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NATURAL PROGRESSION

Land at Hornbrook Farm, Brighton Road, Horsham

Ground Level Tree Assessment & Reptile Survey Report

February 2026

Land at Hornbrook Farm, Brighton Road, Horsham

Ground Level Tree Assessment & Reptile Survey Report

Client:	Jaynic Properties Limited	
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Abbreviations

ARS	Artificial Refuge Surveys
CHS	Conservation of Habitats and Species Regulations 2017 (as amended)
ECOW	Ecological Clerk of Works
GLTA	Ground Level Tree Assessment
ILP	Institute of Lighting Professionals
PEA	Preliminary Ecological Appraisal
PRF	Potential Roost Features
WCA	Wildlife and Countryside Act 1981 (as amended)
VES	Visual Encounter Surveys

0 Executive Summary

0.1 Introduction

- 0.1.1 Protected species surveys for roosting bats and reptiles were undertaken for the site of a proposed residential development at Land at Hornbrook Farm, Brighton Road, Horsham. The study was undertaken to identify and evaluate the importance of roosting bat and reptile populations.

0.2 Results

- 0.2.1 Six trees were identified as providing PRF-M suitability for roosting bats and four trees were identified as providing PRF-L suitability for roosting bats.
- 0.2.2 The Visual Encounter Surveys and Artificial Refuge Surveys recorded a total of two common lizards across the survey period with a peak count of one adult. The records were located on the western and south-eastern boundaries of the survey area.

0.3 Evaluation

- 0.3.1 No roosting bats or evidence of their presence was recorded during the ground level tree assessment. However, trees with roosting suitability were identified and it is possible that additional suitable trees were present within the woodland which was not surveyed. Given the high and moderate quality foraging / commuting habitat within and beyond the survey area boundary, and high proportion of trees not surveyed, the survey area is provisionally assessed as of Local-District Importance for roosting bats in trees on a precautionary basis. It is currently anticipated that all trees identified with bat roosting suitability will be retained and protected, but there is potential for bats roosting within retained trees to be displaced by increased lighting during the construction and operational phase.
- 0.3.2 The survey findings indicate that a low population of common lizard was present within the survey area during the 2024 survey season. The survey area achieves a site score of 1 and does not meet the criteria for a Key Reptile Site. The Proposed Development is not anticipated to impact the local status of common lizard and therefore the survey area is considered to be of Negligible Importance for its reptile population. Without mitigation, the Proposed Development is likely to result in a risk of killing / injury of individual reptiles if present during the works, which would constitute an offence under the Wildlife and Countryside Act 1981 (as amended).

1 Introduction

1.1 Purpose of this Report

- 1.1.1 Protected species surveys for roosting bats and reptiles were undertaken for the site of a proposed residential development at Land at Hornbrook Farm, Brighton Road, Horsham (Grid Reference: TQ 18906 29780). The purpose of the study was to identify the presence and evaluate the importance of roosting bat and reptile populations.

1.2 Objectives and Approach of the Study

- 1.2.1 The study was commissioned to fulfil the following objectives:
- ▶ To assess from ground level the suitability of trees within the developable area for roosting bats;
 - ▶ To determine the presence or likely absence of reptiles, and if present record their distribution within the survey area; and
 - ▶ To identify and evaluate the importance of roosting bats and reptiles.
- 1.2.2 To meet these objectives the survey approach involved field surveys using standard techniques to record the presence, distribution and relative abundance of target species within the survey area, with reference to current industry guidelines.

1.3 Survey Area

- 1.3.1 The survey area is larger than the Application Site boundary, as a result of a change in the size of the Application Site after the surveys had been completed. The majority of the survey area contains the Application Site, barring a linear strip of habitat on the south-eastern boundary, within which a visibility splay will be created. The Application Site measures c.9.23ha and its extent is shown in blue on Figure 1.1.
- 1.3.2 The survey area lies to the south-east of the town of Horsham in the Horsham District of West Sussex. It comprises c.10.25ha of undeveloped agricultural land. The open grassland fields are interspersed by hedgerows, with strips of woodland and Horn Brook located along the site boundaries, and occasional patches of tall ruderal, bracken and scrub. The extent of the survey area is highlighted in red on Figure 1.1.
- 1.3.3 The survey area is bound by Horn Brook and woodland to the north and west; Doomsday Lane to the east; and Brighton Road (A281) to the south. The wider landscape is dominated by farmland and housing associated with Horsham, with large blocks of woodland to the east. Six ponds lie within 500m of the survey area.

1.4 Proposed Development

- 1.4.1 Outline planning application for up to 180 dwellings, open space and associated works and infrastructure with all matters reserved apart from access. The Illustrative Masterplan is shown at Figure 1.2.

1.5 Additional Ecological Assessments

- 1.5.1 The following protected species survey reports have been produced and issued separately:
- ▶ Urban Edge Environmental Consulting Ltd (UEEC; 2026b): *Land at Hornbrook Farm, Brighton Road, Horsham: Confidential Technical Note (Badger Survey)*.
 - ▶ UEEC (2026c): *Land at Hornbrook Farm, Brighton Road, Horsham: Protected Species Survey*.
- 1.5.2 As badgers *Meles meles* and their setts can suffer from persecution, all information relating to badger at the site is contained within a separate confidential report (UEEC, 2026b).

Hornbrook Farm, Horsham, West Sussex

-  Survey area
-  Application Site

Figure 1.1: Survey area



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Ordnance Survey AC0000808122

Scale (at A4): 1:5,000 Created by: EM

Date: Jan 2026 Reviewed by: NP

Drawing number:

UE0470ECO-Hornbrook: Site location: 260119





Figure 1.2: Illustrative Masterplan

2 Survey Methodology

2.1 Daytime Bat Walkover

- 2.1.1 Trees within / adjacent to the survey area were subject to an external and where possible internal inspection for potential bat roost features (subject to safe access). The survey effort focused upon trees which were likely to form part of the developable area. Accordingly, the belt of woodland which forms the northern and western boundaries was not subject to detailed inspection as these areas are likely to be retained and protected as part of the Proposed Development. All observable features potentially suitable for bats were noted and the overall suitability of each tree for roosting bats was classified with reference to Table 2.2. Weather conditions were noted during the survey (air temperature, cloud cover wind speed, precipitation and ground conditions) and are reported in Table 2.1.

Table 2.1: Bat survey dates and weather conditions

Date	Weather conditions
14 May 2024	16-17°C, 30% cloud cover, light breeze (Beaufort 2), no precipitation

Ground Level Tree Assessment

- 2.1.2 Trees were assessed from ground level for Potential Roost Features such as woodpecker holes, cavities, cracks or splits in major limbs (e.g. hazard beams, rot holes, frost cracks, knot holes, occlusions, flush cuts, tear-outs, cankers or butt-rots), loose platey bark, aerial deadwood and dense ivy or epicormic growth.

Table 2.2: Potential suitability of trees for roosting bats (after Collins, J (ed), 2023)

Suitability	Roosting habitats
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).
Negligible	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
PRF-I	PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats.
PRF-M	PRF is suitable for multiple bats and may therefore be used by a maternity colony.

- 2.1.3 The surveys were carried out with the aid of the following equipment: high-powered searchlight fitted with a red filter to search dark areas for signs of bats; close-focusing binoculars to view areas inaccessible on foot; and digital camera with flash to record any evidence of bats or features suitable for use by bats.

Limitations

- 2.1.4 There were no difficulties in gaining access to the survey area for the assessment of trees.

2.2 Reptiles

- 2.2.1 A presence / likely absence survey for reptiles was carried out, based on standard industry guidelines (Hill *et al.*, 2005; Froglife, 1999; Gent and Gibson (eds.), 2003) and Natural England's standing advice¹ for reptiles, combining Visual Encounter Surveys (VES) and Artificial Refuge Surveys (ARS). A minimum of seven survey visits during suitable weather (principally an air temperature between 9 and 18°C, and in the absence of rain and strong wind) are required to establish the presence or likely absence of reptiles within the survey area.
- 2.2.2 A total of 145 refuges were placed within c.6.5ha of suitable grassland and scrub habitats across the survey area, equivalent to 14.15 refuges per hectare as shown on the plan at Appendix II. Guidelines recommend that at least 10 refuges are used per hectare of land surveyed. To give reptiles time to locate and habituate to new refuges in their environment all mats were placed on 14 May 2024, 15 days prior to the start of the main survey period.
- 2.2.3 The location of reptiles (including sloughed skins or eggs) was recorded using GPS coordinates, together with species counts, sex (when distinguishable) and maturity data. Weather conditions were noted during each survey (air temperature, cloud cover wind speed, precipitation and ground conditions) and are reported in Table 2.3.

Table 2.3: Reptile survey dates and weather conditions

Date	Weather conditions
29 May 2024	14-16°C, 70% cloud cover, gentle breeze (Beaufort 3), no precipitation
3 June 2024	16-17°C, 50% cloud cover, light air (Beaufort 1), no precipitation
7 June 2024	13-14°C, clear skies, light air (Beaufort 1), no precipitation
10 June 2024	12-13°C, 60% cloud cover, moderate breeze (Beaufort 4), no precipitation
13 June 2024	14-15°C, 80% cloud cover, moderate breeze (Beaufort 4), no precipitation
17 June 2024	16°C, 40% cloud cover, gentle breeze (Beaufort 3), no precipitation
20 June 2024	17-20°C, 20% cloud cover, gentle breeze (Beaufort 3), no precipitation

Evaluation criteria

- 2.2.4 Criteria for establishing a population size class assessment based on a refuge density of 10/ha are given in Froglife (1999), as shown in Table 2.4, but it should be noted that this is intended to be used in conjunction with a higher number of survey visits than normally undertaken for a presence/absence survey. Site scores can be compared to the Key Reptile Site selection criteria (Froglife, 1999) to establish the overall importance of a site for reptiles.

¹ Natural England (2015): Reptiles: surveys and mitigation for development projects. Accessed online at: <https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>

Table 2.4: Population size class assessment and Key Reptile Site criteria (Froglife, 1999)

Species	Low Population Score =1	Good Population Score =2	Exceptional Population Score =3
Adder <i>Vipera berus</i>	<5	5 - 10	>10
Grass snake <i>Natrix helvetica</i>	<5	5 - 10	>10
Common lizard <i>Zootoca vivipara</i>	<5	5 - 20	>20
Slow worm <i>Anguis fragilis</i>	<5	5 - 20	>20
To qualify as a Key Reptile Site, the survey site must meet at least one of the following criteria:			
1. Supports three or more reptile species 2. Supports two snake species 3. Supports an exceptional population of one species (see above) 4. Supports an assemblage of species with a combined score of at least 4 (see above) 5. Does not satisfy 1 - 4 but is of particular regional importance due to local rarity			

Limitations

- 2.2.5 During the survey visit on 20 June 2024 the air temperature increased beyond the upper limited specified (18 °C) in 2.2.1. However, the survey remained within the peak air temperature specified by Froglife (2015), which considers the optimal range to be 9-20°C. The remaining survey visits took place during suitable conditions, and this potential limitation is not considered significant.

2.3 General Limitations

- 2.3.1 See Appendix IV for general Legal and Technical Limitations which apply to this document.
- 2.3.2 The details of this report are valid until the dates shown in Table 2.5. Beyond these periods, if works have not yet been undertaken, the development proposals change or red line boundary changes, it is recommended that a review of the ecological conditions is undertaken.

Table 2.5: Validity of assessment

Survey Type	Validity period (CIEEM, 2019)	Date of final survey	Expiry date
Roosting bats	12 months	14/05/2024	14/05/2025
Reptiles	18 months	20/06/2024	20/12/2025

2.4 Personnel

- 2.4.1 The personnel deployed on the surveys are listed in Table 2.6.

Table 2.6: Survey personnel and qualifications

Feature / Task	Personnel
Ground Level Tree Assessment (GLTA)	Dan Maude, Richard Emerson
Reptile surveys	Christina Pullan, Zoe Benefer, Ed Peters
Personnel	Qualifications
Dan Maude BSc (Hons) MRes Qualifying CIEEM	Senior Ecologist with four years' professional consultancy experience.
Christina Pullan BSc (Hons) MSc ACIEEM	Consultant Ecologist with seven years' experience in environmental disciplines.
Rich Emerson BSc (Hons) Qualifying CIEEM	Assistant with three years' professional consultancy experience.
Zoe Benefer BSc (Hons) MSc Qualifying CIEEM	Assistant with two seasons' survey experience.
Ed Peters BSc (Hons) MSc Qualifying CIEEM	Assistant with two seasons' survey experience.

3 Results

3.1 Roosting Bats

Ground Level Tree Assessment

3.1.1 The GLTA identified ten trees with PRFs including six classified as PRF-M and four classified as PRF-I. These trees are summarised in Table 3.1. Tree locations are provided on the Phase I Habitat Plan in Appendix I.

Table 3.1: Classification of trees with bat roosting potential

Tree #	Species	Grid reference	Suitability	Height of PRF	Aspect of PRF	Description of PRF
T1	Pedunculate oak <i>Quercus robur</i>	TQ 18829 29660	<u>PRF-M</u>	c.8m	North-east	Large dead branch, covered with latticed ivy.
				c.4-6m	-	Downward pointing dead branch with several shallow cavities in decaying wood.
T2	Pedunculate oak	TQ 18845 29683	<u>PRF-M</u>	c.6m	West	Snapped and partly sealed branch. Cavity present deep into the remaining limb.
				c.10m	South	Snapped branch. Heartwood partially remains creating a rain cover over the feature which may be deep.
				c.2m	South	Dead branch. The decaying branch points upwards, with a hollow which may be deep.
				c.7m	West	Snapped branch with blunt end point. Lots of split wood within the branch, which may create features.
T3	Pedunculate oak	TQ 18852 29715	<u>PRF-M</u>	c.5m	West	Decaying branch. Several north-pointing latitudinal splits where the branch has peeled away, exposing the heartwood.
T4	Holly <i>Ilex aquifolium</i>	TQ 18875 29643	<u>PRF-I</u>	-	-	Thick latticed ivy over most of the tree.

Tree #	Species	Grid reference	Suitability	Height of PRF	Aspect of PRF	Description of PRF
T5	Pedunculate oak	TQ 19043 29647	<u>PRF-M</u>	c.4m	West	South-pointing tear out wound, 6m out from main stem, which may be deep.
				c.6m	South	Snapped branch where remaining wood has begun to decay. A hole is located on the underside of branch.
				-	-	Natural hollow on end of branch where limb has snapped and sealed. Inner wood has rotted away creating hollow.
				c.10m	East	Shaped branch that points upward. Internal wood has decayed creating a hollow.
T6	Pedunculate oak	TQ 19053 29729	<u>PRF-M</u>	c.5m	North	Dead branch, with south-facing crack.
				c.10m	East	Dead branch, with large south-facing crack.
				c.3m	South	Dead branch, 2m out from stem, with bark growth around crack. Downward facing.
T7	Sycamore <i>Acer pseudoplatanus</i>	TQ 19121 29817	<u>PRF-M</u>	c.4m	South	Natural hole where branch has broken and subsequent growth. Ivy cover also present.
				c.5m	South	Natural hole on main branch. South facing, with staining below hole.
T8	Sycamore	TQ 19124 29833	<u>PRF-I</u>	c.8m	South	Dead wood with splits in bark.
T9	Sycamore	TQ 19128 29851	<u>PRF-I</u>	c.5m	South-west	Multi stemmed tree, with bark growth around a hole.
				c.8m	South	Dead wood, with bark growth over the top.
T10	Pedunculate oak	TQ 18655 29726	<u>PRF-I</u>	c.10m	South	Crack in limb, with bark growth surrounding.

3.2 Reptiles

Visual encounter / artificial refuge survey

- 3.2.1 The VES and ARS (including natural / pre-existing refuges) recorded a total of two common lizards across the survey period with a peak count of one adult. The records were located on the western and south-eastern boundaries of the survey area.
- 3.2.2 No other reptile species or signs of their presence (e.g., skin sloughs, eggs / egg-cases) were observed during the survey. A summary of the survey results is displayed in Table 3.2. Peak count is highlighted in bold.

Table 3.2: Summary of reptile survey results

Survey	29/05	03/06	07/06	10/06	13/06	17/06	20/06
Common lizard	1U	0	0	0	1U	0	0

U = adult unsexed

4 Evaluation

4.1 Introduction

- 4.1.1 This section evaluates the survey area in terms of the protected species present or potentially present on site or its immediate vicinity, in the context of relevant legislation and planning policy. See Appendix III for a review of the legislation and planning context.

4.2 Roosting Bats

Presence or absence of roosting bats

- 4.2.1 No roosting bats or evidence of their presence was recorded during the GLTA. However there are six PRF-M and four PRF-I trees within the survey area.

Site evaluation

- 4.2.2 The GLTA only considered trees that were likely to be impacted by the Proposed Development and it is possible that additional suitable trees were present within the woodland which was not surveyed. Given the high and moderate quality foraging / commuting habitat within and beyond the survey area boundary, and high proportion of trees not surveyed, the survey area is provisionally assessed as of Local-District Importance for roosting bats in trees on a precautionary basis.

4.3 Reptiles

Presence or absence of reptiles

- 4.3.1 The survey findings indicate that a low population of common lizard was present within the survey area during the 2024 survey season. Surveys were carried out in suitable weather conditions at an appropriate time of year for reptile surveys and the density of refuges exceeded the recommended level (145 refuges were used across approximately 6.5ha of suitable habitat). The survey results are therefore considered to provide an accurate account of the reptile assemblage on site. However, the aim of this survey was to establish presence or likely absence and a greater level of survey effort would be required in order to obtain a reliable population estimate.

Site evaluation

- 4.3.2 The improved grassland on site is of low ecological value for reptiles due to its uniform structure and short sward height. However, the site contains good quality habitats for reptiles, in the form of poor semi-improved grassland, semi-improved neutral grassland, woodland, scrub and hedgerows. The composition of coarse grasses in the grasslands, in combination with the woodland edge and hedgerows, creates a mosaic for foraging reptiles. The boundary hedgerows

and scrub provide shelter and dispersal habitat, while the woodland offers hibernation potential. The grass cuttings pile in the south of site (TN1) also provides potential egg-laying habitat for grass snake.

- 4.3.3 Site location (in relation to the species' range), vegetation structure, insolation, aspect, topography and surface geology, prey abundance, refuge opportunity and hibernation potential are all favourable for reptiles. In addition, the site benefits from good connectivity to further extensive areas of good quality reptile habitat in the local landscape, including grassland and woodland to the east and south, albeit beyond Brighton Road and Domesday Lane. Taken together, the habitats within the survey area provide the necessary lifecycle requirements of common reptile species such as grass snake, slow worm and common lizard.
- 4.3.4 A total of two adult common lizard were recorded throughout the survey period. One was located along the south-eastern boundary of the eastern field and one within the western extent of the western field. A peak count of one adult indicates that the survey area supports a low population of this species.
- 4.3.5 No other species of reptile or signs of their presence were recorded during the survey. It is likely that adder is absent from the site, but it would not be unexpected to occasionally encounter grass snake or slow worm. Indeed, both species have been recorded locally as confirmed during the PEA desk study (UEEC, 2026a).
- 4.3.6 Overall, the survey area achieves a site score of 1 and does not meet the criteria for a Key Reptile Site (Froglife, 1999; see Table 2.4). The Proposed Development is not anticipated to impact the local status of common lizard and therefore the survey area is considered to be of Negligible Importance for its reptile population.

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UEEC (2026b): *Land at Hornbrook Farm, Brighton Road, Horsham: Confidential Technical Note (Badger Survey)*.

UEEC (2026c): *Land at Hornbrook Farm, Brighton Road, Horsham: Protected Species Survey*.

Appendix I: Phase 1 Habitat Plan

Hornbrook Farm, Horsham, West Sussex

- Survey area
- Broadleaved woodland - semi-natural
- Scrub - dense/continuous
- SI Neutral grassland - semi-improved
- I Improved grassland
- SI Poor semi-improved grassland
- Bracken - continuous
- Bracken / tall ruderal / scrub
- Tall ruderal
- Running water
- Native species-rich hedge
- Native species-poor hedge
- Species-poor defunct hedge
- Native species-rich hedge with trees
- Native species-poor hedge with trees
- ✪ Scattered tree
- ✕ Scattered scrub



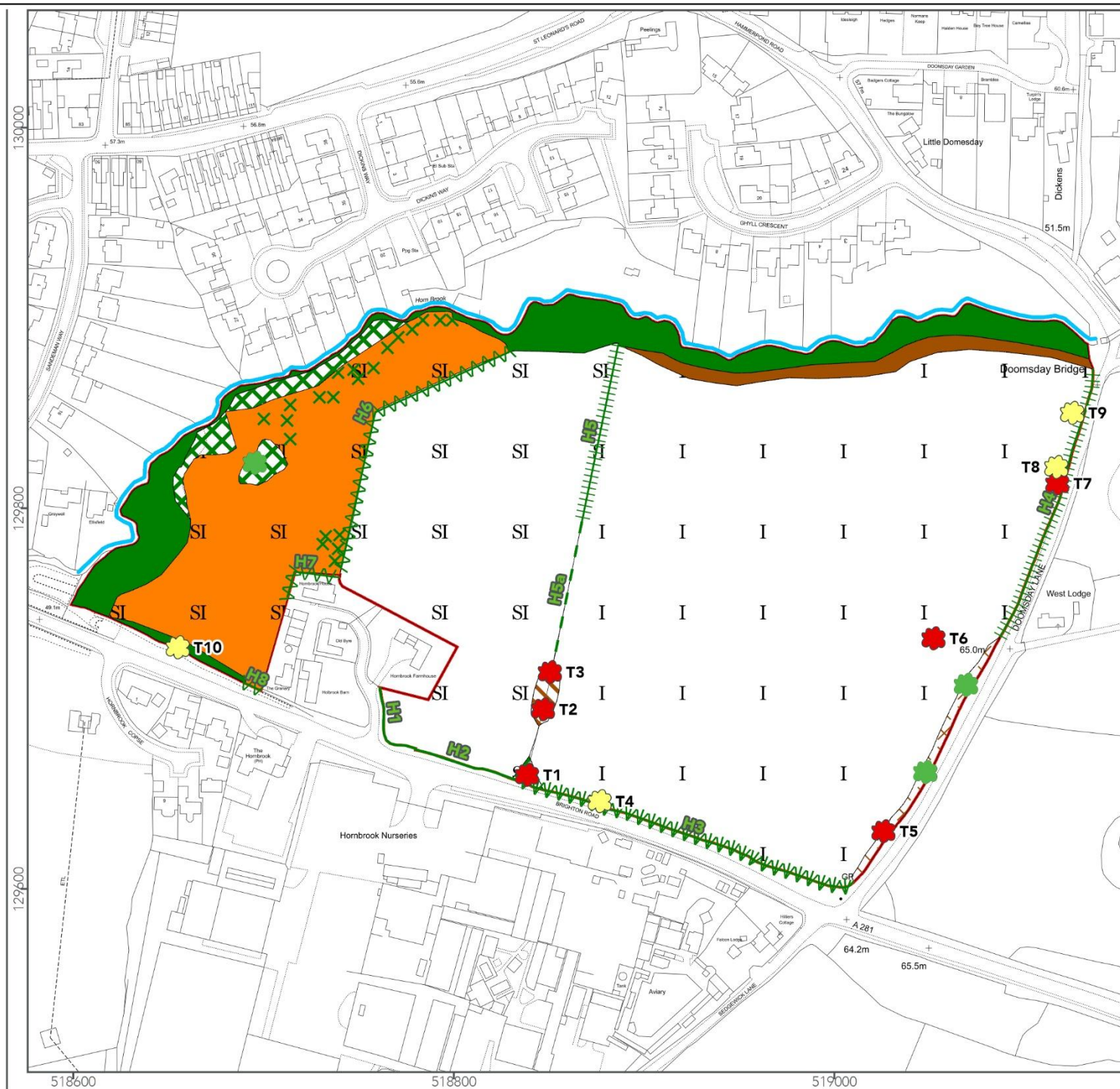
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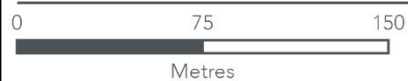
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Appendix II: Reptile Survey Plan

Hornbrook Farm, Horsham, West Sussex

-  Survey area
-  Common lizard



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Appendix III: Legislation and Planning Context

Legislation

General

The main legislative instruments for ecological protection in England and Wales are: the Wildlife and Countryside Act 1981 (WCA; as amended); Countryside and Rights of Way Act 2000 (CRoW; as amended); Natural Environment and Rural Communities Act 2006 (NERC; as amended); the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations; as amended); and the Environment Act 2021.

WCA 1981 consolidated and amended pre-existing national wildlife legislation in order to implement the Bern Convention and the European Union Wild Birds Directive (Council Directive 2009/147/EC). It complements the Habitats Regulations, offering protection to a wider range of species than the latter. The Act also provided for the designation and protection of nationally important conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSI). Schedules of the act list protected species of flora and fauna, as well as invasive species, and detail the possible offences that apply to these species.

The CROW Act 2000 amended and strengthened existing wildlife legislation detailed in the WCA. It placed a duty on government departments & the National Assembly for Wales to have regard for biodiversity, provided increased powers for the protection and maintenance of SSSI, and created a right of access to parts of the countryside. The Act contained lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The NERC Act 2006 consolidated and replaced aspects of earlier legislation. Section 40 of the Act places a duty upon all local authorities and public bodies in England and Wales to have regard to the purpose of conserving biodiversity in exercising all of their functions, including by restoring or enhancing habitats and species populations. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity (otherwise known as priority habitats/species as listed in the now superseded UK Biodiversity Action Plan). These lists supersede Section 74 of the CRoW Act 2000. These species and habitats are a material consideration in the planning process.

The Habitats Regulations 2017 are the principal means by the European Union Habitats Directive (Council Directive 92/43/EEC) was transposed into English and Welsh law, and place a duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria in Europe are designated as Sites of Community Importance by the European Commission, and subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. Since the UK's departure from the European Union the European Commission no longer has a role in designating SACs in the UK. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 establish a single stage designation process, where the appropriate authority is the decision maker. The selection and designation of SACs is based on the criteria set out in Annex III of the Habitats Directive insofar as it applies to the UK, and having regard to the advice of the appropriate nature conservation body.

The 2019 Amendment Regulations have created a new national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes existing SACs, existing Special

Protection Areas (SPA) originally designated as a result of Council Directive 2009/147/EC on the Conservation of Wild Birds, and any new SACs and SPAs designated under the 2019 Regulations. SACs and SPAs in the UK therefore no longer form part of the EU's Natura 2000 ecological network.

The Habitats Regulations also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively (European Protected Species (EPS)). Schedule 2 includes species such as otter and GCN for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade in these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations. Under the Habitats Regulations disturbance includes any activity which is likely to: impair the ability of a EPS to survive, breed, reproduce, or rear/nurture its young; impair the ability of a EPS to migrate or hibernate; or significantly affect the local distribution or abundance of the species.

The Environment Act 2021, among other things: established an Office for Environmental Protection; introduced a mandatory requirement for all new development requiring planning permission to achieve a net gain for biodiversity of at least 10% (although implementation of this is transitional); amended the NERC Act duty to conserve biodiversity by explicitly adding a duty to enhance; and requires local authorities to produce local nature recovery strategies.

Bats (*Chiroptera*)

Bats and their roosts are fully protected by protected by the WCA and the Habitats Regulations, and seven species of bats are species of principal importance. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a bat.
- ▶ Possess or control a live or dead bat, any part of a bat, or anything derived from a bat.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- ▶ Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection.
- ▶ Make a false statement in order to obtain a licence for bat work.

Under the Habitats Regulations disturbance includes any activity which is likely to:

- ▶ Impair the ability of a bat to survive, breed, reproduce, or rear/nurture its young.
- ▶ Impair the ability of a bat to migrate or hibernate.
- ▶ Significantly affect the local distribution or abundance of the species.

Otter (*Lutra lutra*)

Otter is fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take an otter.
- ▶ Possess or control a live or dead otter, any part of, or anything derived from an otter.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that an otter uses for shelter or protection.

- ▶ Intentionally or recklessly disturb an otter while it is occupying a structure or place that it uses for shelter or protection.

Reptiles

The four common species (slow worm *Anguis fragilis*, common lizard *Zootoca vivipara*, adder *Vipera berus* and grass snake *Natrix helvetica*) are partially protected under the WCA. They are protected, *inter alia*, against intentional killing and injuring. The handling and translocation of these reptiles does not require a licence.

Smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* are fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a smooth snake or sand lizard.
- ▶ Possess or control a live or dead smooth snake or sand lizard, any part of, or anything derived from a smooth snake or sand lizard.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a smooth snake or sand lizard uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a smooth snake or sand lizard while it is occupying a structure or place that it uses for shelter or protection.

Planning context

National Planning Policy Framework (Section 15: Conserving and enhancing the natural environment)

The National Planning Policy Framework (NPPF), published in December 2024, outlines the Government's commitment to the conservation of wildlife and natural features. It is concerned with:

- ▶ Protecting and enhancing valued landscapes, sites of biodiversity or geological conservation value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- ▶ 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;
- ▶ Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- ▶ Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current & future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
- ▶ 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
- ▶ Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The NPPF requires that local plans should “distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value...; 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”.

To protect and enhance biodiversity and geodiversity, the NPPF states that planning policies should:

- ▶ 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
- ▶ 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.

When determining planning applications, local planning authorities should aim to protect and enhance biodiversity by applying 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;
- ▶ 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;
- ▶ 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
- ▶ 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.

The following wildlife sites should be given the same protection as habitats sites:

- ▶ potential Special Protection Areas and possible Special Areas of Conservation;
- ▶ listed or proposed Ramsar sites; and
- ▶ 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. The policies within the NPPF (and additional guidance contained within Circular 06/2005) are a material planning consideration.

UK/Local Biodiversity Action Plan Designations and Birds of Conservation Concern and Red Data Book Listings

Note that BAP designations and status as RSPB Birds of Conservation Concern or Red Data Book species does not offer any further legal protection, but planning authorities are required to prevent these species from being adversely affected by development in accordance with National Planning Policy and the CROW and NERC Acts. The United Kingdom Biodiversity Action Plan (UKBAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UKBAP contained a list of priority habitats and species of conservation concern in the UK, and outlined biodiversity initiatives designed to enhance their conservation status.

However, as a result of devolution, and new country-level and international drivers and requirements, much of the work previously carried out by the UK BAP is now focussed at a country-level rather than a UK-level, and the UK BAP was succeeded by the 'UK Post-2010 Biodiversity Framework' in July 2012. The UK lists of priority habitats and species nonetheless remain an important reference source and were used to draw up statutory lists of priority habitats and species in England, Northern Ireland, Scotland and Wales. The priority habitats and species correlate with those listed on Section 41 and 42 of the NERC Act.

The UKBAP required that conservation of biodiversity be addressed at a County level through the production of Local BAPs. These are targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs. Where they exist, Local BAP targets with regard to species and habitats are a material consideration in the planning process.

Local Planning Policy

The following policies relating to wildlife and biodiversity are contained within the adopted Horsham District Planning Framework (Horsham District Council, 2015):

Green Infrastructure and Biodiversity

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

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

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

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

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

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

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

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

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

ii. That appropriate mitigation and compensation measures are provided.

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

Appendix IV: Legal and Technical Limitations

- This report has been prepared by Urban Edge Environmental Consulting Ltd (UEEC Ltd) with all reasonable skill, care and diligence within the terms of the contract made with the Client to undertake this work, and taking into account the information made available by the Client. No other warranty, expressed or implied, is made as to the professional advice included in this report or any other services provided by us.
- UEEC Ltd disclaims any responsibility to the Client and others in respect of any matters outside the scope of this contract. This report is confidential to the Client and is not to be disclosed to third parties. If disclosed to third parties, UEEC Ltd accepts no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any third party relies upon the contents of this report at their own risk and the report is not to be relied upon by any party, other than the Client without the prior and express written agreement of UEEC Ltd.
- The advice provided in this report does not constitute legal advice. As such, the services of lawyers may also be considered to be warranted.
- Unless otherwise stated in this report, the assessments made assume that the sites and facilities that have been considered in this report will continue to be used for their current planned purpose without significant change.
- All work carried out in preparing this report has utilised and is based upon UEEC Ltd's current professional knowledge and understanding of current relevant UK standards and codes, technology and legislation. Changes in this legislation and guidance may occur at any time in the future and may cause any conclusions to become inappropriate or incorrect. UEEC Ltd does not accept responsibility for advising the Client or other interested parties of the facts or implications of any such changes;
- Where this report presents or relies upon the findings of ecological field surveys (including habitat, botanical or protected/notable species surveys), its conclusions should not be relied upon for longer than a maximum period of two years from the date of the original field surveys. Ecological change (e.g. colonisation of a site by a protected species) can occur rapidly and this limitation is not intended to imply that a likely absence of, for instance, a protected species will persist for any period of time;
- This report has been prepared using factual information contained in maps and documents prepared by others. No responsibility can be accepted by UEEC Ltd for the accuracy of such information;
- Every effort has been made to accurately represent the location of mapped features, however, the precise locations of features should not be relied upon;
- Populations of animals and plants are often transient in nature and a single survey visit can only provide a general indication of species present on site. Time of year when the survey was carried out, weather conditions and other variables will influence the results of an ecological survey (e.g. it is possible that some flowering plant species which flower at other times of the year were not observed). Every effort has been made to accurately note indicators of presence of protected, rare and notable species within and adjacent to the site but the possibility nonetheless exists for other species to be present which were not recorded or otherwise indicated by the survey;
- Any works undertaken as a consequence of the recommendations provided within this report should be subjected to the necessary health & safety checks and full risk assessments.

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