



PRELIMINARY ECOLOGICAL APPRAISAL

KRONA DESIGN

50 HURST ROAD
HASOCKS
WEST SUSSEX

08TH JANUARY 2025

REF: 24051

CONTENTS	PAGE NO
Executive Summary	3
1. Introduction	4
2. Methodology	5
3. Baseline Conditions	8
4. Evaluation	14
5. Conclusions And Recommendations	17
6. References	22
Appendix A - Target Notes and Photographs	
Appendix B - Survey Map	
Appendix C - Legislation	
Appendix D - Plant species List	
Appendix E- Recommended Planting: Species of Wildlife Value	

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EXECUTIVE SUMMARY

A Preliminary Ecological Appraisal was carried out across land at 50 Hurst Road, within the Mid Sussex District of West Sussex on the 3rd December 2024. The assessment was required in order to ascertain whether any ecological constraints could affect proposed development at the site. Proposals are for the construction of a new tennis court in the rear garden. A small number of young, recently planted trees may require removal to facilitate the works. All boundary features will be retained as part of the proposals. The total survey area extended over approximately 0.1 hectares (ha) although the application area is restricted to 0.05ha.

The main findings of the survey are as follows:

- * The site is in a semi-rural environment, situated in the western extent of Hassocks in West Sussex. Land-use in the immediate vicinity comprises residential properties and agricultural fields. The application site comprises an area of managed grassland with a small number of recently planted trees.
- * The site is not subject to any statutory or non-statutory designations.
- * The survey area is of value within the immediate vicinity of the site, with the grassland having some, albeit limited, potential to support small numbers protected species including foraging bats and badger with the wider garden boundaries providing some connectivity for more mobile species including bats, great crested newts and badger to pass between residential gardens and grassland in the immediate surrounds of the site.
- * No further surveys are required to inform the planning application, based on the current scope of works, instead adopting a precautionary approach for different elements of the works in relation to badger is considered sufficient to fully safeguard this species group.
- * The site has limited potential to support great crested newt, however due to the site falling within a red impact risk zone, precautionary measures should be implemented in order to fully safeguard this species. Based on the discrete nature of the works, it is not considered necessary to register the application on the District Level Licensing (DLL) Scheme which may otherwise be triggered by development. Instead, adopting a series of precautionary working measures will be sufficient to fully safeguard great crested newts and this approach is considered to be sufficient and proportionate in this situation to ensure the favourable conservation status of great crested newts is not impacted as a result of the works.
- * Details regarding mitigation measures to include precautionary working practices together with habitat enhancement measures are provided in the Recommendations section.

1. INTRODUCTION

Background

- 1.1 CT Ecology Limited was commissioned by Krona Design to undertake a Preliminary Ecological Appraisal to inform the potential ecological constraints of proposed development within land at 50 Hurst Road in Hassocks, West Sussex (hereafter referred to as “the site”).
- 1.2 This report has been compiled in accordance with current guidelines (British Standard 42020:2013 Biodiversity. Code of Practice for Planning and Development, 2013 and CIEEM, 2013 & 2016).
- 1.3 The purpose of the Preliminary Ecological Appraisal was:
 - * to classify the major habitats present;
 - * to identify the potential for any legally protected species to be present;
 - * to evaluate the nature conservation importance of the site;
 - * to recommend any additional ecological surveys and mitigation; and
 - * to provide recommendations for site enhancement.

Proposals

- 1.4 Proposals are for the construction of a new tennis court in the rear garden of 50 Hurst Road. A small number of young, recently planted trees within the footprint of the proposed tennis court will require removal to facilitate the works. Access by machinery will be via an existing side gate to the east of the residential property. The application area extends over 0.05ha.

Site Description

- 1.5 50 Hurst Road is within a semi-rural location in the western extent of Hassocks, approximately 2km east of the A23. The application site is within the northern extent of the rear garden, comprising managed grassland and a small number of young trees. Access into the rear garden is via existing gates to the east and west of the house. Residential properties extend to the east and west and beyond Hurst Road to the south. Grassland fields are adjacent to the north. In the wider area, agricultural fields dominate to the north and south with the residential areas of Hassocks to the east and Hurstpierpoint to the west.
- 1.6 The survey area was concentrated in the rear garden and extended over 0.1 hectares (ha); shown on the survey map in Appendix B. The British National Grid for the centre of the site is TQ294 158.

2. METHODOLOGY

Desk Study & Consultations

- 2.1 The desktop study involved conducting database searches for statutory and non-statutory designated sites, legally protected species and features of interest within a 2km radius of the site and an online search for any Protected Species Mitigation Licences (PSML) within 1km. The data search was based on information provided by Sussex Biodiversity Record Centre (SxBRC 2025); Multi-Agency Geographical Information for the Countryside (MAGIC, 2025); Ordnance Survey mapping; and aerial photography.

Field Survey and Assessment

- 2.2 An ecological survey of the site was undertaken on 3rd December 2024 by Carly Teague, a suitably qualified ecologist with over 17 years' experience as a professional ecologist. The weather conditions during the survey were clear and dry with still air and no precipitation and a temperature of 7.5°C at the start of the survey.
- 2.3 The field survey comprised a walkover inspection of the land and habitats present. The survey followed the UK Habitat Classification System (Ver 2.0) (UK Habitats, 2023) and covered all accessible parts of the site, including boundary features. Habitats were assigned to either Level 3 or to Level 4 where applicable, the minimum mapping unit used was 25m² and Secondary Codes were utilised where possible. Habitats were described and mapped (Appendix B). A list of plant species was compiled, together with an estimate of abundance made according to the DAFOR scale (Appendix D).
- 2.4 This assessment provides information on the habitats in the survey area and identifies actual or potential presence of legally protected or otherwise notable species/habitats in or immediately adjacent to the site.
- 2.5 Target notes highlighting a particular feature of ecological interest are provided in Appendix A, with associated photographs.
- 2.6 Scientific names are given after the first mention of a species, thereafter, common names only are used. Nomenclature follows Stace (2010) for vascular plant species.

Protected Species Assessment

- 2.7 The potential for the site to provide habitat for protected species was assessed from field observations in conjunction with results of the desk study. The site was inspected for indications of the presence of protected species including:

- * Habitat considered suitable to support widespread reptile species including areas with a scrub/grassland mosaic and potential hibernation sites;
 - * on-site ponds offering potential breeding opportunities for great crested newt (*Triturus cristatus*) and the presence of suitable terrestrial habitat including hedgerows and rough grassland;
 - * presence of features in, and on trees, indicating potential for roosting bats *Chiroptera*, including knot and rot holes and loose bark. The presence of features on buildings including loose roof tiles, gaps in fascia boarding in addition to secondary evidence including staining, droppings and feeding remains;
 - * presence of nesting habitat for breeding birds, including mature trees, dense scrub and hedgerows and direct evidence of bird nesting including bird song, old nests etc;
 - * presence of woodland and or hedgerows providing suitable habitat to support hazel dormouse (*Muscardinus avellanarius*); and
 - * habitats considered suitable to support badger (*Meles meles*) setts, and evidence in the form of hair, pathways and latrines.
- 2.8 The potential presence for protected species is categorised as Negligible, Low, Moderate, High or Present, based on the findings of the field survey and on the evaluation of existing data.
- 2.9 The purpose of this assessment is to identify whether more comprehensive Phase 2 surveys for protected species or mitigation should be recommended.

Caveat

Data Search

- 2.10 It is important to note that, even where data is held, an absence of records for a defined area does not necessarily mean that there is a lack of ecological interest; the area may be simply under-recorded.

Preliminary Ecological Appraisal

- 2.11 Ecological surveys are limited by factors that affect presence of plants and animals such as seasonality. Whilst every effort has been made to provide a comprehensive description of the site, no investigation can ensure the complete characterisation of the environment.

- 2.12 The appraisal does not constitute a full botanical survey, or a Phase 2 pre-construction survey that would include accurate GIS mapping for invasive or protected plant species. This survey provides a preliminary view of the likelihood of protected species occurring on the site based on the suitability of the habitat, known distribution of the species in the local area and any direct evidence observed during the survey. It is therefore used as a tool to recommend further protected species surveys (or other species of significant nature conservation interest) if on the basis of the preliminary assessment or during subsequent surveys, it is considered reasonably likely that protected species may be present.
- 2.13 It is considered that the survey was sufficiently rigorous to assess the ecological value of the site.

3. BASELINE CONDITIONS

Aerial Photography and OS Maps

- 3.1 The site is in a semi-rural environment, situated in the western extent of Hassocks in West Sussex. Land-use in the immediate vicinity comprises residential properties and agricultural fields. The wider area within a 2km radius is characterised by residential settlements together with small arable fields and grazing land, interspersed with mature trees and hedge lines, and scattered woodland blocks.
- 3.2 There are no on-site ponds and there are three ponds within 250m of the site; located approximately 10m to the east and 240m and 245m to the north-west respectively.
- 3.3 Over 30 woodland blocks are present within a 2km radius, extending in all directions, the closest of which is a block of woodland, located approximately 150m to the south.

Protected Species Mitigation Licences (PSML)

- 3.4 A single PSML was returned within a 1km radius of the site. This pertains to great crested newt, from 2019, located approximately 750m to the north-east. Pond data associated with licence return(s) have been submitted for six ponds within a 1km radius in 2014; 2015; and 2017, the closest positive record for great crested newt was from a pond (no longer present) located approximately 125m to the south-east from 2017.
- 3.5 No other PSML's or associated licence returns were returned within a 1km radius of the site.

Statutory and Non-Statutory Designated Sites

Statutory Sites

- 3.6 The site is not subject to any statutory designations. There are two statutory designated sites within a 2km radius of the area. The closest of which is the South Downs National Park, located approximately 180m to the south-west. The South Downs National Park was designated in 2010 for special qualities including, amongst others, a rich variety of wildlife and habitats including rare and internationally important species, and overall natural beauty. The park consists of a mosaic of arable, heathland, grazed downland and ancient woodland habitat. In addition, Wolstonbury Hill Site of Special Scientific Interest (SSSI) is located approximately 1.6km to the south-west, designated for the chalk downland habitat which supports a diverse range of flowering plants and includes a number of uncommon species. Woodland is established in parts of the site.

Non-Statutory Sites

- 3.7 The site is not subject to any non-statutory designations, and is one non-statutory designated site within a 2km radius; Lag Wood & Butcher's Wood Local Wildlife Site (LWS) is approximately 1km to the south-east. The LWS consists of two small ancient woods with a meadow between them. The woods hold a range of plants indicative of ancient woodland as well as some interesting meadow flora along the ride edges within the wood. The meadow is important for lepidoptera.

Other Habitat Classifications

Ancient woodland

- 3.8 Approximately 20 blocks of ancient semi-natural woodland (ASNW) and ancient replanted woodland are present within 2km of the site. The closest of which is approximately 300m to the south.

Habitats

Site Summary

- 3.9 The main habitats recorded within the site are described below. Additional details are shown on the habitat survey map in Appendix B, and the target notes are listed in Appendix A.

Table 3.1: Habitat Descriptions

Habitat Type	UK Habitats Code (secondary codes in brackets)	Description	Area (ha)
Suburban Mosaic of Developed and Natural Surface	u1d (828: vegetated garden)	The application site comprised grassland within the northern extent of the wider garden and was subject to regular, long-term mowing. The grassland was dominated by perennial ryegrass (<i>Lolium perenne</i>) with frequent fescues (<i>Festuca</i> sp.), Yorkshire fog (<i>Holcus lanatus</i>) and annual meadow grass (<i>Poa annua</i>). Forbs were occasional throughout the sward and included creeping buttercup (<i>Ranunculus repens</i>), ground-ivy (<i>Glechoma hederacea</i>), common ragwort (<i>Senecio jacobaea</i>), daisy (<i>Bellis</i>	0.1

	(32: Scattered trees)	<i>perennis</i>) and dandelion (<i>Taraxacum</i> agg.). A small number of young, recently planted trees were within the footprint of the proposed tennis court. Species comprised willow (<i>Salix</i> sp.) and silver birch (<i>Betula pendula</i>).	
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Protected Species

Legislation

- 3.10 Legislation relating to the protected species referred to in this section is included in Appendix C.
- 3.11 The following paragraphs detail the suitability of the on-site habitats to support protected species and include information from the data search for protected, rare and otherwise notable species returned within a 2km radius.

Breeding Birds (excluding barn owl)

- 3.12 A total of three **red** and one **amber** listed Birds of Conservation Concern¹ (BoCC) were returned by the data search which may utilise habitats within the wider garden site. These include **song thrush** (*Turdus philomelos*), **house sparrow** (*Passer domesticus*), **starling** (*Sturnus vulgaris*) and **dunnock** (*Prunella modularis*).
- 3.13 The on-site trees were small and recently planted and offered limited opportunities for nesting birds. The grassland was managed as a lawn and did not provide any ground nesting opportunities.
- 3.14 Overall, the site was considered to provide **negligible** potential for nesting birds.

¹ Birds of Conservation Concern status is prioritised into high concern (Red), medium concern (Amber) and low concern (Green) (Eaton et al, 2009). Red-list species are those that are globally threatened according to the IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and have not shown a substantial recent recovery. Amber-list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; those whose population has declined historically but made a substantial recent recovery; rare breeders; and those with internationally important or localised populations. Green-list species are those that fulfil none of the criteria.

Barn Owl

- 3.15 The data search returned 39 recent (post 2011) records for barn owl within 2km of the site, although no records were returned from within the site. All records were over 450m from the site.
- 3.16 No suitable nesting or foraging opportunities were present within the site. Overall, the site was considered to provide **negligible** potential for barn owl.

Bats

- 3.17 The data search returned at least 15 species of bat within 2km of the site boundary. Species included pipistrelle species (*Pipistrellus* sp.); common pipistrelle (*Pipistrellus pipistrellus*); soprano pipistrelle (*Pipistrellus pygmaeus*); Nathusius's pipistrelle (*Pipistrellus nathusii*); Myotis species (*Myotis* sp.); whiskered/Brandt's (*Myotis mystacinus/brandtii*); Daubenton's bat (*Myotis daubentonii*); natterer's (*Myotis nattereri*), Bechstein's bat (*Myotis bechsteinii*); serotine (*Eptesicus serotinus*); noctule (*Nyctalus noctula*); western barbastelle (*Barbastella barbastellus*); long-eared bat (*Plecotus* sp.); and brown long-eared bat (*P. auritus*).
- 3.18 The most frequently recorded bat species was common pipistrelle with a total of 127 records for this species.
- 3.19 The closest record for foraging/commuting was from 2017 for serotine, myotis species, natterers, noctule, common pipistrelle, soprano pipistrelle, long-eared species and brown long-eared; all recorded approximately 250m to the south of the site. The closest roost record is from 2017 for an unspecified brown long-eared roost over 150m from the site.
- 3.20 No PSML's pertaining to bats were returned within 1km of the site.
- 3.21 No potentially suitable roosting features were associated with any on-site trees. The managed grassland provided limited potential for foraging and commuting by bats with higher value habitat associated with the mature shrubbery and garden boundaries in the wider site together with off-site grassland to the north. Overall, the site was considered to provide **low** potential for foraging and **negligible** potential for roosting bats.

Reptiles

- 3.22 The data search returned recent (post 2011) records for slow worm (*Anguis fragilis*), common lizard (*Zootoca vivipara*) and grass snake (*Natrix helvetica*) within a 2km radius. However, all records were over 500m from the site.

- 3.23 The site comprises managed grassland which provided limited potential for reptiles. The habitat mosaic required by this species group for sheltering and basking was absent. Overall, the site was considered to provide **negligible** potential for reptiles.

Great Crested Newt (and other amphibians)

- 3.24 The data search returned over 100 recent (post 2011) records for great crested newt within a 2km radius. These were located to the north, south and east of the site; from between 2011 and 2018. The closest record was from a residential garden approximately 200m to the south-west, and separated from the site by Hurst Road. All other records were over 250m from the site.
- 3.25 Recent (post 2011) records were also returned for common frog (*Rana temporaria*), common toad (*Bufo bufo*), smooth newt (*Lissotriton vulgaris*) and palmate newt (*Lissotriton helveticus*), all of which were over 250m from the site.
- 3.26 A single PSML pertaining to great crested newt was returned within 1km of the site; located over 500m from the site. There are no on-site ponds. There are three ponds within 250m of the site with the closest located approximately 10m to the east in an adjacent garden.
- 3.27 The development area is located within a red impact risk zone for great crested newt as part of the Mid Sussex District Council District Level Licencing (DLL) Scheme. This risk category indicates that highly suitable habitat is present in the locality based on land-use and survey data held for the area.
- 3.28 The application site is small and dominated by managed grassland which is considered sub-optimal for use by newts during their terrestrial phase. There are no potentially suitable sheltering opportunities supported within the application site. Although garden boundaries adjacent to the development area provide potential cover opportunities for newts and other amphibians, particularly due to the presence of a pond in proximity to the east of the site, an absence of ponds within 250m to the south and west will serve to reduce the potential for newts to pass through the garden as a whole, with more optimal habitats off-site to the north, providing connectivity between the network of ponds in the locality.
- 3.29 Overall, the site was assessed as having **low** potential to support great crested newt.

Badger

- 3.30 Records are held confidentially and not disclosed by the data search.

- 3.31 No badgers or secondary evidence of badgers were present on-site or within 30m of the application area at the time of the survey. Land-use and associated regular disturbance throughout the site is considered to provide sub-optimal sett building opportunities for badger however connectivity between residential gardens and grassland fields provides some potential for badger to pass between the site and adjacent areas.
- 3.32 Overall, the site was considered to provide **low** potential for badger.

Hazel Dormouse

- 3.33 The data search returned six recent (post 2011) records for this species within a 2km radius, all of which were from woodland to the east and south over 500m from the site.
- 3.34 Dormice are largely arboreal and rely on blocks of diverse woodland and interconnected hedgerows for survival. Individuals rarely descend to the ground except to hibernate over winter months at the base of trees. Dormice favour a range of plant species which provide a food source throughout the year. Favoured species include an abundance of hazel and honeysuckle together with frequently occurring oak and bramble amongst other species.
- 3.35 The site did not support any potentially suitable habitat for this species. Overall, the site was considered to provide **negligible** potential for hazel dormouse.

Other

- 3.36 Rabbit (*Oryctolagus cuniculus*) hairs were observed under sections of the post and wire fence along the eastern and northern boundaries of the wider garden area (Refer to Target Note 1 on the survey map in Appendix B).

Invasive Non-Native Species (INNS)

- 3.37 No INNS were recorded on-site at the time of the survey.

4. EVALUATION

- 4.1 On the basis of the information available from the habitat survey and desk study, the site has been evaluated in terms of its potential for biodiversity, support of protected species and habitats, and the contribution the area makes as part of the wider landscape. The nature conservation value of the site has been assessed following standard criteria developed by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2006) and is provided below.
- 4.2 The biodiversity value of protected species within the site is a preliminary evaluation based upon the desk study records, habitat suitability and the conservation status of the species in question. It should be noted that where European Protected Species (EPS) or species of Principle Importance for the Conservation of Biodiversity are present on-site they may be valued at a lower level/scale where it is considered likely that populations would not be of sufficient importance to justify designation at a higher level. However, regardless of their biodiversity value, such species are still subject to national and/or European legislation.
- 4.3 Key aspects of relevant planning policy regarding conservation, including an explanation of species referred to as being of 'Principal Importance for Conservation of Biodiversity' and European Protected Species and habitats, are provided in the Legislation section in Appendix C.

Geographic Evaluation

Features of International Importance

- 4.4 Features of International Importance are principally sites covered by international legislation or conventions, implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) in England and Wales. The Regulations mainly deal with the protection of sites with certain habitats and populations of species that are important for nature conservation in a European context, i.e., Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's).
- 4.5 The site is not subject to any international statutory nature conservation designations. The closest site of International Importance is Castle Hill SAC, located approximately 11km to the south-east of the site. The SAC supports the priority habitat type "orchid rich sites", supporting calcareous semi-natural dry grasslands which in turn supports an important assemblage of rare and scarce species.
- 4.6 The site does not provide any supporting habitat for castle Hill. Due to the small scale of the proposal and distance of the development site, the construction and operational phases of the works will not have any significant negative impacts on the designated site.

Features of National Importance

- 4.7 Features of national importance include SSSIs which are designated under the Wildlife and Countryside Act 1981 (as amended).
- 4.8 The site is not subject to any statutory designation. The South Downs National Park is located approximately 180m to the south-west. The South Downs National Park is designated for its rich variety of wildlife and habitats including rare and internationally important species, and overall natural beauty. The park consists of a mosaic of arable, heathland, grazed downland and ancient woodland habitat.
- 4.9 It is not considered that any habitats or populations or assemblages of species within the site would meet the criteria for the designation of a SSSI, or other nationally important site, at an appropriate geographic level².

Features of Regional Importance

- 4.10 The site does not include any features of value at this level neither is it likely to be selected as a wildlife site based on the results of the current survey.

Features of District Importance

- 4.11 The habitats supported are common and widespread in the district. The site does not support any features that were considered to be of value at this level.

Features of Local Importance

- 4.12 The site is small and dominated by habitats and features that are common and widespread in the local area and in turn does not support any features considered to be of value at this level.

Features of Value Immediate Vicinity (c. 250m) of the project

- 4.13 On-site grassland provides potential to support small numbers of foraging bats and badger with the wider garden boundaries providing some connectivity for more mobile species including bats, great crested newts and badger to pass between residential gardens and grassland in the immediate surrounds of the site. The site is therefore of some value at this level.

² JNCC Guidelines for selection of biological SSSIs (see <http://jncc.defra.gov.uk/page-2303#download>).

Summary

- 4.14 Overall based on the survey results and the above criteria, habitats are considered to be of importance within the immediate vicinity of the site, providing habitats to support small numbers of protected species, including foraging bats and badger.

Local Plan Evaluation

- 4.15 It is considered that the Mid Sussex District Plan 2014-2031 and the Mid Sussex Local Plan 2004 (saved policies) contain nature conservation policies relevant to the site. A summary of the relevant policies is contained in the Legislation section in Appendix C and this should be referred to.

5. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

- 5.1 The site is in a semi-rural environment, situated in the western extent of Hassocks in West Sussex. Land-use in the immediate vicinity comprises residential properties and agricultural fields. The application area extends over 0.05ha and comprises an area of managed grassland with a small number of scattered trees.
- 5.2 Proposals are for the construction of a new tennis court in the rear garden. A small number of young, recently planted trees within the footprint of the proposed tennis court will require removal to facilitate the works. Access by machinery will be via an existing side gate to the east of the residential property.
- 5.3 The site is not subject to any statutory or non-statutory designations.
- 5.4 The survey area is of value within the immediate vicinity of the site, with the grassland having some, albeit limited, potential to support small numbers protected species including foraging bats and badger with the wider garden boundaries providing some connectivity for more mobile species including bats, great crested newts and badger to pass between residential gardens and grassland in the immediate surrounds of the site.
- 5.5 No further surveys are required to inform the planning application, based on the current scope of works, instead adopting a precautionary approach for different elements of the works in relation to badger is considered sufficient to fully safeguard this species group.
- 5.6 Although the site has limited potential to support great crested newt, due to the site falling within a red impact risk zone, and proximity of a pond to the east, and records of this species within the wider area, precautionary measures should be implemented in order to fully safeguard this species. Based on the discrete nature of the works, it is not considered necessary to register the application on the District Level Licensing (DLL) Scheme which may otherwise be triggered by development. Instead, adopting a series of precautionary working measures will be sufficient to fully safeguard great crested newts and this approach is considered to be sufficient and proportionate in this situation to ensure the favourable conservation status of great crested newts is not impacted as a result of the works.
- 5.7 Details regarding mitigation to include precautionary working practices, and habitat enhancement measures are provided below.

Recommendations

Great Crested Newt

- 5.8 It is recommended that adopting a series of precautionary working measures will be sufficient to fully safeguard great crested newts that may pass through semi-natural habitats adjacent to the working area. These measures should include the following:

Site Storage

- * All materials and machinery will be stored on existing areas of hardstanding (the driveway). Migration by great crested newts is considered unlikely through this area which is already subject to regular disturbance and is relatively isolated by buildings and roads;
- * no barrier effects are predicted and any great crested newts can travel freely through the area should they choose to do so;
- * in addition, all stored materials will be raised off the ground on pallets or skids to further remove any refuge potential for great crested newts; and
- * aggregates such as gravel and sand must be delivered in bulk bags and stored on pallets rather than piled on site to create potentially suitable 'refuge piles'.

Site Preparation/Installation Phase

- * Vegetation must continue to be managed at ground level in the lead-up to the works;
- * A small excavator with rubber tracks should be used to minimise disturbance to the wider garden (this has been discussed and confirmed by the landowner), with access via the existing vehicle access to the east of the house;
- * Although unlikely to be required based on the current scope of works, if any excavations, trenches etc. are required, these must be back-filled overnight, if this isn't possible then earth ramps must be left in the trench(es) to allow animals, including great crested newts, to easily climb out. The contractor must inspect any excavations each morning to check that great crested newts are not present;
- * if any newts are found during the site preparation/ installation phase, then all activities must cease immediately and the project ecologist contacted for advice. An appropriate working methodology will need to be devised and this may include the need to obtain a great crested newt licence to enable activities to continue; and

- * any other species found during the site preparation phase will be removed from the site and relocated to suitable cover in the wider garden.

Badger

- 5.9 Badgers receive protection under the Protection of Badgers Act 1992. The potential for badgers to pass through the site must be taken into account during works. Materials must be stored safely at night with lids securely fitted. Although trenches are unlikely to be required, if any excavations are subsequently required, these must be closed over night or ramps installed to enable badgers, and other mammals, to escape. The ramps must be substantial enough for badgers to use therefore these should comprise planks of wood or similar.

Habitat Retention

- 5.10 Where necessary, retained boundary trees and hedgerows should be protected in accordance with British Standards (BS 2012) 5837:2012 Trees in Relation to Design, Demolition and Construction.

Habitat Enhancement

- 5.11 New development offers the opportunity for biodiversity net gain in accordance with national and local planning policy. Recommendations for ecological enhancement are detailed below.

Post Development Landscaping

- 5.12 Post development landscaping should be carefully designed with biodiversity in mind in order to ensure that there is a gain in biodiversity post works.
- 5.13 Wildlife planting should be integral to the soft landscape plans and should include native species and/or species of recognised wildlife value³. The use of nectar-rich and berry producing plants will attract a wider range of insects, birds and mammals. Species should be carefully selected to ensure they are suitable for the area. Some species of known wildlife value are listed in Appendix E.

³ For example, The Royal Horticultural Society (RHS) Perfect for Pollinators Scheme <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/encourage-wildlife-to-your-garden/plants-for-pollinators> and the joint RHS/Wildlife Trust's Gardening with Wildlife in Mind Database <http://www.joyofplants.com/wildlife/home.php>

- 5.14 Good horticultural practice should be utilised, including the use of peat-free composts, mulches and soil conditioners, native plants with local provenance and avoidance of the use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).
- 5.15 Any trees within the footprint of the works should be relocated to the wider garden. New tree and scrub/shrub planting could also be undertaken around the site boundaries. This will serve to augment the existing site boundaries and improve connectivity between the site and the wider landscape for more mobile species including great crested newt, bats and badger.
- 5.16 New tree/shrub planting should comprise at least five native species which could include (but not be limited to); hazel (*Corylus avellana*); guelder-rose (*Viburnum opulus*); dogwood (*Cornus sanguinea*); holly (*Ilex aquifolium*); dog-rose (*Rosa canina*); honeysuckle (*Lonicera periclymenum*); hawthorn (*Crataegus monogyna*), hornbeam (*Carpinus betulus*); pedunculate oak; and field maple (*Acer campestre*). Yew (*Taxus baccata*) could also be used as an evergreen species for foliage throughout the year.
- 5.17 Any new planting must be carefully selected to ensure that the species is suitable for the location.

Bats and Lighting

- 5.18 Different species of bat have been found to react differently to night-time lighting however research has found that generally, all species of bats are sensitive to artificial lighting and that excessive lighting can delay bats from emerging, thus shortening the time available for foraging, as well as causing individuals to move away from suitable foraging grounds or roost sites, to alternative dark areas (Jones, 2000). Bats can also become isolated from their foraging grounds if the linear features they use for commuting are suddenly illuminated, creating a light barrier (Fure, 2006).
- 5.19 It is understood that no new lighting will be installed as part of the scheme however if this changes and security lighting is required, this should be devised in accordance with accepted best practice measures (Institute of Ecology and Environmental Management 2006, Institute of Lighting Engineers 2023). Currently the site is not illuminated at night, any new lighting should seek to minimise any increased levels of light spill. Outline recommendations are provided below.
 - * The level of artificial lighting including flood lighting should be kept to a minimum, with light spill limited on the adjacent garden boundaries;
 - * recent LED technology should be utilised where possible. LED lights do not emit UV radiation, towards which insects are attracted, drawing them away from bat foraging areas in the surrounding landscape. All lights should be directed at a low angle with minimal light spillage wherever possible; and

- * the site boundaries should be kept dark at bat emergence (0-1 hour after sunset) and during peak bat activity periods (e.g., 1.5 hours after sunset and 1.5 hours before sunrise). Therefore, where possible, if lighting is required this should be installed with the light directed down onto the tennis court and lighting should be controlled through the use of PIR and/or timers.

Bird Boxes

- 5.20 Additional bird nesting provision could be incorporated into new design proposals. These could be external bird boxes installed on suitable mature or semi-mature trees in the wider site. There are a range of bird boxes on the market and various types are suitable for the site. Models selected should be suited for use by a range of garden birds. These should be located at a height of at least 3m, ideally with a south-east or south-west facing aspect.

Other

- 5.21 It is recommended that an update assessment is undertaken if more than 18 months have elapsed between the survey and the point at which any development decisions have been made at the site.

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Appendix A
Target Notes and Photographs

Target Note (TN)	Feature	Photograph of Feature
N/A	Photograph 1: A view north towards the footprint of the proposed tennis court.	
N/A	Photograph 2: Looking south from the northern boundary towards the footprint of the proposed tennis court	
N/A	Photograph 3: A view of the proposed access for materials and machinery into the rear garden via an existing double gate.	

Appendix B

Survey Map

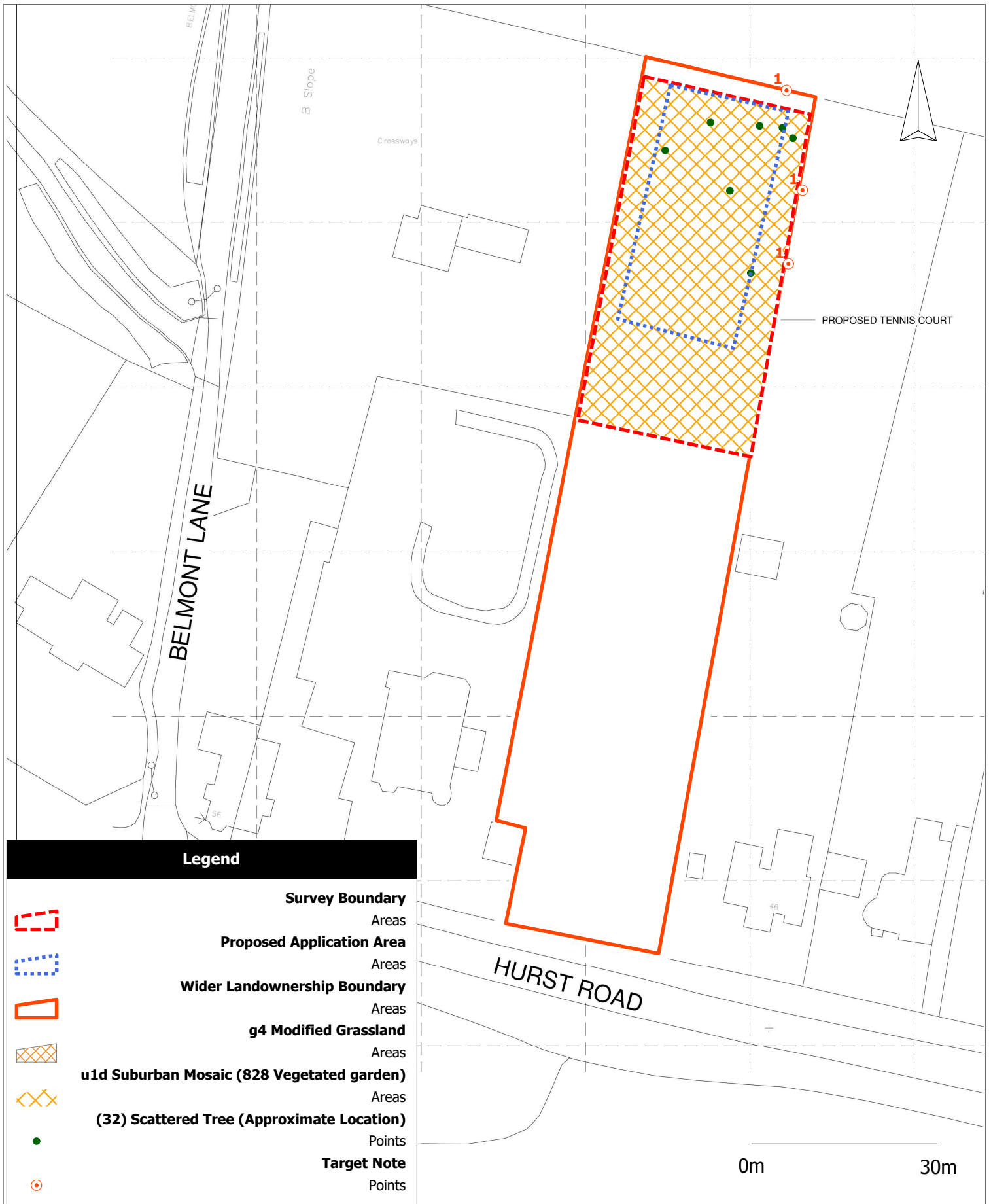


Figure 1: 50 Hurst Road Habitat Survey Map

Drawn by: CT
 Date: 10/01/2025
 Scale: See Map

Appendix C

Legislation

LEGISLATIVE FRAMEWORK

This section contains information pertaining to the legislation and planning policy applicable in Britain. This information is not applicable to Northern Ireland, the Republic of Ireland the Isle of Man or the Channel Islands. Information contained in the following appendix is provided for guidance only.

Species

The objective of The Conservation of Habitats and Species Regulations 2017 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) is to conserve plants and animals which are considered to be rare across Europe.

The Wildlife and Countryside Act 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and also implements the obligations set out for species protection from the Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Various amendments have been made since the Wildlife & Countryside Act came into force in 1981. Further details pertaining to alterations of the Act can be found on the following website: www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CROW) Act (2000) and Nature Conservation (Scotland) Act 2004.

There are a number of other legislative Acts affording protection to species and habitats. These include

- * Countryside and Rights of Way (CROW) Act 2000
- * Deer Act 1991
- * Natural Environment & Rural Communities (NERC) Act 2006
- * Protection of Badgers Act 1992
- * Wild Mammals (Protection) Act 1996

Badger

Badgers and their setts are protected under the Protection of Badgers Act (1992), which consolidated and added to the previous Badger Acts of 1973 and 1991. Under this legislation it is an offence to:

- * cruelly ill-treat a badger, including use of tongs and digging;
- * intentionally or recklessly cause a dog to enter a badger sett;

- * intentionally or recklessly damage, destroy or obstruct access to a badger sett¹ or any part thereof;
- * intentionally or recklessly disturb² a badger when it is occupying a badger sett;
- * possess or control a dead badger or any part of a badger;
- * sell or offers for sale, possesses or has under his control, a live badger; and
- * wilfully kill, injure, take, or attempt to kill, injure or take a badger.

A Development Licence will be required from Natural England for any development works affecting an active badger sett, or to disturb badgers while individuals are occupying the sett. Depending on the nature of the works and the specifics of the sett, badgers could be disturbed by work near the sett even if there is no direct interference or damage to the sett itself. Natural England has issued guidelines on what constitutes a licensable activity. There is no provision in law for the capture of badgers for development purposes and therefore it is not possible to obtain a licence to translocate badgers from one area to another.

Bats

Bats are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). This act protects individuals from:

- * intentional or reckless disturbance (at any level);
- * intentional or reckless obstruction of access to any place of shelter or protection; and
- * selling, offering or exposing for sale, possession or transporting for purpose of sale

In addition, all species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- * deliberate killing, injuring or capturing of Schedule 2 species (all bats);
- * deliberate disturbance of bat species as to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young; and
 - (ii) to hibernate or migrate.

¹ A badger sett is defined in the legislation as "*any structure or place which displays signs indicating current use by a badger*". This includes seasonally used setts. Natural England (2009) have issued guidance on what is likely to constitute current use of a badger sett: www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf

² For guidance on what constitutes disturbance and other licensing queries, see Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing. www.naturalengland.org.uk/Images/badgers-dev-guidance_tcm6-4057.pdf, Natural England (2009) Interpretation of 'Disturbance' in relation to badgers occupying a sett www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf, Scottish Natural Heritage (2002) Badgers & Development. www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp and Countryside Council for Wales (undated) Badgers: A Guide for Developers. www.ccw.gov.uk.

- * deliberate disturbance of bat species as to affect significantly the local distribution or abundance of the species;
- * damage or destruction of a breeding site or resting place; and
- * keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake activities listed above. A licence is required to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and monitored.

Breeding Birds

Under the Wildlife & Countryside Act, 1981 (as amended), a wild bird is defined as any bird of a species that is resident in or is a visitor to the European Territory of any member state in a wild state. Game birds, however, are not included in this definition (except for limited parts of the Act). They are covered by the Games Acts, which fully protect them during the closed season.

Under the Wildlife & Countryside Act, 1981 (as amended), all birds, their nests and eggs are protected under Sections 1-8 of the Act and it is an offence, with certain exceptions, to:

- * intentionally (or recklessly in Scotland) kill, injure or take any wild bird;
- * intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- * intentionally take or destroy the egg of any wild bird;
- * have in one's possession or control any wild bird, dead or alive, or any part of a wild bird, which has been taken in contravention of the Act;
- * have in one's possession or control any egg or part of an egg which has been taken in contravention of the Act;
- * use traps or similar items to kill, injure or take wild birds;
- * have in one's possession or control any bird (dead or alive) unless registered, and in most cases ringed, in accordance with the Secretary of State's regulations; and
- * in Scotland only, intentionally or recklessly obstruct or prevent any wild bird from using its nest.

Certain rare species receive additional special protection under Schedule 1 of the Act. This affords them protection against:

- * intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young;

- * intentional or reckless disturbance of dependent young of such a bird;
- * in Scotland only, intentional or reckless disturbance whilst lekking; and
- * in Scotland only, intentional or reckless harassment.

The British Trust for Ornithology (BTO) has a list of birds that are Species of Conservation Concern. These birds are not legally protected but where they are found on site they should be given planning consideration. The criteria for birds listed as amber (medium conservation concern) include:

- * historical population decline during 1800-1995, but recovering: population has more than doubled over last 25 years;
- * moderate (25-49%) decline in UK breeding population over last 25 years;
- * moderate (25-49%) contraction of UK breeding range over last 25 years;
- * moderate (25-49%) decline in UK non-breeding population over last 25 years;
- * species with unfavourable conservation status in Europe (Species of conservation Concern);
- * five year mean of breeding pairs in the UK;
- * $\geq 50\%$ of UK breeding population in 10 or fewer sites.
- * $\geq 50\%$ of UK non-breeding population in 10 or fewer sites;
- * $\geq 20\%$ of European breeding population in UK; and
- * $\geq 20\%$ of NW European (wildfowl), East Atlantic Flyway (waders) or European (others) non breeding populations in UK.

Hazel Dormouse

The hazel dormouse (*Muscardinus avellanarius*) is fully protected under The Conservation of Habitats and Species Regulations 2017 through its inclusion on Schedule 2. Regulation 41 prohibits:

- * deliberate killing, injuring or capturing;
- * deliberate disturbance as to impair its ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young; and
 - (ii) to hibernate or migrate.
- * deliberate disturbance as to affect significantly the local distribution or abundance of the species;
- * damage or destruction of a breeding site or resting place; and
- * keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part of this species.

The hazel dormouse is also currently protected under the Wildlife and Countryside Act 1981 (as amended) through its inclusion on Schedule 5. Under this Act, this species is additionally protected from:

- * intentional or reckless disturbance;
- * intentional or reckless obstruction of access to any place of shelter or protection; and
- * selling, offering or exposing for sale, possession or transporting for purpose of sale.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect dormouse breeding or resting places (N.B. this is usually taken to mean dormouse 'habitat') or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above. The licence will allow derogation from the relevant legislation but will also to enable appropriate mitigation measures to be put in place and monitored.

Herpetofauna (Reptiles and Amphibians)

The following species receive full protection under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2.

- * sand lizard (*Lacerta agilis*);
- * smooth snake (*Coronella austriaca*);
- * natterjack toad (*Epidalea calamita*);
- * great crested newt (*Triturus cristatus*); and
- * pool frog (*Pelophylax lessonae*).

Under this legislation, Regulation 41 prohibits:

- * deliberate killing, injuring or capturing of species listed on Schedule 2;
- * deliberate disturbance of any Schedule 2 species as to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young; and
 - (ii) to hibernate or migrate.
- * deliberate disturbance of any Schedule 2 species as to affect significantly the local distribution or abundance of the species;
- * deliberate taking or destroying of the eggs of a Schedule 2 species;
- * damage or destruction of a breeding site or resting place; and
- * keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part of a species.

With the exception of the pool frog, these species are also currently listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under this Act, they are additionally protected from:

- * intentional or reckless disturbance (at any level);
- * intentional or reckless obstruction of access to any place of shelter or protection; and
- * selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of herpetofauna are protected solely under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). These species include:

- * adder (*Vipera berus*);
- * grass snake (*Natrix natrix*);
- * common lizard (*Zootoca vivipara*); and
- * slow-worm (*Anguis fragilis*).

Under this legislation, for these species it is prohibited under Section 9(1) & (5) to:

- * intentionally (or recklessly in Scotland) kill or injure these species
- * sell, offer or expose for sale, possess or transport for purpose of sale these species, or any part thereof.

The following species are listed in respect to Section 9(5) of Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) which only affords them protection against sale, offering or exposing for sale, possession or transport for the purpose of sale:

- * common frog (*Rana temporaria*);
- * common toad (*Bufo bufo*);
- * smooth newt (*Lissotriton vulgaris*); and
- * palmate newt (*L. helveticus*).

Water Vole

The water vole (*Arvicola amphibius*) (=terrestris) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- * intentionally kill, injure or take (capture) this species;
- * intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection;
- * intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection; and

- * sell, offer or expose for sale, or have in his possession or transport for the purpose of sale, any live or dead water vole or part of this species.

Where development works are liable to affect habitats known to support water voles, Natural England must be consulted. All alternative design options must have been explored and communicated to Natural England in order to demonstrate that works have tried to avoid contravening the legislation e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable etc. Conservation licences for the capture and translocation of water voles may be issued by Natural England for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population.

Otter

Otters (*Lutra lutra*) are fully protected under The Conservation of Habitats and Species Regulations 2017 through their inclusion on Schedule 2. Regulation 41 prohibits:

- * deliberate killing, injuring or capturing of otters
- * deliberate disturbance as to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young; and
 - (ii) to hibernate or migrate.
- * deliberate disturbance as to affect significantly the local distribution or abundance of the species;
- * damage or destruction of a breeding site or resting place; and
- * keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part of this species.

Otters also receive protection under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- * intentional or reckless disturbance (at any level);
- * intentional or reckless obstruction of access to any place of shelter or protection; and
- * selling, offering or exposing for sale, possession or transporting for purpose of sale.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect breeding or resting places or for activities likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above. The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and monitored.

Red Squirrel

The red squirrel (*Sciurus vulgaris*) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- * intentionally (or recklessly in Scotland) kill, injure or take (capture) red squirrels;
- * intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection;
- * intentionally or recklessly disturb this species while they are occupying a structure or place used for shelter; and
- * sell, offer or expose for sale, or have in his possession or transport for the purpose of sale, any live or dead red squirrel or part of this species.

White Clawed Crayfish

The white clawed crayfish (*Austropotamobius pallipes*) receives partial protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). This species is protected under Sections 9(1) and 9(5), making it an offence to:

- * intentionally take/capture white-clawed crayfish; and
- * sell, offer or expose for sale, have in possession or transport for the purpose of sale, any live or dead white clawed crayfish or part of this species.

A conservation licence for the capture and translocation of crayfish may be issued for the purpose of development activities if it can be demonstrated that the activity has been carefully planned and this species considered. The activity must also demonstrate that it contributes to the conservation of the population.

Wild Mammals

All wild mammals are protected against intentional acts of cruelty under the Wild Mammals (Protection) Act 1996. Under this legislation it is an offence to:

- * mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention of this legislation, due care and attention should be taken when carrying out works that have the potential to impact any wild mammal as described above.

Plants

Wild plants are protected under the Wildlife and Countryside Act 1981 (as amended) which makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Some rare plant species also receive full protection under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits:

- * intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only); and
- * selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or parts.

In addition to the legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2017. Regulation 45 makes it an offence to:

- * deliberately pick, collect or destroy a wild Schedule 5 species; and
- * be in possession of, or control, transport, sell or exchange any wild live or dead Schedule 5 species or anything derived from it.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect species of plant listed under The Conservation of Habitat and Species Regulations 2017.

Invasive Plant Species

Certain plants are listed on Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2). Species include:

- * Japanese knotweed (*Fallopia japonica*);
- * giant hogweed (*Heracleum mantegazzianum*);
- * Himalayan balsam (*Impatiens glandulifera*);
- * certain species of rhododendron (*Rhododendron* sp.); and
- * certain species of cotoneaster (*Cotoneaster* sp.).

Species listed are non-natives whose establishment or spread in the wild may be detrimental to native wildlife. Inclusion on Part II of Schedule 9 therefore makes it an offence to:

- * plant or otherwise cause these species to grow in the wild.

This legislation makes it is an offence to cause species listed to grow in the wild. Therefore, if they are present on site and development activities have the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures are in place to prevent this.

HABITATS

International Statutory Designations

- * Special Protection Areas (SPAs): Terrestrial SPA's are afforded protection by The Conservation of habitats and Species Regulations 2017 (as amended) an offshore SPA's are afforded protection under The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).
- * Special Areas of Conservation (SACs): These areas are designated under the same regulations as detailed for SPA's.
- * Ramsar sites: These areas are wetlands designated under the Convention on Wetlands of International Importance (1971). Wetlands can include areas of marsh, fen, water or peatland and may be natural or artificial, permanent or temporary. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSIs) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000.

National Statutory Designations

- * Sites of Special Scientific Interest (SSSIs): These sites are designated by the countryside agencies (for example Natural England) under the Wildlife & Countryside Act 1981 (as amended). Prior to 1981 these were designated under the National Parks and Access to the Countryside Act 1949. Improved mechanisms for the protection of SSSIs have also been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales).
- * National Nature Reserves: These sites are also designated by the countryside agencies under the Wildlife & Countryside Act 1981 (as amended).

Local Statutory Designations

- * 1949 Local Nature Reserves (LNRs): These sites are designated by local authorities under the National Parks and Access to the Countryside Act 1949. These are sites recognised for their wildlife or geological interest at a local level and are managed for nature conservation.

Non-Statutory Designations

- * Local Wildlife Sites: Areas of local conservation interest may be designated by local authorities. The terminology for these sites varies depending on the county. They can be called Sites of Nature Conservation Importance (SNCI's), Sites of Importance for Nature Conservation (SINCs), County Wildlife Sites (CWS), Listed Wildlife Sites (LWS), Local Nature Conservation Sites (LNCS), Sites of Biological Importance (SBIs). The designation criteria may vary between counties. Local Wildlife Sites are of material consideration when planning applications are being determined.
- * The Hedgerow Regulations 1997: These have been compiled to protect 'important' countryside hedgerows from damage or removal. A hedgerow is considered important if (a) has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations. Under the Regulations, it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. Hedgerows covered by these regulations include those on or adjacent to common land, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys.

National Planning Policy

The National Planning Policy Framework (2024) replaces the former NPPF and PPS9 documents and emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks through preservation, restoration and re-creation. The protection and recovery of priority species is also included as a requirement of planning policy. In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; appropriate mitigation or compensation measures are in place where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

Regional and Local Planning Policy

The Mid Sussex District Plan 2014-2031 and the Mid Sussex Local Plan 2004 (saved policies) contain the following Nature Conservation Policies that are relevant to the site.

Mid Sussex District Plan 2014-2031

- * DP37: Trees, Woodland and Hedgerows

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted. Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- * incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme;*
- * prevents damage to root systems and takes account of expected future growth;*
- * where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management;*
- * has appropriate protection measures throughout the development process;*
- * takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change;*
- * does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- * the condition and health of the trees;*
- * the contribution of the trees to the character and visual amenity of the local area;*
- * the amenity and nature conservation value of the trees;*
- * the extent and impact of the works; and*
- * any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

** DP38: Biodiversity*

'Biodiversity will be protected and enhanced by ensuring development:

- * *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- * *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- * *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- * *Promotes the restoration, management and expansion of priority habitats in the District; and*
- * *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

Local Plan- Saved Policies

* C6

'Development resulting in the loss of woodlands, hedgerows and trees which are important in the landscape, or as natural habitats, or historically, will be resisted.'

Regional and Local BAPs

Many local authorities in the UK have produced a local Biodiversity Action Plan (LBAP) at the County or District level. The Sussex Biodiversity Action Plan is based on the UK list of Species and Habitats of Principal Importance and contains 1,149 species and 65 habitats.

Appendix D
Plant Species List

Scientific nomenclature follows Stace (2010) for vascular plant species and British Bryological Society (BBS) Special Volume No. 5 *English Names for British Bryophytes* for bryophyte species. Vascular plant common names follow the Botanical Society of the British Isles 2003 list, published on its web site, www.bsbi.org.uk. The plant species list was generated as part of a Phase 1 Habitat survey and does not constitute a full botanical survey.

Abundance was estimated using the DAFOR scale as follows:

D = dominant, A = abundant, F = frequent, O = occasional, R = rare.

Key to qualifiers: c=clumped, e=edge only, g=garden origin, p=planted, y = young, s=seedling or sucker, t=tree, h=hedge, w=water. L = locally i.e. LD=locally dominant.

COMMON NAME	SCIENTIFIC NAME	ABUNDANCE	QUALIFIER
Annual meadow-grass	<i>Poa annua</i>	F	
Bugle	<i>Ajuga reptans</i>	R	
Common nettle	<i>Urtica dioica</i>	R	
Common ragwort	<i>Senecio jacobaea</i>	O	
Creeping buttercup	<i>Ranunculus repens</i>	O	
Daisy	<i>Bellis perennis</i>	O	
Dandelion	<i>Taraxacum sp.</i>	O	
Fescues	<i>Festuca spp.</i>	F	
Green alkanet	<i>Pentaglottis sempervirens</i>	R	
Ground-ivy	<i>Glechoma hederacea</i>	O	
Herb-Robert	<i>Geranium robertianum</i>	R	
Moss	<i>Rhytidiadelphus squarrosus</i>	O, C	
Perennial rye-grass	<i>Lolium perenne</i>	D	
Red fescue	<i>Festuca rubra</i>	F	
Silver birch	<i>Betula pendula</i>	R	T
Spear thistle	<i>Cirsium vulgare</i>	R	
Willow	<i>Salix sp.</i>	R	T
Yorkshire-fog	<i>Holcus lanatus</i>	F	

Appendix E
Suggested Compensatory Planting

This section provides a list of plants which are of proven value to wildlife. The list is not exhaustive and merely provides a guide for suggested planting for wildlife value. Planting should be tailored on a site by site basis. The list includes some native and ornamental species however the emphasis should always be on the use of predominantly native species.

N = Native, NN = Non-native.

This list includes species that may be harmful if handled or ingested. Schedule 9 (Part 2) of the Wildlife and Countryside Act, 1981 (as amended) includes a list of invasive plants, including aquatic species, that should always be avoided in planting schemes.

Large Shrubs

Hedge veronica/Hebe (*Veronica* spp.) NN

Hawthorn (*Crataegus monogyna*) N

Blackthorn (*Prunus spinosa*) N

Rose: dog rose (*Rosa canina*), field rose (*R. arvensis*), burnet rose (*R. pimpinellifolia*) N

California lilac (*Ceanothus* spp.), (*C. arborea*) NN

Wild privet (*Ligustrum vulgare*) N

Common holly (*Ilex aquifolium*) N

Barberry (*Berberis* spp.) (*B. darwinii*), (*B. thunbergii*), (*B. x stenophylla*) NN

Daisy Bush (*Olearia* spp.), (*O. x hastii*), (*O. macrodonta*) and (*O. traversii*) NN

Firethorn (*Pyracantha coccinea*) NN

Hazel (*Corylus avellana*) N (*C. maxima*) NN

Viburnum (*Viburnum* spp.), wayfaring tree (*V. lantana*) N, guelder rose (*V. opulus*) N, laurustinus (*V. tinus*) E Note: *V. lantana* can become invasive in more open habitats.

Butterfly bush (*Buddleja* spp.), (*B. alternifolia*), (*B. globosa*) NN

Dogwood (*Cornus sanguinea*) N

Broom (*Cytisus scoparius*) N

Escallonia (*Escallonia macrantha*) NN

Hardy fuchsia (*Fuchsia magellanica*) NN

Buckthorn (*Rhamnus cathartica*) N

Spindle (*Euonymus europaeus*) N

Tutsan (*Hypericum androsaemum*) N

Yew (*Taxus baccata*) N

Trees

Cherry (*Prunus* spp.), wild cherry (*P. avium*), bird cherry (*P. padus*), domestic plum (*P. domestica*) N or cherry plum (*P. cerasifera*) NN

Apple (*Malus* spp.), edible apple (*M. domestica*), crab apple (*M. sylvestris*) N

Pear (*Pyrus* spp.), edible pear (*P. communis*) NN

Small-leaved lime (*Tilia cordata*) N

Silver birch (*Betula pendula*) N

Yew (*Taxus baccata*) N

Black poplar (*Populus nigra*) N

Foxglove tree (*Paulownia tomentosa*) NN

Beech (*Fagus sylvatica*) N

Climbers

Jasmine (*Jasminum* spp.), summer jasmine (*J. officinale*), winter jasmine (*J. nodiflorum*) NN

Ivy (*Hedera helix*) N

Climbing hydrangea (*Hydrangea anomala* ssp. *petiolaris*) NN

Honeysuckle (*Lonicera* spp.) (*L. periclymenum*) N

Clematis (*Clematis* spp.) NN

Hop (*Humulus lupulus*) N

Firethorn (*Pyracantha atalantioides*) NN

Nasturtium (*Tropaeolum majus*) NN

Bulbs

English bluebell (*Hyacinthoides non-scripta*) N

Squill species (*Scilla* spp.) N/NN

Snowdrop (*Galanthus nivalis*) N

Winter aconite (*Eranthis hyemalis*) E

Crocus species (*Crocus* spp.) NN

Wild Daffodil (*Narcissus pseudonarcissus*) N

Onion species (*Allium* spp.) N/NN. N.B. *Allium triquetrum* (three cornered leek) and *Allium paradoxum* (few-flowered leek) are Schedule 9 invasive plant species.

Wood anemone (*Anemone nemorosa*) N

Lesser celandine (*Ficaria verna*) N