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Reptile Survey Report

Land North of High Winds, Reeds Lane, Southwater, West Sussex, RH13 9DQ

September 2026

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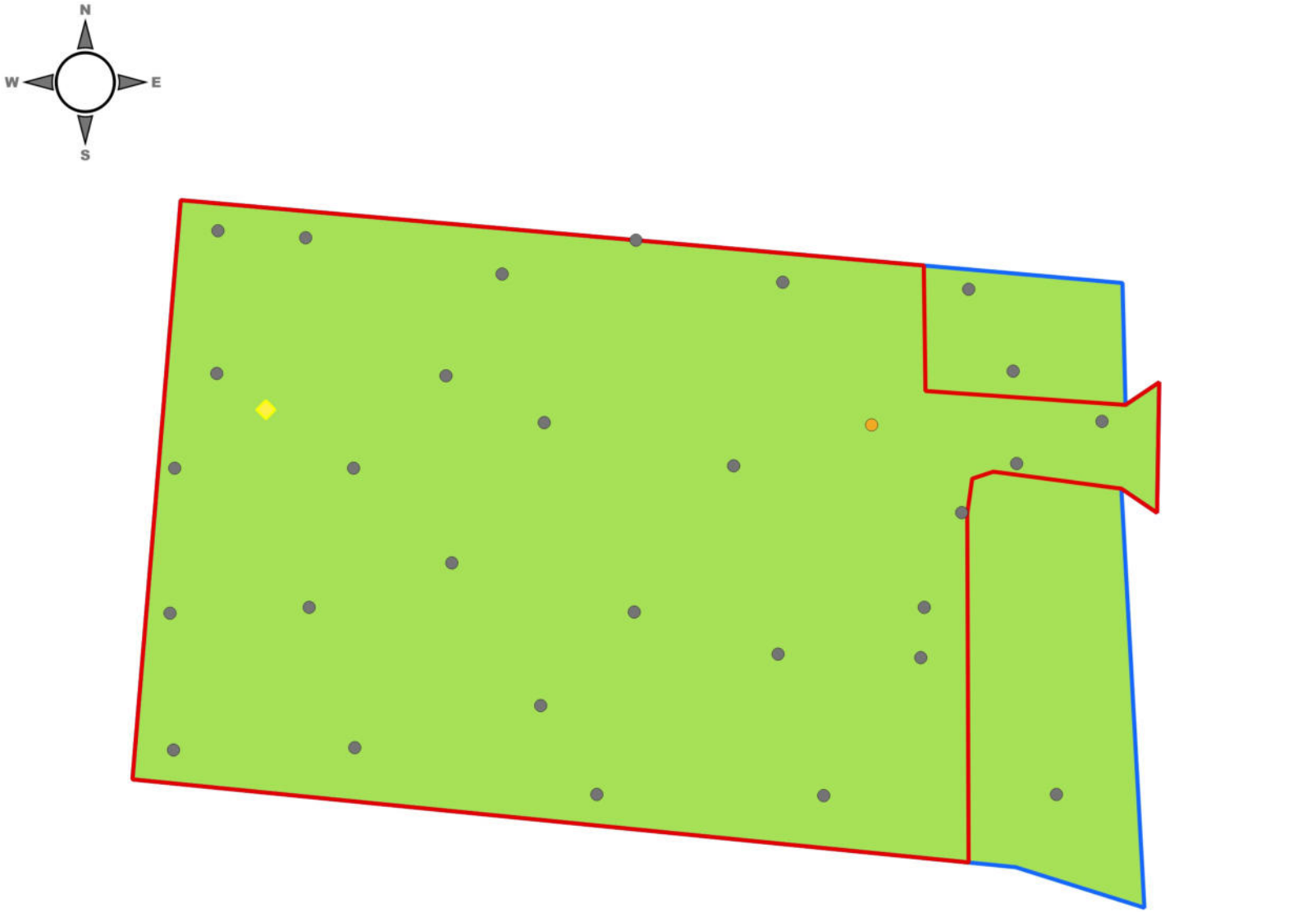

0 7.5 15 m

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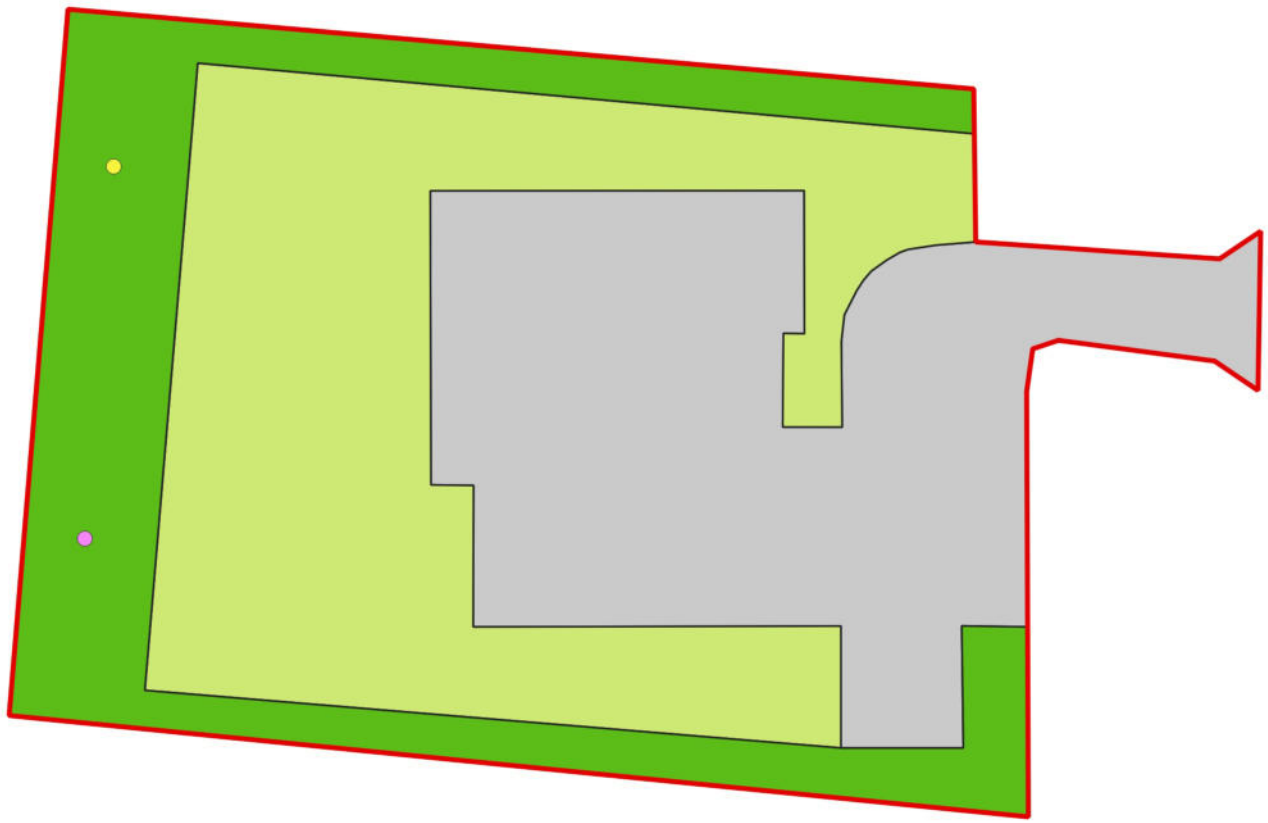
Legend

- Development boundary
- Wider site ownership boundary
- Suitable reptile habitat

Reptile survey results

- Reptiles recorded
- No reptiles recorded
- Reptile observed in grass

Figure Title: Reptile Survey Results		
Client/ Project Reference: Austin & Christina Langtree C-NJA-111		
Figure number: 1	Revision: 1	Scale at A4: 1:400
Cartographer: AO	Date drawn: 17/09/2026	Approver: HB



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Legend

- Development boundary

Proposed post-development reptile habitat

- Enhanced
- Suboptimal
- Unsuitable

Reptile habitat enhancements

- Grass snake egg laying pile
- Reptile hibernaculum

0 7.5 15 m

Figure Title: Proposed Location of Reptile Enhancements		
Client/ Project Reference: Austin & Christina Langtree C-NJA-111		
Figure number: 2	Revision: 1	Scale at A4: 1:400
Cartographer: AO	Date drawn: 25/09/2026	Approver: HB

1. Summary and Recommendations

Proposals	• Arun Ecology Ltd was appointed by Austin & Christina Langtree ('the Client') to undertake reptile surveys for a development at Land North of High Winds, Reeds Lane, Southwater, West Sussex, RH13 9DQ. • The proposals include the construction of a new residential dwelling, garage and driveway; and associated landscaping within the development boundary.
Surveys	• Reptile presence / absence surveys were completed at the site and included seven survey visits spread at least seven days apart, conducted between 2nd June and 24th August 2026.
Impact assessment	• The survey results indicate that a 'Low' population of grass snakes is present within the development boundary. • In the absence of mitigation, the proposed development may result in offences under Section 9 of the Wildlife and Countryside Act 1981 (as amended) through the killing or injuring of reptiles. Appropriate mitigation will therefore be required to enable the development to proceed lawfully.
Recommendations	**The recommendations below represent a summary only. The full recommendations are outlined in section 6 of this report.** **Mitigation** • To ensure the development proceeds lawfully the Reptile Mitigation Strategy outlined in section 9 of this report should be followed. The strategy outlines proportionate measures to safeguard the grass snake population and ensure the long-term retention and enhancement of habitat within the site for reptiles. **Survey Validity** • If a significant period of time elapses before the planning application is determined or the development commences, the reptile surveys may need to be updated to inform the impacts of the development.

2. Introduction

2.1.1 Arun Ecology Ltd was appointed by Austin & Christina Langtree ('the Client') to undertake Reptile Surveys at Land North of High Winds, Reeds Lane, Southwater, West Sussex, RH13 9DQ (grid reference: TQ 16761 27714).

2.1.2 The above address is hereafter referred to as 'the site'.

2.2 Development Proposals

2.2.1 Planning consent is sought for a development (as shown on Sloane & Brown Drawing No. 1491/01 Rev E), which comprises:

- The construction of a new residential dwelling, garage and driveway; and
- Associated landscaping within the development boundary.

2.2.2 The proposals above are hereafter referred to collectively as 'the development' in this report. The defined red line planning boundary (as shown in Figure 2) is hereafter referred to as the 'development boundary'.

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

2.3 Ecology Background

2.3.1 A Preliminary Ecological Appraisal (PEA) was completed for the site in 2026 (Arun Ecology Ltd, 2026). The majority of the habitat within the development boundary was other neutral grassland that had a suitable structure to support a permanent reptile population due to its length and tussocky structure. There was also suitable reptile habitat along the interface between the other neutral grassland and the native hedgerow with trees around the perimeter of the development boundary. As such, it was concluded that there was the potential for reptiles to be present within the development boundary.

2.3.2 It was recommended in the PEA report that reptile presence/absence surveys be undertaken to inform any potential adverse impacts of the development on reptiles.

2.4 Brief and Objectives

2.4.1 Arun Ecology Ltd was commissioned by the Client to undertake reptile presence/ absence surveys.

2.4.2 The key objectives of the reptile presence/ absence surveys are to:

- Determine the presence or probable absence of reptiles;

- Provide an indicative estimate of reptile population size and characterise the use of the site by reptiles if present; and
- Determine the need for appropriate mitigation and compensation to safeguard any reptile populations.

2.4.3 The brief was to:

- Undertake a proportionate number of reptile presence/absence surveys at the site to determine presence/probable absence of reptiles; and
- Provide a technical report supported by digitised mapping detailing the methods and results (including any limitations) of all reptile surveys. The report will also include a discussion of the legislation and planning policy relevant to the development.

3. Method

3.1 General approach

3.1.1 There are no formal guidelines for surveying reptiles published at present for the purpose of impact assessments. The methods outlined in this section are informed by the following guidance:

- Reptile survey guidelines provided by Froglife Advice Sheet 10 (Froglife, 1999);
- The Herpetofauna Workers' Manual (Gent, T and Gibson, S, 1998); and
- Survey protocols for the British herpetofauna (Sewell et al, 2013).

3.2 Refugia Surveys and Searches for Reptiles

3.2.1 A total of 30 artificial refugia consisting of rectangular roofing felt measuring 1 m x 0.5 m (0.5 m^2) were placed across the site (shown in Figure 2) in habitat assessed as having suitability for reptiles. This included a combination of sunny areas and within or on the edge of dense vegetation or potential hibernacula. Refugia locations were selected to maximise detection probability rather than being placed on a regular grid.

3.2.2 The artificial refugia were left in place for 14 days to 'bed-in', allowing the reptiles to find the mats and become familiar with them as a place to bask, rest or feed.

3.2.3 Reptile survey mats were checked on seven subsequent occasions in suitable weather conditions. Each reptile survey mat was inspected, and any reptiles present either under the refugia or basking on top of the refugia were recorded. Reptiles encountered elsewhere within the survey area during the course of the surveys were also recorded where observed. Reptiles were identified to species level, and where possible, an approximate age category and sex was determined. The location of any reptiles found was recorded to understand the general usage of the development boundary by reptile species.

3.2.4 During each survey, other artificial debris (such as waste wood, plastic sheeting) and other naturally occurring habitat features likely to be used by reptiles (such as small logs) were also checked for the presence of reptiles, where safe to do so.

3.3 Reptile Population Estimation

3.3.1 To provide an indication of the relative population size of reptiles within the site, the following were calculated:

- The peak count recorded for each reptile species;

- The peak count relative to the number and density of refugia deployed; and
- An adjusted peak count based on an equivalent refugia density of 10 refugia per hectare, to enable comparison with the population size categories provided in Froglife Advice Sheet 10 (Froglife, 1999) (see Table 1).

Table 1 – Reptile Population Estimate (Froglife 1999)

Species	Population Estimates[1]		
	Low Population Score 1	Good Population Score 2	Exceptional Population Score 3
Adder	<5	5-10	>10
Grass snake	<5	5-10	>10
Common lizard	<5	5-20	>20
Slow worm	<5	5-20	>20

[1]Figures in the table refer to maximum number of adults seen by observation and/or under tins (placed at a density of up to ten per hectare), by one person in one day.

3.3.2 Population size estimates in the Froglife guidance are based on a refugia density of 10 per hectare, however for this site, 30 mats were deployed across a 0.20 hectare area of suitable reptile habitat (within the development area), resulting in a refugia density of 150 refugia per hectare. The results were recalculated to give a population estimate of reptiles, per 10 refugia per hectare using the following formula:

(Peak count / number of refugia used) x equivalent number of mats per hectare (as if placed at a density of 10 per hectare).

3.4 Survey Dates, Timing and Weather Conditions

3.4.1 Information about the reptile surveys including the date and the weather conditions at the time of the survey are outlined below in Table 2.

Table 2 – Reptile Survey Information

Visit no.	Date	Survey Timings		Temp (°C)		Cloud Cover (%)		Rain	Wind (Beaufort Scale)
		Start	Finish	Start	Finish	Start	Finish		
1	02/06/2026	10:45	11:15	16	17	40	40	No	2
2	09/06/2026	8:00	8:15	16	17	10	10	No	1
3	16/06/2026	8:15	8:30	17	17	100	100	No	1
4	30/06/2026	8:15	8:35	17	17	100	100	No	1
5	07/08/2026	8:15	8:40	14	14	50	50	No	2
6	21/08/2026	9:25	9:50	16	16	50	50	No	1
7	24/08/2026	8:30	9:05	17	18	10	10	No	2

3.5 Survey Limitations and Deviations

3.5.1 The reptile surveys were all conducted within the reptile survey season (March to October), however, the surveys were conducted outside of the optimal survey months of April, May and September. This is not considered to be a limitation as the temperatures and weather conditions recorded during the presence/absence surveys were still suitable for detecting basking reptiles.

3.5.2 Refugia were deployed at a greater density than the 'up to 10 per hectare' referenced within the Froglife (1999) guidance used to provide an indicative population size estimate. This is not considered to represent a limitation to the survey because:

- The increased number and density of refugia is likely to increase the probability of detecting reptiles; and
- The increased density of refugia provided additional information on the distribution of reptiles within the site and helped to characterise how reptiles use the site; and
- The survey results can be proportionately adjusted to provide an equivalent peak count based on a refugia density of 10 per hectare for comparison with the indicative population categories provided by Froglife (1999).

3.5.3 No limitations were encountered that are considered likely to have materially affected the survey findings.

3.6 Surveyors

3.6.1 A summary of the reptile survey teams is outlined below in Table 3.

Table 3 – Reptile Survey Team

Surveyor name and job title	Surveys completed
Amy Oldham BSc (Hons) – Consultant Ecologist	Survey visits: 3, 4, 5 and 6.
Maddie Jones BSc (Hons) - Assistant Ecologist	Survey visits: 1, 2 and 7.

4. Results

4.1 Reptile Refugia Surveys

4.1.1 The results of the reptile surveys undertaken at the site are summarised below in Table 4 and shown in Figure 1.

Table 4 – Summary of the reptile survey results.

Survey Visit	Date	Slow-worm				Grass snake				Common Lizard				Adder			
		Adult Male	Adult Female	Sub-adult / Juvenile	Total (adults only)	Adult Male	Adult Female	Sub-adult / Juvenile	Total (adults only)	Adult Male	Adult Female	Sub-adult / Juvenile	Total (adults only)	Adult Male	Adult Female	Sub-adult / Juvenile	Total (adults only)
1	02/06/2026	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	09/06/2026	0	0	0	0	1	1	0	2	0	0	0	0	0	0	0	0
3	17/06/2026	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4	30/06/2026	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5	07/08/2026	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6	21/08/2026	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7	24/08/2026	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

4.2 Reptile Population Estimate

Qualitative Assessment

4.2.1 One reptile species, grass snake was recorded within the site. All grass snakes recorded were adults and both male and female snakes were recorded.

Quantitative Assessment

4.2.2 Across the seven survey visits, the peak count for grass snakes was 2 adults on the 9th June 2026 (survey visit 2).

4.2.3 The survey covered an area of approximately 0.20 hectares and used 30 refugia. Using the peak count of 2 adult grass snakes, a density of 0.07 grass snakes per refugia deployed was calculated. Recalculation in line with Froglife 1999 guidance for refugia density (10 refugia per hectare) resulted in a count of 0.13 grass snakes per 10 refugia per hectare. Based on these calculations, a low population of grass snakes is estimated within the site in-line with Froglife guidance.

4.2.4 These calculations provide an indication of the relative population size of reptiles within the site based on the Froglife (1999) methodology and should not be interpreted as an estimate of the total population present. Professional judgement has also been applied when characterising the population and determining the appropriate mitigation strategy.

Distribution of Reptiles Within the Site

4.2.5 All reptiles recorded during the reptile surveys were recorded within the development boundary. One of the reptiles was recorded within the other neutral grassland, rather than beneath an artificial refugia.

5. Legislation and Planning Policy

5.1 Background

5.1.1 The purpose of this section is to evaluate the legislation and planning policy relevant to the development, based upon the ecological surveys undertaken at the site to date.

5.2 Reptiles

5.2.1 As set out in Appendix I, all native reptile species are protected under legislation, and the following legislation and planning policy is relevant to the protection of reptiles:

- Conservation of Habitats and Species Regulations 2017 (as amended);
- Wildlife and Countryside Act 1981 (as amended);
- Natural Environment & Rural Communities Act 2006 (NERC Act);
- Countryside and Rights of Way Act 2000 (CRoW Act);
- National Planning Policy Framework, 2026; and
- Horsham District Council Local Plan (2015).

5.2.2 In addition to the above, Government Circular 06/2005 is also relevant to the development as outlined in Appendix II.

Development Proposals

5.2.3 No European Protected Species of reptile (smooth snake or sand lizard) were recorded within the site and there is no suitable habitat for these species within the site, as such, the development is reasonably unlikely to harm sand lizards or smooth snakes or adversely impact their habitat.

5.2.4 In the absence of appropriate mitigation, the proposed development may result in adverse impacts to grass snakes during the construction phase through the clearance and disturbance of suitable habitat and could therefore result in the killing or injury of individual grass snakes, constituting an offence under Section 9 of the Wildlife and Countryside Act 1981 (as amended).

5.2.5 The recommendations outlined in Section 6.2 should ensure that the development proceeds in accordance with relevant legislation and planning policy relating to the protection of reptiles.

6. Requirements and Recommendations

6.1 Background

6.1.1 This section is based on the results of all reptile surveys undertaken to date and provides recommendations, following the mitigation hierarchy (avoidance, mitigation and compensation; BSI, 2013), to enable the development to proceed lawfully with respect to reptiles.

6.2 Mitigation

6.2.1 A 'Low' population of grass snakes has been confirmed within the development boundary. In accordance with the mitigation hierarchy, adverse impacts to reptiles and their habitat should be avoided wherever reasonably practicable through the design of the development. However, based on the current development proposals, it will not be possible to avoid impacts to areas of habitat used by reptiles.

6.2.2 To ensure reptiles are not harmed during the construction phase of the development and that the favourable conservation status of the local reptile populations is maintained, the mitigation strategy outlined in Section 8 should be implemented in full and secured through an appropriately worded planning condition.

6.3 Construction Constraints

6.3.1 Prior to completion of the reptile mitigation measures outlined in the Reptile Mitigation Strategy, no vegetation clearance, ground disturbance, storage of materials, plant movement or other construction activities should take place within areas of suitable reptile habitat identified for retention or within the construction area requiring reptile mitigation.

7. Conclusion

7.1.1 A 'Low' population of grass snakes has been confirmed within the development boundary. In the absence of mitigation, the proposed development may result in offences under the Wildlife and Countryside Act 1981 (as amended).

7.1.2 Provided the recommendations and Reptile Mitigation Strategy contained within this report are implemented, the development is reasonably unlikely to result in offences under the relevant wildlife legislation and is considered capable of proceeding in accordance with legislation and planning policy relating to reptiles.

8. Reptile Mitigation Strategy

8.1 Background

8.1.1 The reptile mitigation strategy outlined in this section reflects the surveys undertaken at the site to date and the possible adverse impacts on the grass snake population arising from the proposed development.

8.1.2 The objectives of this reptile mitigation strategy will be to:

- Avoid the killing or injuring of reptiles; and
- Maintain the favourable conservation status of the local grass snake population through the retention and enhancement of suitable habitat within the site.

8.1.3 Professional judgement has been applied when determining the mitigation strategy. Although a 'Low' population of grass snakes is present within the development boundary, suitable habitat will be retained and enhanced within the development boundary and wider site ownership boundary, and reptiles can reasonably be safeguarded through a precautionary method of working. As such, translocation is not considered necessary or proportionate to the scale of the anticipated impacts.

8.2 Safeguarding Reptiles

General Approach

8.2.1 In our professional opinion, implementing the Precautionary Method of Working (PMoW) outlined below is proportionate to safeguard reptiles during the removal of suitable habitat, based on the 'Low' population of reptiles recorded within the development boundary.

Ecological Toolbox Talk

8.2.2 Prior to the commencement of any works associated with the reptile mitigation strategy, including the vegetation clearance and subsequent construction activities, all relevant site personnel shall receive an ecological toolbox talk delivered by the appointed ecologist. The toolbox talk shall explain:

- The legal protection afforded to reptiles;
- The reptile mitigation measures and their purpose;
- The location of retained reptile habitat and other ecologically sensitive areas;

- The working methods required to safeguard reptiles during the remaining works; and

- The procedure to follow should a reptile be encountered during the works.

8.2.3 The supervising ecologist shall have the authority to stop works should the reptile mitigation strategy not be capable of being implemented, or if unforeseen ecological issues arise that could result in harm to reptiles. Works shall not recommence until the supervising ecologist is satisfied that appropriate measures have been implemented.

Phased Vegetation Clearance

8.2.4 The grassland and scrub habitats within the development footprint will be subject to a first-stage cut to a height of approximately 150 mm – 200 mm using either handheld strimming equipment or a fixed height mechanical flail, under the supervision of the appointed ecologist.

8.2.5 The purpose of the first-stage cut is to reduce the vegetation to a height at which reptiles are unlikely to be harmed by the cutting equipment, whilst encouraging any reptiles present to disperse from the habitat in response to the disturbance associated with the vegetation clearance and the subsequent reduction in habitat suitability.

8.2.6 Following completion of the first-stage cut, the remaining vegetation shall be reduced to as close to ground level as reasonably practicable (typically less than 100 mm). Vegetation clearance should progress directionally towards retained reptile habitat to encourage any remaining reptiles to disperse naturally into adjacent retained habitat.

8.2.7 Following the completion of the two-stage vegetation clearance, the vegetation within the development footprint shall thereafter be maintained at a short sward height (typically less than 100 mm) until construction works commence. This will ensure the habitat remains unsuitable for reptiles and reduce the likelihood of reptiles recolonising the area prior to the commencement of development.

8.2.8 The removal of suitable reptile habitat shall be undertaken during the reptile active season (typically April to October inclusive) and during suitable weather conditions, to enable reptiles to move away from affected areas and avoid the risk of disturbing hibernating animals.

Dismantling of Refugia

8.2.9 Any features within the development footprint that could be used by reptiles as refugia or hibernation features, such as rubble piles, log piles and root systems, shall be dismantled by hand where safe and reasonably practicable, under the supervision of the appointed ecologist. Where the use of machinery is necessary, the appointed ecologist shall determine an appropriate working method to minimise the risk of killing or injuring reptiles.

Reptiles Encountered During Works

8.2.10 In the event that a reptile is encountered during the phased vegetation clearance or dismantling of refugia, the reptile shall be captured by hand by the supervising ecologist and relocated to a suitable area of retained reptile habitat along the western development boundary (see Figure 2).

8.3 Site Habitat Retention and Enhancement

General Approach

8.3.1 To support the long-term persistence of the local grass snake population, suitable reptile habitat will be retained and enhanced within the site.

8.3.2 All proposed habitat enhancements for grass snakes will be delivered within the development boundary and wider site ownership boundary. The location of the proposed habitat retention and enhancements is provided in Figure 2.

Other Neutral Grassland Enhancement

8.3.3 A minimum of a two-metre buffer strip of other neutral grassland will be retained and maintained along the hedgerow within the development boundary where it is reasonably practical to do so. The structure of the other neutral grassland will be enhanced with the management and monitoring measures outlined in Table 6, Section 9.4 to provide suitable reptile habitat and provide connectivity to adjoining land for reptiles.

8.3.4 Where reasonably practical, the retained and enhanced reptile habitat as displayed in Figure 2, should be segregated from other land use practices to ensure its long-term management and retention. As such, the installation of a fence may be one appropriate solution to achieve this.

Reptile Refugia/ Hibernacula Creation

8.3.5 One small reptile hibernaculum and one grass snake egg laying pile are proposed within the retained/ enhanced reptile habitat within the site. The location of the reptile hibernaculum and grass snake egg laying pile is detailed in Figure 2.

8.3.6 The reptile hibernaculum will be formed by scraping the topsoil away and creating a trench of up to approximately 50 cm in depth. This depth has been selected to avoid potential water logging. Alternatively, where waterlogging might reasonably be expected (due to soil type or topography), hibernaculum can be created on the soil surface without a trench.

8.3.7 A mixture of rubble, woody debris (such as logs and recycled tree roots) and loose soil will be placed in the trench, allowing rubble and wood to poke through in places in order to create environmental heterogeneity and crevices and voids. In some areas, soil will be compacted and elsewhere it will be left loose. The hibernaculum will then be finished with a covering of turf and supplementary seeding.

8.3.8 One grass snake egg laying pile will be created in a sunny location within the retained/ enhanced reptile habitat within the site and will be comprised of the following:

- One third fresh horse manure;
- One third vegetation; and
- One third large sticks, logs and branches.

8.4 Schedule of Proposed Works

8.4.1 A schedule of works for the reptile mitigation strategy as part of the development is outlined below in Table 5.

Table 5 – Proposed schedule of works

Task		Proposed Timings		
Proposed action	**Undertaker**	**Development Phase**	**Optimal timings**	**Likely Implementation**
Enabling Works				
Ecological toolbox talk	Appointed ecologist	Enabling works (Pre-construction)	Prior to commencement of reptile mitigation works	2026 onwards
Reptile Habitat Enhancement				
Other neutral grassland enhancement	Specialist habitat management contractor	Enabling works (Pre-construction)	Post-construction; ongoing thereafter	2026 onwards
Hibernaculum creation	Specialist habitat management/ ecological contractor	Enabling works (Pre-construction)	April – November	2026 onwards
Grass snake egg laying pile	Specialist habitat management/ ecological contractor	Enabling works	March - May	2026 onwards
Phased Vegetation clearance				
Two stage cut of vegetation	Specialist habitat management contractor	Enabling works	April – October	Autumn 2026
Refugia removal	Specialist habitat management contractor	Enabling works	April – October	Autumn 2026

8.5 Habitat Management Requirements

8.5.1 The ongoing habitat management requirements for the proposed reptile habitat within the site are outlined below in Table 6.

Table 6 - Habitat management and monitoring plan for proposed retention and enhancement of the reptile habitat within the site.

Habitat	Management Tasks	Timing			Responsibility
		Frequency	Timing	Duration	
Reptile refugia/ hibernaculum	• The condition and structure of the reptile hibernaculum should be assessed to ensure it remains suitable for reptiles. • Additional materials may be required to upkeep the structure and environmental heterogeneity of the hibernaculum for reptiles should any have inadvertently been removed or lost in years one and two until fully established. • Vegetation that grows on and adjacent to the reptile hibernaculum may require trimming to ensure that deep root systems do not prevent reptiles accessing the hibernaculum. • It may be appropriate to loosen some of the soil on and around the hibernaculum should it become compacted over time.	Annually	April – September	Lifetime of the development	Appointed Contractor
Grass snake egg laying pile	• The condition and structure of the grass snake egg laying pile should be assessed for its ongoing suitability to support grass snake. • Additionally, materials such as grass cuttings should be recycled as part of management within the site which may be required to upkeep the structure of the grass snake egg laying pile as materials decomposes over time.	Annually	March - April	Lifetime of the development	Appointed contractor

Other neutral grassland	• The other neutral grassland proposed for enhancement in Figure 2 should be managed to develop and retain a varied, coarse/tussocky sward, providing suitable shelter, foraging habitat and connectivity for reptiles. • Following establishment, the grassland will initially be subject to minimal intervention to allow a coarse/tussocky sward to develop. Thereafter, cutting will be undertaken on an infrequent and/or rotational basis, as required to maintain structural diversity and prevent the development of an overly uniform sward. • Bramble, scrub and woody vegetation will be managed as required to prevent excessive encroachment and maintain the continuity and approximate width of these grassland buffers. • Any cutting or habitat manipulation should be completed using a two-stage approach, taking into consideration the known presence of reptiles within the site. • Arisings will be removed following cutting to prevent nutrient enrichment.	Rotational cutting; scrub management as required	September - October	Lifetime of the development	Appointed contractor

9. Bibliography

9.1.1 Arun Ecology Ltd (2026) Preliminary Ecological Appraisal - Land North of High Winds, Reeds Lane, Southwater, West Sussex, RH13 9DQ.

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Appendix I – Legislation & Planning Policy

9.2 Background

9.2.1 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.

9.2.2 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 considered relevant to the development.

9.3 Conservation of Habitat and Species Regulations 2017 (as amended)

9.3.1 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

9.3.2 The regulations include provisions that prohibit certain actions affecting species listed under Annex IV 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.

9.3.3 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

9.3.4 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.

9.3.5 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.

9.3.6 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.

9.4 The Wildlife and Countryside Act, 1981 (as amended)

9.4.1 The Wildlife and Countryside Act, 1981 (as amended) primarily transposes the UK Government's 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 Animals

9.4.2 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.

9.5 Countryside Rights of Way Act 2000 (CRoW Act)

9.5.1 The Countryside Rights of Way Act 2000 (CRoW Act) makes provisions for public access, amends the law for public rights of ways and amends existing law on nature conservation and the protection of wildlife as well as makes further provisions for Areas of Outstanding Natural Beauty.

Wildlife Legislation

9.5.2 Part III of the CRoW Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife and Countryside Act 1981 (as amended).

9.5.3 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.

9.5.4 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.

9.6 Natural Environment & Rural Communities Act 2006 (NERC Act)

9.6.1 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

9.6.2 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.

9.6.3 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

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

9.6.5 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 habitats included in any list published under this section; or
- Promote the taking by others of such steps.

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

9.7 National Planning Policy Framework (2026)

9.7.1 The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2026) sets out the Governments planning policies for England and how these should be applied. The NPPF contains policies for plan-making and national decision-making policies which are material considerations in the determination of planning applications.

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

Conserving and Enhancing the Natural Environment

9.7.3 Chapter 19 of the NPPF concerns conserving and enhancing the natural environment. Its objective is to influence the design and location of development to support nature's recovery and wider environmental outcomes, safeguard important habitats, species and landscapes, and recognise the role of natural capital in delivering sustainable growth.

Improving the Natural Environment

9.7.4 **Policy N2**: Improving the natural environment is a national decision-making policy. It states that, in order to contribute positively to the natural environment and support nature's recovery, development proposals should consider the environmental qualities of the land, including its habitats, landscape character and the natural beauty of the countryside, and identify opportunities to conserve or enhance these qualities, including through biodiversity net gain where applicable.

9.7.5 Development proposals should take suitable opportunities to connect to and strengthen ecological networks extending beyond the development site, drawing upon measures identified within Local Nature Recovery Strategies, National Forest Strategies, Community Forest Plans and other relevant assessments where present.

9.7.6 Existing natural features of visual, historic or nature conservation value, including established trees and hedgerows, should be conserved and enhanced where possible, with appropriate landscaping used to integrate development into its surroundings.

9.7.7 Green infrastructure and nature-based solutions should be used to secure multiple benefits, including for biodiversity, surface-water and pollution management, climate-change mitigation and adaptation, and recreation.

9.7.8 Development proposals should minimise adverse impacts on biodiversity and include features which support priority or threatened species, such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes, commonly known as swift bricks, unless there are compelling technical reasons which prevent their use or would make them ineffective.

9.7.9 Green infrastructure and other features supporting nature should be appropriately located and designed to minimise the risk of future failure, with suitable measures in place for any necessary long-term management.

9.7.10 Policy N2 retains the mitigation hierarchy. Where significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for, the development should be refused.

9.7.11 Development proposals may provide biodiversity enhancements exceeding the statutory biodiversity net gain objective. However, such additional gains should only be required where this is established through an up-to-date development plan policy relating to a specific site allocation. Decision-makers should not give weight to other development plan policies requiring biodiversity gains beyond the statutory framework, including policies seeking such gains from development which is exempt from statutory biodiversity net gain.

Ground Conditions and Pollution

9.7.12 **Policy P3**: Living conditions and pollution states that development proposals should be appropriate for their location, taking account of the likely effects, including cumulative effects, of pollution upon health, living conditions and the natural environment, whether these effects occur on or off-site. Consideration should be given to the sensitivity of the site and the surrounding environment.

9.7.13 Development proposals should avoid giving rise to, or contributing to, unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse effects should be avoided where possible or otherwise mitigated to an acceptable degree, and opportunities should be taken to reduce existing pollution where possible.

9.7.14 Development proposals should limit adverse impacts from artificial light upon local amenity, intrinsically dark landscapes and nature.

9.7.15 Development proposals should also assess and mitigate impacts where development could have an unacceptable adverse effect upon water quality, particularly in relation to sensitive waterbodies such as chalk streams.

9.8 Biodiversity and Geological Conservation Circular 06/2005

9.8.1 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 within the NPPF, 2026 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.

9.8.2 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

9.8.3 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'.

9.8.4 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'.

9.8.5 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.'

9.9 Horsham District Council Adopted Local Plan (2015)

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

Policy 25

9.9.2 Policy 25 sets out Horsham District Councils (HDCs) commitment to protecting the Natural Environment and Landscape Character. Policy 25 states:

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

9.9.4 Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.

9.9.5 Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.

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

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

Policy 31

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

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

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

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

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

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

- Special Protection Area (SPA) and Special Areas of Conservation (SAC);
- Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNRs);
- Local Wildlife Sites (LWS), Local Nature Reserves (LNRs) and any areas of Ancient Woodland, traditional orchards, local geodiversity or other irreplaceable habitats not already identified in a & b above.

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

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

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

9.10 Bibliography – Appendix II

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