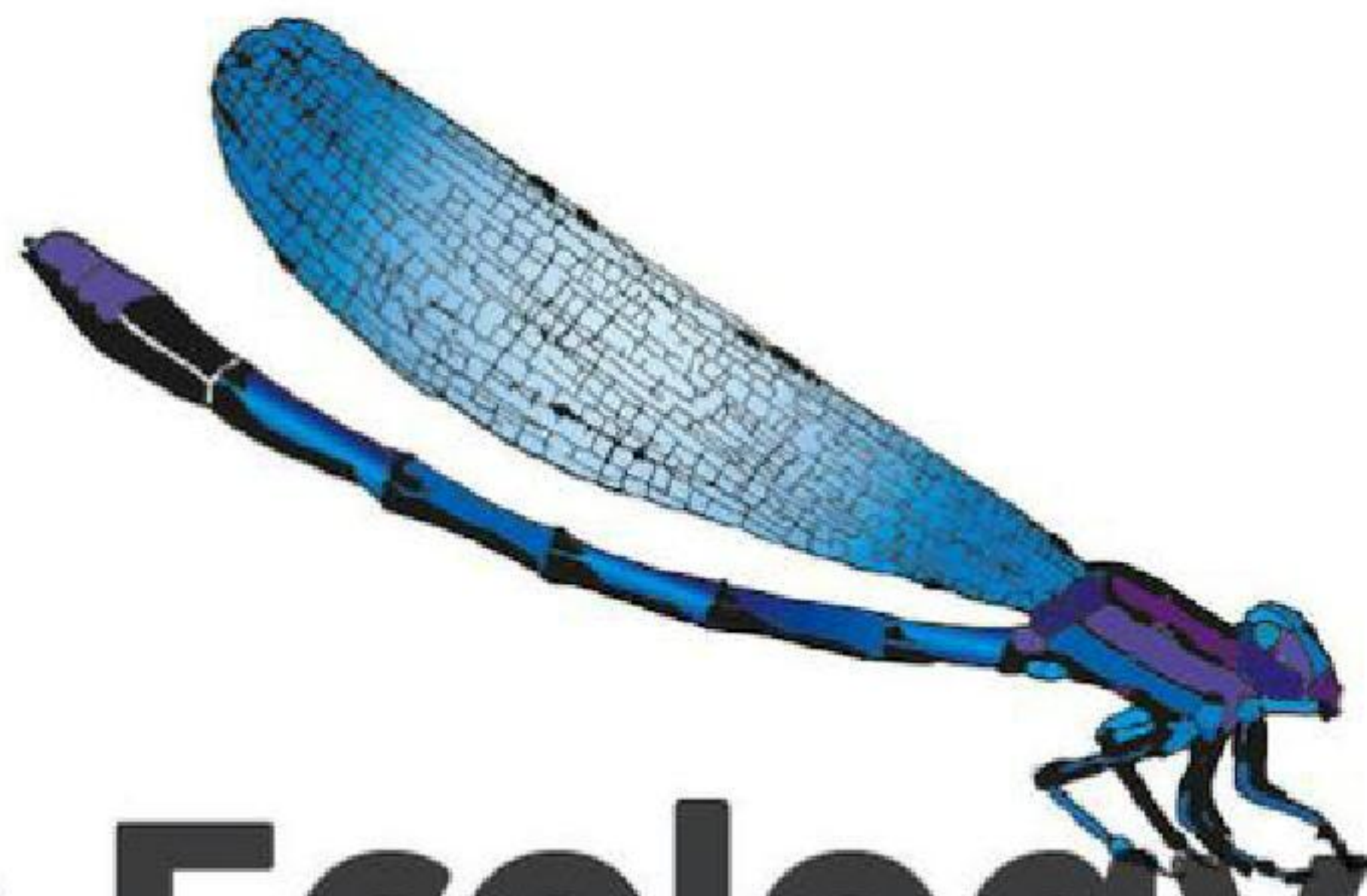




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Construction Environmental Management Plan

Site Name

Naldretts Farm, Sayers Common

Issue Date

12th December 2024

Client

Tim Rodway

Author

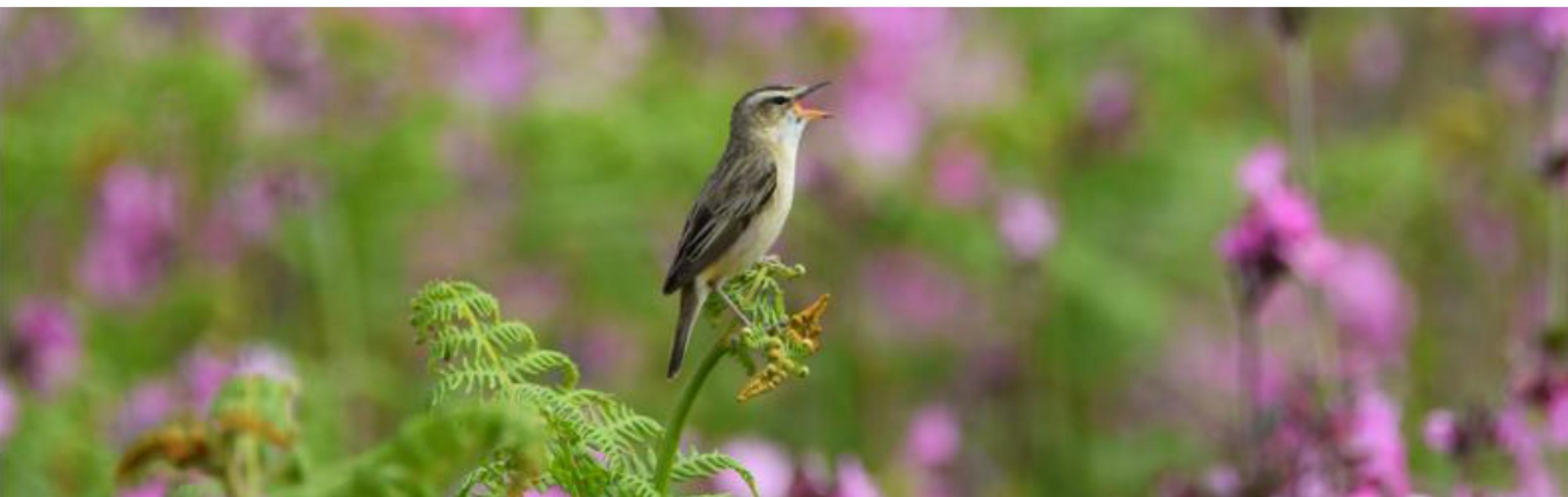
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Document Control

Issue No	Author	Reviewer	Issue Date	Additions/alterations	Notes
Original	Alice Motola BSc, MSc (Hons)	Rozel Hopkins MSci (Hons)	12.12.24	N/A	

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About the Reviewer

This report has been reviewed by Rozel Hopkins, a Senior Ecologist at The Ecology Co-op, with 4 years` experience. She has a Level 1 bat survey licence and a Level 1 great crested newt survey licence and as a Qualifying member of the Chartered Institute for Ecology and Environmental Management (CIEEM) is bound by their code of professional conduct.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024. 2



Report Summary

Purpose	The Ecology Co-operation was commissioned by Tim Rodway to provide a Construction Environmental Management Plan (CEMP) with regards to a proposed development at Naldretts Farm, Sayers Common. This document outlines site-wide mitigation for priority habitats & protected species. It also includes management objectives, responsibilities and maintenance schedules including remedial responsibilities, should they be necessary. It will be submitted to Mid-Sussex District Council in order to discharge condition no. 2 of the approved planning application (ref: DM/18/1860). The proposed development comprises the change in the use of the existing grazing land to a polo pitch with associated works including the formation of a new lagoon, landscaping, and vehicular access via Northend Lane at Naldretts Farm, Pookbourne Lane, Sayers Common, Hassocks, West Sussex, BN6 9HD.
Context	A Preliminary Ecological Appraisal of the site was undertaken in November 2023 by The Ecology Partnership. The following Phase 2 surveys found no evidence for the presence of bats, badgers, great crested newts, reptiles, dormice and harvest mice on the land at Naldretts Farm. Nevertheless, the presence of these species cannot be fully discounted, as there are habitats of value for those animals both on site and in the wider landscape.
Habitat impact avoidance	Section 4 of this report outlines measures to prevent significant effects on the onsite tree habitat and adjacent ancient and Priority woodland, from the following impacts: physical damage, noise, vibration, dust, and hydrological pollution.
Protected species impact avoidance	Section 3 of this report outlines measures to prevent harm to protected species during the construction works. This includes mitigation measures for the following species: • Badgers • Bats • Breeding birds • Dormice & Harvest Mice • Great Crested Newts • Hedgehogs
Toolbox talk	Site staff must be briefed, prior to the commencement of construction, on the ecological issues related to the project and the importance of contacting an ecologist in the event that any wildlife are identified within the construction zone.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024. 3



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² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024. 4



1 INTRODUCTION

1.1 Purpose of the Report

The Ecology Co-operation was commissioned by Tim Rodway to produce a Construction Environmental Management Plan (CEMP) for a proposed residential development on Naldretts Farm, Sayers Common. This document outlines site-wide mitigation for priority habitats & protected species. It will be submitted to Mid-Sussex District Council with regards to condition no. 2 of the approved planning application (ref: DM/18/1860). Condition 2 states as below:

“2. Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

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

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan. “

The prescribed mitigation measures described within this document will be issued to relevant works contractors to ensure that they are carried out in full. Implementation of works detailed within this CEMP will be overseen by a suitable ecological consultancy, and the works contractor will be given contact details for an ecologist so that any issues can be resolved promptly.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024. 5



1.2 Background

The site measures 5.86ha and is located at Naldretts Farm, Pookbourne Lane, Sayers Common, Hassocks, West Sussex, BN6 9HD. The central grid reference for the site is TQ27901928. The location of the site is shown in Figure 1.

The site is currently used for horse stabling and as a work yard. The buildings are open sided and surrounded by concrete hard standing. The fields are horse grazed, with areas of dense bramble scrub and ruderal vegetation in places. The site includes one intact native hedgerow with trees, one defunct hedgerow and a stream which is bordered by dense vegetation. The surrounding landscape is rural, comprising fields, hedgerows and scattered residential housing. The site is surrounded by woodland and hedgerows.

The proposed development comprises the change in the use of the existing grazing land to a polo pitch with associated works including the formation of a new lagoon, landscaping, and vehicular access via Northend Lane (see Figure 2a &b).

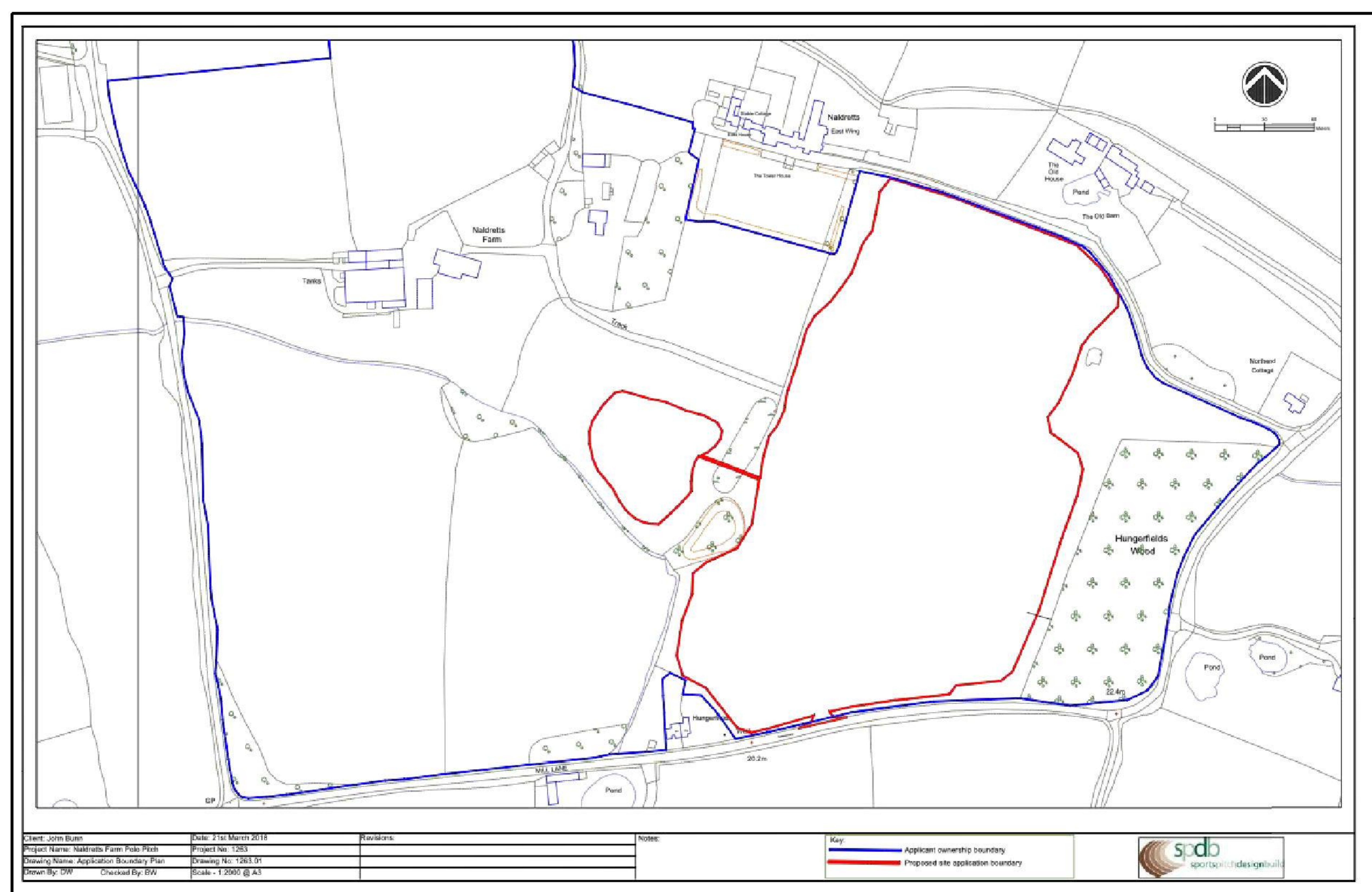


Figure 1. Application Boundary Plan Map, showing the location of the site. The proposed site application boundary is outlined in red, while the applicant ownership boundary is outlined in blue. Map courtesy of Sports Pitch Design Build (spdb), drawn by DW, drawing no: 1263.01, dated 21st March 2018.

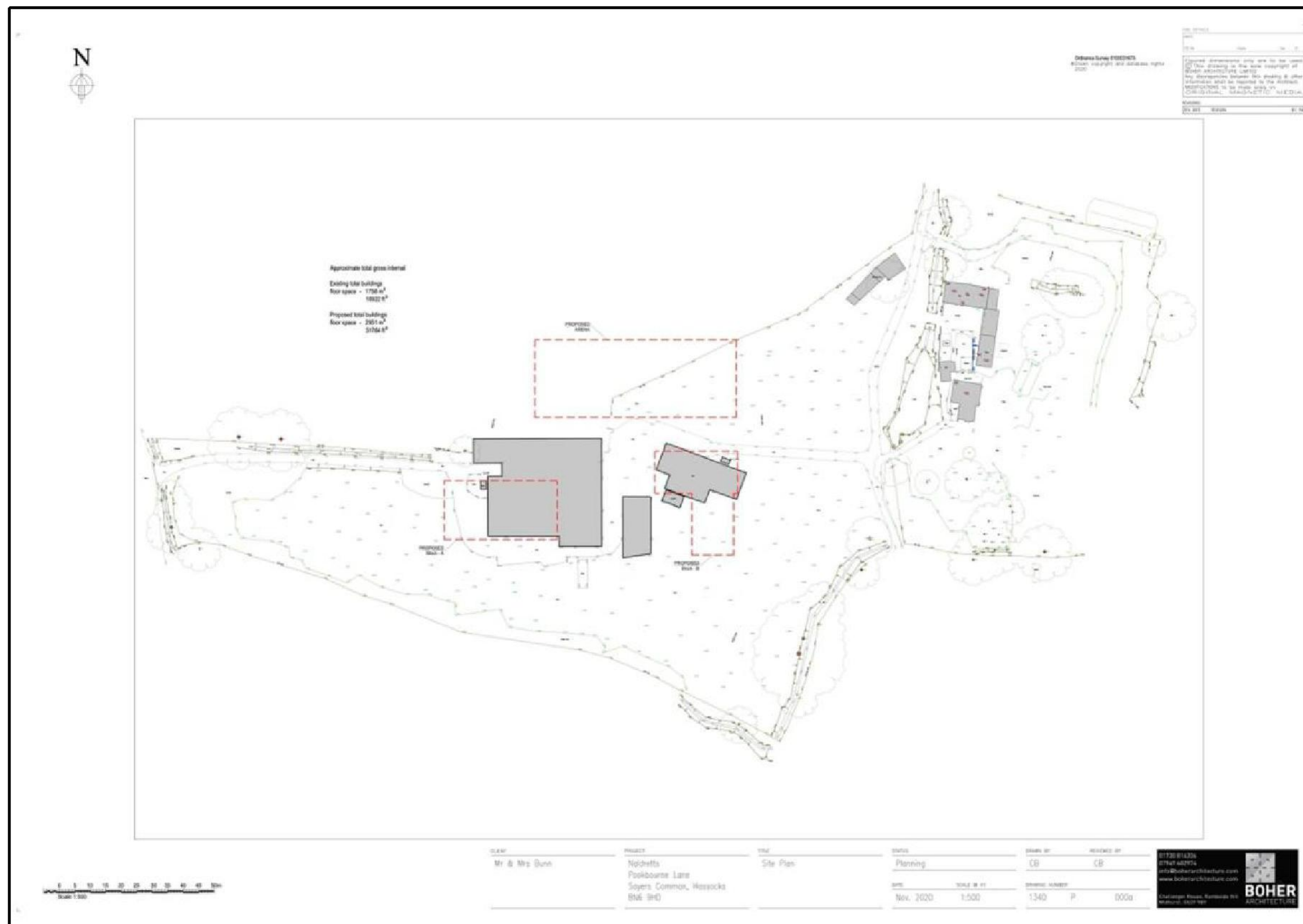


Figure 2a. Site Plan. Drawing dated November 2020. Produced courtesy of Boher Architecture, drawn by CB, drawing number: 1340 P 000a.

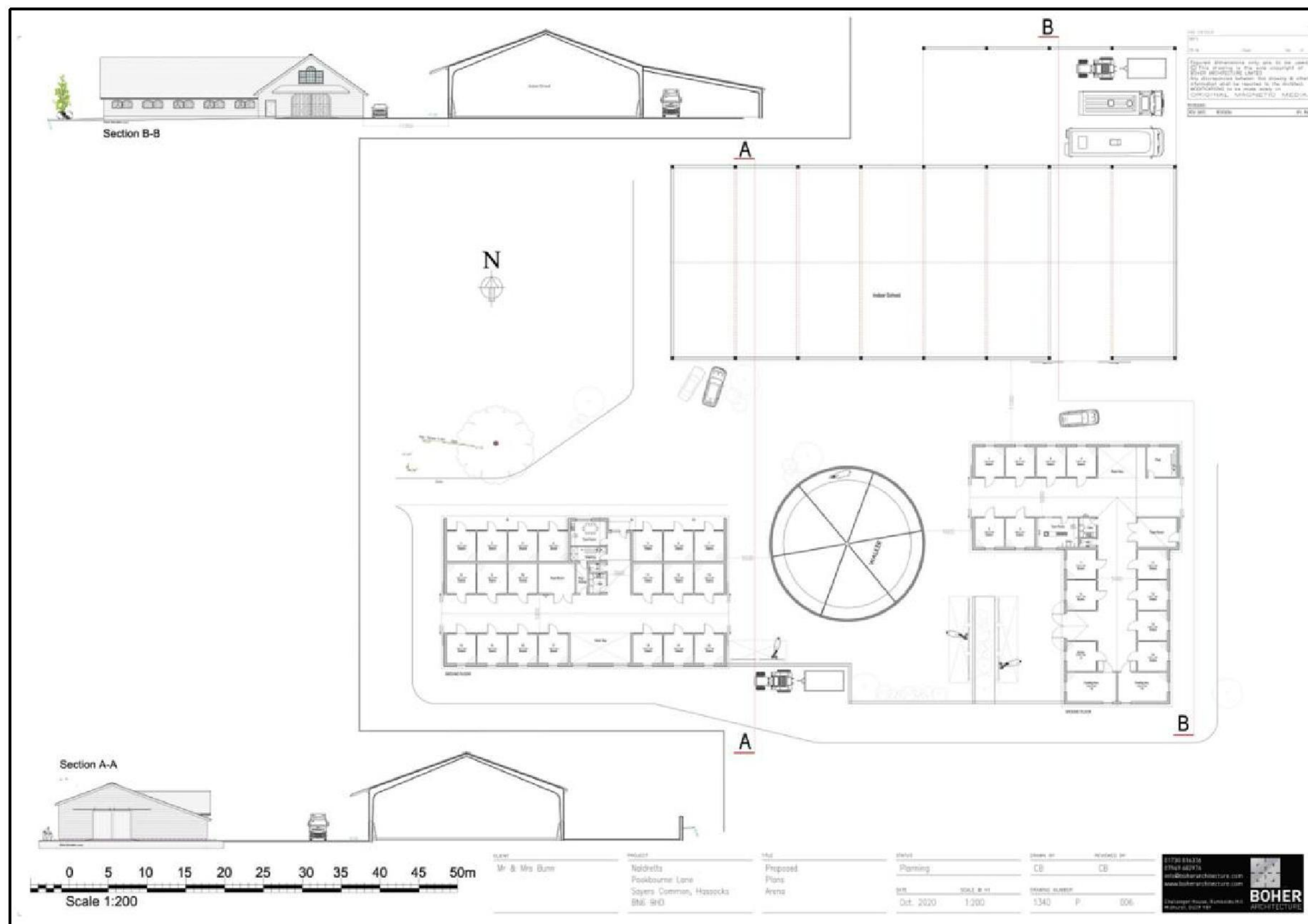


Figure 2b. Arena Proposed Plan. Drawing dated October 2020. Produced courtesy of Boher Architecture, drawn by CB, drawing number: 1340 P 006.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024. 7



1.3 Summary of Previous Survey Work

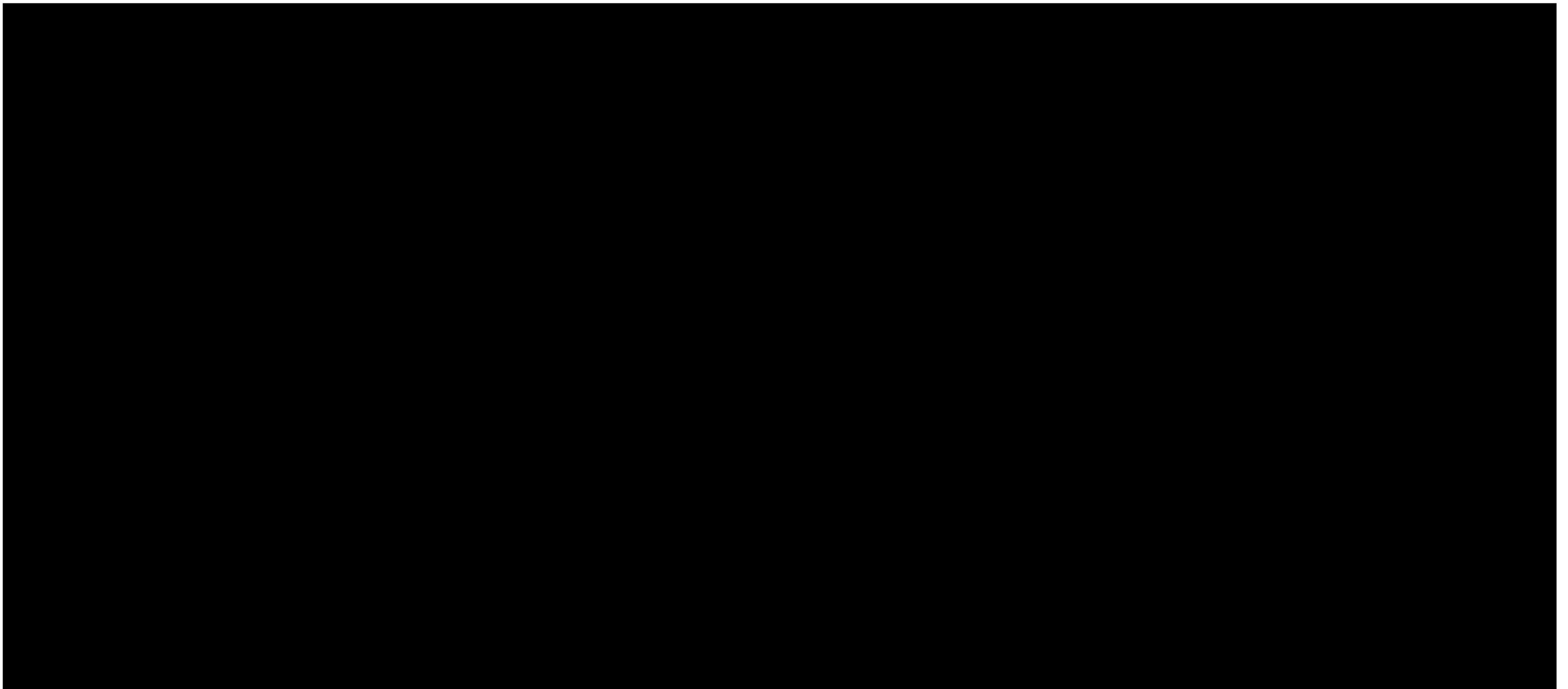
A Preliminary Ecological Appraisal (PEA)¹ was undertaken by the Ecology Partnership on 9th November 2023 by Alexia Tamblyn. The combined PEA walkover and desk study data indicated potential for great crested newts *Triturus cristatus* (GCN), reptiles, badgers *Meles meles*, nesting birds, dormouse *Muscardinus avellana*, harvest mice *Micromys minutus* and bats to be present on the site.

Phase 2 surveys¹ found no evidence for the presence of bats, badgers, GCN, reptiles, dormice and harvest mice on the land at Naldretts Farm. Nevertheless, the presence of these species cannot be fully discounted, as there are habitats of value for those animals both on site and in the wider landscape.

2 LEGAL PROTECTION

Legal protection applying to relevant bird, mammal and herpetofauna species is detailed in Appendix 1 of this report. This includes both national and European legislation that protects badgers, bats, dormice, reptiles, and breeding birds.

3 PROTECTED SPECIES IMPACT AVOIDANCE



3.2 Bats

If lighting will be used during the construction phase of the development, all persons involved in any of the construction phases must be made aware of the impacts of artificial lighting on bats.

¹ The Ecology Partnership (2023). *Preliminary Ecological Appraisal Land at Naldretts Farm Sayers Common*.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024. 8



Notably, artificial lighting can have a negative impact upon bats, disturbing their flight paths and causing them to stay in their roosts longer. Though works are likely to only take place during the day, night work must be avoided to negate the need for lighting. If lighting is needed, lighting must be limited to active working areas only and follow guidance from the Bat Conservation Trust for a sensitive lighting scheme (see Appendix 2). The habitats sensitive for bats are trees, hedgerows, line of trees, and woodlands.

3.3 Breeding Birds

The adjacent woodland, trees, scrub, and hedgerows within the wider study area may support common nesting birds, and precautionary measures will be necessary to prevent a breach of the Wildlife and Countryside Act 1981 (as amended). As such:

- The removal of any vegetation must be completed outside of the breeding bird season (avoiding 1st March to 31st August), unless features are first searched by a suitably qualified ecologist and no active nests are found. If a nest is found, a minimum buffer of 5m must be maintained around the nest until all of the young have fledged safely.
- Construction vehicles may disturb breeding birds through noise or direct damage of the habitat. As such, to prevent construction vehicles coming too close to the woodland along the eastern site boundary and the treeline and hedgerow along the southern and northern boundaries, a minimum buffer of 5m will be maintained from these features. This will be secured with a physical barrier such as Heras fencing.
- Any building materials must be stored at least 5m from all elevations of the boundary vegetation to avoid traffic causing disturbance to any potential active nests.
- During the construction on site, noise and vibration impacts will be mitigated through the use of a temporary noise barrier. This should include Heras fencing (or similar) fitted with an Acoustic Barrier membrane. Additionally, machinery retrofitted with mufflers and silencing equipment must be used for groundwork. When machinery is not in use it should be switched off immediately and not left to idle as this will result in unnecessary noise and air pollution. Any heavy materials must be handled and placed with care to reduce noise and vibration.

3.4 Dormice & Harvest Mice

The proposals will require a small section of hedgerow on the southern aspect of the site to be removed to allow for access. In order to compensate for the loss of the hedgerow, it has been agreed that a translocation of the existing hedgerow will be conducted using the methodology specified in the separate Non-licensed Precautionary Method of Working Statement report².

If any hazel dormice or harvest mice are found on site, the works must cease immediately and a specialist ecologist must be contacted for advice.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



3.5 Great Crested Newts

No evidence of GCN has been found on site, however, since habitat of value for this protected species surrounds the property within the wider landscape scale, their presence cannot be fully discounted. Thus, in order to avoid any impacts on GCN, specific precautionary working measures have been elaborated and are detailed in the separate Non-licensed Precautionary Method of Working Statement report².

3.6 Reptiles

Since the grassland present on site is under regular management, and the area of scrub/grassland on the northern aspect of the site is also being subject to irregular management and maintenance, with the grass sward being on average below 15cm in height, reptiles are considered highly unlikely to be present on site as such low vegetation would expose them to predation. However, their presence on site cannot be fully discounted and specific precautionary working instructions have been detailed in the separate Non-licensed Precautionary Method of Working Statement report²

3.7 Other Notable Species

Since the site has the potential to support habitats suitable for hedgehog *Erinaceus europaeus*, any excavations must be covered-up overnight to prevent hedgehogs and any other small mammals from falling in. If this is not possible then a board must be placed in the hole/pit so that any wildlife can use this to escape. Specifically, there is potential for hedgehogs to use the bramble scrub and debris piles on site. Sensitive clearance of the bramble scrub and debris/wood piles is considered to be sufficient to minimise the risk of harm to individual hedgehogs.

4 USE OF PROTECTED FENCES, EXCLUSION BARRIERS AND WARNING SIGNS

The off-site ancient and priority deciduous woodland adjacent to the eastern site boundary, the parcel of trees and scrub present in between the big main field and the western smaller field and the onsite individual rural trees have been identified as main ecological features, which must be protected before and during the works. Government guidance requires the protection of ancient woodland, with a minimum 15m buffer between the woodland and any development. The proposed polo pitch allows for a 15m buffer zone in line with government recommendations.

Heras fence panels will be installed along the eastern boundary, in between the large and smaller field and around retained trees (highlighted in a yellow dashed line in Figure 3a below), in order to avoid any impacts that may be caused by the development works, which may host roosting bats and/or nesting birds. Additionally, warning signs, such as the one illustrated in Figure 3a, must be hung on the Heras fencing to inform the builders they should not trespass into this area.

In Figure 3b the Construction Works Plan illustrates a close-up on of the proposed site compound which is to be surrounded by 2m high Heras fencing.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 10 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.

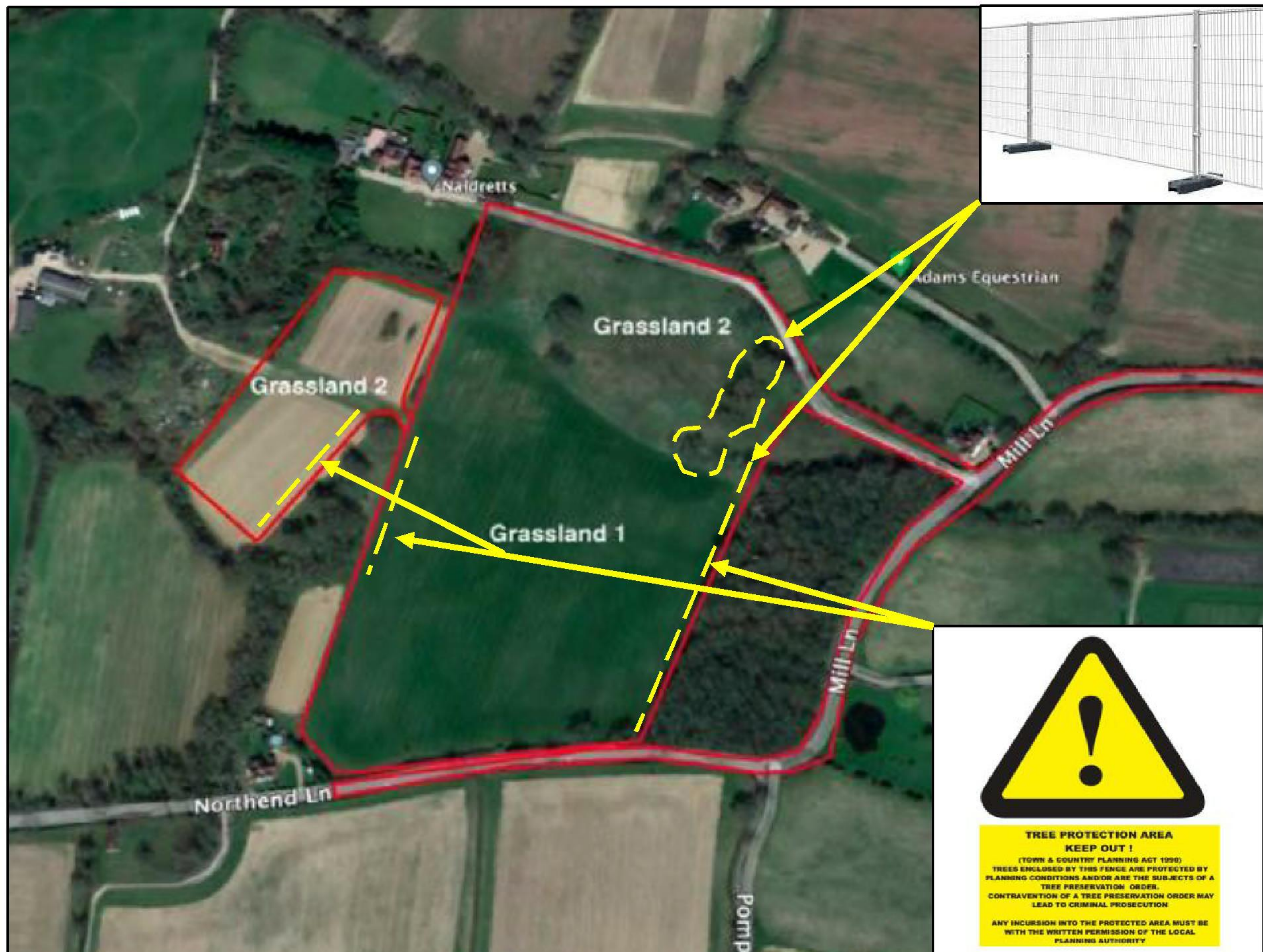


Figure 3a. Location map showing with the yellow intermittent line representing where the Heras fencing will be installed in combination with the warning signs (map courtesy of Google Maps 2024).

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 11 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



Figure 3b. Construction Works Plan with the close-up on the right side of the proposed site compound layout. Map courtesy of Sports Pitch Design Build (spdb), drawn by BW, drawing no: 1263.05 Rev A, dated 21st March 2018.



5 IDENTIFICATION OF "BIODIVERSITY PROTECTION ZONES"

The main biodiversity zones identified on site which require protection are the Ancient Deciduous Priority Woodland located on the eastern boundary of the site and the parcel of trees and scrub present in between the big main field and the western smaller field as shown in Figure 4. Both zones must be protected and delimited by Heras fencing as illustrated in Figure 3a in Section 4.

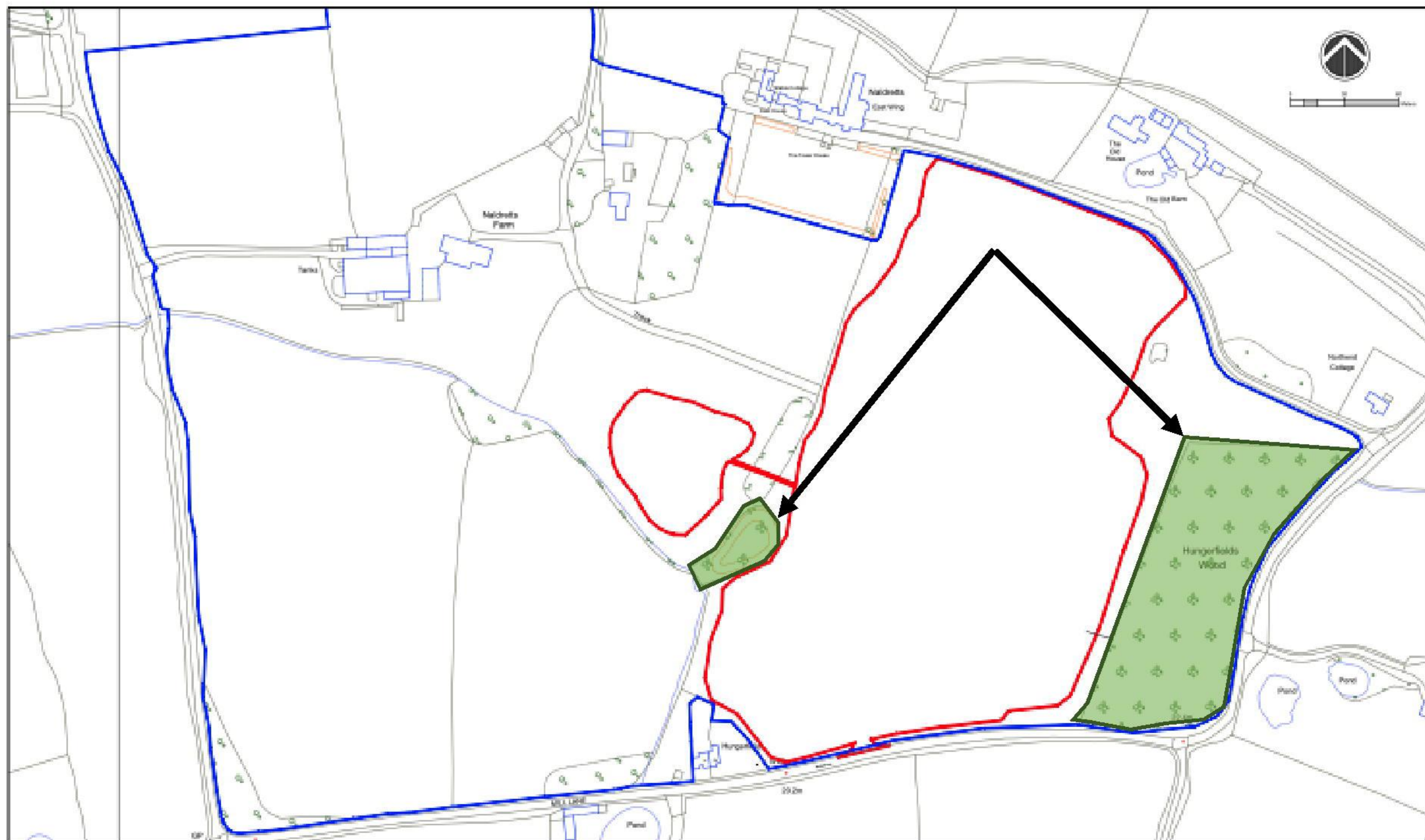


Figure 4: Site Application Map, showing the location of the biodiversity protection zones represented in green and indicated with a black arrow.

6 RESPONSIBLE PERSONS AND LINES OF COMMUNICATION

The responsibility for the development and implementation of the CEMP lies with the appointed head contractor and is shared with the landowner Jon Slater. Both responsible persons should be contacted by phone immediately in the unlikely case any protected species are found on site.

Importantly, if any protected species are found on site during the works, the appointed specialist ecologist for the scheme must be contacted immediately.

Effective communication during construction is vital to avoid impacts on wildlife and habitats. Lines of communication to be implemented during the development works are outlined in section 9.1.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 13 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



7 GENERAL CONSTRUCTION HOUSEKEEPING

The following general measures must also be implemented during construction in order to prevent negative impacts to wildlife generally as a result of development works:

- chemicals, liquids, fuel oils or waste products, leachates or surface water used or produced by the development should be stored and disposed of correctly according to COSHH regulations. No chemicals will be allowed to leak on to the site at any time;
- all trenches must be covered at night or have a rough-sawn plank placed inside to act as a ramp that will enable any wildlife to escape should they fall in;
- security lighting should be directed away from all natural habitats, including trees;
- all vehicles must stay within the construction zone and hard landscaping areas, avoiding habitats which are being retained.

8 PRE-CONSTRUCTION MITIGATION MEASURES

8.1 Toolbox Talk

- a tool-box talk will be given to all of the building contractors prior to any works commencing which will detail the protection afforded to [REDACTED] breeding birds, dormice, commuting and foraging bats, amphibians and reptiles, as well as instructions for the approach taken and the reasons why. This CEMP report and signed toolbox talk will be made available to the project team, construction contractors and upon request by any third party with legitimate interest in the works to serve as a reference copy and must remain on site at all times.
- under no circumstance will a member of the building/construction team handle any of the protected species mentioned above. If a qualified ecologist is absent when a GCN, badger or bat is discovered, then a licensed ecologist must be contacted immediately for advice.

9 TIMES DURING CONSTRUCTION REQUIRING THE PRESENCE OF A SPECIALIST ECOLOGIST

A specialist ecologist must be appointed prior to the commencement of the development works and his role must be explained clearly to the contracted workers. The times during the construction phase when a specialist ecologists must be present on site to oversee the works are listed below and explained in more detail in the Precautionary Method of Working Statement report³, which must be read in support of this CEMP report :

- During the toolbox talk
- For the nesting bird check
- During the habitat manipulation for reptiles & amphibians
- During the hedgerow translocation
- Importantly, in the unlikely event that a GCN, bat, badger, reptile, dormouse or harvest mouse

³ The Ecology Co-op 2024. P2598. Naldretts Farm, Precautionary Method Statement for Protected and Notable Species ISSUE 2024

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 14 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



is found on site at any time, all activity must cease immediately and a specialist ecologist must be contacted if not present at that time, and the mitigation strategy reviewed. A specialist ecologist name and contact number should be made available for the contracted workers to call in case a protected species is observed on site, as it may be necessary to apply to Natural England for an EPS licence to continue.

10 OPERATIONAL PHASE MITIGATION MEASURES

Poorly designed external lighting can have a detrimental impact upon foraging and commuting bats and other nocturnal wildlife. To prevent this, all retained vegetation must be protected (see Figure 3a and 4), from artificial lighting with no streetlamps or outside lights facing towards these habitats. A lighting plan will be prepared separately by a competent engineer and be signed off by an ecological consultancy for submission to the planning authority. This must adhere to the most recent guidelines published by the Bat Conservation Trust⁴ (see Appendix 2) and include the following measures:

- no 'upward pointing' or bare bulb lights to be installed anywhere on the developed site;
- all external lights upon lampposts must not be more than 3.5m in height and must have shields installed to focus light directly onto areas of need only;
- no external lights are to be installed on the building above a height of 2m and all external lights must have shields to prevent light splash beyond the horizontal (90 degrees from the ground);
- narrow-spectrum light sources must be used to lower the range of species affected by lighting, minimising the use of ultra-violet light;
- white and blue wavelengths of the light spectrum must be avoided to reduce insect attraction (a peak wavelength of >550nm). Where white lights are required, they will be of a warm/neutral colour temperature (<2,700 Kelvin ratings);
- any pedestrian ground lighting must not exceed 3 lux;
- external lighting must be on PIR sensors, which detect large objects only, and are therefore not triggered by passing bats. These should be set to the shortest time duration;
- wall lights and security lights must be 'dimnable' and set to the lowest light intensity. The developed site will make the most of the up-to-date technology available to incorporate this.

Should you need any further advice on the information provided above, please do not hesitate to contact The Ecology Co-op.

⁴ Bat Conservation Trust and Institute for Lighting Professionals (2023) Guidance Note 8. Bats and Artificial Lighting. <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 15 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



APPENDIX 1 - Wildlife Legislation and National Planning Policy

Introduction

The following text is intended for general guidance only and does not constitute comprehensive professional legal advice. It provides a summary of the current legal protection afforded to wildlife in general and certain species. It includes current national planning policy relevant to nature conservation.

The ‘Birds Directive’, ‘Habitats Directive’ and ‘Natura 2000 Sites’

The Council Directive 79/409/EEC on the Conservation of Wild Birds (“the Birds Directive”) sets a framework for the protection of wild birds. Under the Directive, several provisions are made including the designation and protection of ‘Special Protection Areas’ (SPAs) – areas which support important bird populations, and the legal protection of rare or vulnerable species.

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the “Habitats Directive”) directs member states of the EU to take measures to maintain the favourable conservation status of important habitats and species. This requires the designation of a series of sites which contain important populations of species listed on Annex II of the Directive (for example Bechstein’s bat *Myotis bechsteinii*, Barbastelle bat *Barbastella barbastellus* and white-clawed crayfish *Austropotamobius pallipes*). Together with ‘Special Areas of Conservation’ (SACs), SPAs form a network across Europe of protected areas known as the ‘Natura 2000 sites’.

Annex IV lists species in need of more strict protection, these are known as “European Protected Species (EPS)”. All bat species, common dormice *Muscardinus avellana*, otter *Lutra lutra* and great crested newts *Triturus cristatus* are examples of EPS that are regularly encountered during development projects.

The ‘Habitats Regulations’

The Conservation of Habitats and Species Regulations 2017, as amended (the “Habitats Regulations”) is the principle means of transposing the Habitats Directive and the Birds Directive, and updates the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 regulations”) in England and Wales.

‘Natura 2000’ sites, now known as National Site Network sites under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, receive the highest level of protection under the Regulations which requires that any activity within the zone of influence of these sites would be subject to a Habitats Regulations Assessment (HRA) by the competent authority (e.g. planning authority), leading to an Appropriate Assessment (AA) in cases where ‘likely significant effects’ to the conservation objectives are identified.

For European Protected Species, Regulation 41 makes it a criminal offence to:

- deliberately capture, injure or kill any such animal;
- deliberately disturb wild animals of such species;
- deliberately take or destroy their eggs (where relevant);
- damage or destroy a *breeding or resting place* of such an animal;
- possess, control, sell or exchange any live or dead animal or plant, of such species;
- deliberately pick, collect, cut, uproot or destroy a wild plant of such species.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 16 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



The Habitats Directive and Habitats Regulations provide for the derogation from these prohibitions for specific reasons provided certain conditions are met. An EPS licensing regime allows operations that would otherwise be unlawful acts to be carried out lawfully. Natural England is the licensing Authority and, in order to grant a license, ensures that three statutory conditions (sometimes referred to as the ‘three derogation tests’) are met:

- a licence can be granted for the purposes of “preserving public health or safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” (Regulation 53 (2) (e);
- a licence can be granted if “there are no satisfactory alternatives” to the proposed action;
- a licence shall not be granted unless the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Wildlife and Countryside Act (1981) as amended

This remains one of the most important pieces of wildlife legislation in the UK. There are various schedules to the Act protecting birds (Schedule 1), other animals including insects (Schedule 5), plants (Schedule 8), and control of invasive non-native species (Schedule 9).

Under the Wildlife and Countryside Act (WCA) 1981, all wild birds (with the exception of those listed on Schedule 2), their eggs and nests are protected by law and it is an offence to:

- take, damage or destroy the nest of any wild bird while it is in use or being built
- take or destroy the egg of any wild bird
- disturb any bird listed on Schedule 1, while it is nest building, or at a nest with eggs or young, or disturb the dependant young of any such bird.

Schedule 5 lists all non-avian animals receiving protection to a varied degree. At its strongest, the Act makes it an offence to intentionally kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturb animals while occupying such places. Examples of species with *full protection* include all EPS, common reptile species, water vole *Arvicola amphibius*, white-clawed crayfish *Austropotamobius pallipes* and Roman snail *Helix pomatia*. Other species are protected from sale, barter or exchange only, such as white letter hairstreak *Satyrium w-album*.

The Act makes it an offence to intentionally pick, uproot or destroy any plant or seed, and sell or possess any plant listed on Schedule 8. It is also an offence to intentionally uproot any wild plant not listed on Schedule 8 unless authorised [by the land owner]. Species on Schedules 5 and 8 are reviewed every 5 years when species can be added or removed.

Measures for the prevention of spreading non-native species which may be detrimental to native wildlife is included in the Act, which prohibits the release of animals or planting of plants into the wild of species listed on Schedule 9 (for example Japanese knotweed *Fallopia japonica*, Himalayan balsam *Impatiens glandifera*, New Zealand Pygmyweed *Crassula helmsii*).

The Wildlife and Countryside Act 1981 (as amended) also prohibits certain inhumane methods of traps and devices for the capture or killing of wild animals and certain additional methods such as fixed trap, poisoning with gas or smoke, or spot-lighting with vehicles for killing species listed on Schedule 6 of the Act (this includes all bat species, badger, otter, polecat, dormice, hedgehog and red squirrel).

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 17 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



Natural Environment and Rural Communities (NERC) Act (2006)

The NERC Act (2006) created the statutory nature conservation body Natural England, and places a statutory duty on all public bodies, including planning authorities, under Section 40, to take, or promote the taking by others, steps to further the conservation of *habitats and species of principal importance for the conservation of biodiversity* in England (commonly referred to as the 'Biodiversity Duty'). This duty extends to all public bodies the biodiversity duty of Section 74 of the Countryside and Rights of Way (CROW) Act 2000, which placed a duty only on Government and Ministers. Section 41 of the NERC Act lists the habitats and species of principle importance. This includes a wide range of species from mosses, vascular plants, invertebrates through to mammals and birds. It originates from the priority species listed under the UK Biodiversity Action Plan (UK BAP) with some omissions and additions.

Environment Act (2021)

The Environment Act sets a target of halting the decline in species through the inclusion of a legally binding 2030 species abundance target. Aiming to restore natural habitats and enhance biodiversity, the Act requires new developments to improve or create habitats for nature (through mechanisms such as mandatory Biodiversity Net Gain), and tackle deforestation. Going forwards, UK businesses will need to look closely at their supply chains as amongst other measures they will be prohibited from using commodities associated with wide-scale deforestation. Woodland protection measures are also strengthened through the Act.

The Act enables the reform of the Habitats Regulations and further improves protection for nature through the establishment of Local Nature Recovery Strategies that support national Nature Recovery Networks. In addition, the Act provides for the production of Protected Site Strategies and Species Conservation Strategies, aimed at supporting the design and delivery of strategic approaches to deliver better outcomes for nature.

National Planning Policy Framework

The National Planning Policy Framework (NPPF 2023)⁵ sets out the Government's view on how planners Must balance nature conservation with development and helps ensure that Government meets

⁵ HM Government (2023). National Planning Policy Framework. Department for Communities and Local Government. Available online at: https://assets.publishing.service.gov.uk/media/64f991c99ee0f2000fb7c001/NPPF_Sept_23.pdf.

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 18 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



its biodiversity commitments with regard to the operation of the planning system.

Paragraph 179b, which states that council policies should “*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.*”

The Office of the Deputy Prime Minister (ODPM) Circular 06/2005, 2005)⁶. In accordance with the NPPF, it is important that developments should contribute to and enhance the natural and local environment by:

- minimising impacts on existing biodiversity and habitats;
- providing net gains in biodiversity and habitats, wherever possible;
- establishing coherent ecological networks that are more resilient to current and future pressures.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (UK BAP), first published in 1994, was the UK’s response to the commitments of the Rio Convention on Biological Diversity (1992) until 2010, when the UK BAP was replaced by the UK Post-2010 Biodiversity Framework. This framework covers the period 2011 to 2020 and forms the UK government’s response to the new strategic plan of the United Nations Convention on Biodiversity (CBD) published in 2010. This promotes a focus on individual countries delivering target for protection for biodiversity through their own strategies.

The most recent biodiversity strategy for England, 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' was published by Defra (2011), and a progress update was provided in July 2013 (Defra 2013).

'Biodiversity 2020' builds on the Natural Environment White Paper for England – 'The Natural Choice', published on 7 June 2011, and sets out the strategic direction for biodiversity policy for the next decade.

Biodiversity 2020 deliberately avoids setting specific targets and actions for local areas and species because the Government believes that local people and organisations are best placed to decide how to implement the strategy in the most appropriate way for their local area or situation.

Birds of Conservation Concern (BoCC)

In 1996, the UK’s leading non-governmental bird conservation organisations listed the conservation status of all bird species in the UK against a series of criteria relating to their population size, trends and relative importance to global conservation. The lists, known as the ‘Red’, ‘Amber’ and ‘Green’ lists (in order of decreasing concern) are used to inform key conservation policy and decisions. The lists are reviewed every five years and are a useful reference for determining the current importance of a particular site for birds. The most recent review was undertaken in 2021 (Stanbury et al, 2021), which provides an up to date assessment of the conservation status of birds in the UK.

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² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 19 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



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Wildlife and Countryside Act (WCA) (1981). HMSO London. Available at: <http://www.legislation.gov.uk/ukpga/1981/69/contents>

² The Ecology Co-op (2024). P2598. Naldretts Farm, Non-licensed Precautionary Method of Working 20 Statement for great crested newts, reptiles, dormice, harvest mice and mobile species 2024.



APPENDIX 2 – Reducing Impacts of Artificial Light

Bright external lighting can have a detrimental impact upon foraging and commuting bat flight paths, but more importantly can also cause bats to remain in their roosts for longer. Artificial lighting can also cause significant impacts to other nocturnal species, most notably moths and other nocturnal insects. It can also result in disruption of the circadian rhythms of birds, reducing their fitness.

Guidelines issued by the Bat Conservation Trust⁷ should be referred to when designing the lighting scheme. Note that lighting designs in very sensitive areas should be created with consultation from an ecologist and using up-to-date bat activity data where possible. The guidance contains techniques that can be used on all sites, whether a small domestic project or larger mixed-use, commercial or infrastructure development. This includes the following measures:

Avoid lighting key habitats and features altogether

There is no legal duty requiring any place to be lit. British Standards and other policy documents allow for deviation from their own guidance where there are significant ecological/environmental reasons for doing so. It is acknowledged that in certain situations lighting is critical in maintaining safety, such as some industrial sites with 24-hour operation; however, in the public realm, while lighting can increase the perception of safety and security, measurable benefits can be subjective. Consequently, lighting design should be flexible and be able to fully consider the presence of protected species.

Apply mitigation methods to reduce lighting to agreed limits in other sensitive locations – lighting design considerations

Where bat habitats and features are considered to be of lower importance or sensitivity to illumination, the need to provide lighting may outweigh the needs of bats. Consequently, a balance between a reduced lighting level appropriate to the ecological importance of each feature and species, and the lighting objectives for that area will need to be achieved. The following are techniques which have been successfully used on projects and are often used in combination for best results:

- dark buffers, illuminance limits and zonation;
- sensitive site configuration, whereby the location, orientation and height of newly built structures and hard standing can have a considerable impact on light spill;
- consideration of the design of the light and fittings, whereby the spread of light is minimised ensuring that only the task area is lit. Flat cut-off lanterns or accessories should be used to shield or direct light to where it is required. Consideration should be given to the height of lighting columns. It should be noted that a lower mounting height is not always better. A lower mounting height can create more light-spill or require more columns. Column height should be carefully considered to balance task and mitigation measures. Consider no lighting solutions where possible such as white lining, good signage, and LED cat's eyes. For example, light only high-risk stretches of roads, such as crossings and junctions, allowing headlights to provide any necessary illumination at other times;
- screening, whereby light spill can be successfully screened through soft landscaping and the installation of walls, fences and bunding;
- glazing treatments, whereby glazing should be restricted or redesigned wherever the ecologist

⁷ Bat Conservation Trust and Institute for Lighting Professionals (2018) Guidance note 8. Bats and Artificial Lighting. <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>



and lighting professional determine there is a likely significant effect upon key bat habitat and features;

- creation of alternative valuable bat habitat on site, whereby additional or alternative bat flightpaths, commuting habitat or foraging habitat could result in appropriate compensation for any such habitat being lost to the development;
- dimming and part-night lighting. Depending on the pattern of bat activity across the key features identified on site it may be appropriate for an element of on-site lighting to be controlled either diurnally, seasonally or according to human activity. A control management system can be used to dim (typically to 25% or less) or turn off groups of lights when not in use.

Demonstrate compliance with illuminance limits and buffers

- *Design and pre-planning phase*; it may be necessary to demonstrate that the proposed lighting will comply with any agreed light-limitation or screening measures set as a result of your ecologist's recommendations and evaluation. This is especially likely to be requested if planning permission is required.
- *Baseline and post-completion light monitoring surveys*; baseline, pre-development lighting surveys may be useful where existing on or off-site lighting is suspected to be acting on key habitats and features and so may prevent the agreed or modelled illuminance limits being achieved.
- *Post-construction/operational phase compliance-checking*; as a condition of planning, post-completion lighting surveys by a suitably qualified person should be undertaken and a report produced for the local planning authority to confirm compliance. Any form of non-compliance must be clearly reported, and remedial measures outlined. Ongoing monitoring may be necessary, especially for systems with automated lighting/dimming or physical screening solutions.

Lighting Fixture Specifications

The Bat Conservation Trust recommends the following specifications for lighting on developments to prevent disturbance:

- Lighting spectra: peak wavelength >550nm
- Colour temperature: <2700K (warm)
- Reduction in light intensity
- Minimal UV emitted
- Upward light ratio of 0% and good optical control

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