefore, the conservation status of otter will not be adversely impacted by the development.
Water vole	- 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 water voles or adversely impact any burrows or habitat associated with water vole populations.



6. Requirements and Recommendations

6.1 Background

- 6.1.1 The recommendations included in this section are based upon the mitigation hierarchy (avoidance, mitigation, and compensation; BSI, 2013) and takes consideration of government circular: Biodiversity and Geological Conservation Circular 06/2005.
- 6.1.2 Mitigation is not discussed where further surveys are required to inform such mitigation or compensation, unless in our professional judgement it would not be proportionate to request further surveys as the risk of a legal offence being committed as a result of the development is acceptably low.

6.2 Designated Sites

Arun Valley RAMSAR/SAC/SPA

- 6.2.1 To ensure the development is compliant with the legislation and planning policy relevant to the Arun Valley RAMSAR/SAC/SPA, South Downs National Park Authority should be consulted on any potential adverse impacts resulting from water abstraction as part of the development, as it includes a new residential property. As such, a water neutrality statement is likely to be required for a development of this scale to demonstrate that the proposed development does not increase the total water abstraction within the Sussex North Water Resource Zone.
- 6.2.2 In our professional judgement it is reasonably unlikely that a shadow Habitat Regulations Assessment will be required for a development of this scale and the above recommendation is proportionate to determine the impacts of the development on the Arun Valley RAMSAR/SAC/SPA.

6.3 Ecological Enhancements

- 6.3.1 The following ecological enhancements relevant to the development are recommended:
- The incorporation of artificial habitat boxes for wildlife within the development boundary including:
 - One bird box to be externally mounted on one of the buildings within the development boundary;
 - Two bat boxes should be externally mounted on one of the buildings within the development boundary.



6.4 Habitat Mitigation

Pollution Prevention

- 6.4.1 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:
- Safe storage of fuels, oil and chemicals within the construction site with appropriate spill kits (for the scale of activities) available on-site at all times;
 - Safe disposal of any contaminated water or soil and general waste within the construction site or with appropriate offsite management;
 - Appropriate monitoring and prevention of water and silt run-off from construction areas; and
 - Where possible the use of fertiliser and herbicides should be minimised as part of on-going site management.

6.5 Protected Species Mitigation

Nesting Birds

- 6.5.1 To ensure that the development is compliant with the legislation and planning policy relating to nesting birds, works impacting the existing structures within the development boundary should ideally be scheduled outside of the breeding bird season (typically March – September). A pre-works inspection by an appropriately qualified ecologist should be undertaken where it is not possible to avoid works during the breeding bird season. The inspection should cover all suitable habitat for nesting birds that could conceal a bird nest and that will be impacted by the development.
- 6.5.2 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.



Bats

- 6.5.3 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).
- 6.5.4 The lighting strategy for the site as a minimum should aim to:
- Avoid illumination of the trees adjacent to the 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.

6.6 Further Surveys

Bats

- 6.6.1 Based on the current design of the development, further surveys on buildings B1 and B2 should be undertaken to determine the presence or likely absence of bats in line with BCT Good Practice Guidelines (Collins, 2023).
- 6.6.2 Building B1 was classified as having low potential for roosting bats, therefore, a minimum of one bat emergence survey is required to determine the presence or likely absence of bats.
- 6.6.3 Building B2 was classified as having moderate potential for roosting bats, therefore, a minimum of two bat emergence surveys are required to determine the presence or likely absence of bats.



- 6.6.4 All further surveys to determine the presence/ absence of bats and characterise any bat roost that might be present should be separated by a minimum of 21 days and should be undertaken between May – September with a minimum of one survey per building completed between May – August.



7. Conclusion

- 7.1.1 Further assessment will be required to inform the ecological impacts of the development. Mitigation will also be required within the design and the construction phase of the development to ensure it proceeds lawfully. Furthermore, ecological enhancements will be required within the design of the development to meet national and local planning policy requirements.
- 7.1.2 The recommendations outlined in this report demonstrate how this can be achieved as part of the development.



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

Table 9 – Records returned from the desk study search within 1 km of the development boundary (SxBRC, 2025).

Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Amphibians							
Common frog	<i>Rana temporaria</i>		✓ (sale only)				
Common toad	<i>Bufo bufo</i>		✓ (sale only)	✓			
Great crested newt	<i>Triturus cristatus</i>	✓	✓ (5)	✓			
Smooth newt	<i>Lissotriton vulgaris</i>		✓ (sale only)				
Bats							
Noctule	<i>Nyctalus noctula</i>	✓	✓ (5)	✓			
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	✓	✓ (5)				
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	✓	✓ (5)	✓			
Brown long eared	<i>Plecotus auritus</i>	✓	✓ (5)	✓			
Higher plants							
Bluebell	<i>Hyacinthoides non-scripta</i>		✓ (8) Sale only				
Invertebrates							
Purple Emperor	<i>Apatura iris</i>		✓ (5 sale only)			GB post2001 NT	
Small Heath	<i>Coenonympha pamphilus</i>			✓		GB post2001 NT	
Dusky Thorn	<i>Ennomos fuscantaria</i>			✓			
White Admiral	<i>Limenitis camilla</i>		✓ (5)	✓		GB post2001 EN	
Grizzled Skipper	<i>Pyrgus malvae</i>					GB post 2001 VU	
Buff Ermine	<i>Spilosoma lutea</i>			✓			
Brown Hairstreak	<i>Thecla betulae</i>		✓ (5)	✓		GB post2001 NT	
Invasive Non-native Species							
Canada Goose	<i>Branta canadensis</i>		✓ (9)				
Barnacle goose	<i>Branta leucopsis</i>		✓ (9)				
Japanese Knotweed	<i>Fallopia japonica</i>		✓ (9)				
Himalayan Balsam	<i>Impatiens glandulifera</i>		✓ (9)				
Himalayan Cotoneaster	<i>Cotoneaster simonsii</i>		✓ (9)				



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
A Flowering Plant	<i>Lamium galeobdolon subsp. argentatum</i>		✓ (9)				
Parrot's-feather	<i>Myriophyllum aquaticum</i>		✓ (9)				
Mammals - Terrestrial (excl. bats)							
European rabbit	<i>Oryctolagus cuniculus</i>					Global post 2001 NT	WMA 2006 ⁸
West European Hedgehog	<i>Erinaceus europaeus</i>			✓		GB post 2001	WMA 2006 ⁸
Birds							
Barn Owl	<i>Tyto alba</i>		✓ (1)				
Bullfinch	<i>Pyrrhula pyrrhula</i>		✓	✓	Amber		
Cuckoo	<i>Cuculus canorus</i>		✓	✓	Red		
Dunnock	<i>Prunella modularis</i>		✓	✓	Amber		
Green Woodpecker	<i>Picus viridis</i>		✓				
Hoopoe	<i>Upupa epops</i>		✓ (1)				
House martin	<i>Delichon urbicum</i>		✓		Red		
House Sparrow	<i>Passer domesticus</i>		✓	✓	Red		
Kestrel	<i>Falco tinnunculus</i>		✓		Amber		
Linnet	<i>Linaria cannabina</i>		✓	✓	Red		
Mallard	<i>Anas platyrhynchos</i>		✓		Amber		
Marsh tit	<i>Poecile palustris</i>		✓	✓	Red		
Merlin	<i>Falco columbarius</i>		✓ (1)		Red		Birds Directive
Mistle thrush	<i>Turdus viscivorus</i>		✓		Red		
Mute Swan	<i>Cygnus olor</i>		✓				
Nightingale	<i>Luscinia megarhynchos</i>		✓		Red		
Red kite	<i>Milvus milvus</i>		✓ (1)		Red	Global post2001 NT	Birds Directive
Reed bunting	<i>Emberiza schoeniclus</i>		✓	✓	Amber		
Shelduck	<i>Tadorna tadorna</i>				Amber		
Skylark	<i>Alauda arvensis</i>		✓	✓	Red		
Song Thrush	<i>Turdus philomelos</i>		✓				
Spotted Flycatcher	<i>Muscicapa striata</i>		✓	✓	Red		
Starling	<i>Sturnus vulgaris</i>		✓	✓	Red		
Stock dove	<i>Columba oenas</i>		✓		Amber		



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Swallow	<i>Hirundo rustica</i>		✓				
Swift	<i>Apus apus</i>		✓		Red		
Tawny Owl	<i>Strix aluco</i>		✓		Amber		
Whitethroat	<i>Curruca communis</i>		✓		Amber		
Wigeon	<i>Mareca Penelope</i>		✓		Amber		
Yellowhammer	<i>Emberiza citronella</i>		✓	✓	Red		
Reptiles							
Grass snake	<i>Natrix helvetica</i>		✓ (5)	✓			
Slow worm	<i>Anguis fragilis</i>		✓ (5)	✓			
¹ Conservation of Habitat and Species Regulation, 2017. ² Wildlife & Countryside Act, 1981 (Schedules – 1, 4, 8 and 9). ³ Species of Principle importance listed under the Natural Environment & Rural Communities Act, 2006. ⁴ Birds of Conservation Concern – RSPB ⁵ Species listed on the Global and National IUCN Red data list (EX – Extinct, Extinct in wild, CE - Critically Endangered, Endangered, VU - Vulnerable, NR - Near Threatened, LC – Least Concern, Data Deficient. GB Red Data Book: Under IUCN Criteria Includes Nationally Rare, Nationally Rare Marine, Nationally Scarce				⁶ EC Habitat Directive ⁷ EC Bird Directive ⁸ Wild Mammals (Protection Act, 1996)			



Appendix II - Bat Preliminary Roost Assessment Results

Table 10 – Bat Preliminary Roost Assessment Results.

Building no.	Habitat reference (Figure 2)	Description	External Inspection	Internal Inspection	Evidence of Bats	Bat Roost Potential	Rationale and Potential Roosting Features Recorded
B1	4	- Building B1 is a brick-built, single-storey outbuilding with concrete corrugated roof tiles and a pitched roof. - No roof void is present. - Internally, the building is very well lit and open as the door is not in use and windows are present.	Yes	Yes	None recorded	Low	- Externally, the following bat PRFs and access/egress points were recorded on building B1: - Gaps under the eaves; and - Gaps in soffit boxes. - The building was assessed as having low suitability for roosting bats (rather than moderate or high) as although there were gaps into the soffit box (a feature typically favourable for roosting bats) the gaps were large and the features were highly exposed, reducing their suitability to be used by roosting bats. Additionally, evidence of nesting birds using the soffit box was recorded, further diminishing the likelihood of its use by roosting bats. - No internal bat PRFs were recorded within building B1 and the interior was well lit with natural light which makes the building less suitable for void dwelling bat species.
B2	3	- Building B2 is an L-shaped brick-built old stables/barn with a pitched, slate tiled roof and a gable end. - The roof has been recently renovated, and tiles are generally in very good condition.	Yes	Yes	None recorded	Moderate	- Externally, the following bat PRFs and access/egress points were recorded on building B2: - Lifted tiles; - Gaps under the eaves; - Missing bricks; - Integrated bat boxes (outside of development boundary but part of building B2); and



		• No roof void is present.					○ Ventilation slit • Internally, the following bat PRFs were recorded within building B2: ○ Gaps behind rafters; and ○ Gaps behind roofing membrane.
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Appendix III – Legislation & Planning Policy

8.2 Background

- 8.2.1 This section provides a summary of the legislation and planning policy that could be relevant to the development. Where possible we have limited this section to the areas relevant to this report. This means the legislation and planning policy outlined below is not included in its entirety.
- 8.2.2 This section does not constitute legal advice, and only represents the interpretation and professional judgement of the ecologists named in this report, on the legislation and planning policy deemed relevant to the development.

8.3 RAMSAR Convention

- 8.3.1 RAMSAR sites are wetlands of international importance that have been designated under the criteria of the RAMSAR Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological biodiversity (JNCC, 2019).
- 8.3.2 The National Planning Policy Framework (NPPF, 2024) outlines the level of consideration that should be given to RAMSAR sites in Planning. Paragraph 187 states that RAMSAR and potential RAMSAR sites should be given the same protection as 'habitat sites' defined as those afforded protection under the Conservation of Habitat and Species Regulations (2017), such as Special Protection Areas or Special Areas of Conservation.

8.4 Conservation of Habitat and Species Regulations, 2017

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

Protected Species

- 8.4.2 The regulations include provisions that prohibit certain actions from the protection of species listed under Annex II of the Habitat Directive. It is a criminal offence for a person to 'intentionally or recklessly' take the following action:
- Deliberately capture, injure or kill any wild animal of a European Protected Species (EPS);



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

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

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

Protected Sites

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

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

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

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



8.5 Wildlife and Countryside Act, 1981 (as amended)

8.5.1 The Wildlife and Countryside Act, 1981 (as amended) primarily transposes the UK 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 outside of 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 the 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.
- 8.5.9 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

- 8.5.10 Part III of the CRoW Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.
- 8.5.11 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.
- 8.5.12 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.

8.6 National Parks and Access to the Countryside Act, 1949

- 8.6.1 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.

8.7 Natural Environment & Rural Communities Act, 2006

- 8.7.1 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

- 8.7.2 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.
- 8.7.3 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

- 8.7.4 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.

8.7.5 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 others of such steps.

8.7.6 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.

8.8 Protection of Badgers Act, 1992

8.8.1 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.

8.9 Wild Mammals (Protection) Act, 1996.

8.9.1 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.

8.10 The Environment Act, 2021

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

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

Nature and Biodiversity

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



- 8.10.3 Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England.
- 8.10.4 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.
- 8.10.5 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.
- 8.10.6 The relevant percentage is set at 10% for biodiversity gain.
- 8.10.7 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).
- 8.10.8 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;
 - Them 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.
- 8.10.9 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.
- 8.10.10 A credit is to be regarded for the purpose of that schedule as having such biodiversity value as is determined under the arrangements.



8.10.11 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.

8.11 National Planning Policy Framework (2024)

8.11.1 The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2024) sets out the Government's planning policies for England and how these should be applied. It provides a framework from which locally prepared plans for housing and other developments can be produced.

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

Conserving and Enhancing the Natural Environment

8.11.3 Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air



and water quality, taking into account relevant information such as river basin management plans; and

- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

8.11.4 Paragraph 181 states that plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Habitats and biodiversity

8.11.5 Paragraph 185 states: To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration, or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

8.11.6 Paragraph 186 states that, when determining planning applications, local planning authorities should apply the following principles:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.



- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

8.11.7 Paragraph 187 states, the following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed RAMSAR sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

8.11.8 Paragraph 188 states: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

8.12 Biodiversity and Geological Conservation Circular 06/2005

8.12.1 Biodiversity and geological conservation circular 06/2005 provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the NPPF, 2024 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.

8.12.2 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

- 8.12.3 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’.
- 8.12.4 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.’
- 8.12.5 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.’

8.13 Horsham District Council Adopted Local Plan (2015)

- 8.13.1 This section includes the deliberate inclusion of revisions made to Policy 31 outlined below under the draft HDC Local Plan (2020). This has been undertaken in view of recent legislative changes in the UK and additional local requirements that are reasonably likely to be considered at determination for this planning application.

Policy 25

- 8.13.2 Policy 25 sets out Horsham District Councils (HDCs) commitment to protecting the Natural Environment and Landscape Character. Policy 25 states:
- 8.13.3 The Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:
- 8.13.4 Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.
- 8.13.5 Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.



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

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

Policy 31

8.13.8 Development will be supported where it can demonstrate that it maintains and enhances the existing network of green infrastructure, the Nature Recovery Network, natural capital and biodiversity. Proposals that would result in the loss of existing green infrastructure or part of the Nature Recovery Network will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained.

8.13.9 Proposals will be expected to retain and enhance existing freshwater features, hedgerows, trees and deciduous woodland and the provision of additional hedgerow and tree planting will be sought subject to appropriate consideration of local and wider context, habitats and species.

8.13.10 Where the felling of a tree is necessary, for example due to disease, replacement planting with a suitable species and location to retain the link with the wider network of habitats and Green Infrastructure, will be required.

8.13.11 Development proposals will be expected to remove invasive species and will be required to contribute to the enhancement of existing biodiversity and deliver, as a minimum, a 10% net gain through the delivery of appropriate on-site biodiversity net gain or, where this is not practicable, to off-set the delivery to the Nature Recovery Network.

8.13.12 Proposals should create and manage appropriate new habitats, taking into account pollination, where practicable. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity, and where appropriate the Nature Recovery Network, through the creation of green spaces, and linkages between habitats to create local and regional ecological networks and allow the movement of wildlife through development sites.

8.13.13 Particular consideration will be given to the hierarchy of sites and habitats in the District as follows:

- Special Protection Area (SPA) and Special Areas of Conservation (SAC);
- Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNRs);



- Local Wildlife Sites (LWS), Local Nature Reserves (LNRs) and any areas of Ancient Woodland, traditional orchards, local geodiversity or other irreplaceable habitats not already identified in a & b above.

8.13.14 Where development is anticipated to have a direct or indirect adverse impact on sites or features of importance to nature conservation, development will be refused unless it can be demonstrated that:

- The objectives of a site's designation, where applicable, and integrity of the area will not be undermined;
- The reason for the development clearly outweighs the need to protect the value of the site; and,
- That appropriate mitigation and compensation measures are provided.

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

8.14 Birds of Conservation Concern

8.14.1 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.

8.14.2 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.

8.15 IUCN Red List

8.15.1 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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