



Preliminary Ecological Appraisal

Land on Blackhouse Road, Colgate, RH13 6HS

February 2026



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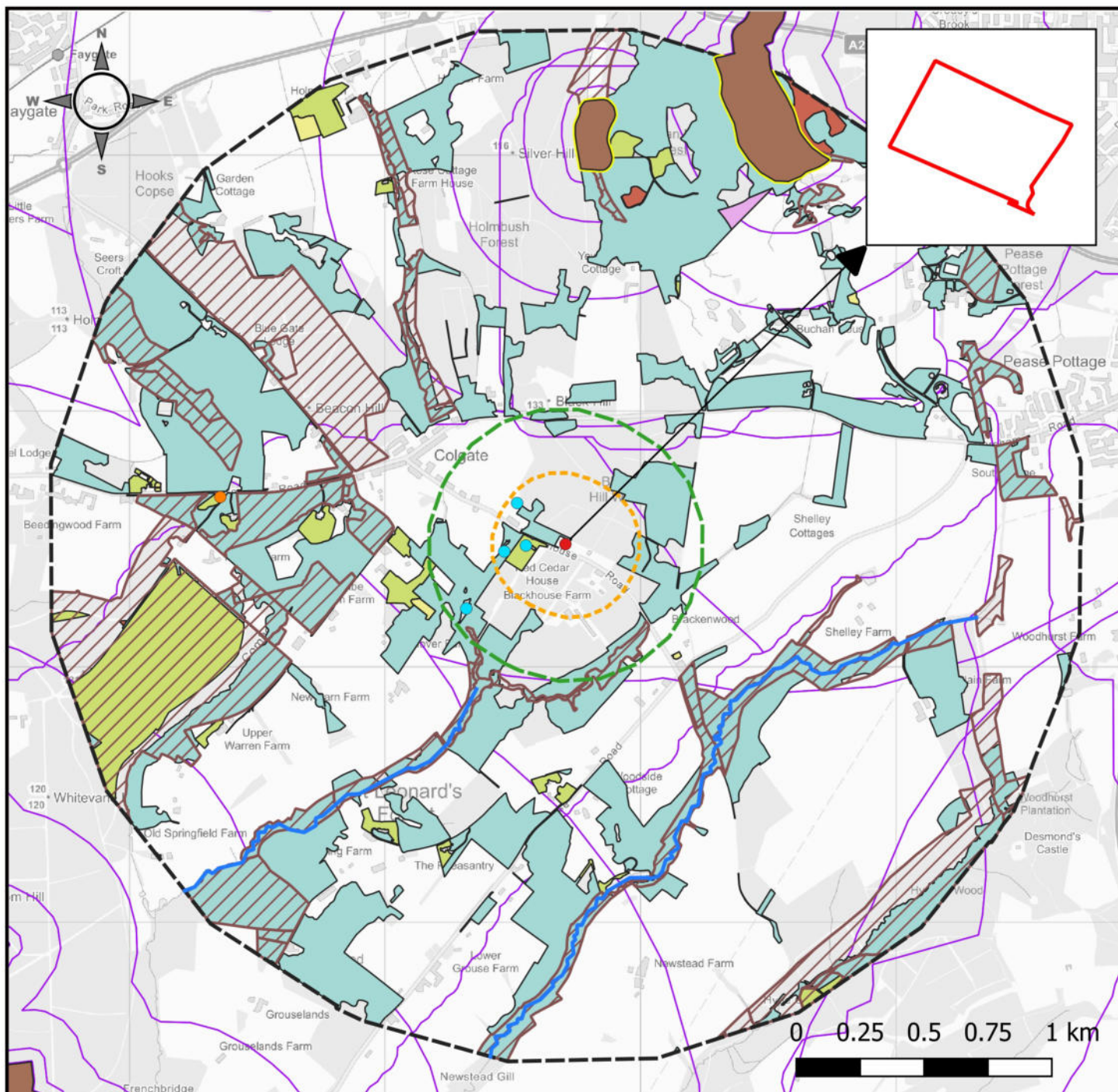
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Legend

- | | | |
|---|-------------------------|----------------------|
| Deciduous woodland | Ancient woodland | Site centroid |
| Lowland dry acid grassland | SSSI | Development boundary |
| Lowland heathland | SSSI IRZ | 0.25 km search area |
| No main habitat but additional habitats present | Rivers | 0.5 km search area |
| Traditional orchard | Surveyed priority ponds | 2 km search area |
| | Ponds | |

Figure title: **Site Location and Desk Study Results**

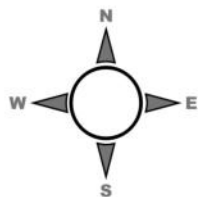
Client/
project ref: **Rebecca Licorish and Katherine Thorn
C-NJA-091**

Site location: **Land on Blackhouse Road, Colgate, RH13 6HS**

Figure number:	Date drawn:	Scale at A4:
1	19/02/2026	1:23000

Revision:	Cartographer:	Approver:
1	AO	HB





Legend

 Development boundary

UKHab Classification

 g4 - Modified grassland

 h3g - Rhododendron scrub

 u1c - Artificial unvegetated, unsealed surface

 h3d - Bramble scrub

 h2a - Native hedgerow

 Trees



0 5 10 m



Figure Title:
UK Habitat Classification Survey
Results

Client/ Project Reference:
Rebecca Licorish and Katherine Thorn
C-NJA-091

Figure number:	Revision:	Scale at A4:
2	1	1:400
Cartographer:	Date drawn:	Approver:
AO	19/02/2026	HB

Photo 1: Displaying modified grassland within the development boundary (view facing west).



Photo 2: Displaying modified grassland, bramble scrub and trees within the development boundary.



Photo 3: Displaying rhododendron scrub within the development boundary.



Photo 4: Displaying bramble scrub within the development boundary.



Photo 5: Displaying artificial unvegetated, unsealed surface within the southern corner of the development boundary.



Photo 6: Displaying modified grassland and a native hedgerow within the development boundary.



Site Location: Land on Blackhouse Road, Colgate, RH13 6HS			Client: Rebecca Licorish and Katherine Thorn
Figure Title: UK Habitat Classification Survey - Photographs			Project Ref: C-NJA-091
Figure No: 3	Revision No: 1	Scale: n/a	
Cartographer: AO	Date Drawn: 19/02/2026	Reviewed By: HB	



1. Summary and Recommendations

Proposals	• Rebecca Licorish and Katherine Thorn are proposing a development at The Land on Blackhouse Road, Colgate, RH13 6HS (see Figure 1). • The proposals include the construction of a single storey self-build dwelling.
Surveys	• A desk study was conducted that included the purchase of records from the Sussex Biodiversity Record Centre. • A site visit was completed that included a UK Habitat Classification Survey and an appraisal of the habitats within the development boundary to act as ecological receptors.
Impact Assessment	• The development will not result in any adverse impacts on any designated sites of international, national or local importance. • The development will not adversely impact any Habitats of Principle Importance, ancient woodland or any other irreplaceable habitat type. • Mitigation will be required within the design and construction phase of the development to ensure the long-term safeguarding of the native hedgerow that falls within the development boundary and that qualifies as a Habitat of Principal Importance (HPI). • Based upon the desk study results, the habitats recorded within the development boundary and the development proposals, [REDACTED] and other mammal burrows, bats (flightlines), nesting birds, great crested newts, hazel dormice, hedgehogs and reptiles are a material consideration for the development. • Based on the current development plans, no trees with features suitable for roosting bats will be adversely impacted by the development. Should the design be amended and trees identified for removal, a Ground Level Tree Assessment (GLTA) will be required to determine their potential suitability for roosting bats. • It is not anticipated that the development will generate significant levels of pollution due to its small scale, however, mitigation will be required during the construction phase of the development to ensure there is no on-site or off-site pollution to habitats or water sources. • In line with national and local policy, the development will be required to incorporate ecological enhancements into the design. It is our understanding, however, that measurable net gains as defined by The Environment Act, 2021 will not be required.



Recommendations	The recommendations below represent a summary only. The full recommendations of this report are outlined in section 6. Mitigation • The mitigation measures outlined in this report for HPI native hedgerow and other mammals burrows, bats (flightlines), hazel dormice, hedgehogs, GCN, birds, reptiles and pollution prevention should be followed during the design and construction phase of the development. Ecological Enhancements • The ecological enhancements outlined within this report should be incorporated into the design of the development.
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2. Introduction

2.1 Development Location

2.1.1 Rebecca Licorish and Katherine Thorn are proposing a development (grid reference: TQ 23712 32471) at Land on Blackhouse Road, Colgate, RH13 6HS (see Figure 1). The above address is hereafter referred to as ‘the site’ and Rebecca Licorish and Katherine Thorn as the ‘applicant’.

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

2.2 Development Proposals

2.2.1 The applicant is seeking planning consent for a development (as shown on ScandiaHus Drawing 637699 - SP02 - RevE), which comprises the construction of a single storey self-build dwelling.

2.2.2 The proposals above are hereafter referred to collectively as ‘the development’ in this report. The footprint of the works and their immediate surroundings are hereafter referred to as the ‘development boundary’.

2.3 Ecology Background

2.3.1 It is our understanding that no previous ecology reports have been completed for the proposed development.

2.4 Brief and Objectives

2.4.1 Arun Ecology Ltd were commissioned by the applicant to undertake a Preliminary Ecological Appraisal (PEA) for the development.

2.4.2 The key objectives of a PEA, as per CIEEM guidance (CIEEM, 2017) are as follows:

- Identify the likely ecological constraints associated with the development;
- Identify any mitigation measures likely to be required, following the ‘mitigation hierarchy’, as per BS42020:2013 Clause 5:2 (BSI, 2013);
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (ECiA); and
- Identify the opportunities offered by the development to deliver ecological enhancements and net gains for biodiversity.

2.4.3 The brief agreed with the applicant included:



- The undertaking of a desk study search obtaining records of designated sites, Habitats of Principle Importance (HPI) and ancient woodland as well as purchasing records of protected species and species of conservation concern;
- Undertake a UK Habitat Classification Survey (hereafter UKHab Survey) to record the habitats within the development boundary, assess their conservation value and suitability to act as ecological receptors for protected species and species of conservation concern, including a detailed assessment of the suitability of structures and trees to support roosting bats; and
- Provide a PEA report supported by digitized mapping that presents the methods and results of the desk study and the UKHab Survey within the development boundary. The report will also include an initial impact assessment of the development and any recommendations, including opportunities for ecological enhancement.



3. Method

3.1 Preliminary Ecological Appraisal

General Approach

- 3.1.1 The PEA was carried out in accordance with the CIEEM Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and the CIEEM Guidelines for Ecological Impact Assessment (CIEEM, 2018).

3.2 Desk Study

- 3.2.1 The study area for the desk study at this stage of the development is based upon a provisional *'zone of influence'*. *'The 'zone of influence' is defined as per CIEEM guidance as 'the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities' (CIEEM, 2018).*

- 3.2.2 The provisional zone of influence for the development where data was sought is set as the following:

- RAMSAR, Special Conservation Areas (SACs) and Special Protection Areas (SPAs), (including potentially designated sites), Sites of Special Scientific Interest (SSSI) and locally designated sites – 2 km;
- All other non-statutory designated sites – 1 km;
- Habitats of Principle Importance (HPI), Ancient woodland and Main Rivers – 2 km;
- Ponds – 0.5 km; and
- Protected Species, Species of Principle Importance (SPI) and other species of conservation concern – 1 km (from the last 20 years).

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

- The Multi-Agency Geographical Information for the Countryside (MAGIC);
- Government open-source GIS datasets;
- Horsham District Council Local Plan (2015);
- Satellite images (powered by google via QGIS 3.38); and
- Purchased records from Sussex Biodiversity Record Centre (SxBRC).



3.3 Field Habitat Survey

UK Habitat Classification Survey

- 3.3.1 The field survey was undertaken using the UKHab Survey methodology (UKHab, 2023a) to record the habitat types within the development boundary. The study area for the UKHab Survey was defined as all of the land within the development boundary (see Figure 2).
- 3.3.2 The UKHab Survey has 5 hierarchical levels of habitat classification that aligns with those outlined under national legislation and planning policy. Habitats were mapped in the field using the primary habitat codes described in the UKHab Survey Professional Edition to levels 3, 4 or 5 (UKHab, 2023b).
- 3.3.3 Secondary habitat codes and target notes were used where necessary to describe features deviating from the primary habitat classification.
- 3.3.4 To identify each habitat, the dominant plant and other readily identified species were recorded and their abundance within the development boundary was measured using the DAFOR scale (Stace, 2019).

3.4 Site Habitat Suitability Assessment

General Approach

- 3.4.1 The habitat within the development boundary was appraised for its suitability to support protected species and species of conservation concern at the time of the field habitat survey with regard to the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and BS42020:2013 Biodiversity – Code of Practice for Planning and Development (BSI, 2013). The species-specific guidance and references used in the appraisal are outlined in Table 1 below.



Table 1 – References used to assess the suitability of habitat within the development boundary to support protected species and species of conservation concern.

Group/ taxa	Habitat Appraisal References
Amphibians/ GCN	• GCN Habitat Suitability Index (Oldham et al. 2010 and ARG UK 2010);and • Great Crested Newt Conservation Handbook (Langton et al, 2001).
Bats	• Bat Conservation Trust Good Practice Guidelines (Collins, 2023).
Birds	• A Field Guide to Monitoring Nests (Ferguson-Lees et al, 2011); and • Barn Owl Tyto alba Survey Methodology and Techniques for use in Ecological Assessment (Shawyer, 2011).
Mammals	• [REDACTED] • The Dormouse Conservation Handbook (Bullion, S., Wolton, R. & White, I. 2025); • UK BAP Mammals Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation (Cresswell, et al, 2012); • Otter (Woodroffe, 2007), Hedgehog (Morris, 2011); Water shrew (Carter, 2006) - Mammal Society Species Series; and • Water Vole Field Signs and Habitat assessment (Dean, 2022) and Water Vole Mitigation Handbook (Dean et al, 2016).
Reptiles	• Herpetofauna Workers' Manual (Gent & Gibson, 2003); and • Reptile Habitat Management Handbook (Edgar, 2010).
Invertebrates	• Good Planning Practice for Invertebrates (Buglife, 2015); and • Organising Surveys to Determine Site Quality for Invertebrates (English Nature, 2005).

Bats – Preliminary Roost Assessment

- 3.4.2 A bat preliminary roost assessment (PRA) of structures and trees as well as an assessment of the habitat within the development boundary for bats was carried out in accordance with the Bat Conservation Trust Good Practice Guidelines for Ecologists (Collins, 2023).
- 3.4.3 A ground level inspection of the exterior of any structures within the development boundary, and any trees that will be adversely impacted by the development, was undertaken with the aid of torchlight and binoculars to search for bat PRFs that might provide suitable crevices or access/egress points to voids or cavities for roosting bats.
- 3.4.4 Where accessible and safe to do so, a search for signs of bats such as bat specimens, droppings, urine staining and audible sound (such as social calls) was also undertaken at each structure or tree. This included an internal inspection of roof voids at structures and the use of an endoscope to inspect any accessible bat PRFs.
- 3.4.5 A classification based upon the roosting suitability for bats was assigned for each structure and tree that was inspected within the development boundary as well as



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

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

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



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

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

3.5 Survey Dates and Conditions

3.5.1 Details on the date, timing and weather conditions recorded during the survey are provided below in Table 4.

Table 4– Field Survey Information.

Date	Survey Type	Survey Timings		Temperature (°C)		Rain	Wind (Beaufort scale)
		Start	Finish	Start	Finish		
20/01/2026	UK Hab Survey	9:20	11:10	7	9	None	2

3.6 Surveyors

3.6.1 The field survey was undertaken by Amy Oldham BSc (Hons). Amy Oldham is adequately trained to carry out UKHab Surveys and is accredited under a level 1 class licence to survey bats.

3.7 Limitations

3.7.1 The UKHab survey was undertaken outside the optimal survey period for vascular plant identification (April–October). This is not considered a significant limitation to the conclusions of this report, as sufficient information was collected to accurately classify the habitats present within the development boundary in accordance with the UKHab Survey Methodology (UKHab, 2023a). The majority of the site comprised modified grassland, which was easily identifiable outside of the growing season, and other habitats present were likewise distinct and readily classified despite the timing of the survey.



4. Results

4.1 Desk Study

Designated Sites

- 4.1.1 The results of the desk study search for statutory and non-statutory designated sites are detailed below in Table 5 (see Figure 1).

Table 5 - Statutory and non-statutory designated sites returned from the desk study search.

Designation Level	Site Name	Distance & Direction	Summary
Statutory Designated Sites			
SSSI	St Leonard's Forest	The St Leonard's Forest designation is located 2.65 km southwest of the development boundary. The site falls within the SSSI impact risk zone.	St Leonards Forest designation is approximately 85 ha in size and is located within the Horsham District of West Sussex. The site is designated for its deciduous woodland, assemblages of breeding birds and nationally scarce butterfly, the purple emperor <i>Apatura iris</i> .
SSSI	Buchan Hill Ponds	The Buchan Hill Ponds designation is located 1.44 km north of the development boundary. The site falls within the SSSI impact risk zone.	Buchan Hill Ponds designation is approximately 19 ha in size and is located within the Horsham District of West Sussex. The site is designated for its uncommon woodlands and assemblage of notable dragonfly species including hairy dragonfly <i>Brachytron pratense</i> and brilliant emerald <i>Somatochlora metallica</i> .

Ancient Woodland

- 4.1.2 There were fifty-two ancient woodland parcels returned within 2 km of the development boundary (see Figure 1). The nearest ancient woodland parcel was located 0.39 km southeast of the development boundary.

Habitats of Principle Importance

- 4.1.3 Details on the number of HPI, the habitat type and the distance from the development boundary to the closest HPI parcel are detailed in Table 6 and displayed in Figure 1.



Table 6 - Habitats of Principle Importance returned from the desk study search within 2 km of the development boundary.

Habitat of Principle Importance		
Habitat Type	Number of HPI parcels within 2 km	Distance and direction of nearest HPI parcel and other notable parcels
Deciduous woodland	100	The nearest deciduous woodland parcel is located immediately adjacent to the development boundary.
Lowland dry acid grassland	1	The nearest lowland dry acid grassland is located 1.37 km northeast of the development boundary.
Lowland heathland	3	The nearest lowland heathland parcel is located 1.31 km north of the development boundary.
Traditional orchard	8	The nearest traditional orchard is located 0.53 km southwest of the development boundary.
No main habitat but additional habitats present	32	- These parcels include deciduous woodland, lowland heathland, ponds, lowland dry acid grassland and traditional orchard; and - There are two parcels of this category within 0.5 km of the development boundary.

4.1.4 Four ponds were recorded within 0.5 km of the development boundary, three of which were within 0.25 km of the development boundary (see Figure 1). The nearest pond is located 0.11 km south of the development boundary.

4.1.5 Seven main river parcels were returned within 2 km of the development boundary (see Figure 1). None of the parcels were listed as priority river habitats under the national inventory. The nearest main river parcel is located 0.64 km southwest of the development boundary.

Protected Species and Other Species of Conservation Concern

4.1.6 One European Protected Species Licence (EPSL) has been granted within 1 km of the site. Information on the EPSL granted within 1 km of the site is provided below in Table 7.



Table 7 - Information on EPSL licences granted within 1 km of the site.

Licence Number	Species	Grid Reference	Distance from Site	Summary of Activities
2015-17924-EPS-MIT	Brown Long Eared, Common Pipistrelle, Soprano Pipistrelle	TQ23303260	0.42 km southeast	License allowed the destruction of a resting place.



4.2 UK Habitat Classification Survey Results

4.2.1 The habitats recorded during the UKHab Survey within the development boundary are described below in Table 8 (see Figure 2 and Figure 3).

Table 8 – Habitats recorded within the development boundary during the UK Habitat Classification Survey.

Habitat Reference (Figure 2)	UK Hab Survey Classification Code	Approx. Area sqm /length m	Summary and Species List
Grassland			
1	Primary: Modified grassland Secondary: Tree Code: g4 200	1402	A large section of the development boundary was comprised of a parcel of modified grassland. The grassland had a short sward height of 3-6 cm. The grassland had a species composition indicative of improvement with approximately 5-6 species per metre squared. Species recorded: perennial rye grass (D), white clover (A), broadleaved dock (F), ragwort (F), Yorkshire fog (F), common nettle (O), snowdrop (O), dove's foot cranesbill (R), cow parsley (R). Trees: oak (R) and pinus sp. (R).
Urban			
2 and 3	Primary: Artificial unvegetated, unsealed surface Code: u1c	63	There are two small parcels of artificial unvegetated, unsealed surface located within the development boundary which are used as an access road and parking area. These parcels have no vegetation associated with them.
Heathland and scrub			
4	Primary: Bramble scrub Code: h3d	169	There was a parcel of bramble scrub located in the eastern section of the development boundary that was approximately 1.5 m tall. Species recorded: bramble (D), broadleaved dock (O), bracken (O).



5	Primary: Rhododendron scrub Primary: Scattered trees; Scattered bracken Code: h3g 32 12	1214	There was a large area of rhododendron scrub within the development boundary extending from the northern and western boundaries into the central section of the site. The scrub varied in height from approximately 1 – 4 metres tall. There were several scattered trees within this scrub parcel. Species recorded: rhododendron (D), bracken (A), snowdrop (F), common nettle (O), broadleaved dock (O), soft rush (R), bramble (R). Scattered trees: ash (F), oak (O), sweet chestnut (R), pinus sp. (R), silver birch (R).
H1	Primary: Native hedgerow Code: h2a	53	There was a native hedgerow along the majority of the southern development boundary that was approximately 53 m long, 2.5 m tall and 1 m wide. The hedgerow was dominated by a single woody species and fits the criteria for HPI hedgerow. Species recorded: hawthorn (D), common ivy (A), holly (O), bramble (O), cleavers (O), ash (O), oak (O), field maple (O), dogrose (R), yew (R).



4.3 Site Habitat Suitability Assessment

4.3.1 An assessment of habitat within the development boundary to act as an ecological receptor for protected species and species of conservation concern, based upon the desk study results and the habitats recorded during the UKHab Survey is provided below in Table 9.

Table 9 – Site habitat assessment for protected species and species of conservation concern.

Species/Group	Site Assessment and Rationale
GCN and Other Amphibians	- Four ponds were recorded within 0.5 km of the development boundary, with the closest located 0.11 km from the development boundary. No GCN records were returned from the desk study search within 1 km of the development boundary. - No suitable breeding habitat for GCN was recorded within the development boundary. The native hedgerow, bramble scrub and rhododendron scrub within the development boundary provide suitable terrestrial habitat (resting places) for GCN. The modified grassland within the main footprint of the development at the time of the UKHab Survey provided unsuitable structure to be used as a permanent resting place for GCN with a sward height of 30 - 60 mm. - Given the sub-optimal habitat within the main footprint of the development, the probability of GCN being encountered within the main footprint of the development is low.
Bats	- Records of bats (including SPI) were returned from the desk study search within 1 km of the development boundary. - There were no buildings or structures with suitability for roosting bats within the development boundary. There were several trees with PRFs within the development boundary. - The habitat within the development boundary was assessed as having suitability for bats, with the trees, native hedgerow and rhododendron scrub within the development boundary providing suitable foraging and commuting habitat (flightlines) for bats. This habitat connects well to the wider rural landscape, including local parcels of deciduous and ancient woodland. As such, commuting and foraging bats could be encountered within the development boundary.
Birds	Records of common bird species, as well as species of conservation concern, were returned from the desk study within 1 km of the development boundary.



	• The habitat within the development boundary includes a native hedgerow, trees, rhododendron scrub and bramble scrub that provide suitable habitat for nesting and foraging birds. The modified grassland habitat within the main footprint of the development had a short sward height at the time of the UKHab survey and is reasonably unlikely to provide suitable habitat for ground nesting birds. • The overall quantity and quality of available habitat for nesting birds within the footprint of the development is insufficient to support important bird assemblages and populations of conservation concern.
Terrestrial mammals (non-bats)	• [REDACTED] • Hazel dormice: No records of hazel dormice were returned from the desk study search within 1 km of the development boundary. The development boundary includes a native hedgerow, bramble scrub and rhododendron scrub which are broadly recognised as potential dormouse habitats. The native hedgerow and rhododendron scrub connect to nearby suitable dormice habitat, including lowland mixed deciduous woodland immediately adjacent to the development boundary. The native hedgerow appears to have the dense structure and complexity typically associated with hazel dormice, whilst the bramble scrub is low-lying and disconnected from suitable dormice habitat. The habitat within the main footprint of the development is formed of modified grassland with no suitability for hazel dormice. • Hedgehogs: The bramble scrub, rhododendron scrub and native hedgerow within the development boundary are reasonably likely to provide foraging and resting places for hedgehogs. The modified grassland within the development boundary also provides suitable foraging habitat for hedgehogs. As such, it is reasonably likely that hedgehog could be encountered within the development boundary and the immediate footprint of the development. • Otters and water voles: No records of water vole were returned from the desk study search within 1 km of the development boundary. SxBRC do not include otter records in their desk study reports. The nearest water body was located 0.64 km from the development boundary and is separated by a road. Based on the habitats recorded within the development boundary and the connectivity and distance of these habitats to the nearest waterbody, it is reasonably unlikely otter or water vole will be encountered within the development boundary or that the habitat will be associated with any population of these species. • Other mammals: No mammal burrows such as those of rabbit or fox were recorded within the development boundary at the time of the UKHab Survey. Habitats recorded within the development boundary such as bramble scrub and rhododendron scrub could conceal such



	burrows. As such, it is possible the above species could be found in or near to the main footprint of the development prior to its commencement.
Reptiles	- Records of common reptiles were returned from the desk study search within 1 km of the development boundary. No records of rare reptiles were recorded from the desk study search within 1 km of the development boundary. - The habitat within the development boundary included rhododendron scrub and bramble scrub that has suitable structure to support a permanent reptile population. This scrub habitat connects directly to deciduous woodland. The modified grassland that falls within the main footprint of the development, however, is primarily characterised by a short, well cropped structure (< 60 mm in height) that provides insufficient cover to support a permanent reptile population. - Based upon the above points it is reasonably unlikely that reptiles could be encountered within the immediate footprint of the development.
Invertebrates	- Records of invertebrates including species of conservation concern were returned from the desk study search within 1 km of the development boundary. - The habitats within the development boundary included bramble scrub, hedgerows and scattered trees which are habitats, that, broadly, can be of value to invertebrates and can be associated with species of conservation concern. - There was also a parcel of modified grassland which provided habitat of limited value for invertebrates due to the lack of overall botanical diversity in this parcel.
Plants, Lichens and Fungi	The habitat within the main footprint of the development consisted of artificial unvegetated, unsealed surface and modified grassland of limited botanical value. No European or nationally protected plants or SPI were recorded within the development boundary at the time of the UKHab Survey. Based upon the habitats present, it is reasonably unlikely any such species or any fungi or lichens species of conservation concern will be present within the development boundary.
Non-native and Invasive Species	<i>Rhododendron ponticum</i> which is listed under Schedule 9 of the Wildlife & Countryside Act, 1981 was recorded within the development boundary at the time of the UKHab Survey.



5. Legislation and Planning Policy

5.1.1 A summary of the relevant legislation and planning policy that could be a material consideration to the development is provided below in Table 10. Further details of the UK legislation and planning policy relevant to the qualifying features in this section are detailed in Appendix II.

Table 10 – Legislation and planning policy evaluation of the development.

Ecological Feature	Relevant Legislation & Planning Policy	Impact Assessment and Legal Compliance	Rationale and Comments
Designated sites			
St Leonards Forest SSSI	- Conservation of Habitat & Species Regulations, 2017; - National Planning Policy Framework, 2024; and - HDC Local Plan – Policy 25 and 31.	Compliant/ adverse impacts reasonably unlikely	- The development is located within the IRZ for the St Leonards Forest designation; however, it is reasonably unlikely that the development will adversely impact the qualifying features of this designation for the following reasons: - The development is retained within the development boundary and will not result in any loss of area to the designation; and - The small scale, extent and magnitude of the development, as well as its distance from the designation means that it is reasonably unlikely that any adverse impacts will arise from degradation as a result of increased recreational pressure or pollution. - Based on the above points, in our professional opinion, further consultation with Natural England regarding any adverse impacts on the St Leonards Forest designation will not be required.



Buchan Hill Ponds SSSI	- Conservation of Habitat & Species Regulations, 2017; - National Planning Policy Framework, 2024; and - HDC Local Plan – Policy 25 and 31.	Compliant/ adverse impacts reasonably unlikely	For the reasons outlined above for the St Leonards Forest SSSI it is reasonably unlikely that the development will result in any adverse impacts on the Buchan Hill Ponds SSSI.
Habitats			
Irreplaceable habitat	National Planning Policy Framework, 2024.	Compliant/ adverse impacts reasonably unlikely	- No ancient woodland parcels or any other type of irreplaceable habitat are located within the development boundary or will be directly lost as part of the development. - Due to the small scale, extent and magnitude of the development and its distance to any ancient woodland parcels, it is reasonably unlikely that there will be any adverse impacts resulting from degradation through increased recreational pressure or pollution to ancient woodland outside of the development boundary.
Habitats of Principle Importance	- Natural Environment & Rural Communities Act, 2006 – Section 40/41; - National Planning Policy Framework, 2024; and - HDC Local Plan – Policy 25 and 31.	Mitigation required	- There is a native hedgerow located along the southern development boundary that is reasonably likely to qualify as an HPI, however, this habitat will be retained in its entirety and falls outside of the main footprint of the development. - The main footprint of the development will encroach to within 2.5 m of the native hedgerow along the southern development boundary. As such, mitigation will be required to ensure the safeguarding of the hedgerow from damage during the construction phase of the development. - There is also a parcel of lowland mixed deciduous woodland (HPI) located immediately adjacent to the development boundary. For the reasons outlined above for ancient woodland it is not anticipated that there will be any adverse impacts on HPI located outside of the development boundary.



			The recommendations outlined in section 6 of this report should be followed to ensure the development is compliant with local planning policy.
Pollution Prevention	- Environmental Protection Act, 1990; and - National Planning Policy Framework, 2024.	Mitigation required	- Pollution prevention measures should be incorporated into the construction phase of the development to avoid onsite and offsite pollution to habitats and the nearby waterbodies. - Mitigation measures will be required within the design of the development to ensure that there are no significant increases in the levels of light pollution as a result of the installation of artificial lighting as part of the development. - The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.
Trees	HDC Local Plan – Policy 25 and 31.	Mitigation required	- There are several trees within the development boundary that will be retained as part of the development proposals. - Mitigation will be required within the design of the development to ensure the retention of the above features, where reasonably practical. Mitigation will also be required during the construction phase of the development to prevent any damage and degradation to retained trees and the hedgerow. - The recommendations outlined in section 6 of this report should be followed to ensure the development is compliant with local planning policy.
Biodiversity Net Gain and Ecological Enhancements			
Biodiversity Net Gain	- The Environment Act, 2021; and - National Planning Policy Framework, 2024.	Exempt development	- It is our understanding that the development will be exempt from the mandatory biodiversity net gain (BNG) requirements as defined under The Environment Act, 2021. - No further recommendations are outlined in this report with respect to BNG.



Ecological Enhancement	- National Planning Policy Framework, 2024; and - HDC Local Plan – Policy 25 and 31.	Further action required.	- The development will be required to implement ecological enhancements into the design of the development to ensure it is compliant with national and local planning policy. - The recommendations outlined in section 6 of this report should be followed to ensure the development is compliant with national and local planning policy.
Protected Species and Species of Conservation Concern			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Bats	- Conservation of Habitat & Species Regulation, 2017; - Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Mitigation required	- No buildings or structures with suitability for roosting bats were recorded within the development boundary. - Mature scattered trees with bat PRFs were recorded within the development boundary. Under the current development plans, no trees are to be removed or adversely impacted. If the plans change and trees require removal, further assessment for roosting bats will be required. - All potential bat flightlines along the edge of the lowland mixed deciduous woodland (adjacent to the northern and western development boundary), rhododendron scrub and native hedgerow will be retained as part of the development. - For the reasons outlined above in the pollution prevention section, the development will be required to mitigate the level of new light pollution from



			the installation of artificial lighting to ensure it does not adversely impact potential bat flightlines within and adjacent to the development boundary. • The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.
Birds	• Wildlife & Countryside Act, 1981 – Section 1 and Schedule 1; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Mitigation required	• No habitat suitable for nesting birds was recorded within the main footprint of the development. • However, as habitat suitable for nesting birds will be retained in close proximity to the development footprint, mitigation will be required during the construction phase to avoid adverse impacts to nesting birds. • The recommendations outlined in section 6 of this report should be followed to ensure the development proceeds lawfully.
Great crested newts	• Conservation of Habitat & Species Regulations, 2017; • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Mitigation required	• The habitat removal required to enable the development is limited to an area of short modified grassland that is unsuitable as a permanent resting place for GCN. • Based on the above, in our professional opinion the development is reasonably unlikely to result in adverse impacts to GCN at a population level as: ○ No GCN breeding habitat will be removed or modified; ○ The removal of habitat within 0.11 km of the nearest pond is relatively small scale; and ○ The extent of works will be completed over a short timeframe, reducing the risk of a GCN being obstructed from reaching their breeding or resting places at a population level. • The risk of harm to individual GCN, in our professional opinion is also acceptably low, based on the development proposals, and with appropriate mitigation it will ensure that an offence is reasonably unlikely to be committed.



			- The mitigation to safeguard any individual GCN during the construction phase of the development, in our professional opinion, can be reasonably predicted, that, it would not be proportionate to undertake further presence/ absence surveys to inform the impacts of the development. - To ensure the development proceeds lawfully the recommendations outlined in section 6 should be followed.
Hazel dormice	- Conservation of Habitat & Species Regulations, 2017; - Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Mitigation required	- Rhododendron scrub and a native hedgerow are present within the development boundary, which both provide broadly suitable habitat for hazel dormice. However, these habitats within the development boundary will be retained, and mitigation measures have been recommended in section 6 to safeguard the HPI native hedgerow during the construction phase. The rhododendron scrub is located at a sufficient distance from the development footprint to ensure no adverse impacts are anticipated. - The risk of harm to hazel dormice, in our professional opinion is acceptably low based on the development proposals, and with appropriate mitigation it will ensure that an offence is reasonably unlikely to be committed. - The recommendations outlined in section 6 of this report should be followed to ensure the development proceeds lawfully.
Hedgehogs	- Natural Environment & Rural Communities Act, 2006 - Section 40/41; and - Wild Mammals (Protection) Act, 1996.	Mitigation required	- It is reasonably likely that individual hedgehogs could be encountered within the development boundary, and as such, it is possible that they could be inadvertently killed with methods prohibited under the Wild Mammals (Protection) Act, 1996 without appropriate mitigation. - The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.
Reptiles	Conservation of Habitat & Species Regulations, 2017 (Sand Lizard & Smooth Snake only);	Mitigation required	The risk of harm to individual reptiles as a result of the development is low, due to there being no suitable reptile habitat present within the main footprint of the proposed development, and all suitable habitat for reptiles within the wider



	- Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 40/41.		development boundary being retained. As such, it is reasonably unlikely that a significant population of reptiles will be adversely impacted by the development. - Suitable reptile habitat will be retained within close proximity to the development boundary, and therefore, mitigation will be required during the construction phase of the development to ensure the risk of encountering or harming reptiles remains acceptably low. - In our professional opinion, the potential impacts on reptiles can be reasonably predicted with appropriate mitigation, and that further surveys would be disproportionate to determine the adverse impacts of the development on reptiles. - The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.
Other Mammal Burrows	Wild Mammals Protection Act, 1996.	Mitigation required	- It is possible that mammals could be inadvertently harmed with methods prohibited under the Wild Mammals Act, 1996 whilst inhabiting their burrows without appropriate mitigation. - To ensure the development proceeds lawfully the mitigation outlined in section 6 should be followed.
Otters	- Conservation of Habitat & Species Regulation, 2017; - Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/offence reasonably unlikely	The development is reasonably unlikely to result in harm to individual otters or adversely impact their habitat (including resting and breeding places), and therefore, will not adversely impact the favourable conservation status of this species.



Water Voles	- Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely	The development is reasonably unlikely to result in harm to individual water vole or adversely impact their burrows or habitat, and therefore, will not adversely impact the conservation status of this species.
Invertebrates	- Conservation of Habitat & Species Regulations, 2017 – Schedule 2; - Wildlife & Countryside Act, 1981 – Schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Compliant/ adverse impacts reasonably unlikely	The development is reasonably unlikely to result in any adverse impacts to any European protected invertebrates, nationally protected species, important populations of SPI or nationally or locally important assemblages of conservation value.
Invasive non-native species	- Wildlife & Countryside Act, 1981 – Schedule 9; and - Invasive Alien Species Order, 2019.	Adverse impacts/ offence reasonably unlikely	The development is reasonably unlikely to result in an act that would constitute an offence for a species listed under Schedule 9 of the Wildlife & Countryside Act, 1981 or Invasive Alien Species Order, 2019 (i.e. intentional release or spreading).
Protected Plants, Fungi and Lichens	- Conservation of Habitat & Species Regulations, 2017 – Schedule 5; - Wildlife & Countryside Act, 1981 - Schedule 8; and - Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely	The development is reasonably unlikely to result in intentional picking, uprooting, destruction, or intentional clearance of any wild plant, fungi or lichen, including, European protected species, nationally protected species, SPI or those of national or local conservation concern.



6. Requirements and Recommendations

6.1 Background

6.1.1 The recommendations included in this section are based upon the mitigation hierarchy (avoidance, mitigation, and compensation; BSI, 2013) and takes consideration of government circular: Biodiversity and Geological Conservation Circular 06/2005.

6.1.2 Mitigation is not discussed where further surveys are required to inform such mitigation or compensation, unless in our professional judgement it would not be proportionate to request further surveys as the risk of a legal offence being committed as a result of the development is acceptably low.

6.2 Ecological Enhancements

Ecological Enhancements

6.2.1 The following ecological enhancements relevant to the development are recommended:

- Installation of artificial habitat provisions to include:
 - One bat box to be installed on a suitable mature tree within the development boundary;
 - One integrated bird box to be installed as part of the proposed dwelling; and
 - One integrated bee brick to be installed as part of the proposed dwelling.
- Creation of one small refugia/hibernacula log pile located along the northern development boundary adjacent to the lowland mixed deciduous for the benefit of amphibians, reptiles and invertebrates.

6.3 Habitat Mitigation

Habitats of Principle Importance

6.3.1 To ensure there is no damage to the rooting zones of the native hedgerow HPI along the southern development boundary during the construction phase of the development, temporary barrier fencing should be installed (taking into consideration root protection zones) for the duration of the construction works.



Trees

- 6.3.2 To safeguard the retained trees within the development boundary from damage or degradation during the construction phase and operational phase of the development, the root protection zones of the retained trees will need to be considered, and professional arboricultural advice will likely need to be sought.

Pollution Prevention Measures

- 6.3.3 The following pollution prevention measures should be followed during the construction phase of the development to ensure that there is no onsite or offsite pollution to nearby habitats (including deciduous woodland parcels) and watercourses:

- Safe storage of fuels, oils and chemicals within the development boundary (such as on hardstanding) with appropriate spill kits (for the scale of activities) available on-site at all times;
- Appropriate locating and storage of construction materials outside of the root protection zone of woodland and trees within the development boundary;
- Safe disposal of any contaminated water or soil and general waste within the development boundary or with appropriate offsite management;
- Appropriate locating of mixing stations and inclusion of dust prevention measures where required within the development boundary;
- Monitoring and prevention of water and silt run-off from construction areas including the installation of silt traps where appropriate; and
- Where possible the use of fertiliser and herbicides should be minimised as part of on-going site management.

- 6.3.4 To ensure the development avoids adverse impacts on bat foraging and commuting habitats that are located within and adjacent to the development boundary, any lighting as part of the proposed development should be installed in line with current guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals: Guidance Note 08/23: Bats and Artificial lighting in the UK (BCT & ILP 2023).

- 6.3.5 The lighting strategy for the site as a minimum should aim to:

- Avoid illumination of the HPI native hedgerow, rhododendron scrub and HPI woodland parcels within and immediately adjacent to the development boundary; and



- Minimise the overall levels of light pollution within the site as a result of the development by:
 - Selecting appropriate lighting sources such as LED lighting that lack UV components, have peak wavelengths higher than 550 nm and that have a warm white light (2,700 kelvin or lower);
 - Appropriate fitting of lighting to include horizontal mounting with no light output above 90° and/or no upward tilt, or as a last resort the use of baffles, hoods or louvres to reduce light spill and direct lighting to only where it is needed;
 - Using light only when necessary, within the site, by using timers and motion sensors; and
 - Providing natural screens in landscaping plans to break up artificial light where light spill cannot be avoided.

6.4 Protected Species Mitigation

████████████████████

6.4.1 In the unlikely event that a burrow entrance of a mammal is discovered within the development boundary that could be of a suitable size for ████████, the following actions should be taken:

- Works paused and an ecologist consulted regarding any likely burrow of ████████
- A suitable buffer (as advised by an ecologist) established and clearly marked around the suspected ████████ and
- Any ████████ or mammal burrow that could be in use by ████████ that is reasonably likely to be impacted by the development should be monitored for an appropriate period by an ecologist and the appropriate licencing requirements obtained.

6.4.2 To ensure the development proceeds lawfully, any rabbit or fox burrows found within the immediate area of the development should not be tracked over by machinery and safeguarded with a clearly marked buffer zone. Burrows that will be impacted as part of the development should be dug out with hand tools to prevent unlawful methods of killing (such as those outlined under the Wild Mammals (Protection) Act, 1996).



Bats

- 6.4.3 To ensure the development avoids adverse impacts on flightlines for bats, the recommendations outlined in the pollution prevention section in section 5.3 should be followed.

Birds

- 6.4.4 If an active bird nest or nesting activity is recorded within the development boundary at any time during the development (such as the storage of building materials) the nest should be protected from damage and destruction (including disturbance that may cause the nest to be abandoned). A protective buffer should be implemented around any active nests (the size to be determined based on the professional judgement of an ecologist or environmental manager) and works in and around these areas should be controlled or delayed until the chicks have fledged.

Great Crested Newts

- 6.4.5 A precautionary method of works for GCN should be followed during the construction phase of the development. The following mitigation measures should be followed:
- GCN should be discouraged from colonising the habitat within the main footprint of the development boundary by:
 - Retaining the existing short length of the modified grassland with regular cutting of the grassland, preventing a long tussocky structure that could create suitable resting places for GCN establishing; and
 - Keeping a tidy construction site and where reasonably practical keeping building materials off ground to prevent the creation of hibernacula/ refugia for GCN;
 - The mitigation outlined for the native hedgerow (as per sections 5.4) should be followed to ensure that habitats that broadly, have suitable structure as resting places for GCN are not damaged or disturbed during the construction phase of the development. This includes the installation of protective barriers, to segregate these habitats from the main footprint of the development; and
 - Any holes, pits or trenches should be kept covered overnight and checked each morning in case a newt has become trapped. Where practical it is advised to include small escape ramps/sticks into any holes, pits and trenches (where it might be difficult to seal them effectively with a cover).



- 6.4.6 The precautionary method of works outlined above, does not act as legal protection for an action that would otherwise be an offence with respect to GCN. Therefore, in the unlikely event a GCN is encountered within the development boundary, works must stop, and a professional ecologist should be consulted. The ecologist's professional judgement should be relied upon to determine the need for a GCN mitigation licence. Works can recommence once a GCN mitigation licence has been obtained (if required).

Hazel Dormouse

- 6.4.7 The mitigation measures outlined above in section 5.4 to safeguard the HPI native hedgerow along the southern development boundary during the construction phase of the development should ensure that no potential hazel dormouse habitat is removed, and that, no individual hazel dormice are harmed in this area.

Hedgehogs

- 6.4.8 Where reasonably practical, measures should be taken to avoid the unnecessary killing or injuring (that could result in undue suffering and harm) of hedgehog as a result of the developments construction-based activities. Stakeholders and contractors should remain vigilant for the presence of hedgehogs around any vegetation, debris or stored materials. A reasonable action would be to move an individual hedgehog to a safe location either within retained habitat on-site or off-site. During the construction phase of the development, any excavations on site should be covered nightly or include a suitable escape ramp to prevent nocturnal mammals (including hedgehog) from becoming trapped.

Reptiles

- 6.4.9 To ensure there are no adverse impacts on reptiles during the construction phase of the development the mitigation measures outlined below should be followed:
- The modified grassland parcel (habitat reference 1, Figure 2) should be separated from surrounding construction areas using barrier fencing;
 - Habitats both within and immediately adjacent to the footprint of the development should be kept short to prevent reptiles colonising this area;
 - A tidy construction area should be targeted, with appropriate storage of building materials (off ground where reasonably practical) to prevent the unintended creation of refugia and hibernacula for reptiles; and
 - Where reasonably practical, any holes or excavation within the development boundary should be kept covered when not in use to prevent reptiles becoming



trapped, checked regularly when not covered, and have an escape ramp installed to allow reptiles to escape; and

- In the unlikely event an individual reptile is encountered within the development boundary, the reptile should be encouraged to move to safety, or alternatively, advice from an ecologist should be sought, prior to moving the reptile.

6.5 Further Surveys

Bats

- 6.5.1 Under current development plans, no trees with features suitable for roosting bats will be adversely impacted by the development.
- 6.5.2 Should the design be amended and trees identified for removal, those trees will require a Ground Level Tree Assessment (GLTA) to determine their potential suitability for roosting bats.



7. Conclusion

- 7.1.1 Mitigation will be required during both the design and the construction phases of the development to ensure it proceeds lawfully. Furthermore, the development will be required to incorporate ecological enhancements into the development.
- 7.1.2 The recommendations within this report outline how the above can be achieved to ensure the development proceeds lawfully.



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Appendix I – Legislation & Planning Policy

8.2 Background

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

8.3 RAMSAR Convention

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

8.4 Conservation of Habitat and Species Regulations, 2017

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

Protected Species

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



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

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

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

Protected Sites

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

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

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

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



8.5 Wildlife and Countryside Act, 1981 (as amended)

- 8.5.1 The Wildlife and Countryside Act, 1981 (as amended) primarily transposes the UK Governments obligations under the Bird Directive and Bern Convention into law. The act outlines provisions for the protection of nationally important sites for nature conservation and provides protection at different levels for certain animals and plants, including certain prohibitions.

Protection of Birds

- 8.5.2 Part 1 – Section 1 includes certain prohibitions for the protection of birds which make it a criminal offence for a person to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy the egg of any wild bird;
- Have in any one's possession or control any egg or part of an egg which has been taken in contravention of the Act or the Protection of Birds Act, 1954;
- Use traps or similar items to kill, injure or take wild birds;
- Have in one's possession or control any bird of a species occurring on schedule 4 of the Act unless registered, and in most cases ringed, in accordance with the secretary of state's regulations; and
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the independent young of such a bird.

Protection of Animals

- 8.5.3 Part 1 – Section 9 of the act includes certain prohibitions for the protection of certain animals named in schedule 5. In summary offences include:

- If any person intentionally or recklessly kills, injures or takes any wild animal included in schedule 5;
- If any person has in his possession or control any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal;



- If any person intentionally or recklessly damages or destroys, or obstructs access to, any structure or place which any wild animal included in schedule 5 uses for shelter or protection; or
- Disturb any such animal while it is occupying a structure or place which it uses for that purpose; and
- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal, or publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.

Protection of Plants

8.5.4 Part 1 – Section 13 includes certain prohibitions for the protection of certain wild plants named in schedule 8. In summary offences include if any person:

- Intentionally picks, uproots or destroys any wild plant included in schedule 8, or not being an authorised person, intentionally uproots any wild plants not included in that schedule;
- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild plant included in schedule 8, or any part of, or anything derived from, such a plant; or
- Publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.

Invasive Species

8.5.5 Part 1 – Section 14 includes certain prohibitions for the introduction of certain invasive species named in schedule 9 of the act. In summary offences include if any person:

- Subject to the provisions of this part, (a) if any person releases or allows to escape into the wild any animal which is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or (b) is included in Part of Schedule 9; and/ or
- Subject to the provisions of this part, any person who plants, or otherwise causes to grow, any plant in the wild at a place out with its native range is guilty of an offence.



Sites of Special Scientific Interest

- 8.5.6 Part 2 – Sections 28-33 of the act set out the law regarding Sites of Special Scientific Interest (SSSI) by the conservation bodies in England (Natural England) and Wales (Natural Resource Wales) and outlines the offences with respect to SSSI.
- 8.5.7 The offences outlined in the act apply to any person(s), public body, landowner or occupier as well as statutory undertakers or permitted developments. Examples of offences include (but are not limited to):
- Any person intentionally or recklessly damaging or destroying any of the features of special interest of an SSSI, or disturbing wildlife for which the site was notified;
 - Public bodies are not allowed to carry out damaging operations on an SSSI, except where they notified the relevant conservation agency. It is also an offence for a public body to fail to minimise damage on an SSSI or – if damage occurs – to fail to restore a SSSI to its former state; and
 - Statutory bodies have a general duty to take reasonable steps to further to conservation and enhancement of the special feature of SSSI's;
 - Where statutory bodies propose to undertake or permit activities that could affect a SSSI they must consult the relevant statutory nature conservation agency. If the activity cannot be avoided it must be undertaken in a way least damaging to the SSSI; and
 - If you are the owner or occupier of a SSSI, it is an offence to carry out any activity that may likely damage the SSSI without consent from the relevant conservation agency. The law requires that you inform the conservation agency of any changes in the ownership or occupancy.

Other Protected Areas

- 8.5.8 Part 2 – Section 34 to 52 of the act deals with other protected areas within the UK such as limestone pavements, national nature reserves and marine nature reserves. The act allows designation of these sites by the appropriate authority for the purpose of conserving flora and fauna or geological or physiological features of specific interest in an area to protect the site. Furthermore, the act prohibits certain actions in National Parks for certain habitats without consent from local authorities.

8.6 Countryside Rights of Way Act, 2000

- 8.6.1 The Countryside Rights of Way Act, 2000 (CRoW Act, 2000) makes provisions for public access, amends the law for public rights of way and amends existing law on



nature conservation and the protection of wildlife as well as makes further provisions for National Landscapes (formerly Areas of Outstanding Natural Beauty, AONBs).

Wildlife Legislation

- 8.6.2 Part III of the CRow Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.
- 8.6.3 Schedule 9 of the CRow Act, 2000 increases powers for the protection and management of SSSI. There are increased powers for appropriate authorities to secure management agreements for SSSI. A duty is placed on public bodies to have regard for the continued conservation and enhancement of SSSI. Furthermore, there are increased penalties for the prosecution of wildlife crime, including for third parties that damage SSSI.
- 8.6.4 Schedule 12 of the CRow Act, 2000 makes certain offences under the provision of the Wildlife and Countryside Act, 1981 arrestable. Greater powers are given to police and appointed wildlife inspectors under the CRow Act, 2000 and enables heavier penalties for the prosecution of wildlife crime.

8.7 National Parks and Access to the Countryside Act, 1949

- 8.7.1 This act makes provisions for National Parks and the establishment of a National Parks Commission; to confer on the Nature Conservancy and local authorities' powers for the establishment and maintenance of nature reserves. Part III of the act specifically outlines provisions for the designation of nature reserves.

8.8 Natural Environment & Rural Communities Act, 2006

- 8.8.1 The Natural Environment and Rural Communities Act (NERC), 2006 is primarily intended to implement key aspects of the governments rural strategy published in July 2004. It also addresses a wider range of issues relating broadly to the natural environment.

Section 40

- 8.8.2 Section 40 of the NERC Act, 2006, places a duty on any public authority and statutory undertaker to have due regard for the conservation and enhancement of biodiversity when delivering their functions, extending the provisions outlined under section 74 of the CRow Act, 2000.
- 8.8.3 The policy goes on to state that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population of that habitat.



Section 41

8.8.4 Section 41 of the NERC Act, 2006 requires the secretary of state in consultation with Natural England to outline Species of Principle Importance (SPI) and Habitats of Principle Importance (HPI) that in their opinion are important for the conservation of biodiversity.

8.8.5 The secretary of state is required to:

- Take such steps as appear to the secretary of state to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section; or
- Promote the taking by other of such steps.

8.8.6 The NERC Act, 2006 also provides some amendments to the Wildlife & Countryside Act, 1981 (as amended) and includes provisions for enforcement powers and the protection of SSSI.

8.9

[REDACTED]

8.10 Wild Mammals (Protection) Act, 1996.

8.10.1 The Wild Mammals (Protection) Act, 1996 makes provision for the protection of wild mammals from certain cruel acts, and for connected purposes. It would be an offence for any person that mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, drags or asphyxiates any wild animal with intent to inflict unnecessary suffering.

8.11 The Environment Act, 2021

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

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



Nature and Biodiversity

- 8.11.2 Part 6 – Sections 98 - 101 of the act outlines provisions for biodiversity gain in planning.
- 8.11.3 Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England.
- 8.11.4 Schedule 14 states that, the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the on-site habitat by at least the relevant percentage.
- 8.11.5 It goes on to state that the biodiversity value attributable to the development is the total of:
- The post development biodiversity value of the on-site habitat;
 - The biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development; and
 - The biodiversity value of any biodiversity credits purchased for the development.
- 8.11.6 The relevant percentage is set at 10% for biodiversity gain.
- 8.11.7 Part 6 – Section 100 of the act outlines provisions by regulation for the secretary of a register of biodiversity gain sites (known as the biodiversity gain site register).
- 8.11.8 A biodiversity gain site is land where:
- A person is required under the conservation covenant or planning obligation to carry out works for the purpose of habitat enhancement;
 - That or another person is required to maintain the enhancement for at least 30 years after the completion of the works; and
 - For the purpose of schedule 7A to the Town and Country Planning Act, 1990 the enhancement is made available to be allocated (conditionally or unconditionally, and whether for consideration or otherwise) in accordance with the terms of the covenant or obligation to one or more developments for which planning permission is granted.
- 8.11.9 Part 6 – Section 101 states that the secretary of state may make arrangements under which a person who is entitled to carry out the development of any land may purchase a credit from the secretary of state for the purpose of meeting the



biodiversity gain objective referred to in schedule 7A to the Town and Country Planning Act, 1990 and Schedule 2A of the Planning Act, 2008.

8.11.10 A credit is to be regarded for the purpose of that schedule as having such biodiversity value as is determined under the arrangements.

8.11.11 The arrangements may in particular include arrangements relating to:

- Applications to purchase credits;
- The amount payable in respect of a credit of a given value;
- Proof of purchase; and
- Reimbursement for credits purchased for development which is not carried out.

8.12 National Planning Policy Framework (2024)

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

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

Conserving and Enhancing the Natural Environment

8.12.3 Paragraph 187 states: Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened



species such as swifts, bats and hedgehogs;

- 8.12.4 e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- 8.12.5 f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 8.12.6 Paragraph 188 states: Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
- 8.12.7 Paragraph 189 states that: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 8.12.8 Paragraph 190 states that: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.



- 8.12.9 Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 189), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and Biodiversity

- 8.12.10 Paragraph 192 states that: To protect and enhance biodiversity and geodiversity, plans should:

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

- 8.12.11 When determining planning applications, local planning authorities should apply the following principles:

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around



developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

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

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

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

Ground Conditions and Pollution

8.12.14 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

8.13 Biodiversity and Geological Conservation Circular 06/2005

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



sites, the conservation of habitats and species, including outside of designated sites, protected species by law and the duties and powers used by planning authorities.

- 8.13.2 Paragraph 82 of the guidance states that ‘in determining the application for development that is covered by up-to-date standing advice, a planning authority must take into account this standing advice’.

Protected Species and Planning

- 8.13.3 Paragraph 98 of the guidance states ‘the presence of a protected species is a material planning consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat’.
- 8.13.4 Paragraph 98 also states that ‘they (the planning authority) should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species’.
- 8.13.5 Paragraph 99 of the guidance goes on to state: ‘it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision’. Paragraph 99 also states that ‘this is justified only, where there is a reasonable likelihood of the species being present and affected by the development.’

8.14 Horsham District Council Adopted Local Plan (2015)

Policy 25

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



- 8.14.4 Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.
- 8.14.5 Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.
- 8.14.6 Conserve and where possible enhance the setting of the South Downs National Park.

Policy 31

- 8.14.7 Policy 31 sets out Horsham District Councils (HDCs) commitment to protecting biodiversity in the district. Policy 31 states:
- 8.14.8 1) Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained.
- 8.14.9 2) Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.
- 8.14.10 3) Where felling of protected trees is necessary, replacement planting with a suitable species will be required.
- 8.14.11 4. a) Particular consideration will be given to the hierarchy of sites and habitats in the district as follows:
 - i. Special Protection Area (SPA) and Special Areas of Conservation (SAC)
 - ii. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); and
 - 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.



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

- i. The reason for the development clearly outweighs the need to protect the value of the site; and,
- ii. That appropriate mitigation and compensation measures are provided.

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

8.15 Birds of Conservation Concern

8.15.1 Birds of Conservation Concern is a report compiled by a coalition of the UK's leading bird conservation and monitoring organisations and reviews the conservation status of all regularly occurring birds in the UK, Channel Islands and Isle of Man. The report was first released in 1996 and is currently in its 5th edition, released in 2021.

8.15.2 The bird species that breed and overwinter in the UK are assessed against a set of objective criteria and placed on the Green, Amber or Red lists that indicate the levels of conservation concern. The quantitative criteria collected is assessed against the historical decline, recent trends in population and range, population size, localisation, and the level of international importance of each species, as well as its global and European threat status.

8.16 IUCN Red List

8.16.1 The international Union for Conservation of Nature (IUCN) Red List of Threatened Species (also known as the IUCN Red List or Red Data Book) is an inventory of the global conservation status of biological species. The inventory is based upon internationally accepted criteria that evaluates the extinction risk of species in all regions of the world. There are two types of red list, the global and national lists. In the UK the IUCN Red List is overseen by an interagency working group that is coordinated by the Joint Nature Conservation Commission.



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