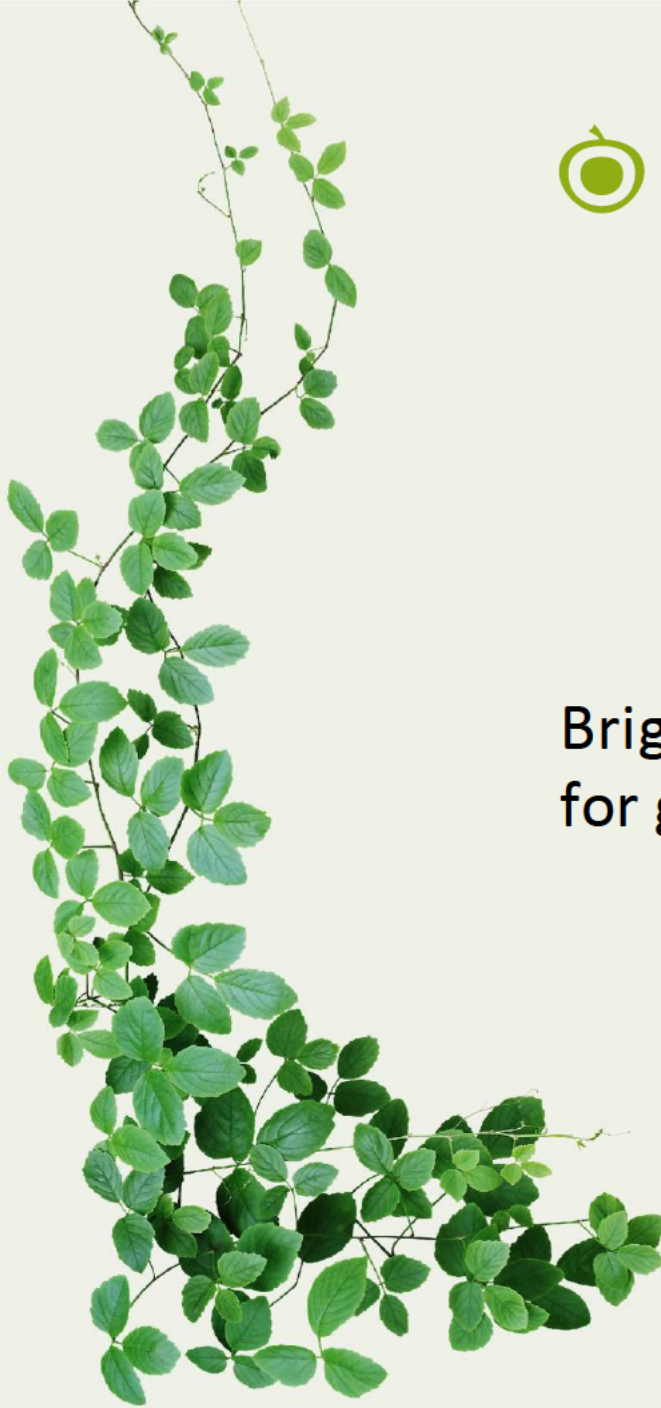




Brighter strategies
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Client: Lovell
Project: Novartis Site, Horsham Phase 3
Report: Construction and Environmental Management Plan

QUALITY ASSURANCE

Issue/Revision:	Draft	Final
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Prepared by:	Daniel Perlaki	Daniel Perlaki
Authorised by:	Mitch Cooke	Mitch Cooke
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1.0 INTRODUCTION

Greengage Environmental Ltd (Greengage) was commissioned by Lovell to produce a Construction and Environmental Management Plan for Biodiversity (CEMP: Biodiversity) for a site known as artis Phase 3, in Horsham, West Sussex, hereafter referred to as 'the site'.

This document has been produced in order to discharge ecology-related Planning Condition 5 associated with the consented development (ref: DC/25/0629). Planning Condition 5 states:

"Pre-Commencement Condition: Other than works of site survey and investigations, no development shall commence until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a. Risk assessment of potentially damaging construction activities.*
- b. Identification of "biodiversity protection zones".*
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. for Falcon and Little Ringed Plover) and sensitive lighting scheme during construction to include measures recommended in the Preliminary Ecological Appraisal (Greengage Environmental, January 2025), Peregrine Falcon Mitigation Strategy (Greengage, September 2025), Bird Survey report final (Greengage, August 2025).*
- d. The location and timing of sensitive works to avoid harm to biodiversity features.*
- e. The times during construction when specialist ecologists need to be present on site to oversee works.*
- f. Responsible persons and lines of communication.*
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h. Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority."

1.1 PROPOSALS

As detailed on the Fabrik (2024) 'Illustrative Landscape Masterplan', 'Proposed Location Plan' and 'Legend, Plant Schedule and General Specification Notes', the proposed development seeks the re-development of the site to provide 244 residential dwellings (with associated infrastructure), including blocks of flats. The soft landscaping is at the draft stage but is understood to be likely to include retained trees, developed land; sealed surface, modified grassland, other neutral grassland, mixed scrub, introduced shrub, rain garden, vegetated garden, urban trees and native hedgerow.

1.2 AIMS AND OBJECTIVES

The aims of this CEMP are as follows:

- To produce a management plan for the site in line with the ecological constraints outlined within the Preliminary Ecological Appraisal (PEA) report (ref: 552977oh08Nov24FV03_PEA), bat activity survey (ref: 552977JC05Nov25_FV03_Bat Activity), invertebrate survey (ref: 552977jc17Jul25FV01_Invertebrates), reptile surveys (ref: 552977JC01Aug25_FV02_Reptiles), bird surveys (ref: 552977cp21Jul25_FV02_BirdSurvey) and peregrine falcon surveys (ref: 552977cp12Aug25_FV01_Peregrine_Falcon_Mitigation_Strategy) to sufficient to satisfy the above ecological planning conditions;
- Review relevant biodiversity action plans and local conservation targets to inform the CEMP;
- Detail the key roles and activities and to outline the potential impacts that may arise as a result of the works;
- Detail sensitive activities and sufficient working practices in order to minimise the impacts to sensitive ecological receptors.

1.3 SITE LOCATION AND DESCRIPTION

The site extends to approximately 4.8 hectares (ha) and is centred on National Grid Reference TQ 17965 31684, OS Co-ordinates 517965, 131684. The site boundary can be seen in the Fabrik (2024) 'Illustrative Landscape Masterplan' (see Appendix B).

The site comprised primarily of sparsely vegetated urban land with small extents of other neutral grassland, developed land; sealed surface, bramble scrub and a line of trees.

The site is located in the centre of Horsham and therefore situated in an urban setting, primarily surrounded by residential buildings and gardens. Parsonage Road and Wimblehurst Road run along the northern and western boundaries of the site respectively, with a railway line running adjacent to the southern boundary, with an additional railway line located in close proximity to the west of the site.

Fragmented priority woodland is found throughout Horsham with the closest found in Horsham Park approximately 480 metres (m) south of the site boundary. Warnham Local Nature Reserve (LNR) is located approximately 665m northwest of the site boundary, with a golf course located directly south of the LNR. Large areas of ancient woodland can be found within the wider area, with the closest located in approximately 850 m north of the site boundary. Multiple parcels of different priority habitats are located between 1 kilometres (km) to 2km from the site boundary.

2.0 ECOLOGICAL BACKGROUND

2.1 BASELINE CONDITIONS

The site has been subject to a PEA in 2024 and 2025 (report ref: 552977oh08Nov24FV03_PEA). Subsequent bat activity survey (ref: 552977JC05Nov25_FV03_Bat Activity), invertebrate survey (ref: 552977jc17Jul25FV01_Invertebrates), reptile surveys (ref: 552977JC01Aug25_FV02_Reptiles), bird surveys (ref: 552977cp21Jul25_FV02_BirdSurvey) and peregrine falcon surveys (ref: 552977cp12Aug25_FV01_Peregrine_Falcon_Mitigation_Strategy) were undertaken. The findings of the PEA were able to form the context for ecological enhancement at the site and have been used to inform this CEMP.

The key findings are summarised below.

PEA

No statutory or non-statutory designated sites are present within the likely zone of influence (ZOI) of the development. The PEA identified that the habitats on the site are common and widespread, predominantly comprised:

- Bramble scrub (h3d) with scattered trees [32];
- Other neutral grassland (g3c) with scattered scrub [10];
- Developed land; sealed surface (u1b) with ruderal/ephemeral vegetation [81];
- Sparsely vegetated urban land (u1f) with line of trees [33] and introduced shrub [847]; and
- Buildings (u1b5).

The habitats on site and within the ZOL were identified as supporting, or having potential to support, the following protected species:

- [REDACTED]
- Moderate suitability for foraging and commuting bats;
- Low suitability for roosting bats;
- Moderate suitability for nesting birds;
- Confirmed slow worm (*Anguis fragilis*) and common lizard (*Zootoca vivipara*) on site;
- High suitability for protected invertebrate species;
- Low suitability for hedgehogs (*Erinaceus europaeus*); and
- Confirmed presence buddleia (*Buddleja davidii*).

Based upon the PEA findings, the following recommendations were made in relation to further survey and mitigation:

- A minimum of one Night-time Bat Walkover (NBW) each season (Spring - April/May; Summer - June/July/August; Autumn - September/October) alongside static monitoring for five consecutive nights per month between April- October;
- A Ground Level Tree Assessment (GLTA) for the nine trees on the northern boundary;
- Further reptile survey and establishment of receptor site for translocation;

- Six survey breeding bird surveys March to early July, alongside an additional nocturnal survey to be undertaken between midnight and dawn in May;
- A suite of three invertebrate surveys of the site between May and July;
- Sensitive removal of invasive buddleia; and
- Ecological Clerk of Works on areas of bramble scrub to mitigate harm to hedgehogs.

A summary of the results of the further surveys and mitigation recommendations are set out in Table 2.1 below:

Species	Survey completed to date (Y/N)	Results/results to date	Mitigation and compensation requirements
Bats - Ground Level Tree Assessment for roosting	Y	The GLTA of T1 - T9 was undertaken by Greengage on 18th March 2025. Four trees (T1, T4, T6 and T9) were categorised as PRF-I. One tree (T5) was found to provide Negligible suitability and four trees (T2, T3, T7 and T8) had no roosting suitability (None). T10, was assessed separately on the 12th February 2025, and was also categorised as PRF-I. All trees are categorised as having a suitability level of 'None' for winter hibernation.	Due to the presence of PRF-I's on trees T1, T4, T6 T9 and T10, there is some possibility for low conservation status roosts to be present, and therefore, there is a risk of indirect disturbance during the construction and operational phase of the development. Therefore, mitigation actions will be required to minimise potential impacts upon local bat population, these include use of low impact construction methodology and bat sensitive lighting strategies in accordance with guidance provided by the Institute of Lighting Professionals (ILP) and BCT ¹ . These measures should be secured in the long term via a Construction Environmental Management Plan (CEMP) which can be secured via planning condition. T5 was classed as 'Negligible' and therefore bats are considered highly unlikely to be present. However, due to the transitional nature of roosting bats, a PRF can become occupied at any time, therefore, the mitigation measures for trees with PRF-Is also have relevance to T5. As T2, T3, T7 and T8 were classed as 'None', no further mitigation measures are required in respect to these trees.
Bat - Foraging and commuting	Y	The survey data collected to date from the two static detectors and the NBWs have identified a total of eight species/species groups on site including brown long-eared, Myotis species <i>Myotis</i> sp., noctule <i>Nyctalus noctula</i> , Nathusius' pipistrelle <i>Pipistrellus</i>	To minimise impacts upon local bat populations identified at the site valuable habitat should be retained within the scheme where possible, for this sit this mainly relates to tree retention where possible.

Species	Survey completed to date (Y/N)	Results/results to date	Mitigation and compensation requirements
		<i>nathusii</i>, common pipistrelle, soprano pipistrelle <i>Pipistrellus pygmaeus</i> and serotine <i>Eptesicus serotinus</i>. The most commonly recorded species to date is common pipistrelle and the least commonly recorded is Nathusius' pipistrelle. Greengage have assessed the importance of the species assemblage on site as per Table 3.3 of the Bat Mitigation Guidelines². Please note that as it has not been possible to separate out the <i>Myotis</i> detected to species level it is assumed that Daubenton's <i>Myotis daubentonii</i>, whiskered <i>Myotis mystacinus</i> and Natterer's <i>Myotis nattereri</i>, were present on site, as these were the species recorded within the data search exercise (see the PEA report). The species assemblage on site scores 16 out of a possible 45 (35.5%). This relates to an assembly of Local Importance in the south of England only, where 45% is the threshold for county importance.	Unavoidable loss of foraging habitat will be compensated for through new planting of native trees, shrubs and wildflowers. Compensatory areas of wildlife-friendly landscaping will include night scented species which will attract moths and other night flying insects that provide prey for bats. Plant species selection should follow BCT Landscape and urban design for bats and biodiversity¹. <i>Lighting</i> Artificial lighting can cause disturbance to bat species' roosting, foraging and commuting activity. Proposals will therefore seek to impose measures to limit additional light disturbance at site following development. Bat-sensitive lighting will be incorporated into the scheme to minimise any potential impacts of increased lighting levels on foraging, commuting and socialising bats. Lighting design should follow guidance provided by the Institute of Lighting Professionals (ILP) and BCT², specifically: • Will avoid use of metal halide and fluorescent light sources; • Warmth' of luminaires. Any external areas will incorporate light at a <2700K where possible, with peak wavelengths higher than 550nm;

¹ Gunnell, K., Grant, G. and Williams, C. 2012. Landscape and urban design for bats and biodiversity. Bat Conservation Trust

² Institution of Lighting Professionals and Bat Conservation Trust (2023), Bats and Artificial Lighting in the UK; Bats and the Built Environment Series.

Species	Survey completed to date (Y/N)	Results/results to date	Mitigation and compensation requirements
			• Use of screens/hoods to make any external lighting as directional as possible, avoiding light spill on any natural features; • Where possible, external lights will be as low to the ground as possible and use of bollard lighting should be avoided; • Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered. Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt; • Lighting controls in place where appropriate to minimise the duration lights are illuminated, this could be for example instated through motion sensor lighting or subject to curfews. Lighting associated with existing or created greenspace should be prohibited during the active bat season (April-October, inclusive); • Dark corridors will be created with no light levels over the hedgerow and tree lines edges; • Measures should be taken in internal light placement to reduce risk of light spill from windows; • Lighting at site should be modelled to confirm predicted intensity and spill which should be reviewed by a Suitably Qualified Ecologist (SQE). The above is relevant to both the operational and construction phase of the development.

Species	Survey completed to date (Y/N)	Results/results to date	Mitigation and compensation requirements
Breeding bird	Y	Results of locations and species recorded at the site are illustrated in Figures A.1a-f at Appendix A. Results of species, quantity of individuals per species per site visit, estimated breeding status, and estimated number of territories recorded at the site are provided in Table 1 in Appendix B.	A detailed and comprehensive list of mitigation recommendations have been identified and are being included in the approach for the site redevelopment. This includes; - Construction and Environmental Management Plan (CEMP) to be produced to detail measures to be followed during construction phase to mitigate impacts to breeding birds and birds in general, and to include: - Nesting bird checks including ground level tree assessments; - Species-specific disturbance considerations in the breeding bird season (typically considered to be March to August inclusive) (such as peregrine falcon <i>Falco peregrinus</i> at the neighbouring Phase 1 & 2 site and little ringed plover <i>Charadrius dubius</i>). A specific Falcon Mitigation Strategy has been produced to address how the gradual increase in site activities will avoid any stepped increase in site operations and any disturbance for the peregrines within the immediate area. - Landscape Enhancement and Management Plan (LEMP) to be produced to detail habitat creation and enhancement measures that will be beneficial for biodiversity, including birds, in the long-term, to include: - Tree and shrub retention; - Grassland creation;

Species	Survey completed to date (Y/N)	Results/results to date	Mitigation and compensation requirements
			○ Biodiverse green roof creation for foraging black redstart <i>Phoenicurus ochruros</i> and other general bird species; ○ Bird boxes. <i>Little Ringed Plover</i> Species specific mitigation requirements for little ringed plover to include, but not limited to, creation of a mitigation area for this species through creation of an area of bare sparsely vegetated land with a waterbody to provide nesting and foraging habitat. ● This cannot be accommodated on site and has been delivered off site (e.g within a local nature reserve) met by condition.
Nightingale	Y	No nightingale were recorded during the nocturnal survey on the 15th May. Nightingale is therefore considered likely absence from the site	No formal mitigation is required in relation to nightingale. Enhancements opportunities for nightingale are presented below.
Reptile	Y	A 'Low' population of slow worm and grass snake have been identified on site, with the peak count of adult common lizard and adult slow worm being three. A single grass snake was encountered by an Ecological Clerk of Works during site investigation works.	Given the requirement for extensive vegetation clearance on site and the proposed extent of the development, mitigation is required in advance of site clearance to ensure no reptiles are injured or killed. It is not considered feasible to retain the population on site, therefore off-site translocation has been undertaken.

Species	Survey completed to date (Y/N)	Results/results to date	Mitigation and compensation requirements
			A suitable receptor has been identified within the Chennelsbrook Castle scheduled ancient monument in agreement with the parks team at Horsham District Council, and appropriate surveys and capacity enhancement have been set out. A high-level detail of what the translocation exercise has included is given below. <i>Potential receptor site</i> In order to translocate the reptiles, a suitable receptor site has been found and has been assessed for existing reptile populations. The receptor site has had some enhancement to improve their carrying capacity for reptiles in advance of the translocation. This has included clearance of scrub habitat to establish areas for basking creation of refugia such as log piles, creation of hibernacula (partially buried large particulate building waste and logs, capped with turf, creation of compost heaps and rockeries. <i>Exclusion Fencing</i> Prior to translocation, reptile exclusion fencing has been erected around the development boundary. This has consisted of sandbags around the perimeter to deter reptiles from re-entering the development site during or after the translocation.

Species	Survey completed to date (Y/N)	Results/results to date	Mitigation and compensation requirements
			<i>Translocation</i> Following the enhancement of the receptor site and reptile exclusion fencing being installed, the translocation exercise was undertaken. Reptile mats were redistributed and on subsequent visits, reptiles were captured by hand and temporarily placed in a container before being released into the receptor site. Habitat manipulation during the translocation has undertaken to render areas of the site less suitable, concentrating populations within the site in specific areas to increase capture rate. Once either 5 subsequent visits are undertaken during which no reptiles are recorded, they can be considered likely absent, or a reasonable survey effort undertaken can the translocation considered complete. Translocation visits are to be undertaken during months when reptiles are most active, with April, May and September being the most productive months. Translocation outside these months will be undertaken during suitable weather.
Invertebrate	Y	A total of 97 invertebrate taxa were recorded during the baseline invertebrate survey. Of these two of the species identified have a nationally significant status. This is not considered to be a high number for a brownfield site in southern England.	No formal mitigation is required in relation to invertebrates. Enhancements opportunities for invertebrates are presented below.

Species	Survey completed to date (Y/N)	Results/results to date	Mitigation and compensation requirements
		The two species identified with nationally significant status included cinnabar moth <i>Tyria jacobaeae</i> and small heath <i>Coenonympha pamphilus</i> . These are both Section 41 Priority Species, however cinnabar is considered to be a 'research only' species only, meaning the species has the potential to be under threat owing to declines or some other reason such as eradication of their foodplant (e.g. cinnabar moth and it's host plant, ragwort) but not sufficiently scarce or under threat enough yet to be classed as scarce.	

2.2 BIODIVERSITY ACTION PLANS (BAP)

In accordance with the aims and objectives of this document, a review of the relevant biodiversity action plans and local conservation targets has been undertaken.

UK Biodiversity Action Plans (BAPs) have been developed which set priorities for nationally important habitats and species. To support the BAPs, Species/Habitat Statements (otherwise known as Species/Habitat Action Plans) were produced that provide an overview of the status of the species and set out the broad policies that can be developed to conserve them. A list of priority species of conservation importance was also developed.

The UK BAP was succeeded in 2012 by the UK-Post 2012 Biodiversity Framework which informed the creation of the Biodiversity 2020 strategy; England's contribution towards the UK's commitments under the United Nations Convention of Biological Diversity.

Despite this, the UK BAP priority species lists, and conservation objectives still remain valid through integration with local BAPs (which remain valid), and in the form of the Habitats and Species of Principle Importance list (as required under section 41 of the Natural Environment and Rural Communities (NERC) Act).

The following UK BAP priority habitats were present within 2km:

- Deciduous woodland 600m southwest;
- Ancient woodland, 1.3 km east;
- Wood pasture and Parkland 1.5 km northwest
- Ancient replanted woodland 1.6 km east
- Ponds 1.7 km southeast
- Lowland Meadows, 1.8 km south;

Local Biodiversity Action Plans (LBAPs) ensure that national action plans (the UK BAP/Biodiversity 2020) are translated into effective action at the local level and establish targets and actions for locally characteristic species and habitats.

West Sussex BAP

It is understood that all Sussex BAPs have been archived and are no longer of specific relevance to the site.

2.3 COMPETENCIES

This CEMP has been produced, reviewed, and verified by practising ecologists, with a minimum of three years relevant experience (within the last five years). Such experience must clearly demonstrate a practical understanding of factors affecting ecology in relation to construction and the built environment, including, acting in an advisory capacity to provide recommendations for ecological protection, enhancement, and mitigation measures.

Daniel Perlaki, Senior Consultant, has an undergraduate degree in Ecology (BSc Hons), a master's degree in Conservation Science and Policy and is a Graduate member of CIEEM. Dan has a Field Identification Skills Certificate (FISC) Level 3 and Level 2 Certificate of Competence in Tree Climbing and Aerial Rescue (CS38). Dan has over 8 years' experience in ecology survey and consultancy.

Mitch Cooke, Director, has a degree in Ecology (Hons), an MSc in Environmental Assessment and Management, and is a Full member of CIEEM with over 35 years' experience in ecological survey and assessment. Mitch has set up and developed ecological and environmental teams for nearly 20 years and has undertaken and managed numerous ecological surveys and assessments. He is the Director at Greengage and manages the team.

This report was written by Daniel Perlaki, reviewed verified by Mitch Cooke who confirms in writing (see the QA sheet at the front of this report) that the report is in line with the following:

- Represents sound industry practice;
- Reports and recommends correctly, truthfully and objectively;
- Is appropriate given the local site conditions and scope of works proposed; and,
- Avoids invalid, biased and exaggerated statements.

3.0 BIODIVERSITY PROTECTION ZONES

The PEA and subsequent protected species surveys provided detail on the likelihood of any notable and rare habitats and protected or notable species being present. The report highlighted a mitigation hierarchy that should be followed to avoid, mitigate and compensate negative impacts of the development.

The following habitats and ecological features on-site and within the ZOL that are to be safeguarded through implementation of Biodiversity Protection Zones (BPZ's), or through adoption of sensitive working methods (Section 5), are set out below:

- Foraging bats - The boundary vegetation, particularly along the eastern and northern boundaries. Construction activities could lead to the damage, loss or indirect impacts (lighting) of these habitats;
- Reptiles - Site clearance of all terrestrial habitats could lead to the death or injury of common reptile species if mitigation is not appropriately implemented;
- Birds - The boundary vegetation, particularly along the eastern and northern boundaries. Construction activities could lead to the damage or accidental loss of these habitats and consequently destruction of nests/eggs/birds;
- Peregrine falcon - The existing structure, which sits within Phase 1 & 2 of the development (i.e. offsite) has been used by nesting peregrine falcons. Construction works should be programmed to avoid levels of non-physical disturbance during sensitive periods.

The locations of the BPZ's in relation to the above ecological features are shown at Appendix A of this report.

3.1 RISK ASSESSMENT

As detailed within Condition 5, there is a requirement to produce a risk assessment. A risk assessment of potentially damaging construction phase impacts upon the identified ecological features is provided at Appendix C in Table C.1.

This risk assessment acts as a summary of this CEMP, covering the following aspects of Condition 5:

c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. for Falcon and Little Ringed Plover) and sensitive lighting scheme during construction to include measures recommended in the Preliminary Ecological Appraisal (Greengage Environmental, January 2025), Peregrine Falcon Mitigation Strategy (Greengage, September 2025), Bird Survey report final (Greengage, August 2025).

d. The location and timing of sensitive works to avoid harm to biodiversity features.

e. The times during construction when specialist ecologists need to be present on site to oversee works.

f. Responsible persons and lines of communication.

4.0 KEY ACTIVITIES

The construction activities and timescales are outlined in the following section which has been informed by the proposed contract programme provided by Lovell. Should these timings change, then this CEMP will be required to be updated.

4.1 ROLES AND RESPONSIBILITIES

Main works contractor

As the 'Appointed Contractor', Lovell are to be responsible for the implementation of this CEMP and shall liaise directly with an appointed Ecological Clerk of Works (ECoW) to commission and arrange an ecologist's input or site attendance, as required, as stipulated in Appendix C.

Should management on the site change, the new personnel will be made aware of and action this CEMP.

Lovell will nominate an internal Environmental Champion prior to the commencement of works. This person will be responsible for day-to-day implementation of the mitigation measures set out in this CEMP.

ECoW

An ECOW will be appointed to undertake specific tasks, as detailed in the sections below, to enable Lovell to adhere to the requirements of this CEMP.

A Suitably Qualified Ecologist (SQE) is to be appointed as the ECOW.

Where a SQE is appointed to fulfil the ECOW role, they must be competent, have at least 2 years' experience and hold a relevant degree/ qualification in ecology or a related subject comprising a significant ecology component.

Where a specific personal protected species licence is required, this will be considered as necessary to meet the SQE requirement.

The ECOW will be responsible for overseeing any works (as described in Section 5) that are of an ecologically sensitive nature.

For the purposes of this CEMP and Greengage's previous involvement with the site, ECOW appointment has been assumed at the time of writing.

The contact details for the relevant parties are provided in Table below.

Responsibility	Name	Address	Contact Details
Appointed Contractor	Lovell	Suite B Broadmede House, Farnham Business Park Farnham GU9 8QT	Charlie Allchurch 07721149589
ECOW	Greengage Environmental Ltd	9 Holyrood Street, London, SE1 2EL	020 3544 4000

4.2 PROGRAMME

Based on liaison with Lovell, construction is anticipated to commence in October 2026, taking approximately 24 months, with landscaping works commencing following the completion of the external groundworks.

4.3 KEY WORKS

The physical works programme will include the key site activities, details of which are provided below, where known:

- Site set up and enabling works - resulting in dust, noise, air pollution and excavations;
- Site clearance work - resulting in dust, noise, air pollution and excavations;
- Construction works - resulting in dust, noise and air pollution; and
- Landscaping works - resulting in dust and noise.

All of the above works actions could negatively impact local wildlife. Mitigation measures for the above are described in more detail in Section 5.1, alongside appropriate ecological protection measures.

4.4 HOURS OF WORK

The site clearance, construction and landscaping works will take place predominantly during daylight hours, and they will be subject to restrictions where working during autumn/winter/early spring seasons can encroach into dusk (details of sensitive lighting is provided at Section 5).

The core working hours, dictated by Horsham District Council, for works are:

- 08:00 - 18:00 Mondays to Fridays;
- 08:00 - 13:00 Saturdays; and
- No working on weekends or bank holidays (unless agreed in advance with the Local Planning Authority).

4.5 SITE ESTABLISHMENT

Site set-up

The first stage of the works will be to establish the location of the site compound in Phase 2 of the development (in line with the Lovell Construction Management Plan), with the remaining site being the active working area. The working area will be secured, and the general public will be separated from the works. A pedestrian access point will generally be located close to the main vehicular access gate with a separate pedestrian gate and footpath provided for site personnel.

Site Compound

The compound location is offsite and away from any sensitive ecological receptors. The compound should be clearly fenced off and only construction vehicles allowed within the active working area.

5.0 SENSITIVE WORKING METHODS

5.1 ECOLOGICAL MANAGEMENT

Noise and Vibration

Table 5.1 below outlines noise and vibration issues requiring attention and identifies the control measures to be implemented.

Table 5.1 Noise and vibration management

Noise and Vibration	Control Measure
Construction traffic (delivery vehicles, site personnel etc.)	All goods, equipment, plant and materials will be transported via existing roads.
Construction plant and equipment	- Site compound to be sited on existing area of hardstanding and will be within the red line boundary of Phase 1 & 2. - Any static plant to be sited within the fenced off site compound. - Plant and vehicle movement to utilise existing hardstanding areas where possible. If required to go off hardstanding, this should be isolated to pre-determined set routes (as agreed with an ECoW), as to avoid unnecessary vibration across the site. - Plant and equipment to be switched off when not in use. - Plant and equipment to be maintained and operated in accordance with operators' instruction and to ensure that excessive noise levels are not generated. - Where practicable, quiet working methods will be employed including the use of the most suitable plant (including size). - Best practicable means will be included to control construction noise in the form of low noise emission plant, as specified in British Standard (BS) 5228-1. - Timing of works to avoid sensitive seasonal timings in order to reduce impacts on wildlife.

Materials and waste

Table 5.2 below outlines the materials and waste issues requiring attention and identifies the control measures to be implemented.

Table 5.2 Materials and waste management

Materials and waste issue	Control measure
Storage, handling and management of materials and waste	Control of Substances Hazardous to Health (CoSHH) CoSHH risk assessments will be produced by Lovell alongside Risk Assessments and Method Statements (RAM)s.

Materials and waste issue	Control measure
	• All hazardous substances on site will be controlled in accordance with CoSHH Regulations and the RA. • Any substance brought on to site will be stored in a suitable container and be used for the purpose for which it is intended, being decanted, or applied in the correct, safe way. • Hazardous substances will be stored appropriately inside the crew van, or in a suitable place designated by the client. • All material storage will be on existing hardstanding within the confines of the construction site and compound area and will be suitably protected and secured from adverse weather conditions. • Potentially polluting substances will be stored on impermeable surfaces with controlled drainage, away from storm water sewers, watercourses and ditches, or adequate measures will be taken to protect against pollution. • Waste containers to be securely covered to ensure wastes cannot be blown or washed away. • Any oils, fuels and liquids used will be appropriately labelled and will be securely stored within the site compound (storage to include bunding and tamper proof and lockable valves, as appropriate). • Refuelling of plant and machinery will take place on areas of hardstanding and with appropriate spillage controls nearby. Vehicles will not be left unattended during refuelling. • Spill kits to be located near to the works areas and within storage compounds, with personnel being trained in their use. • Daily walkover will be undertaken to collect other material.
Waste disposal strategy	• No waste will be burned on site. The contractor will follow the waste hierarchy, as follows: ○ Eliminate the generation of waste, where possible ○ Reduce the generation of waste ○ Re-use where possible ○ Recycle ○ Dispose responsibly. • Site foul drainage will be removed from site in accordance with relevant permissions obtained from the sewage or statutory authority. • Leaking or empty drums will be removed from site immediately and disposed of via an appropriate licenced waste disposal contractor. • Recyclable waste shall be taken for disposal at the available recycling facilities; any metalwork for example will seek to be recycled through the local scrapyard or reused.

Air quality and dust emissions

Table 5.3 below outlines the air quality, dust and emissions requiring attention and identifies the control measures to be implemented.

Table 5.3 Air quality and dust management

Air Quality, Dust and Emissions issue	Control measure
Site set-up and operation	- Use of debris shields/mesh around all sides of the construction zone to prevent the spread of dust and debris onto the adjacent habitats. - Record any exceptional incidents that cause dust and/or air emissions either on or off-site and the action taken to resolve the situation.
Air quality and emissions	- Vehicles, plant and equipment on site to be well maintained and regularly serviced. - Vehicles, plant and equipment to be switched off when not in use. - Where reasonably practicable, fixed items of construction plant will be electrically powered in preference to diesel or petrol driven. - Impose and signpost a maximum speed limit of 15 miles per hour (mph) on surfaced and 10mph on unsurfaced haul roads and work areas. - Fires are not permitted on site.
Dust/debris	- Any dust generating materials transported to and from site are to be securely covered. - Any dust generating materials stored on site are to be located out of the wind, screened or covered. - Manual road/path sweeping to be employed to remove excess build-up of material, as appropriate. - Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques, such as water sprays or local extraction.
Monitoring	Regular visual checks for dust, debris and emissions arising to be undertaken across the site and log of results maintained.

Excavations

Table 5.4 below outlines the excavation issues requiring attention and identifies the control measures to be implemented.

Table 5.4 Excavation management

Excavation issue	Control Measure
Site set-up and operation	Excavations should be fully covered if left overnight, and if this is not possible, they should either have a gently sloping side, or a scaffold board

Excavation issue	Control Measure
	installed at a suitably graded angle, to enable any wildlife to escape of their own accord rather than become trapped. Excavations should be checked every morning to ensure no wildlife has become entrapped and a log of findings should be kept.

5.2 ECOLOGICAL RECEPTOR SPECIFIC ACTIONS AND METHODS OF WORK

The methods detailed below relate to the ecological features identified in Section 2 and 3. Adherence to these method statements will ensure that construction activities remain legally compliant and follow best practice measures relating to biodiversity.

Species

Peregrine falcon

In the first instance, site enabling works/site clearance/early construction phase works (including, but not limited to, ground clearance/disturbance) are programmed to begin and start to be progressed outside of the breeding bird season i.e. begin in September/October 2025 and gradually increase in disturbance levels. This includes an incremental increase in the presence, frequency and/or quantity of constructions works activities including people, machinery and vehicles, and waste products including dust, vibrations and noise. This increase in disturbance levels of constructions works activities would be progress ahead of February 2026 (when the breeding bird season begins). While peregrine falcons are sensitive to disturbance, they are also adaptable birds with the ability to habituate to changes at baseline, as long as sufficient habituation time has been allowed for prior to breeding. Therefore, this increase in disturbance levels from construction works activities will allow for acclimatisation by the peregrine falcons where possible, ahead of the breeding season and to avoid potential destruction/disturbance of/to an active nest (if present) during the typical breeding bird period, which is March to August inclusive.

Noise levels will also increase incrementally to allow for habituation to construction works. This will include the consideration of tool/machinery use throughout the construction phase, increasing in noise production of tools incrementally. Tools/machinery will progress through the use of manual hand tools, automated hand tools, large machinery and then large vehicles, moving through each tool/machinery subject once a suitably experienced ornithologist has confirmed that the peregrine falcons have habituated to the former noise level produced.

Construction works programming is shown in Table 5.1 below. Start and end timings and a description of different construction works stages have been included to determine the disturbance risk levels to peregrine falcons. Disturbance risk levels have been defined as either very high, high, medium or low:

- Very High - presence of people/construction works within the eyrie (peregrine falcon nest site) or the immediate surrounding area of the eyrie (i.e. three stories shorter than the former Novartis Building, at, or above the eyrie);

- High - presence of people in breeding bird season (at ground level only) and/or construction works (noise, vibration, destruction etc) within breeding bird season and breeding bird season buffer period (i.e. February and September);
- Medium - presence of people (at ground level only) in the breeding bird season and/or construction works in breeding bird season buffer period; and,
- Low - presence of people/construction works outside of breeding bird season and the buffer period.

Details of the construction methodology are not currently available at the time of writing. A description of construction works stage and the distance and noise levels of each works stage would be required to full assess the disturbance level of works. Table 5.1 below is our understanding of likely disturbance of the constructions works stages and is based on a likely-case scenario of potential disturbance. This will need updating based on confirmed construction works plans prior to submission for the Natural England A08 licence.

Table 5.5 Construction Works Stage Programming Timetable and Disturbance Level

Construction Works Stage	Start	End	Disturbance Risk Level
Mobilisation	13/07/2026	07/08/2026	Medium
Contractor Design	13/07/2026	02/10/2026	Medium
Construction Phasing	02/10/2026	31/05/2029	High (Medium when outside breeding bird season but within buffer period and low outside buffer period)
Civils & Site Establishment	02/10/2026	23/11/2028	High (Medium when outside breeding bird season but within buffer period and low outside buffer period)
Civils	02/10/2026	23/11/2028	High (Medium when outside breeding bird season but within buffer period and low outside buffer period)
Mains Services	17/11/2026	12/11/2027	High (Medium when outside breeding bird season but within buffer period and low outside buffer period)
Construction Phases	1&2 (as per Figure B1): 02/10/2026	17/03/2028	Very High/High (Medium when outside breeding bird season but within buffer period and low outside buffer period)
	3&4 (as per Figure B1): 24/05/2026	23/10/2028	High (Medium when outside breeding bird season but within buffer period and low outside buffer period)
	5&6 (as per Figure B1): 27/09/2026	13/04/2029	High (Medium when outside breeding bird season but within buffer period and low outside buffer period)
Site Completion	26/02/2029	31/05/2029	High (Medium when outside breeding bird season but within buffer period and low outside buffer period)

Monitoring Visits

Following best practice guidance^{Error! Bookmark not defined.}, monitoring visits will be undertaken by a suitably experienced ornithologist at the Phase 3 site throughout the breeding bird season (March to August inclusive) to assess the breeding status of peregrine falcons and to monitor for any signs of disturbance during the construction phase (i.e. up until completion of the construction phase, which is programmed to be in 2029 at the time of writing). These monitoring visits are to occur regularly, dependent on; the type of construction work being undertaken, the breeding stage of the peregrine falcons, and signs/evidence of disturbance being displayed, as detailed in Table 3.4 below, during the breeding bird season. Regularity/frequency of monitoring visits is to be decided by the suitably experienced ornithologist, and through discussion with the named ecologist on the Natural England A08 licence. The suitably experienced ornithologist has the right to increase or decrease regularity/frequency of monitoring visits at any time, based on evidence collected and professional judgement.

Additionally, a pre-commencement check is to be undertaken by a suitably experienced ornithologist prior to any construction works at the Phase 1&2 site and where the allowance of habituation to construction works has not commenced/progressed, including site enabling works/site clearance/early construction phase works to assess the breeding status of peregrine falcon at the Phase 1&2 site. This is to confirm that the peregrine falcons have completed breeding and that the juveniles are fully fledged and independent from their parents. Where breeding completion is not confirmed, construction works must wait until monitoring visits can confirm that breeding is completed where habituation of construction works has not begun. Therefore, should the habituation programme of construction phase works not commence between September to February 2025, a pre-commencement check is required to be undertaken by a suitably experienced ornithologist. Once confirmed, construction works at the site may commence, following the above measures in Construction Programming to minimise disturbance.

Where disturbance is observed, measures should be reverted back to the previous level (i.e. lower noise level) (see Construction Programming above).

Table 5.6 Monitoring Visits Programme

Frequency / Regularity of Monitoring Visits	Construction Works and Disturbance Risk Level	Reasoning	Further Action
Pre-commencement check	Any	To assess the breeding status/stage of peregrine falcons prior to commencement of any construction works.	Continued monitoring until breeding completion is confirmed by a suitably experienced ornithologist.
Daily	Construction works involving very high, high, or medium level disturbance (as outlined in	To assess the breeding status/stage of peregrine falcons and any signs of disturbance displayed by peregrine falcons. Disturbance is of the greatest risk where highest sensitivity is at two periods; two weeks after start of egg laying, and first two	Suitably experienced ornithologist may pause works if strong disturbance evidence is observed, particularly within the most sensitive periods of the breeding stages of

Frequency / Regularity of Monitoring Visits	Construction Works and Disturbance Risk Level	Reasoning	Further Action
	Construction Programming)	weeks of incubation, as this has the greatest risk of nest abandonment. Where very high or high level disturbance risk construction activities occur, daily monitoring is required.	peregrine falcons (including two weeks post egg-laying and first two weeks of egg incubation i.e. four weeks since first egg laid)*. Suitably experienced ornithologist to liaise named ecologist of disturbance works to provide appropriate measures forward.
Daily	Construction works involving medium level disturbance (as outlined in Construction Programming)	Where constructions works are considered to be of medium level disturbance risk, daily monitoring visits will be required until the suitably experienced ornithologist can confirm that the peregrine falcons have habituated/show no signs of disturbance to the construction works. From that point, monitoring visits can be reduced to weekly until that construction activity is finished and a different construction activity (including change in noise and distance) is required.	Suitably experienced ornithologist may pause works if strong disturbance evidence is observed, particularly within the most sensitive periods of the breeding stages of peregrine falcons (including two weeks post egg-laying and first two weeks of egg incubation i.e. four weeks since first egg laid)*. Suitably experienced ornithologist to liaise named ecologist on the A08 licence of disturbance works to provide appropriate measures forward.
Weekly	Construction works involving medium level disturbance (as outlined in Construction Programming)	Where a set construction activity is fixed for a set period of time, with medium level disturbance is the highest level, and previous monitoring has indicated habituation or minimal levels of disturbance, the suitably experienced ornithologist can	Increase or decrease of monitoring visit frequency / regularity depending on peregrine falcon activity recorded at the Phase 1&2 and wider site.

Frequency / Regularity of Monitoring Visits	Construction Works and Disturbance Risk Level	Reasoning	Further Action
		decrease the frequency of monitoring visits to weekly. Monitoring will assess the breeding status/stage of peregrine falcons and any signs of disturbance displayed by peregrine falcons.	Suitably experienced ornithologist may pause works if strong disturbance evidence is observed, particularly within the most sensitive periods of the breeding stages of peregrine falcons (including two weeks post egg-laying and first two weeks of egg incubation i.e. four weeks since first egg laid)*. Suitably experienced ornithologist to liaise named ecologist on the A08 licence of disturbance works to provide appropriate measures forward.
Occasional	Construction works involving low level disturbance (as outlined above in Construction Programming)	Where low level disturbance occurs, including presence of people/construction works outside of breeding bird season and the buffer period, the suitably experienced ornithologist may undertake an occasional monitoring visit. This may be due to changes in construction works stage or a reporting of signs of disturbance outside of the breeding bird season and the buffer period. Monitoring will assess the breeding status/stage of peregrine falcons and any signs of disturbance displayed by peregrine falcons.	Increase or decrease of monitoring visit frequency / regularity depending on peregrine falcon activity recorded. Suitably experienced ornithologist may pause works if strong disturbance evidence is observed and make the named ecologist on the A08 licence aware, particularly within the most sensitive periods of the breeding stages of peregrine falcons (including two weeks post egg-laying and first two weeks of egg incubation i.e. four

Frequency / Regularity of Monitoring Visits	Construction Works and Disturbance Risk Level	Reasoning	Further Action
			weeks since first egg laid)*.

*The period of most sensitivity to disturbance includes two weeks post egg-laying and first two weeks of egg incubation i.e. four weeks since the first egg is laid. This is typically between early March to early June, however this period can change depending on the timing of egg laying which may change based on weather conditions, a previous unsuccessful brood attempt, or delay from disturbance.

Signs of Disturbance

In accordance with best practice guidance, the response of a pair of peregrine falcons to intrusion at an active eyrie/nest and the immediate surrounds varies. Peregrine falcons can, at time, show considerable tolerance to human activity; including noise, light and vibration, but even these habituated birds, will not tolerate human disturbance near the nest or from above.

Typically, disturbance can be measured by peregrine falcons flying above the eyrie/nest site, displaying a loud 'cackling' alarm call. Some, however, will remain silent even when closely approached. The suitability experienced ornithologist should use professional judgement and species-specific knowledge to determine/monitor signs of disturbance/distress.

Foraging & commuting bats

The boundary vegetation within the site and ZoI were considered to be of moderate suitability for foraging/commuting bats. These are all to be retained and protected from direct damage through the use of protective fencing (in line with the Arboricultural Method Statement (AMS)).

Bat sensitive lighting

It is understood that construction works will be undertaken during daylight hours. However, should any artificial task lighting be required at any point e.g. when working in autumn/winter/early spring months and dusk occurs earlier, use of lighting should follow the Bat Conservation Trust (BCT) and Institute of Lighting Professionals (ILP) guidelines.³

Any artificial lighting used should be temporary and not exceed light levels already present via existing security lighting. Any artificial lighting will be angled so as to not cause unnecessary light spill onto the retained sensitive habitats.

Reptiles

At the time of writing a reptile translocation is being undertaken. As such, at commencement of site preparation, reptiles will have been translocated away from the site. However, to further minimise risk of injury/death to reptiles, site clearance should be undertaken under a Precautionary Method of Works (PMoW) under supervision of an ECoW.

Firstly, an ECoW will undertake a destructive hand search of any refugia/hibernacula features within the site prior to clearance. A toolbox talk will be held outlining the roles and responsibilities of the contractor. An initial cut of any vegetation to 150mm should be undertaken with arisings

removed from site. After a minimum period of 24 hours (to allow any reptiles to disperse), a phased clearance should be undertaken to ground level from west to east, encouraging any residual reptiles to move towards the rail sidings.

Nesting birds

No breeding habitats are to be removed; these will be protected with fencing (see above). However, if the pruning of boundary trees on the site is to be required, where possible this should be undertaken outside of nesting bird season (March to August inclusive). If this is not feasible then any pruning works will only be undertaken after a systematic check of the vegetation has been completed by the project ECoW or another SQE, no more than 48 hours prior to the pruning works.

Active nests

Should an active bird nest be identified, then a buffer of at least 5m will be left around the nest and all pruning works within that buffer avoided until the young have fledged, or the nest is no longer in use. Regular monitoring of any active nests will be undertaken on a weekly basis by the ECoW or another SQE to identify when the young have fledged.

Invasive species

No invasive species were identified on site. However, good practice measures such as responsible sourcing of imported materials, regular washing of vehicles entering site and control of materials, following the waste management plan, will minimise the risk of invasive species being brought onto the site.

In the unlikely event that the ECoW identifies invasive species are present on site after works have started, then the area will be cordoned off with a buffer size of at least 5m, and left undisturbed until a suitable method of management has been discussed and agreed.

6.0 GENERAL ENVIRONMENTAL MANAGEMENT

6.1 COMMUNICATION

The 'Appointed Contractor' i.e. Lovell, will define and implement procedures for internal and external communication, including procedures for receiving, logging and resolving complaints.

The CEMP will be communicated to the full project team, including any subcontractors, by the 'Appointed Contractor' i.e. Lovell to ensure that all parties are aware of environmental requirements. Details of specific environmentally sensitive activities will be communicated to site personnel by the ECoW.

6.2 INDUCTION AND TRAINING

All site personnel involved in the construction of the proposed development will receive environmental awareness training. The environmental training and awareness procedure will ensure that site personnel are familiar with the principles of the CEMP, the environmental aspects and impacts associated with their specific activities, the procedures in place to minimise these impacts and the consequences of departure from these procedures.

Training will include site briefings and toolbox talks for relevant site personnel to maintain the necessary level of knowledge on community relations and environmental topics. The training will ensure that all site personnel are able to follow environmental control measures and will advise the 'Appointed Contractor' i.e. Lovell of changing circumstances as work progresses.

Site induction training will ensure all site personnel are aware of the environmental risks and have an understanding of legal obligations.

6.3 ENVIRONMENTAL INCIDENT RESPONSE PROCEDURE

The 'Appointed Contractor' i.e. Lovell will be required to establish and implement an environmental incident response procedure. This procedure will be designed to respond to environmental hazards and risks at the site and will include emergency control measures that will take into account the 'Pollution Prevention for Businesses' produced by Department of Environment, Food and Rural Affairs (Defra) and the Environment Agency.⁴

6.4 COMPLAINTS AND ENQUIRIES

All complaints and inquiries received by the 'Appointed Contractor' i.e. Lovell will be logged promptly; details of the location, time and nature of the issue will be recorded. A named individual will be assigned to resolve the issue, including liaison with the complainant and reporting to the Site Manager on the outcome of the resolution procedure.

6.5 CHECKING CORRECTIVE ACTION

Monitoring compliance is a crucial part of the implementation of the CEMP. This should take the format of regular site inspections by the Environmental Champion, internal and external audits and, where necessary, environmental monitoring of key parameters.

All areas of non-conformance identified through the monitoring will be documented and investigated and corrective measures will be developed, implemented and then formally closed out through follow up inspections.

The ECoW should be consulted for advice, where applicable.

6.6 MANAGEMENT REVIEW

The management review should take place as per the managing programme section within the CEMP, on a monthly basis, as the programme is reviewed to evaluate ongoing effectiveness of the CEMP. A review of control procedures may be required following any reported non-compliance.

6.7 OTHER GOOD HOUSEKEEPING MEASURES

The following environmental management and monitoring measures will be adopted throughout the construction phase. Unless otherwise stated the 'Appointed Contractor' i.e. Lovell will be responsible for the implementation of all measures.

General

Good housekeeping will be maintained on-site and on access routes. Measures will include:

- Clear access routes with appropriate signposting;
- Segregation and regular removal of waste (including food waste) from the site;
- Keeping the site tidy and clean;
- Inspecting hoarding frequently, repair and repaint as necessary;
- Visual inspections of plant, equipment and material storage areas for leaks or spills;
- Toilet facilities will be kept clean;
- Open fires will be prohibited at all times;
- Hardstanding for vehicles (parking and access/egress areas) will be cleaned frequently; and,
- Mud will be minimised on access routes.

6.8 CEMP REVIEW

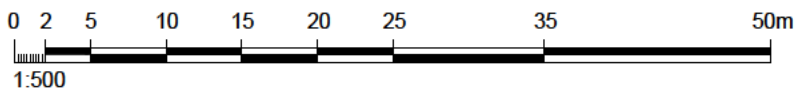
The site manager, in consultation with a SQE, should review and update the CEMP on a regular basis during construction. The review should be informed by the results of regular compliance monitoring, internal and external inspections, incident reporting as well as any complaints received. The following items (as well as others) may be considered during a review:

- Roles and responsibilities;
- Training needs;
- Control measures;
- Monitoring requirements (i.e. frequency of inspections);
- Communication; and,
- Continuous improvement.

APPENDIX A LANDSCAPE MASTERPLAN



Areas for BNG calculations	
Scrub Mixed Planting with Tree Planting	5229m2
Grassland Meadow Planting	1520m2
Flowering Meadow	2301m2
Amenity Grass	2986m2
Shrub planting	1883m2
Hedge	243m
Proposed Trees	171



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First Floor Studio | The Old Bank | Exton Street | London | SE1 1AE

T: 0207 520 1453 | E: info@fabrik.com | W: www.fabrik.com

Client

Project

Novartis Phase 3

Drawing Title

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Purpose of Issue

ISSUED FOR PLANNING APPROVAL

Drawing Number

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Muse

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a/s

Drawn Scale

1:500 @ A1

Date of First Issue

12/2024

Revision

P01

1

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All contractors must visit site and be responsible for taking and checking all dimensions related to the works shown on the drawing prior to fabrication or setting out.

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External Reference:

H20P GIP layout

Revision	Date	Reason	Drawn	Checked

APPENDIX B SITE LOCATION AND BIODIVERSITY PROTECTION ZONES

NOVARTIS PHASE 3

-  Biodiversity Protection Zones
-  Site Boundary

Title: Appendix B: Biodiversity Protection Zones

Drawn by: DP
Date: 26/07/2026

Reviewed by: MC
Date: 26/07/2026

Project number: 552977
Sources: Google Satellite Imagery, ESRI World Topo



APPENDIX C ECOLOGICAL RISK ASSESSMENT

Table C.1 Ecological Risk Assessment

Ecological Feature	Potential Adverse Impacts	Risk Avoidance Measure	Timing to Implement Avoidance Measure	Person Responsible for Implementing Avoidance Measure
Foraging/commuting bats	Disturbance of foraging routes around edges of retained woodland and trees	Tree protection measures, avoid night work, and implement a sensitive lighting scheme for task lighting.	Control measures to be adhered to throughout construction. No ECoW required to oversee but Appointed Contractor to keep a record of measures taken.	Appointed Contractor
Nesting birds	Accidental disturbance/injury/death during pruning works.	Pruning works to be undertaken outside of nesting season (i.e. avoiding March - August), or after the ECoW has	Control measures to be adhered to throughout construction. If pruning works are undertaken outside of	Appointed Contractor, ECoW

Ecological Feature	Potential Adverse Impacts	Risk Avoidance Measure	Timing to Implement Avoidance Measure	Person Responsible for Implementing Avoidance Measure
		confirmed absence of nests.	nesting bird season then ECoW is not required. If pruning works are undertaken during the nesting season, then an ECoW is required to be present to undertake a nesting check no more than 48 hours prior to the pruning/clearance works.	
Reptiles	Accidental killing/injury during site preparation and clearance			
Peregrine falcon	Disturbance to nesting peregrine falcons throughout construction phase			

APPENDIX D LEGISLATION AND POLICY

D.1 LEGISLATION

Current key legislation relating to ecology includes the Wildlife and Countryside Act 1981 (as amended)⁵; The Conservation of Habitats and Species Regulations 2019 ('Habitats & Species Regulations')⁶, The Countryside and Rights of Way Act 2000 (CRoW Act)⁷, and The Natural Environment and Rural Communities Act, 2006⁸.

The Environment Act, 2021

N.B. The BIA predates the below and therefore is not bound by it, however it followed the emerging Biodiversity Net Gain (BNG) principles and process at the time (including using the Biodiversity Metric version 3.1).

Under the Environment Act, 2021, as of 12th February 2024 and 2nd April 2024, it is mandatory in England for new developments (with a small number of exceptions) to deliver a minimum 10% biodiversity net gain (BNG), as measured by the Statutory Biodiversity Metric (SBM) or Small Sites Metric (SSM) respectively, secured through planning condition as standard (as per schedule 14 of the Act). Approach to the delivery of BNG must follow the mitigation hierarchy, with avoidance of impact and on-site compensation/gains prioritised, ahead of the use of off-site compensation, or the purchase of statutory credits.

The Act introduces the condition that no development may begin unless a Biodiversity Gain Plan (BGP) has been submitted and approved by the LPA.

The Act also amends requirements of the NERC Act, 2006, adding the need to not just conserve, but enhance biodiversity through planning projects. Furthermore, it introduces the need for the LPA to have regard to relevant local nature recovery strategies and relevant species/protected site conservation strategies, when making their decision.

Under the Act, the enhancements must be maintained for at least 30 years.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats & Species Regulations replace The Conservation (Natural Habitats, etc.) Regulations 1994 (as amended)⁹, and transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive')¹⁰, and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive')¹¹ into UK law (in conjunction with the Wildlife and Countryside Act).

Regulation 43 and 47 respectively of the Conservation of Habitats & Species Regulations makes it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2 (European protected species of animals), or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 5 (European protected species of plant). Development that would contravene the protection afforded to European protected species requires a derogation (in the form of a licence) from the provisions of the Habitats Directive.

Regulation 63 (1) states: 'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which —

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and

(b) is not directly connected with or necessary to the management of that site;

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.'

Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats¹² (the 'Bern Convention') and the Birds Directive and EU Habitats Directive are implemented in Great Britain.

The Countryside and Rights of Way Act 2000

The Wildlife and Countryside Act has been updated by the CROW Act. The CROW Act amends the law relating to nature conservation and protection of wildlife. In relation to threatened species it strengthens the legal protection and adds the word 'reckless' to the offences of damaging, disturbing, or obstructing access to any structure or place a protected species uses for shelter or protection, and disturbing any protected species whilst it is occupying a structure or place it uses for shelter or protection.

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities Act 2006 states that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. BAPs provide a framework for prioritising conservation actions for biodiversity.

Section 41 of the NERC Act 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 list, a result of the most comprehensive analysis ever undertaken in the UK, currently contains 1,149 species, including for example, hedgehog (*Erinaceus europaeus*), and 65 habitats that were listed as priorities for conservation action under the now defunct UK BAP¹³. Despite the devolution of the UK BAP and succession of the UK Post-2010 Biodiversity Framework¹⁴ (and Biodiversity 2020 strategy¹⁵ in England), as a response to the Convention on Biological Diversity's (CBD's) Strategic Plan for Biodiversity 2011-2020¹⁶ and EU Biodiversity Strategy (EUBS)¹⁷, this list (now referred to as the list of Species and Habitats of Principal Importance in England) will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 41 of the NERC Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions.

Biodiversity Action Plans

Non-statutory BAPs have been prepared on a local and regional scale throughout the UK over the past 15 years. Such plans provide a mechanism for implementing the government's broad strategy for conserving and enhancing the most endangered ('priority') habitats and species in the UK for the next 20 years. As described above the UK BAP was succeeded in England by Biodiversity 2020

although the list of priority habitats and species remains valid as the list of Species of Principal Importance for Nature Conservation.

Regional and local BAPs are still valid however and continue to be updated and produced.

Detail on the relevant BAPs for this site are provided in the main text of this report.

Legislation Relating to Nesting Birds

Nesting birds, with certain exceptions, are protected from intentional killing, destruction of nests and destruction/taking of eggs under the Wildlife and Countryside Act 1981 (as amended) and the CROW Act. Any clearance of dense vegetation should therefore be undertaken outside of the nesting bird season, taken to run conservatively from March to August (inclusive), unless an ecologist confirms the absence of active nests prior to clearance.

Legislation Relating to Bats

All UK bats and their roosts are protected by law. Since the first legislation was introduced in 1981, which gave strong legal protection to all bat species and their roosts in England, Scotland and Wales, additional legislation and amendments have been implemented throughout the UK.

Six of the 18 British species of bat have BAPs assigned to them, which highlights the importance of specific habitats to species, details of the threats they face and proposes measures to aid in the reduction of population declines.

Although habitats that are important for bats are not legally protected, care should be taken when dealing with the modification or development of an area if aspects of it are deemed important to bats such as flight corridors and foraging areas.

The Wildlife & Countryside Act 1981 (WCA) was the first legislation to provide protection for all bats and their roosts in England, Scotland and Wales (earlier legislation gave protection to horseshoe bats only.)

All eighteen British bat species are listed in Schedule 5 of the Wildlife and Countryside Act, 1981 and under Annexe IV of the Habitats Directive, 1992 as a European protected species. They are therefore fully protected under Section 9 of the 1981 Act and under Regulation 43 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which transposes the Habitats Directive into UK law. Consequently, it is an offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat; and,
- Intentionally or recklessly obstruct access to a bat roost.

This legislation applies to all bat life stages.

The implications of the above in relation to the proposals are that where it is necessary during construction to remove trees, buildings or structures in which bats roost, it must first be determined that work is compulsory and if so, appropriate licenses must be obtained from Natural England.

Legislation Relating to Great Crested Newts

GCN are given full protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Protection to the species is also afforded by Regulation 43 of the Conservation of Habitats and Species Regulations 2019, making the great crested newt a European Protected Species. These two pieces of legislation operate in parallel, although there are some small differences in scope and wording. Under the provisions of Section 9 of the Wildlife & Countryside Act, it is an offence to:

- Intentionally kill, injure or take a GCN;
- Possess or control and live or dead specimen or anything derived from a GCN (unless it can be shown to have been legally acquired);
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a GCN; and,
- Intentionally or recklessly disturb a GCN while it is occupying a structure or place which it uses for that purpose.

Regulation 43 of the Conservation of Habitats and Species Regulations 2019 makes it an offence to:

- Deliberately capture or kill a GCN;
- Deliberately disturb a GCN;
- Damage or destroy a breeding site or resting place of a GCN; and,
- Keep transport, sell or exchange, or offer for sale or exchange a live or dead GCN or any part of a GCN.

Legislation Relating to Natura 2000 Sites and Habitats Directive Annex I/II Species

European Commission Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive'), and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive') form the cornerstones of nature conservation legislation across EU member states. Priority species requiring protection across Europe are listed in the Annexes of these Directives. Regulation 63(1) of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Offshore Marine Conservation Regulations, 2007 (as amended) transpose these directives into UK law and set the basis for the designations of protected sites (known as Natura 2000 sites; Special Areas of Conservation under the Habitat Directive and Special Areas of Protection under the Birds Directive) that are of importance for habitats, species or assemblages listed on the directive Annexes. In the UK, Ramsar sites are also offered the same level of protection as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) however the qualifying species for the designation may differ; Ramsar sites being designated specifically as important wetland habitats.

Under article 6(3) of the Habitats Directive, where projects stand to have likely significant effect (in accordance with the European Court of Justice ruling of C-127/02 Waddenzee cockle fishing) upon the integrity of conservation objectives (i.e. conservation status of the qualifying species or habitats) within the designated sites then the Competent Authority must undertake an Appropriate Assessment.

D.2 PLANNING POLICY

National

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2025¹⁸ sets out the Government's planning policies for England, including how plans and decisions are expected to apply a presumption in favour of sustainable development. Chapter 15 of the NPPF focuses on conservation and enhancement of the natural environment, stating plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.

It goes on to state: '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'. Alongside this, it acknowledges that planning should be refused where irreplaceable habitats such as ancient woodland are lost.

Regional

West Sussex Planning Policy

Climate Change Resilience

No formal environmental strategy is included however key points within this document include increasing access to nature, prioritising natural flood solutions and increasing opportunities for BNG to promote the following:

- Green tourism;
- Natural capital investment funding when available
- Sustainable businesses
- Sustainable business growth
- Green innovation amongst business

Local

Horsham District Planning Framework (2015)¹⁹

Policy 25 - The Natural Environment and Landscape Character

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

1. Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation;
2. Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District;

3. Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible; and,
4. Conserve and where possible enhance the setting of the South Downs National Park.

Policy 26 - Countryside Protection

In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including;

5. The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;
6. The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and,
7. The landform of the area.

Policy 27 Settlement Coalescence

Landscapes will be protected from development which would result in the coalescence of settlements. Development between settlements will be resisted unless it can be demonstrated that:

8. Proposals contribute to the conservation, enhancement and amenity of the countryside, including where appropriate enhancements to the Green Infrastructure network or provide opportunities for quiet informal recreation.

Policy 31 Green Infrastructure and Biodiversity

9. 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.
10. 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.
11. Where felling of protected trees is necessary, replacement planting with a suitable species will be required.
12. 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.

1. 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:
 - iv. The reason for the development clearly outweighs the need to protect the value of the site; and,
 - v. That appropriate mitigation and compensation measures are provided.
13. 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.

Policy 33 Development Principles

In order to conserve and enhance the natural and built environment developments shall be required to:

14. Presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

Draft Horsham District Local Plan 2019-2036

Policy 27 - The Natural Environment and Landscape Character

The Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats, will be protected against inappropriate development. The Council will expect development proposals to be landscape led from the outset so that they clearly inform the design and layout. Proposals will also be required to:

15. Protect, conserve and enhance the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintain settlement separation;
16. Maintain and enhance the Green Infrastructure Network, the Nature Recovery Network and, where practicable, help to address any identified deficiencies in the District;
17. Maintain and enhance the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and secure net gains in biodiversity;
18. Incorporate SUDS into a scheme in an optimal location for their purpose whilst also securing landscape enhancements and good quality spaces. Proposals will be expected to provide details to demonstrate that the whole life management and maintenance of the SUDS are appropriate, deliverable and will not cause harm to the natural environment and/or landscape; and,
19. Where applicable, conserve and, where possible, enhance the setting of the South Downs National Park and the High Weald Area of Outstanding Natural Beauty.

Policy 28 - Countryside Protection

20. Outside built-up area boundaries and unclassified settlements, the rural character and undeveloped nature of the countryside will be protected against inappropriate development.

Any proposal must be essential to and justify its countryside location, and must meet one of the following criteria:

- a. Support the needs of agriculture or forestry
 - b. Enable the extraction of minerals or the disposal of waste;
 - c. Provide for quiet informal recreational use; or,
 - d. Enable the sustainable development of rural areas.
21. In addition, all proposals must be appropriately integrated within the landscape and be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, conserves, and seeks to enhance, the key features and characteristics of the landscape character area in which it is located, including;
- a. The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;
 - b. The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and,
 - c. the landform of the area; and,
 - d. Where relevant, the designated South Downs National Park 'International Dark Sky Reserve' (IDSR).

Policy 29 - Settlement Coalescence

22. Landscapes will be protected from development which would result in the coalescence of settlements in order to protect local identity and a sense of place. Development between settlements will be resisted unless it can be demonstrated that:
- a. c. Proposals respect the landscape and contribute to the enhancement of their countryside setting, including, where appropriate, enhancements to the Green Infrastructure network, the Nature Recovery Network and/or provide opportunities for quiet informal countryside recreation.

Policy 31 - Green Infrastructure and Biodiversity

23. Development will be supported where it can demonstrate that it maintains and enhances the existing network of green infrastructure, the Nature Recovery Network, natural capital and biodiversity. Proposals that would result in the loss of existing green infrastructure or part of the Nature Recovery Network will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.
24. Proposals will be expected to retain and enhance existing fresh water features, hedgerows, trees and deciduous woodland and the provision of additional hedgerow and tree planting will be sought subject to appropriate consideration of local and wider context, habitats and species.
25. Where the felling of a tree is necessary, for example due to disease, replacement planting with a suitable species and location to retain the link with the wider network of habitats and Green Infrastructure, will be required.

26. Development proposals will be expected to remove invasive species and will be required to contribute to the enhancement of existing biodiversity and deliver, as a minimum, a 10% net gain through the delivery of appropriate on-site biodiversity net gain or, where this is not practicable, to off-set the delivery to the Nature Recovery Network.
27. Proposals should create and manage appropriate new habitats, taking into account pollination, where practicable. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity, and where appropriate the Nature Recovery Network, through the creation of green spaces, and linkages between habitats to create local and regional ecological networks and allow the movement of wildlife through development sites.
28. Particular consideration will be given to the hierarchy of sites and habitats in the District as follows:
 - a. Special Protection Area (SPA) and Special Areas of Conservation (SAC)
 - b. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs)
 - c. Local Wildlife Sites (LWS), Local Nature Reserves (LNRs) and any areas of Ancient woodland, traditional orchards, local geodiversity or other irreplaceable habitats not already identified in a & b above.
29. Where development is anticipated to have a direct or indirect adverse impact on sites or features of importance to nature conservation, development will be refused unless it can be demonstrated that:
 - a. The objectives of a site's designation, where applicable, and integrity of the area will not be undermined;
 - b. The reason for the development clearly outweighs the need to protect the value of the site; and,
 - c. That appropriate mitigation and compensation measures are provided.
30. Any development with the potential to impact Arun Valley SPA or the Mens SAC will be subject to a Habitats Regulation Assessment to determine the need for an Appropriate Assessment. In addition, development will be required to be in accordance with the necessary mitigation measures for development set out in the HRA of this plan.

Policy 33 Development Quality

High quality and inclusive design for all development in the District will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context for development. In particular, development will be required to:

2. 5. Contribute to, and enhance, the green infrastructure that makes the District a more pleasant place to live. Existing landscape belts, trees, and hedgerows that are field boundaries and form the character of the landscape should be retained; and

Policy 34 Development Principles

3. 8. Development must relate sympathetically to the local landscape and should retain existing important landscape and natural features, for example trees, hedges, banks and watercourses. Any losses or harm to landscape and natural features that may occur through the

development will require justification and evidence that new opportunities will be provided or that that mitigation or compensation for any loss will be provide.

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