

Hopelands Farm, RH13 6QR

Preliminary Ecological Appraisal

Report for Mr & Mrs Owen



Hopelands Farm – Phase 1

Preliminary Ecological Appraisal

EHM Ltd

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Control Sheet

Project Information			
Client	Mr & Mrs Owen		
Assessment	Preliminary Ecological Appraisal		
Site	Hopelands Farm, Polecat Lane, Copsale, RH13 6QR		
File reference	PEA – Hopelands Farm		
Survey Dates	28 th April 2026: UK Habitat Classification Survey 28 th April 2026: Daytime Bat Walkover		
Document History			
Author	Lauren Scudder, BSc (Hons), Cert Ecol	EHM Ltd	16/06/2026
Reviewer	Adam Cheeseman, Nat. Dip (Dist.), Cert Ecol	EHM Ltd	24/06/2026
Issued	Paul Green	EHM Ltd	24/06/2026
Life Span of Report	This report and survey data remains valid for 12 months from date of issue, following standing advice from CIEEM ¹ . The report, conclusions and recommendations are valid for current development plans only. Should these change, the report should be reviewed and, if necessary, further survey work and desk study review undertaken.		

¹ Chartered Institute of Ecology and Environmental Management (2019) *Guidance Note: On the lifespan of ecological reports and surveys*. CIEEM: Winchester.

Non-Technical Summary	
Purpose of Report	To provide an assessment of the site reporting on the current conditions of the habitats present and their potential to support protected and notable species. To advise on further survey work and mitigation or avoidance measures likely to be required, as well as opportunities to deliver ecological enhancements.
Assessment Methods	A UK Habitat Classification Survey and Protected Species Risk Assessment were conducted on the 28th of April 2026. The results of the field survey were supported by a desk study, which included a data search for records of protected sites, habitats and species within a 1-kilometre radius of the application site provided by the Sussex Biodiversity Record Centre on the 26th of May 2026, and a review of relevant online resources.
Ecological Constraints	The key ecological constraints associated with this application are: ○ The presence of priority deciduous woodland within 200m of the site; ○ Suitable habitat present for tree roosting, commuting and foraging bats; ○ Suitable habitat present for opportunistic, other terrestrial mammals; ○ The identification of the site as within a red impact risk zone for GCN; and, ○ Suitable habitat present for nesting birds.
Further Surveys and Assessments	Roosting Bats: The main barn has been assessed to have a low bat roost suitability and will be directly impacted by the proposed developed as it will be converted. Therefore, further surveys are required to confirm the presence or likely absence of bat roosts within this building. Following good practice guidelines, at least one emergence survey is required to determine the presence or likely absence of bats within buildings that have a low bat roost suitability. This survey should be carried out during the optimal bat survey season (May to August, inclusive). Great Crested Newts: The GCN IRZs have indicated that within the zone the site lies in, highly suitable habitat for GCN is present and GCN are likely to be present. As such, an applicant must demonstrate that their proposal poses no risk to GCN or submit an assessment of the risk to GCN and set out any measures which they propose to take to safeguard against significant risks and compensate for any impacts. This can be undertaken through the District Level Licensing route or standard approaches to compensation and licensing. Birds: If vegetation clearance must be carried out during the bird nesting season (typically the 1st of March to the 31st of August), a nesting bird survey should be carried out to identify the presence/absence and location of any nesting birds. This can then be used to better advise mitigation measures prior to the works on site. Full details of the recommendations can be found in Section 4.2.
Mitigation Measures	Mitigation measures have been recommended to minimise and avoid impacts on retained habitats and species in Section 4.3. Additional mitigation measures for roosting bats, GCN, and nesting birds may be required following the findings of recommended further surveys, where applicable.
Ecological Enhancement Opportunities	Opportunities for ecological enhancements include native planting, bat and bird boxes, hedgehog access fencing, log piles and compost heaps. Additional enhancement measures may be identified following the findings of recommended further surveys.

1 Introduction

EHM Ltd has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) at a plot located in Copsale, West Sussex, RH13 6QR, which is hereafter referred to as the 'site'. This report will provide an assessment of the site reporting on the current conditions of the habitats present and their potential to support protected and notable species.

1.1 The Proposed Development

In accordance with the development proposals provided, the proposed development is understood to involve the conversion of an existing barn and the construction of a new driveway.

It is understood that the access route to the proposed development will be provided via an existing entrance off Polecat Lane.

1.2 The Application Site

The site, as defined by the red 'development' line boundary, is roughly rectangular in shape, covering an area of approximately 0.24ha. It is comprised of grassland, an equestrian stable yard and barns. Pedestrian and vehicular access is provided by a driveway off Polecat Lane, in the northeast corner of the site.

The site is located in a small community which contains similar sized properties (to the proposed). The local landscape is best described as semi-rural in nature, with large pockets of woodland and agricultural fields dominating the immediate area surrounding the site and residential areas within the wider surroundings. Wildlife corridors are present within the local landscape through grassland and woodland edges and linear features such as watercourses and hedgerows. However, main roads and impermeable boundaries such as solid fencing and walls fragment habitats and large areas of grassland are either managed to maintain a short sward length or managed for agricultural purposes. The centre of Horsham, the closest town, is approximately 6km north of the site.

The site (as shown in figure 1) is in Copsale, West Sussex and is approximately centred on Ordnance Survey (OS) National Grid Reference; TQ 17032 25489. Locations of broad habitats on the site are shown in Appendix 1.

1.3 Aims of PEA

The aim of this PEA is to:

- Identify the likely ecological constraints associated with a project.

- Identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy'.
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA).
- Identify the opportunities offered by a project to deliver ecological enhancement.

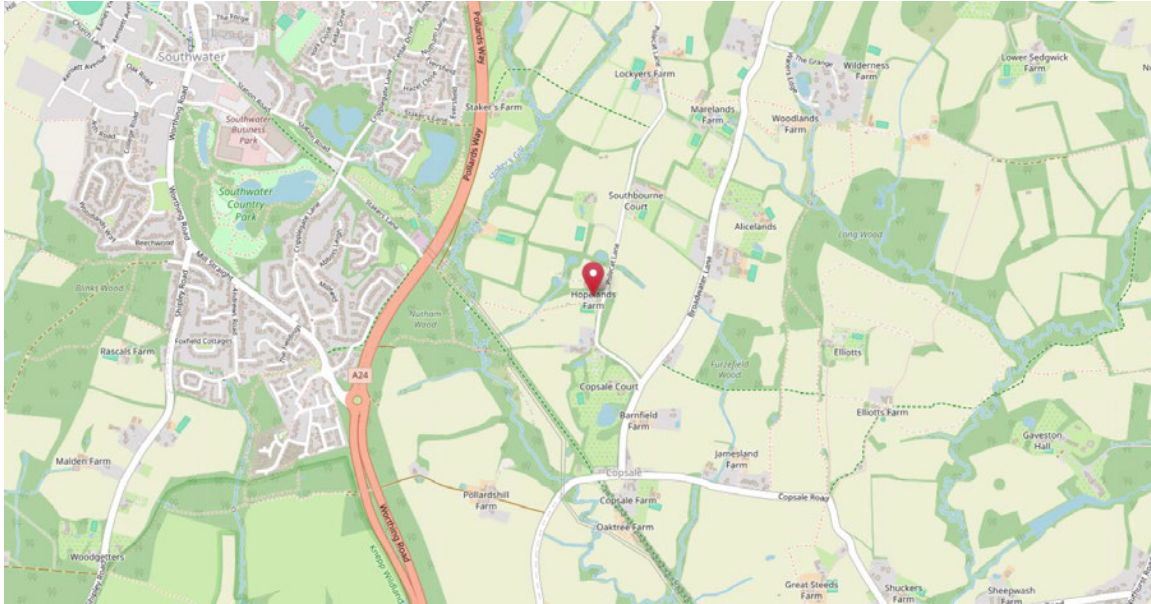


Figure 1: Location of the site. Map data from OpenStreetMap².

² www.openstreetmap.org/copyright

2 Methodology

2.1 Site Visit

EHM Ltd undertook a site visit on the 28th of April 2026. This was to carry out a walk over of the site, determining the basic habitats present and their current condition. The potential for these habitats to support protected and notable species was also recorded. This ecological survey and assessment were confined to land within the red line boundary, which delineates the development boundary (see Appendix 2). This boundary defines the area subject to habitat mapping, condition assessment, and evaluation. Land outside the red line boundary, including areas within the wider landholding (blue line boundary) was not surveyed in detail but may be referenced for contextual purposes where relevant.

The site visit was carried out by an experienced professional who is able to appropriately identify habitats and assess their quality and suitability to support species. Field survey conditions were as follows:

Date	Survey Type	Survey Timings		Temperature (°C)		Rain	Wind (Beaufort scale)
		Start	Finish	Start	Finish		
28/04/2026	Phase 1 Habitat	11:20	13:00	12	13	None	3

Table 1: Field survey conditions.

Habitats within the survey area were classified using the UK Habitat Classification (UKHab) system (UKHab, 2020), a standardized framework for recording habitats across the UK. The UKHab system allows for consistent habitat identification using a hierarchical coding structure, with habitats typically recorded to Level 4 where possible to ensure adequate detail.

During the field survey, habitats were mapped as polygons or linear features and assigned UKHab codes based on their floristic composition, structure, and management. Target notes were used to provide additional detail on habitat condition, notable species, and ecological features of interest. The use of UKHab supports alignment with current best practice and facilitates integration with Biodiversity Net Gain (BNG) assessments.

2.2 Protected Species

The following evidence of protected species or habitats to support them was assessed.

[REDACTED]

[REDACTED]



Bats

The site was assessed for its potential to support:

- Roosting bats
- Foraging and commuting bats.

Features which could indicate a potential bat roost include:

- Holes and fissures in trees
- Gaps in buildings that could allow access to areas such as roof voids, e.g., holes in soffits, broken, loose, or missing tiles, damaged lead flashing, etc.

The methodology for assessing bat roost potential followed that recommended by the Bat Conservation Trust³.

Breeding birds

The site was assessed for its potential to support nesting and breeding birds, considering factors including sufficient habitat cover and food sources.

Dormice

The site was surveyed for suitable dormouse habitat, such as the presence of a well-connected understorey broadleaf habitat, and suitable food sources such as hazel, oak and other nut-bearing trees, fruiting trees and shrubs, flowers and invertebrates. Where hazel nut shells were found, these were inspected for evidence of dormouse feeding.

Aquatic mammals

Aquatic habitats were assessed for their potential to support aquatic mammals such as Otter or water vole. Signs including footprints, droppings and evidence of feeding were searched for.

Reptiles

³ Collins, J. (ed) (2016). Bat Surveys for professional Ecologists; Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

The site was assessed for its potential to support reptile populations. Suitable habitat for reptiles includes long grass, scrub, woodland and hedgerow borders and wood/rubble piles that act as hibernacula.

Amphibians

Any aquatic habitat was assessed for its potential to support amphibian species, including Great Crested Newts. Any ponds on site were assessed, using the Habitat Suitability Index, for its potential to support Great Crested Newts. Terrestrial habitat was also assessed for its ability to support amphibians.

Other species

The site was assessed for its potential to support other notable species.

2.3 Desktop Study

In conjunction with the site visit a report was compiled of relevant ecological records within 1km of the site. This provided details of protected and notable species in the area which will help inform the potential of the site to support such species. The report from the Sussex Biodiversity Record Centre also provides details of protected sites within a 1km radius of the site. The Multi-Agency Geographical Information for the Countryside (MAGIC) map was also reviewed for additional relevant protected species and habitat information.

2.4 Limitations

Records of priority and legally protected species supplied by the local records centre are limited by the availability of records submitted to the local records centre and so may not account for all species potentially present within the site or locally. This limitation has been addressed through undertaking a Protected Species Risk Assessment of the habitats found within the site, which took account of the general geographical distributions of priority and protected species when assessing the suitability of the habitats present.

The contents of the site visit are limited by a single visit. The availability of flowering plants for recording is variable, and they can often be obscured from view by occurring in less accessible areas or by other plants. Every effort has been made to find and record all species, including non-native plant species, within the site. Despite best efforts, recording of every species cannot be guaranteed.

This ecological survey is limited by factors which can affect the presence of flora and fauna, including the season in which the survey is carried out, behaviour and migration patterns. This limitation has been addressed by taking a precautionary approach to the assessment, with recommendations provided for further survey work and/or mitigation measures where appropriate.

2.5 Relevant Legislation and Planning Policies

A full list of UK wildlife legislation and designations can be seen in the appendix. Relevant legislation implications for this site include:

- The Conservation of Habitats and Species Regulations 2010 (as amended)
- The Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act 2000
- The Natural Environment and Rural Communities Act (NERC Act) 2006

Planning policies, both local and national, may affect any proposed development. Relevant planning policies to this development include:

- National Planning Policy Framework (NPPF)

3 Baseline Ecological Conditions

3.1 Designated Sites

Statutory and Non-Statutory Designated Sites

Statutory protected areas are not present within the site. Details regarding the statutory designated sites within the desk study area, along with the reasons for their designation and location in relation to the development site are provided in the table below. Locations are taken from the closest point of the site to the priority habitat parcel.

Site Name	Designation	Reasons for Designation	Location in Relation to the Site
Southwater	Country Park	Southwater Country Park is a 36ha site created from a former brickworks. 'The Quarry' is managed for nature conservation and supports wildlife including kingfishers, lizards and various dragonfly and butterfly species.	535m northwest

Table 2: Statutory designated sites within the desk study area.

Additionally, the site is situated within a Site of Special Scientific Interest Impact Risk Zone (SSSI IRZ). Using the Natural England Impact Risk Zone for Sites of Special Scientific Interest Advice website, the SSSI IRZs indicate that at the location selected, the proposed development is unlikely to have a harmful effect on terrestrial SSSIs and the Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Therefore, for the proposed development, consultation with Natural England is not required.

Given the small-scale nature of the development and the distance between the site and Southwater Country Park, statutory designated sites are not considered to be a potential constraint to the proposed development, and therefore no recommendations for further surveys, mitigation or avoidance measures are required.

Non-statutory protected areas are not present within the site. Details regarding the non-statutory designated sites within the desk study area, along with the reasons for their designation and location in relation to the development site are provided in the table below. Locations are taken from the closest point of the site to the priority habitat parcel.

Site Name	Designation	Reasons for Designation	Location in Relation to the Site
The Downs Link, Nutham Wood & Greatsteeds Farm Meadow	Local Wildlife Site (LWS)	This site follows a former railway line southeast of Southwater. It provides a connected corridor of deciduous and ancient woodland, supporting notable plant species such as bluebell and toothwort, alongside a tributary of the River Adur that enhances habitat connectivity. It also includes areas of species-rich lowland meadow grassland, increasing its overall biodiversity value.	315m southwest
Southwater Country Park Complex	Local Wildlife Site (LWS)	This site comprises two adjoining areas with a mosaic of open water, grassland, woodland and wetland habitats. It supports notable species including breeding reed warbler, wintering wildfowl, a range of dragonflies, amphibians such as great crested newt, and diverse butterflies and reptiles. The site also includes species-rich grassland, areas of ancient woodland with diverse ground flora, and Quarry Pond, which supports notable invertebrates including white-legged damselfly.	535m northwest
Copsale Road	Designated Road Verge	Designated roadside verges provide opportunities for many important species or wildflowers, insects and other animals.	950m southeast

Table 3: Non-statutory designated sites within the desk study area.

Given the small-scale nature of the development and the absence of non-statutory designated sites within 200m of the site, non-statutory designated sites are not considered to be a potential constraint to the proposed development, and therefore no recommendations for further surveys, mitigation or avoidance measures are required.

Priority Habitats within the Site

Priority habitats are not present within or immediately adjacent to the site boundary.

Therefore, as priority habitats are absent within and adjacent to the site, priority habitats are not considered to be a potential constraint to the proposed development, and therefore no recommendations for further surveys, mitigation or avoidance measures are required.

Priority Habitats within the Desk Study Area

Priority habitats within the study area consist of ancient woodland and deciduous woodland. Details about these habitats are provided in the table below. Locations are taken from the closest point of the site to the priority habitat parcel.

Site Name	Habitat Type	Location in relation to the site
Alder Coppice	Ancient & Semi-Natural Woodland	370m southwest
Stakers Wood	Ancient & Semi-Natural Woodland	375m west
Nuthorn Wood, Upper Lag	Ancient & Semi-Natural Woodland	425m southwest
N/A	Ancient & Semi-Natural Woodland	445m northwest
East Mead, West Mead, Great Limekiln Field	Ancient & Semi-Natural Woodland	580m northwest
N/A	Ancient & Semi-Natural Woodland	580m east
Butlers Gill	Ancient & Semi-Natural Woodland	770m northwest
N/A	Ancient & Semi-Natural Woodland	960m northwest
N/A	Deciduous Woodland	35m west
N/A	Deciduous Woodland	70m northeast
N/A	Deciduous Woodland	90m northeast
N/A	Deciduous Woodland	260m south
N/A	Deciduous Woodland	295m southwest
N/A	Deciduous Woodland	405m southeast
N/A	Deciduous Woodland	325m southeast
N/A	Deciduous Woodland	530m northwest
N/A	Deciduous Woodland	580m northwest
N/A	Deciduous Woodland	590m northwest
N/A	Deciduous Woodland	600m south
N/A	Deciduous Woodland	890m south
N/A	Deciduous Woodland	900m northeast
N/A	Deciduous Woodland	920m southwest

Table 4: Priority habitats within the desk study area.

Due to the presence of deciduous woodland within 200m of the site, there is potential for the development to have a harmful effect on priority habitats. Therefore, priority habitats are

considered to be a potential constraint to the proposed development, and recommendations for avoidance and mitigation measures are provided in Section 4.

3.2 Other Habitats

Descriptions of the habitat types recorded within the site during the UK Habitat Classification Survey are provided in the table below. The primary habitat types are shown on the habitat map within Appendix 1. Where appropriate, ecological features within the site are noted on the habitat map as target notes. Photographs of the habitats are provided in Appendix 2.

Primary Habitat Type	Essential and Additional Secondary Codes	Description
g4: Modified grassland	103: Horse grazed	The site largely consisted of modified grassland which is grazed by horses. This vegetation was species poor (<9 species per m ²) and was characterised by species associated with high fertility. Species comprised perennial ryegrass (D), common daisy (A), white clover (F), creeping buttercup (F), Yorkshire fog (O), common dandelion (O), common nettle (R) and broad-leaved dock (R).
u1b5: Buildings	833: Barn	A building with wooden cladding, a pitched, tiled roof and windows was present within the site boundary. This building is not currently used for residential use but is used as storage. Solar panels were also present on one side of the roof.
u1b6: Other developed land.	833: Barn	A set of timber stables and an additional open-sided barn were present within the site boundary. These structures are primarily used for housing horses and for general storage. Three areas of hardstanding were present around the stables and around the secondary entrance to the site.

u1e: Built linear features	612: Fence	A post and rail fence was present to create subsections of grass areas. Sections of fencing was electrified.
u1f: Sparsely vegetated urban land	N/A	A permeable access track which comprised of compacted bare ground with sparse vegetation was present.

Table 5: Habitats within the site.

The habitats on site are common throughout the local area. Some of the habitats present on site have potential to support protected and notable species.

Recommendations for avoidance and mitigation measures are provided in Section 4 to prevent any negative effects on habitats that have potential to support protected and notable species within the site.

3.3 Protected Species Assessment

The following assessment considers the information from the desktop study as well an assessment of the habitats on site and their potential to support protected and notable species.

Bats

All bat species in the UK eat insects and forage along habitats such as hedgerows, woodlands, grasslands and waterways⁴. Bats use woodland edges, hedgerows, rivers and other linear features like tree-lined footpaths as corridors to commute from one area of countryside to another⁵.

The information supplied by the Sussex Biodiversity Record Centre provided eleven records of six species of bat found within 1km of the site: serotine, myotis bat, Bechstein's bat, noctule, Nathusius's pipistrelle, common pipistrelle and brown long-eared bat. The records also provided records of the following: Myotis bat, pipistrelle and long-eared bat species. Therefore, it is possible that additional species have been recorded.

Woodland parcels, agricultural pasture fields bound by hedgerows, mature trees and watercourses have been identified in the local area by the desk study. Bats could use these habitats to forage and commute across the local and wider landscape. The habitats within the site are of limited value for bat foraging and commuting. However, habitats adjacent to the site boundary include linear features formed by mature trees, which connect to woodland and other

⁴ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/foraging-habitats>

⁵ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/commuting-habitats>

suitable habitat beyond the site. These features are likely to provide commuting and foraging opportunities and contribute to connectivity within the local landscape. Therefore, commuting and foraging bats are considered likely to use habitats along the site boundaries.

Buildings are known to provide suitable roosting opportunities for a number of bat species⁶. The site contained one building and two ancillary features, stables and an open-sided barn, all of which were subject to a Daytime Bat Walkover (DBW). No bats or bat evidence were recorded during the DBW. The barn due to be converted was assessed as having a low suitability to support roosting bats. Both ancillary features were assessed as having a negligible suitability to support roosting bats.

Trees were absent from the site and therefore roosting opportunities within trees are not provided by the site. The trees adjacent to the site boundary, where accessible, were assessed for any Potential Roost Features (PRFs). The bat conservation trust provides information regarding features that may be present in trees that bats could potentially use for roosting⁷. Several mature trees were found to contain PRFs, including cracks, holes, splits, cavities, loose bark and dense ivy cover. Whilst these trees are not anticipated to be directly affected by the development, it will be important to ensure that potential roosts are not disturbed during construction or post-development, including through the implementation of sensitive lighting strategies.

Due to the presence of suitable roosting features within a building due to be converted as part of the development, the identification of potential roosting features adjacent to the site boundary and the identification of suitable commuting and foraging habitat, bats are considered a potential constraint to the proposed development and recommendations for further surveys, mitigation, avoidance and compensation measures are provided in Section 4.

[REDACTED]

⁶ Bats and Buildings. Bats and the Build Environment Series. Bat Conservation Trust. January 2012.

⁷ http://www.bats.org.uk/pages/bat_roosts.html#TreeRoosts

movement. Adjacent tree lines are also considered to offer only limited commuting and foraging opportunities in the vicinity of the site, due to disturbance associated with frequent public use and the presence of nearby main roads.

[REDACTED]

[REDACTED]

Hazel Dormouse

The information supplied by the Sussex Biodiversity Record Centre provided four records of hazel dormouse within the desk study area. These all occurred on the far side of the A24, located approximately 900m northwest, 1km southwest and 1.1km northwest of the site, in 2016, 2023 and 2018 respectively. Major roads separate the confirmed records from the site.

Across its range, dormice prefer the successional stage of woody vegetation; this is the new growth that arises after woodland management such as coppicing, ride widening, thinning or glade creation. They may also occur in scrubby habitat⁸.

The desk study identified woodland parcels and hedgerows which may potentially support hazel dormice, however their suitability is unknown. The adjacent tree line lacks the species composition and structural diversity required to provide suitable habitat for this species.

Field signs of hazel dormice were not identified. Habitats within the site do not provide suitable opportunities for hazel dormice, as the site comprises grazed grassland and buildings and lacks the woody vegetation and structural diversity required by the species.

Due to the likely absence of hazel dormice from within the site, hazel dormice are not considered to be a potential constraint to the proposed development and therefore no recommendations for further surveys, mitigation or avoidance measures are required.

⁸ <https://ptes.org/get-informed/facts-figures/hazel-common-dormouse-muscardinus-avellanarius/>

Riparian Mammals

The information supplied by the Sussex Biodiversity Record Centre did not provide records of water vole. Otter records are kept confidential by the Sussex Biodiversity Record Centre and therefore absence of records cannot be used to infer the absence of otters from the local area.

The desk study has identified the closest watercourse to be Staker's Gill, located approximately 360m west of the site. Whilst otters are typically associated with large rivers, smaller waterways may occasionally be used to commute or forage. Field signs of riparian mammals were not identified.

The habitats on site are considered unsuitable for riparian mammals because the site lacks any wetland or watercourse features and instead comprises grazed grassland, offering no suitable foraging, commuting or resting opportunities.

Due to the likely absence of riparian mammals within the site, riparian mammals are not considered to be a potential constraint to the proposed development and therefore no recommendations for further surveys, mitigation or avoidance measures are required.

Other Mammals

The information supplied by the Sussex Biodiversity Record Centre provided seven records of hedgehog, one record of polecat, one record of ferret and one record of rabbit, with the latest occurring in 2021, 2022, 2015 and 2014 respectively.

The desk study has identified woodland parcels, hedgerows and grassland, all of which could support other mammals through providing foraging, commuting and resting opportunities.

Habitats within the site comprise grassland that is considered to provide limited potential for foraging, commuting and resting mammals due to grazing pressure, which has resulted in low species and structural diversity. However, the site is connected to habitats with greater suitability for mammals, and, as a result of this connectivity, it is possible that small numbers of individuals may forage or commute across the site on occasion.

Whilst European rabbits are not European protected species, they are protected under UK wildlife legislation which protects wild mammals from unnecessary cruelty and suffering. Additionally, hedgehogs, polecat and ferret, priority species under Section 41 of the NERC Act, may interact with the site on occasion. Recommended mitigation measures to avoid adverse effects to these species and other mammals are provided in Section 4.

Reptiles

The information supplied by the Sussex Biodiversity Record Centre provided four records of slow-worm, four records of grass snake and one record of common lizard, with the latest

occurring in 2013, 2014 and 1988 respectively and the closest occurring in 750m west, 520m northeast and 960m northwest respectively.

The desk study has identified woodland parcels, grassland and hedgerows which could support reptiles through providing commuting, foraging, basking and resting opportunities.

Habitats within the site comprise grassland that is considered to provide limited potential for commuting, foraging, basking and resting reptiles due to grazing pressure, which has resulted in poor structural diversity. Habitats linked to the site through ecological connectivity provide a greater suitability for reptiles, and whilst reptiles are unlikely to interact with the site, they are likely to be present within the local area.

Due to the likely absence of reptiles within the site, reptiles are not considered a potential constraint to the proposed development and no recommendations for further surveys are required. However, precautionary measures to protect these species and recommendations that would benefit these species are provided in Section 4.

Amphibians

The information supplied by the Sussex Biodiversity Record Centre provided one record of common toad, four records of palmate newt, three records of smooth newt, two records of common frog and nine records of great crested newt (GCN), with the most recent record occurring in 2002, 2019, 2019, 2002 and 2019 respectively. The closest GCN record occurred approximately 465m southeast of the site, where two female GCN were found during a bottle trapping survey.

The desk study has identified eight ponds within 250m of the site, the typical migratory range of GCN from a waterbody⁹. Main roads and residential areas separate two of these waterbodies from the site.

Additionally, the desk study identified that the site is located in Natural England's "Red Impact Risk Zone" for great crested newts. Red zones contain highly suitable habitat for GCN and are the most important areas for GCN. Magic Map was also consulted for any granted EPS licences within 1km of the site and zero were returned.

Aquatic habitat is not present within the site and does therefore not provide opportunities for amphibians during the aquatic stage of their lifecycle. The site consisted of grazed grassland or

⁹ Cresswell, W. & Whitworth, R., 2004. An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt *Triturus cristatus*: English Nature Research Report 576. Peterborough: English Nature.

developed land and is therefore unsuitable to support GCN and other more common amphibian species during the terrestrial stage of their lifecycle. Habitats linked to the site through ecological connectivity provide a greater suitability for amphibians during both their aquatic and terrestrial stages of their lifecycle, and whilst amphibians are unlikely to interact with the site, they are likely to be present within the local area.

Due to the identification of a red impact risk zone, great crested newts are considered a potential constraint to the proposed development and recommendations for further assessments are provided in Section 4.

Birds

The information supplied by the Sussex Biodiversity Record Centre provided many records of sixty-six protected and notable bird species, many of which are listed on Schedule 1 of the Wildlife and Countryside Act, 1981 (as amended). Records included, but were not limited to, the following species: red kite, honey buzzard, osprey, barnacle goose, smew, little egret, white stork, kingfisher and peregrine.

Habitats within the site comprise grazed grassland and buildings which are considered to provide limited foraging opportunities for birds. Three bird boxes were present within the open-sided barn and, although they were not in use at the time of the site visit, the landowners reported that they had been used in previous seasons. These, along with other buildings could provide suitable nesting opportunities for low numbers of small nesting birds, such as wood pigeons, wrens, blackbirds and robins.

Due to the presence of suitable habitats within the site there is potential for nesting birds. Therefore, birds are considered to pose a potential constraint to the proposed development and recommendations for mitigation and avoidance measures are provided in Section 4.

Plants

The information supplied by the Sussex Biodiversity Record Centre provided records of thirteen protected or notable plant species. These species are largely associated with ancient woodland indicator species, such as bluebell, wood-sorrel and wild strawberry.

No protected species were identified during the field survey and considering the habitats on site, the presence of protected plant species is considered unlikely.

Due to the likely absence of protected plant species, plants are not considered a potential constraint to the proposed development and no recommendations for further surveys, avoidance or mitigation measures are recommended.

Invertebrates

The information supplied by the Sussex Biodiversity Record Centre provided records of twenty-three protected or notable invertebrate species, including, but not limited to: stag beetle, small heath, white admiral, brown hairstreak and wasp spider.

Habitats within the site are considered to provide limited opportunities for foraging, commuting and nesting invertebrates due to the current management practices used. Protected species, or signs of them, were not identified during the field survey.

Due to the likely absence of protected and notable invertebrates, invertebrates are not considered to be a potential constraint to the proposed development, and no further surveys, avoidance or mitigation measures are recommended. Opportunities for enhancement are provided in Section 4 that would benefit these species.

3.4 Invasive Non-Native Flora and Fauna

Invasive Non-Native Flora

The information supplied by the Sussex Biodiversity Record Centre provided records of the following species listed under Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended): Franchet's cotoneaster, wall cotoneaster, small-leaved cotoneaster, giant hogweed, Himalayan balsam, garden yellow archangel and Japanese knotweed. It also provided records of the following species listed as invasive non-native species in Sussex: least duckweed, winter heliotrope and cherry laurel.

Invasive non-native plant species were not encountered during the UKHab Survey.

Therefore, due to their likely absence, invasive non-native plant species are not considered a potential constraint to the proposed development, and no further surveys, avoidance or mitigation measures are recommended.

Invasive Non-Native Fauna

The information supplied by the Sussex Biodiversity Record Centre provided records of the following species listed under Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended): mandarin duck, Egyptian goose, bar-headed goose, Canada goose, barnacle goose, black swan, red-crested pochard, American mink and grey squirrel.

The grey squirrel was encountered during the UKHab survey, however, as the grey squirrel is considered a naturalised species and there is no formal effort to control population numbers, no further recommendations are provided.

No other non-native fauna was recorded during the UKHab survey.

Due to their likely absence or no ongoing conservation efforts to control now naturalised species, invasive non-native fauna species are not considered a potential constraint to the proposed development, and no further surveys, avoidance or mitigation measures are recommended.

4 Constraints and Opportunities

4.1 Key Ecological Constraints

Based on the findings of the desk study and the site surveys, the main ecological constraints to the proposed development are as follows:

- The presence of priority deciduous woodland within 200m of the site;
- Suitable habitat present for tree roosting, commuting and foraging bats;
- Suitable habitat present for opportunistic, other terrestrial mammals;
- The identification of the site as within a red impact risk zone for GCN; and,
- Suitable habitat present for nesting birds.

4.2 Further Surveys & Assessments

Considering the findings of the desk study and the site surveys, the following further surveys are required to determine the presence or likely absence of protected species within the site prior to the determination of this application:

Roosting Bats

The main barn has been assessed to have a low bat roost suitability and will be directly impacted by the proposed development as it will be converted. Therefore, further surveys are required to confirm the presence or likely absence of bat roosts within this building.

Following good practice guidelines, at least one emergence survey is required to determine the presence or likely absence of bats within buildings that have a low bat roost suitability. This survey should be carried out during the optimal bat survey season (May to August, inclusive).

Great Crested Newts

The GCN IRZs have indicated that within the zone the site lies in, highly suitable habitat for GCN is present and GCN are likely to be present. As such, an applicant must demonstrate that their proposal poses no risk to GCN or submit an assessment of the risk to GCN and set out any measures which they propose to take to safeguard against significant risks and compensate for any impacts. This can be undertaken through the District Level Licensing route or standard approaches to compensation and licensing.

Nesting Birds (if necessary)

Should removal or alterations be required on any of the buildings during the nesting bird season (typically the 1st of March to the 31st of August), a bird breeding survey would be required, prior to any alterations or removal.

If any active nest sites were to be identified, a suitable exclusion zone would have to be established until all the chicks have fledged the nest.

4.3 Avoidance, Mitigation and Compensation Measures

The following measures are required to avoid or minimise any potential effect on any important ecological features, such as designated sites, legally protected species and non-native invasive species.

Priority Habitats outside the Site

Measures to avoid/minimise potential habitat degradation during the construction phase of the development include:

- Suppression and monitoring of dust where relevant.
- Control sources of aquatic pollution, particularly from entering local water courses or ground water.
- All proposed work must strictly be in accordance with all relevant Pollution Prevention Guidelines (PPG) published by the Environment Agency which may include but is not limited to PPG1 (general), PPG5 (works in, near, or liable to affect watercourses) and PPG6 (work at construction & demolition sites). Contingency plans should be drawn up to address chemical spillage, collision, etc.

Protection of Retained Mature Trees

Measures to ensure that all trees adjacent to the proposed development are protected include:

- An arboriculturist should be instructed to produce an assessment and a tree protection plan, compliant with BS5837, and all recommendations by the arboriculturist should be followed.
- Clearly mark and fence off all tree protection zones (TPZs) to prevent damage.
- Prevent machinery from entering any root protection zones and when not in use it should be stored well away from TPZs, ideally on hard standing areas.

Bats

A sensitive lighting scheme should be incorporated into the final design to protect edge habitats and any newly created habitats on site. To protect potential roost or bat foraging/commuting habitat in the area it will be important to;

- Avoid illuminating the wider habitats on site, particularly the woodland, at dusk or night-time – Guidelines provided by the Bat Conservation Trust and ILP should be followed¹⁰.
- Limit work to daylight hours.
- Limit noise disturbance and other forms of pollution such as dust.
- Maintain the wider habitats on site.
- Lighting should also be considered post-development with any external lighting positioned so as not to illuminate potential foraging or commuting habitats.

Nesting Birds

To ensure breeding birds are not impacted by any project works, any vegetation or buildings that require removal should be removed outside of the breeding bird season, which typically is the 1st of March to the 31st of August.

If removal is required during the nesting bird season the area should be subjected to a bird breeding survey by an experienced ecologist, prior to any works commencing. If there are any nest sites located within the work area a suitable exclusion zone will have to be established until the chicks have fledged the nest (see Section 4.2).

Management of Work Areas

Measures to ensure the protection of species which may commute across or interact with the site on occasion include:

- To prevent species becoming trapped in open earth works or excavations that are to be left overnight, they should either be covered over or a board placed securely within the excavation that allows access from the bottom of the excavation to the ground level to provide a means of exit.
- The works area should be fenced off during the construction phase to discourage large mammals from entering the site.
- All excavations and trenches should be inspected each morning before works commence.

- [REDACTED]
- In the unlikely event that a suspected GCN is found on site, works should cease, and a qualified ecologist must be contacted. Works should not restart until an appropriate mitigation strategy is in place and the appropriate licencing requirements obtained.

¹⁰ <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

- In the unlikely event that a reptile is seen, then works should stop until an appropriate mitigation strategy can be agreed and implemented.
- If an amphibian is found (aside GCN) trapped on site, the amphibian should be safely removed and allowed to disperse within suitable habitat that has connectivity to wider habitats.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- If pipework (over 120mm in diameter) is stored on site, the ends should be covered and inspected before use.
- Chemicals must be stored in a secure/bunded container to avoid disturbance by wildlife.
- The construction site should be kept tidy and where reasonably practical keep building materials off the ground to prevent the creation of hibernacula/refugia.
- In the unlikely event that a burrow entrance of a mammal that could be of a suitable size [REDACTED] is discovered within the immediate area of the development the following actions should be taken:
 - Works must cease and an ecologist consulted.
 - A suitable buffer of at least 30m established and clearly marked [REDACTED]
[REDACTED] If this is not possible the professional judgement of the ecologist should be consulted to determine a suitable buffer.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- If any rabbit or fox burrows are found within the immediate area of the development, they should not be tracked over by machinery. If any are to be impacted by the development, they should be dug out with hand tools to prevent unlawful methods of killing, such as those laid out in the Wild Mammals (Protection) Act, 1996.
- All personnel working on the development should remain vigilant for the presence of small mammals such as hedgehogs around any vegetation, debris or stored materials. If found, a reasonable action would be to carefully move an individual to a safe location either within retained habitat on site or off site.

Method Statement for Vegetation Clearance

To ensure the protection of species which may commute across or interact with the site on occasion, any vegetation clearance should be cleared systematically by hand and cut down to ground level in stages (described below). This will allow any wildlife present to leave the work

area safely. This can be done under ecological supervision if that is wanted, although not necessary.

Stage 1 – the vegetation will need to be reduced to a height of 150-200mm using hand tools (e.g., strimmer). It is recommended that cutting works towards retained areas, where there is connectivity to wider habitats. All potential refugia such as log or rubble piles should be removed by hand to outside of work area.

Stage 2 – after a period of at least 24 hours has passed a second vegetation cut should be undertaken to ground level. Again, it is recommended that this second-stage cutting works towards retained areas. All cuttings to be removed from work area. The site can be completely cleared and worked upon as necessary.

4.4 Ecological Enhancement Opportunities

It is understood that a mixed, native species hedgerow consisting of blackthorn, dog rose, field maple and hazel is intended to be planted around a large majority of the site boundary which will benefit a range of wildlife. Additionally, it is understood that ten trees consisting of apple, plum and pear, along with a random mix of spring bulbs around these trees are to be planted in the southeast corner of the site. These will provide benefits to a range of pollinator species.

A number of further enhancements can be made in the event of any relandscaping works on site to help reduce any potential ecological impacts. It is important to utilise native plant species of local provenance in landscaping schemes to enhance the ecological value of the site. A few general enhancements are recommended to be considered when designing the final plan.

Native Planting

It is recommended to use species that are recognised as beneficial to wildlife due to their fruiting, pollinating or nectar producing abilities within any planting/landscaping scheme associated with the proposed development. A list of native plants that can support a range of species can be found on the Royal Botanical Gardens Key website¹¹. Additionally, a list of native trees beneficial for wildlife can be found on the Royal Horticultural Society website¹².

Additional Features

To enhance the local bat population and provide roosting opportunities within the site, it is recommended to incorporate an artificial roost site into the residential plot. This could be an

¹¹ [Native plants for wildlife | Grow Wild | Kew](#)

¹² [Choosing native trees and shrubs / RHS Gardening](#)

integrated bat box, such as the Ibstock enclosed bat box (B and C)¹³ which is easily installed into the interior of a building, as close to the eaves as possible. Or a non-integrated bat box, such as the Schwegler 2FN bat box¹⁴ or the Beaumaris bat box¹⁵, which can be mounted on a pole, building or tree. The correct placement of a bat box is crucial to its successful use by bats. The box should be installed on the south or west elevation if placed on buildings or trees as these elevations will receive the most warmth when bats are most active throughout the summer.

To enhance the local bird population and provide nesting opportunities within the site, it is recommended to incorporate an artificial nest site into the residential plot. This could be an integrated bird box, such as the Ibstock sparrow box¹⁶ which is easily installed into the interior of a building, ideally under the eaves. Or a non-integrated bird box, such as the Woodstone Barcelona - Vivara Pro open nest box¹⁷, which can be installed onto retained or planted trees. The correct placement of a bird box is crucial to its successful use by birds. Bird boxes should be installed 1-3m high, sheltered from weather, not too close to other boxes and away from any bird feeders.

It is also recommended that log piles could be made near areas of retained or created hedgerow or nearby trees. The log piles can be created during site management from leftover wood. Log piles offer shelter for hibernating small mammals and insects, as well as a foraging area for some birds.

Compost heaps can also be formed in areas of retained or created hedgerow or nearby trees. The compost heaps should be placed in sunny, south-facing areas. These can be created during site management or development. Compost heaps offer excellent habitats for reptiles, amphibians and small mammals and invertebrates.

Additionally, to allow hedgehogs to travel between homeowner's private gardens and prevent habitat severance, hedgehog access fencing is recommended in any fencing that is placed. This can be created by creating a 13cm X 13cm hole at the base of the fencing¹⁸ or by installing

¹³ [Bat Box - EcoHabitats](#)

¹⁴ [Schwegler 2FN Bat Box Special Bat Box - Ark Wildlife UK](#)

¹⁵ [Beaumaris Bat Box](#)

¹⁶ [Sparrow & Starling Box - EcoHabitats](#)

¹⁷ [WoodStone® Barcelona Open Nest Box \(Green\) | CJ Wildlife](#)

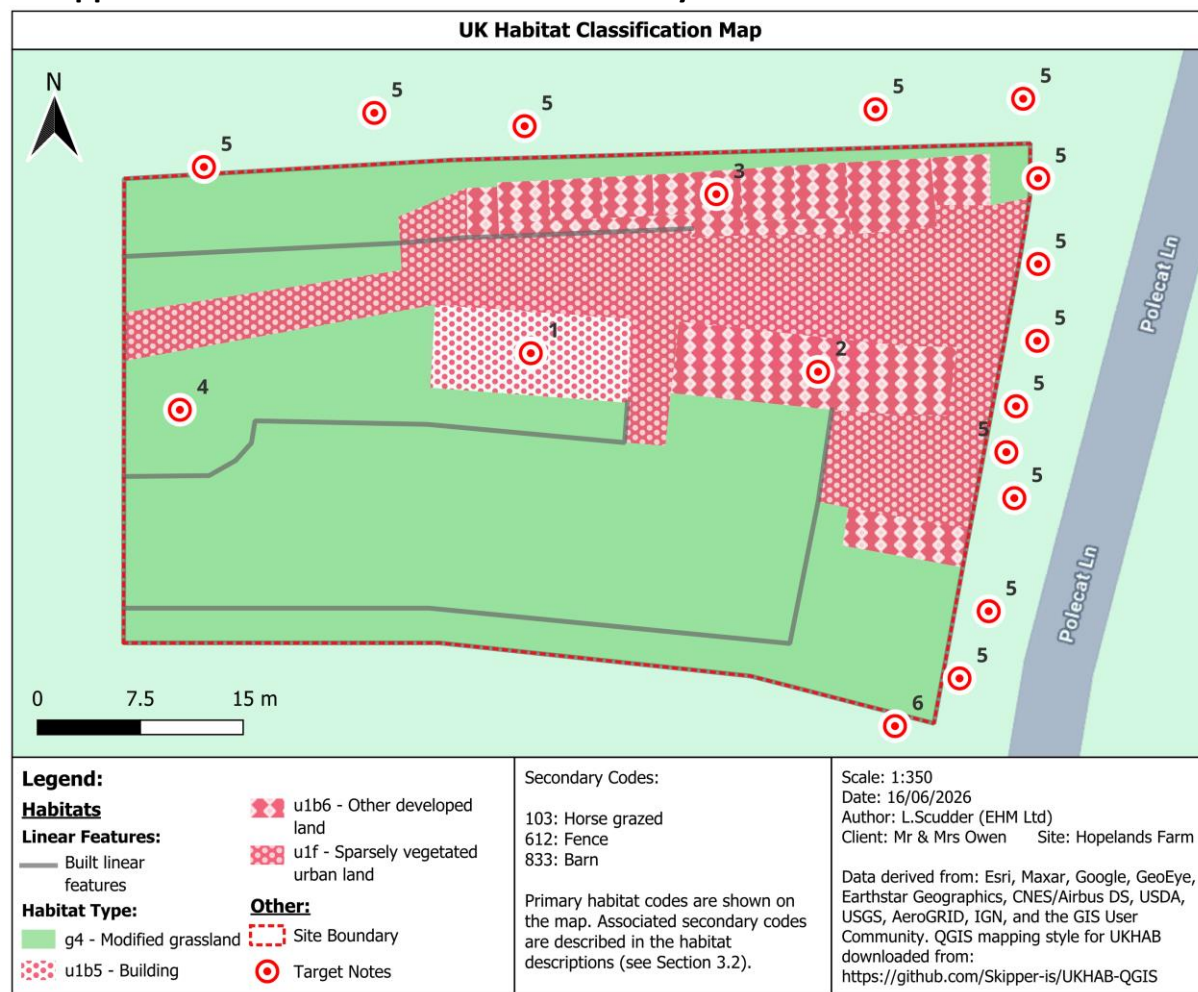
¹⁸ [Link your garden with a hedgehog highway](#)

Hedgehog Gravel Board¹⁹. To ensure these important wildlife corridors are not blocked, small signs can be placed or painted above the hole.

¹⁹ [Hedgehog Concrete Gravel Board - EcoHabitats](#)

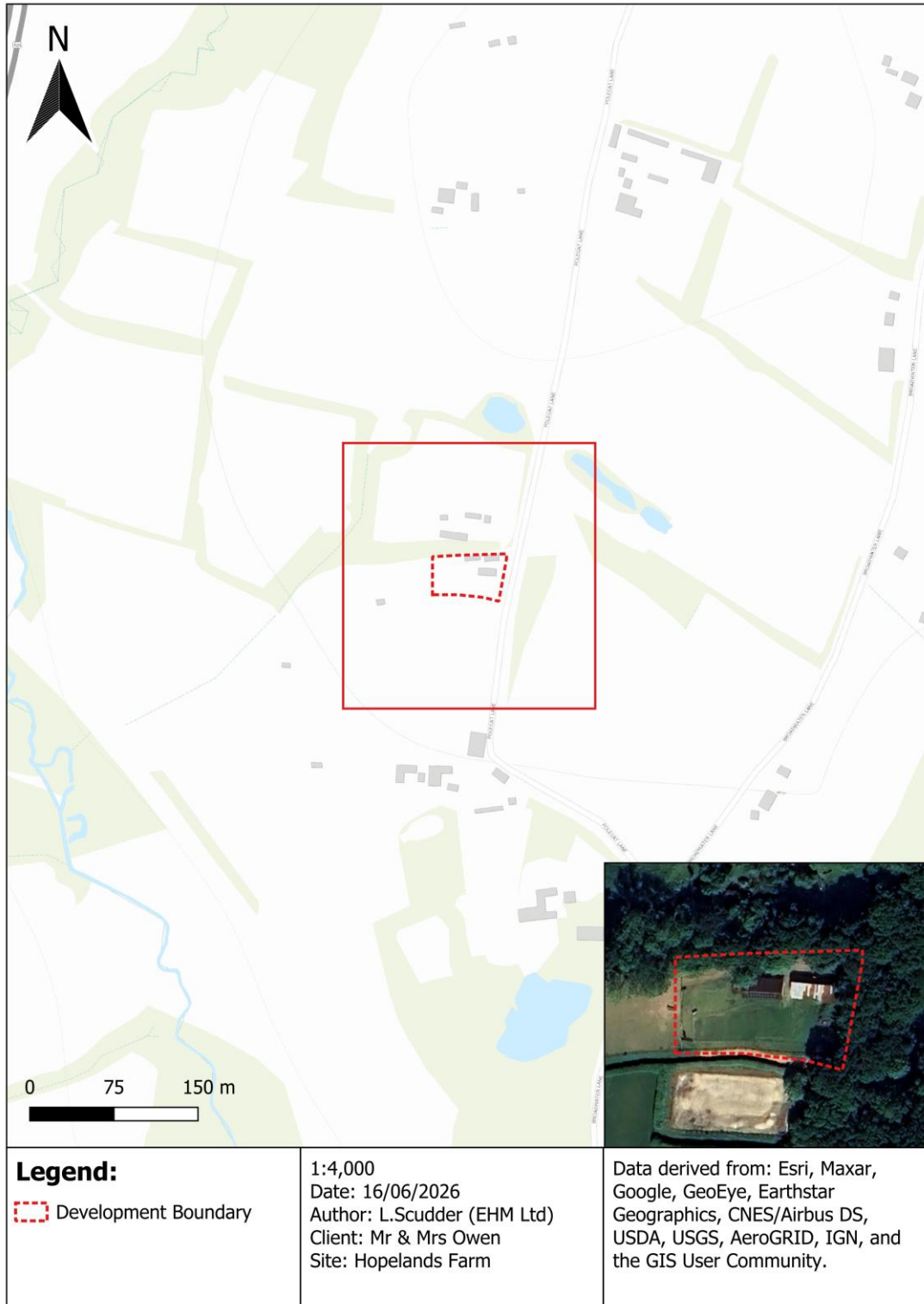
5 APPENDICES

5.1 Appendix 1: UK Habitat Classification Survey Results



Target Note	Details
1	Barn to be converted.
2	Barn to be retained. Contains three bird boxes which were not occupied at the time of the site walkover.
3	A mix of different stables.
4	A touring caravan.
5	Tree outside of the development and landowner's boundary with a low bat roost potential.
6	Tree outside of the development and landowner's boundary with a moderate bat roost potential.

5.2 Appendix 2: Development Proposals – Site Location



5.3 Appendix 3: Photos

	
View of the site from the entrance.	Modified grassland.
	
Barn to be converted.	Barn to be converted.
	
Stables.	Open sided barn to be retained.



Bird boxes.



Secondary access to the site.



Possible entrance for bats on the barn.



Possible entrance on the barn for bats.



Adjacent trees with low bat roost potential.	Adjacent trees with bat roost potential.
	
Adjacent tree with moderate roost potential.	Touring caravan.

5.4 Appendix 4: Daytime Bat Walkover Results

Barn: External Inspection



General Structure: A two-storey barn with a pitched roof.

Building Features: The building had a pitched, tiled roof, incorporating roof-mounted solar panels on one elevation. The walls were formed from horizontal timber cladding, likely fixed to a timber frame, and the structure is set on a low brick plinth. A small number of modern windows with a uPVC-style frames were present within the timber cladding.

Bat Evidence and Potential Roost Features (PRFs): No bats or bat evidence was recorded on the exterior (or interior where accessible). The building has a pitched roof which appeared to be insulated, resulting in limited void space between the roof covering and insulation. However, gaps are present within the open eaves, along with crevices between timber boarding and structural elements at eaves level, which could provide access into the roof void.

Preliminary Assessment: No bats or bat evidence was recorded during the daytime bat walkover, and potential roost features were not identified. This building lacks the extensive features required by large colonies but still features limited crevices or gaps that occasional or individual bats could use to roost. This barn is considered to have a low suitability to support roosting bats.

Open-Sided Barn: External Inspection



General Structure: An open-sided barn with a container inside it.

Building Features: To describe this barn, it can be divided into a series of open-sided bays. The structure comprises a mono-pitched, corrugated sheet roof supported on a timber frame of vertical posts and horizontal beams. The rear and partial side elevations are clad with corrugated sheeting, while the front elevation remains open. The building sits directly on a hardstanding surface.

Bat Evidence and Potential Roost Features (PRFs): No bats or evidence of bats was recorded on the exterior (or interior where accessible). The roof is corrugated metal and there are no visible soffits, loose boards or cavities that would provide secure roosting locations. Additionally, the structural features mean that the barn would lack a constant temperature, further reducing suitability for roosting bats.

Preliminary Assessment: No bats or bat evidence was recorded during the daytime bat walkover, and potential roost features were not identified. Due to the materials and structure of the barn, it would provide little to no thermal regulation and lacks areas suitable for roosting. This barn is considered to have a negligible suitability to support roosting bats.

Stables: External Inspection



General Structure: A single storey set of stables that form a linear shape.

Building Features: To describe the stables, they can be divided into two sections. The main section comprises a flat, corrugated sheet roof supported on a timber frame, with walls formed from horizontal timber boarding. This section contains a series of individual stable bays with timber doors and open fronts, set on a hardstanding area. The adjoining section is partially open-fronted and has a pitched, corrugated sheet roof, supported by timber posts.

Bat Evidence and Potential Roost Features (PRFs): No bats or evidence of bats was recorded on the exterior (or interior where accessible). The roof is corrugated metal and there are no visible soffits, loose boards or cavities that would provide secure roosting locations. Additionally, the structural features mean that the stables would lack a constant temperature, further reducing suitability for roosting bats.

Preliminary Assessment: No bats or bat evidence was recorded during the daytime bat walkover, and potential roost features were not identified. Due to the materials and structure of the stables, it would provide little to no thermal regulation and lacks areas suitable for roosting. These stables are considered to have a negligible suitability to support roosting bats.

Other Features



One other structure was also present within the site: caravan.

General Structure: A small, white touring caravan.

Building Features: The structure has a flat roof and walls formed from prefabricated panels, likely comprising metal or composite materials with a painted finish. The elevations include multiple window openings with fitted frames and curtains internally.

Bat Evidence and Potential Roost Features (PRFs): No bats or evidence of bats was recorded. Features with potential to support roosting bats was not recorded during the inspection.

Preliminary Assessment: No bats or bat evidence was recorded during the daytime bat walkover, and potential roost features were not recorded on the feature. This feature is considered to have a negligible suitability to support roosting bats.

Scattered Trees



General Description: Adjacent to the site boundary, along the north and east sides, was a number of scattered trees. The trees are largely semi-mature and were mainly pedunculate oak, but also present was ash, hawthorn and field maple.

Tree Features: Several trees displayed features of potential ecological value. These trees can be seen on the UK Habitat Classification Map (see Section 5.1). These include cracks, holes, splits, cavities, loose bark and dense ivy cover. The trees are generally open grown, with canopies accessible from surrounding habitats.

Bat Evidence and Potential Roost Features (PRFs): No bats or evidence of bats was recorded during the daytime bat walkover. However, thirteen trees displayed a few features with the potential to support roosting bats, and one tree displayed some features with the potential to support roosting bats.

Preliminary Assessment: No bats or bat evidence was recorded during the daytime bat walkover. However potential roost features have been identified on fourteen trees adjacent to the development boundary. These trees are considered to have a low or moderate suitability to support roosting bats.

5.5 Appendix 5: Legislation

Protected species have protection under national legislation such as the Wildlife and Countryside Act 1981 and European legislation such as the Habitats Directive.

Please note the following:

- (1) If there is no record of a particular protected species, this does not signify that the species is absent from the site in question. It may mean that it has not been recorded, that the site has not been surveyed for this species, or that data relating to its presence has not been made available to us.
- (2) The presence of a protected species record does not mean that the species is still present. It means that the species was recorded at that time and place. The implications of the record should be further evaluated, and a survey to establish the current status may be required.
- (3) The following summary of legislation is designed purely as a basic guide, if any action is to be taken regarding any of the protected species listed, then it is imperative that the full relevant legislation be consulted.

WILDLIFE PROTECTION LEGISLATION IN ENGLAND

Legislation that protects wildlife in England exists at the European and national level.

European Law

The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979) was aimed at ensuring conservation and protection of all wild plants and animals, increasing cooperation between states, and affording special protection to the most vulnerable or threatened species. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The Bonn Convention on Migratory Species of Wild Animals (1979 & 1994) requires the protection of migratory animals. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The EC Habitats Directive aims to establish a network of protected areas in order to maintain the distribution and the abundance of threatened species and habitats. A number of species are listed in the annexes.

Annex II lists animals and plants whose conservation requires the designation of Special Areas of Conservation (SACs).

Annex IV lists animals and plants in need of strict protection. For the animals, this prohibits deliberate capture, killing, disturbance (especially during breeding period), destruction or taking of eggs from wild, and destruction or deterioration of breeding sites or resting places. For the plants, this prohibits deliberate picking, collecting, uprooting, cutting, destruction, and trade in entire plants or parts, at all stages of life.

Annex V lists animals and plants for which taking in the wild may be subject to management measures.

National Law

Wildlife and Countryside Act The Wildlife and Countryside Act 1981 (as amended) is the main source of legal protection for wildlife in England and was strengthened by the Countryside and Rights of Way Act 2000. A statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plants) is undertaken by the relevant authorities. Species protection is provided under Schedules 1, 5, 6 and 8:

Schedule 1 lists bird species that are rare, endangered, declining or vulnerable. The Schedule is divided into two parts. Part I lists birds which receive special protection; these birds receive additional protection from disturbance at the nest. Part II lists birds that receive the same level of special protection, but only during the breeding season.

Schedule 5 protects animal (other than bird) species from certain actions, according to the sections of the Act under which they are listed:

S9 (1) prohibits the intentional killing, injury or taking. S9 (2) protection is limited to possessing and controlling. S9 (4a) prohibits the damaging, destroying or obstructing access to any place used by the animal for shelter or protection. S9 (4b) prohibits disturbing the animal while it is occupying any structure or place which it uses for shelter or protection. S9(5) prohibits the selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from such an animal. Species on this Schedule do not appear on the PSI.

Schedule 6 lists animals that may not be killed by certain methods. Even humane trapping for research requires a licence.

Schedule 8 lists plant species for which it is prohibited to intentionally pick, uproot, destroy, trade in, or possess (for the purposes of trade).

Under the Wildlife and Countryside Act, all wild plants in Britain are protected from intentional uprooting by an unauthorised person. Landowners, land occupiers, persons authorised by

either of these, or persons authorised in writing by the Local Authority for the area are exempt from this, except for Schedule 8 species.

Conservation Regulations the Conservation of Habitats and Species Regulations 2010 (as amended) transpose the EC Habitats Directive into national law. In addition to enabling the designation of SACs, the regulations also provide species protection:

Schedule 2 protects the listed animals from deliberate capture, killing, disturbance or trading in.

Schedule 4 protects the listed plants from picking, collecting, uprooting, destroying or trading in.

These actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a number of purposes, but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild the population of the species concerned.



International and European Obligations

In the UK, species receiving protection under international legislation and agreements are protected through the Wildlife and Countryside Act, so are not shown separately in the BMERC notable species lists. For reference, the relevant categories are shown below.

Bern Convention on the Conservation of European Wildlife and Natural Habitats the Bern Convention aims to ensure the conservation of wild flora and fauna species and their habitats.

- Appendix 1 (strictly protected flora) - Plants for which contracting parties will prohibit deliberate picking, collecting, cutting or uprooting.
- Appendix 2 (strictly protected fauna) - Animals for which contracting parties will prohibit deliberate capture, possession, killing, damage to or destruction of breeding or resting sites, disturbance or destruction or taking of eggs. Appendix 3 (protected fauna) - Animals for which contracting parties will include closed seasons and regulate their sale, keeping for sale, and transport for sale or offering for sale of live and dead wild animals. (Not included in Notable Species List).

Bonn Convention on Migratory Species the Bonn Convention aims to conserve terrestrial, marine and avian migratory species throughout their range.

- Appendix 1 (migratory species threatened with extinction) - Species for which contracting parties will strictly protect and endeavour to conserve or restore the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them.
- Appendix 2 (migratory species that need or would benefit from international co-operation) - Species for which contracting parties will be encouraged to conclude global or regional agreements for the conservation and management of individual species or, more often, of a group of species. (Not included in Notable Species List).

The EC Council Directive on the Conservation of Wild Birds the Birds Directive provides a framework for the conservation and management of all wild birds in Europe. As well as designating important sites for birds as Special Protection Areas, birds are generally protected from deliberate killing or capture and destruction of or damage to their nests or eggs, and deliberate disturbance. Allowances are made for game birds.

UK BAP & notable species

UK Biodiversity Action Plan and Section 41 Species

Biodiversity, or biological diversity, is the whole variety of life on Earth. The Convention on Biological Diversity (CBD) came about as a result of the 1992 Earth Summit. As one of 168 countries to sign up to the CBD, the UK was required to develop a national strategy for the conservation of biodiversity; the UK Biodiversity Action Plan (UKBAP) was born.

The UKBAP is the result of contributions involving a wide range of people and organisations, enabling the identification of species and habitats that are listed as priorities for conservation action. A 2007 review of the UKBAP has resulted in 1149 species and 65 habitats being listed as conservation priorities. For more information see www.ukbap.org.uk.

The UK BAP

(From Explanatory Note by Defra and Natural England on Section 41 of the Natural Environment and Rural Communities

(NERC) Act 2006 - Habitats and Species of Principal Importance in England)

The England Biodiversity List has been developed to meet the requirements of Section 41 of the Natural Environment and Rural Communities Act (2006). This legislation requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity.

The S41 list will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment

and Rural Communities Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions. In particular:

- Regional Planning Bodies and Local Planning Authorities will use it to identify the species and habitats that should be afforded priority when applying the requirements of National Planning Policy framework (NPPF) and PPS9 Circular to maintain, restore and enhance species and habitats.
- Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under NPPF and PPS9 Circular the aim of planning decisions should be to avoid harm to all biodiversity.
- All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.

Habitats of Principal Importance Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP). They range from habitats such as upland hay meadows to lowland mixed deciduous woodland and from freshwater habitats such as ponds to marine habitats such as subtidal sands and gravels.

Species of Principal Importance There are 943 species of principal importance included on the S41 list. These are the species founding England which have been identified as requiring action under the UK BAP. In addition, the Hen Harrier has also been included on the List because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England.

Relationship with the UK Biodiversity List of Species and Habitats the UK BAP list of priority species and habitats is an important reference source and will be the focus for conservation action across the UK over the next decade. It has been used to draw up the species and habitats of principal importance in England under S41 of the NERC Act.

The revised UK BAP list of priority species and habitats can be downloaded from the UK Biodiversity Website: <http://www.ukbap.org.uk/NewPriorityList.aspx>

Relationship with the biodiversity duty under Section 40 of the NERC Act There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

There is no direct relationship between the Section 41 duty on the Secretary of State to publish the list and promote the taking of steps to conserve the habitats and species on it, and the

Section 40 duty on public bodies to have regard to the purpose of conserving biodiversity. Importantly:

(a) Biodiversity, as covered by the Section 40 duty includes all biodiversity and not just the habitats and species of principal importance. However, there is an expectation that public bodies would refer to the S41 list when complying with the section 40 duty.

(b) The duty on the Secretary of State to promote the taking of steps by others is not restricted to public bodies.

Defra guidance for local authorities and public bodies on implementing the biodiversity duty in the NERC Act draws attention to the S41 list, emphasising that local authorities and public bodies have a role to play in ensuring the protection of these species and habitats. Copies of the guidance can be downloaded from:

<http://archive.defra.gov.uk/environment/biodiversity/documents/pa-guid-english.pdf>