

Preliminary Ecological Appraisal and Bat Building Survey

Lulling's Cottage, Haywards Heath

15/11/2022

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Non-technical Summary

Phlorum Ltd was commissioned by Will Gamble Architects to undertake a Preliminary Ecological Appraisal, and bat building inspection, which was carried out at Lulling's Cottage, West Hill, Balcombe, Haywards Heath, RH17 6QY on the 1st September 2022, in order to determine whether any ecological constraints could affect the proposed works for the site.

Current proposals are for the demolition of the cottage, and construction of a replacement dwelling. The survey area extended over approximately 0.2 hectares (ha).

The main findings of the surveys are as follows:

- The site is within the High Weald Area of Outstanding Natural Beauty (AONB) statutory site. The site is not subject to any other statutory or to any non-statutory designation. The closest other statutory site is Wakehurst and Chiddingly Woods Site of Special Scientific interest (SSSI) located approximately 190m to the northeast at its closest point and the survey area does not support any features that contribute to the designation of this site.
- The site comprised buildings, improved grassland, scattered trees and scrub, introduced shrub, scrub and ruderal vegetation, a fence, and log and brash piles.
- The following protected species surveys are recommended in order to determine presence or likely absence.
 - Bats; and
 - Great crested newt.
- In addition, a precautionary approach to vegetation clearance in respect to other species is recommended to minimise any adverse impacts on them.
- Further information on precautionary working practices and additional surveys together with recommended mitigation and enhancement measures are discussed in Section 5.

1. Introduction

Background

- 1.1 Phlorum Ltd has been commissioned by Will Gamble Architects to undertake a Preliminary Ecological Appraisal, and a bat building inspection, to inform the potential ecological constraints of the proposed future development of Lulling's Cottage, West Hill, Balcombe, Haywards Heath, RH17 6QY (hereafter referred to as "the site").
- 1.2 The purpose of the Preliminary Ecological Appraisal was:
 - to identify the major habitats present;
 - to identify the potential for any legally protected species to be present; and
 - to recommend any additional ecological surveys, if required.
- 1.3 As part of the assessment, a desktop review and a site visit were carried out. The results of which were used to assess the nature conservation importance of the site and the potential of the site to support protected species.
- 1.4 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, 2017 and 2018).
- 1.5 It is understood that the proposed development will involve the demolition of the cottage, and construction of a replacement dwelling.

Site Location

- 1.6 The site is situated within the grounds of a large stately home in West Hill, Mid-Sussex district. The site is bound by grassland and woodland to the north, east and southeast, and a country lane to the west and southwest. The wider surrounds comprise farmland and woodland in all directions. Ardingly Reservoir is located 275m to the east, 500m to the south, and 800m to the west.
- 1.7 The National Grid Reference for the centre of the site is TQ 32828 30399. The survey area extended over approximately 0.2 hectares (ha).

2. Methodology

Desk Study & Consultations

Database and Map Search

- 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. The database and map search was based on available information provided by the following sources:
- 🌿 Sussex Biodiversity Records Centre (SxBRC, 2022);
 - 🌿 Multi-Agency Geographical Information for the Countryside (MAGIC, 2022);
 - 🌿 Ordnance Survey mapping;
 - 🌿 Aerial photography; and
 - 🌿 The Woodland Trust online Ancient Tree Inventory.

Habitat Survey and Assessment

- 2.2 Phlorum Limited carried out an ecological survey of the site on 1st September 2022. The survey was carried out by a suitably qualified ecologist, Harry Webster who has 2 years professional experience of undertaking ecological surveys. The weather conditions during the survey were sunny and warm, with a gentle breeze.
- 2.3 The field survey comprised a walkover inspection of the land and habitats present. The survey followed standard Phase 1 survey methodology (JNCC, 2010) and covered all accessible parts of the site, including boundary features. Habitats were described and mapped (Figure 1: Appendix A). 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 B, 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 newts (*Triturus cristatus*) and the presence of suitable terrestrial habitat including hedgerows and rough grassland;
 - 🌿 The presence of features in, and on trees, indicating potential for roosting bats Chiroptera, including knot and rot holes, loose bark. Secondary evidence of bats including staining, droppings and feeding remains were also looked for;
 - 🌿 The 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.;
 - 🌿 Habitats considered suitable to support badger (*Meles meles*) setts, and evidence in the form of hair, pathways and latrines;
 - 🌿 Presence of woodland and or hedgerows providing suitable habitat to support hazel dormice (*Muscardinus avellanarius*); and
 - 🌿 Riparian habitat supporting suitable features for water voles (*Arvicola amphibius*) and otters (*Lutra lutra*); and the
 - 🌿 Presence of nationally protected and/or invasive plants.
- 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.

Preliminary Roost Assessment

- 2.10 The inspection of the building was carried out on 1st September 2022 concurrently with the initial habitat survey, in accordance with good practice guidelines (Collins, 2016).
- 2.11 The interior and exterior of the structures were inspected closely with the aim of identifying the presence of bats and any secondary evidence together with any potential roost sites. Secondary evidence includes droppings, feeding remains, scratch marks and oil and urine staining.

- 2.12 The external inspection comprised a detailed search of all accessible architectural features for bat droppings, urine staining, scratch marks, staining around suitable crevices and feeding remains. A high-powered torch was used to illuminate internal features at height, for instance the apex of the roof and associated supporting beams, and these were inspected using close focusing binoculars when required.
- 2.13 In accordance with current standing advice issued by Natural England (2015), the following types of bat roosts were considered during the assessment:
- 🦇 Day Roost - where individual bats, or small groups of males, rest or shelter in the day
 - 🦇 Night Roost - where bats rest or shelter at night between foraging in the active period, but rarely during the day
 - 🦇 Feeding 'Perch' Roost - where bats hang to eat or catch their prey or rest at night between feeding sessions.
 - 🦇 Hibernation Roost - where bats are found during winter. These roosts typically comprise a stable environment where bats can enter torpor; these areas are normally of a constant temperature.
 - 🦇 Transitional or Occasional Roost - where individual or small numbers of bats gather at a temporary site before and after hibernation.
 - 🦇 Maternity Roost – where female bats give birth and raise their young.
 - 🦇 Satellite Roost – an alternative roost found in close proximity to the main nursery roost colony and used by a few individual breeding females to small group of breeding females through the breeding season.

Caveat

Data Search Constraints

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

Survey Constraints

- 2.15 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.
- 2.16 The survey was carried out during the growing season and therefore many species were visible above ground and readily identifiable.

- 2.17 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 on the site. 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.
- 2.18 It is however considered that the survey was sufficiently rigorous to assess the ecological value of the site.

Bat Survey Constraints

- 2.19 Bats are mobile animals which can move roost sites throughout the year. It is possible that surveys carried out in September may miss roosts not occupied until later in the year. However, where undisturbed, it is generally possible to find secondary evidence of bats throughout the year.
- 2.20 It is considered that the survey was sufficiently rigorous to assess the ecological value of the site for the purposes of this assessment.

Limitations

- 2.21 This appraisal also does not constitute as a full invasive species survey. All surveys are subject to the conditions on site at the time of the survey. Site surveys are non-intrusive and rely on the visual identification of aboveground growth. If parts of a site are inaccessible then these areas can often not be surveyed, unless they can be viewed from other areas. If any aboveground growth is being managed or has been disturbed or covered, or the below ground growth is dormant, then it may be impossible for us to identify invasive plants in these areas during our non-intrusive survey.

3. Baseline Conditions

Aerial Photography and OS Maps

- 3.1 Aerial photographs and OS maps show the site to comprise of buildings, grassland, and trees. The site is bound by woodland and grassland to the north, east, and southeast, and a country lane to the west and southwest. The wider surrounds are mostly farmland with blocks of woodland. Ardingly Reservoir is located 275m to the east, 500m to the south, and 800m to the west. There appear to be 8 ponds within 500m of the site.

Statutory and Non-Statutory Designated Sites

Statutory Sites

- 3.2 The closest statutory designated site is the High Weald Area of Outstanding Natural Beauty (AONB) which is located on the site. The next closest offsite statutory designated site is Wakehurst & Chiddingly Woods Site of Special Scientific Interest (SSSI), located 190m to the northeast. Table 1 provides a list of Statutory sites within 2km of the site.

Table 1: Statutory Sites within 2km of the site

Site Name	Reason for Designation	Area (ha)	Distance from the Site
High Weald Area of Outstanding Natural Beauty	One of the best surviving medieval landscapes in northern Europe.	145,000	0m
Wakehurst & Chiddingly Woods	A mixed dry and wet ghyll woodland with a ghyll stream and two artificial ponds. On drier ground oak and ash frequent with occasional beech, sweet chestnut, yew and rare hornbeam. Tilgate Wood is a beech hanger wood with several veteran beech trees. Understorey holly and overstood hazel coppices. Ground flora is varied and species rich. Stream banks rich in liverworts and bryophytes.	41.9	190m to the northeast
Ardingly Reservoir Local Nature Reserve (LNR)	Wetland, reedbed, deciduous woodland, hazel coppice and	74.5	555m to the southeast

	<p>haymeadow are present. Good for autumn and spring bird migrations. Great crested grebe and kingfishers nest on site. Other species include barn owl, osprey, various bat species, dormice and glow worms. The Ardingly sandstone outcrops support a rare community of ferns, mosses, liverworts and lichens.</p>		
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Non-statutory Sites

3.3 The closest non-statutory designated site is Ardingly Reservoir & Loder Valley Nature Reserve Local Wildlife Site (LWS). Table 2 provides a list of Non-Statutory sites within 2km of the site.

Table 2: Non-Statutory Sites within 2km of the site

Site Name	Reason for Designation	Area (ha)	Distance from the Site
Ardingly Reservoir & Loder Valley Nature Reserve LWS	Ardingly Reservoir and the Loder Valley Nature Reserve are of importance to breeding and passage wetland birds. On the reservoir margins there are areas of herb-rich grassland and scrub. Within the Loder Valley are species-rich grassland, ancient and plantation woodland which contain several notable species.	131.4	83m to the northeast
Balcome Lake & associated woodlands LWS	It consists of a number of woodland blocks situated alongside wooded stream valleys. These form part of a large woodland complex, The Warren, much of which is now conifer plantation. Also, there is a large area of open water, Balcombe Lake. The woodlands are particularly species-rich and the lake and its associated habitats are of particular ornithological interest.	60.3	0.8km to the northwest
Balcombe Estate Rocks LWS	The Balcombe estate rocks occur in three separate sites to the east and southwest of Balcombe village. They are important for the ferns and lower plants that grow on them, some of which are very rare. The woodland	11	1km to the west

	around the rocks is of varied character but at one site the wood contains a good range of ancient woodland indicator plants.		
Rock View, Wakehurst and Chiddingly Woods Local Geological Site (LGS)	Interest Feature(s): Small outcrops of Ardingly Sandstone with blocks up to 4m high on either side of a deep cleft in the north side of the Westwood valley. Located within the formal gardens as part of the Himalayan Glade. The rocks appear to have been landscaped to some degree. Appears to be mainly of aesthetic and educational interest easily accessible to the public in a much-visited part of the gardens.	0.1	1km to the northeast
Rock Walk, Wakehurst and Chiddingly Woods LGS	Small outcrops of Ardingly Sandstone with blocks up to 4m high on either side of a deep cleft in the north side of the Westwood valley. Located within the formal gardens as part of the Himalayan Glade. The rocks appear to have been landscaped to some degree. Appears to be mainly of aesthetic and educational interest easily accessible to the public in a much-visited part of the gardens.	2	1.3km to the northeast

Ancient Woodland

- 3.4 There is no ancient woodland covering any part of the site. The closest area of ancient woodland is located 78m to the northeast of the site. No trees on or adjacent to the site are listed on the Woodland Trusts' Ancient Tree Inventory.

Habitats

Site Summary

- 3.5 The site comprised of buildings, improved grassland, scattered trees and scrub, introduced shrub, scrub and ruderal vegetation, a fence, and log and brash piles.
- 3.6 The main habitats recorded within the site are described below. Additional details are shown on the habitat survey plan in Appendix A, and the target notes are listed in Appendix B.

Buildings

- 3.7 The site consisted of two sheds, a barn, and a cottage, known as Lulling's Cottage.

Building 1 (B1)

- 3.8 The cottage (B1) was a brick-built double-storey building which had an open gable roof with an intersecting overlaid hip facing to the east (see Photograph 1 in Appendix B). The cottage was abandoned and was in a poor state of repair. The roof tiles were clay intersecting and were damaged and missing in various places.

Building 2 (B2)

- 3.9 Building 2 (B2) was a wooden barn with a metal open gable roof (see Photograph 2 in Appendix B). The barn was divided into three sections, with one section for log storage, and the remaining two sections vacant.

Building 3 (B3)

- 3.10 Building 3 (B3) was a shed with a single skin felt roof, situated in the central portion of the site (see Photograph 3 in Appendix B). The shed was of wooden construction and had ivy growing over the roof. The shed had lower section which was exposed and had a concrete laid floor. It also had an upper attic section with an open hatch to gain entry.

Building 4 (B4)

- 3.11 Building 4 (B4) was a shed with a single skin roof situated to the north of B3 (see Photograph 4 in Appendix B). The shed was also of wooden construction and had slatted vents.

Improved Grassland

- 3.12 The majority of the east and some of the south perimeters comprised improved grassland. The area to the south was more of a laid lawn, regularly managed. Whereas the area to the east was also improved, but some species more commonly seen in semi-improved grassland were present. Species noted include yarrow (*Achillea millefolium*), common daisy (*Belles perennis*), creeping thistle (*Cirsium arvense*), herb Robert (*Geranium robertianum*), ragwort (*Jacobaea vulgaris*), mouse-eared hawkweed (*Piosella officinarum*), greater plantain (*Plantago major*), meadow grass (*Poa sp.*), common dandelion (*Taraxacum officinale*), and white clover (*Trifolium repens*).

Scattered Trees and Scrub

- 3.13 The entire west, and parts of the north and south of the site were comprised of scattered trees and scrub. Species noted include horse chestnut (*Aesculus hippocastanum*), silver birch (*Betula pendula*), hazelnut (*Corylus avellana*), sweet chestnut (*Castanea sativa*), lawsons cypress (*Chamaecyparis lawsoniana*), hawthorn (*Crataegus monogyna*), eucalyptus (*Eucalyptus sp.*), European beech (*Fagus sylvatica*), walnut (*Juglans regia*), medlar (*Mespilus germanica*), scott's pine (*Pinus sylvestris*), cherry (*Prunus avium*), bramble (*Rubus fruticosus*), and elder (*Sambucus nigra*).

Introduced Shrub

- 3.14 There were planted beds of introduced shrubbery at the southern perimeter, and along the western boundary. There was also a small patch of cherry laurel in-front of the cottage (B1). Species noted within the planted beds include but are not limited to daisy bush (*Brachyglottis greyi*), cotoneaster (*Cotoneaster sp.*), juniper (*Juniperus sp.*), bay laurel (*Laurus nobilis*), rhododendron (*Rhododendron sp.*), and guelder rose (*Viburnum opulus*). Five species of Cotoneaster, and two species of rhododendron are listed on schedule 9, Part II, of the Wildlife and Countryside Act 1981 (as amended) as invasive non-native species.

Scrub and Ruderal Vegetation

- 3.15 Between Building B3 and Building B4 was a circular patch of scrub and ruderal vegetation. At the centre of the circle was a bonfire. The soil in this area is frequently disturbed and as a result some ruderal species were evident. Species noted include buddleia (*Buddleja davidii*), fern (*Dryopteris sp.*), ivy (*Hedera sp.*), balsam (*Impatiens parviflora*), bramble, broad-leaved dock, mind-your-own-business (*Soleirolia soleirolii* (Req.) Dandy), and common nettle (*Urtica dioica*).

Fence

- 3.16 A fence transects the centre of the site from northwest to southeast. The fence was overgrown in parts by climbing ivy.

Log and Brash Piles

- 3.17 Log and brash piles were dotted around the site (see Photograph 5 in Appendix B).

Preliminary Roost Assessment

- 3.18 The buildings on site were all examined externally for features that could indicate use by bats.

Building 1

- 3.19 Building 1 was inspected thoroughly externally, and partially internally, only the ground floor was accessible as second floor was derelict in places and not safe to walk on (see Photograph 6,7, 8, 9 in Appendix B). The roof spaces were also not accessible. There was no evidence of bats on the ground floor, such as bat droppings or insect remains for example. There were points of ingress/egress seen at the exterior, this included a larger missing section of roof at the southern elevation, and holes in the soffit boards. Other roost features included loose tiles, broken and missing tiles, and open windows.
- 3.20 It was considered this building had **moderate** potential to support roosting bats.

Building 2

- 3.21 Building 2 was inspected internally and externally. There were multiple wooden beams within the building (see Photograph 10, 11 in Appendix B). The building displayed multiple points of ingress and egress in the form of cracks, splits, gaps, and holes in the wooden exterior. There were also no doors, therefore the building was relatively open fronted to the west. Whilst the barn would offer open access to bats, due to its single layer metal roof and open nature it was considered that roosting potential was restricted to behind the wooden beams within the building.
- 3.22 It was considered this building had **low** potential to support roosting bats.

Building B3 and Building B4

- 3.23 The remaining buildings (B3 and B4) were examined externally and internally (see Photographs 3 and 4 in Appendix B). Although B3 had ivy partially covering the upper sections front exterior, both buildings had the same felt roof type and lacked crevices, cracks, and gaps for roosting and crevice dwelling bat species. No evidence of use by bats was seen. There was little in the way of potential points of egress either.
- 3.24 Overall, Building B3 and Building B4 were considered to offer **negligible** potential for roosting bats.

Protected Species

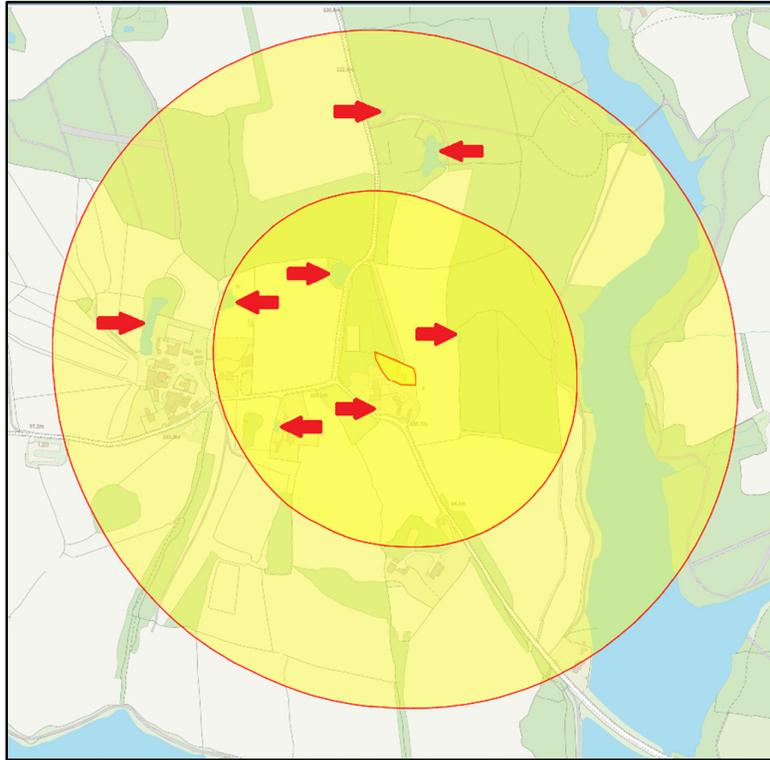
- 3.25 Legislation relating to the protected species referred to in this section is included in Appendix C.
- 3.26 The following paragraphs detail the suitability of the on-site habitats to support protected species and include information from the data search for protected, rare and otherwise notable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

Reptiles

- 3.27 The data search returned a low number of recent (post-2005) records of slow worms (*Anguis fragilis*), grass snake (*Natrix natrix*), and common lizard (*Zootoca vivipara*) within 2km of the site.
- 3.28 There were areas where reptiles could forage and shelter, such as the scattered trees and scrub, and log and brash piles. The improved grassland was unsuitable as it appears to be regularly maintained. The proposals are for the demolition of the house alone, and therefore the suitable habitats will not be impacted.
- 3.29 Overall the site was assessed as having **low** potential to support reptiles.

Amphibians

- 3.30 The data search returned a low number of recent (post-2005) records of great crested newt (*Triturus cristatus*) and other amphibians within 2km of the site.
- 3.31 Aerial photographs and maps show there are 8 ponds within 500m of the site. No great crested newt records were returned within 500m of the site.



Drawing 1: Ponds within a 250-500m radius of the site

- 3.32 The survey site is unsuitable for breeding great crested newts as there is no water present on site. There are ponds close by however, and suitable habitat onsite to allow for commuting between ponds. This is largely restricted to the scattered trees and scrub. The improved grassland is sub-optimal as it appears to be regularly mowed.
- 3.33 It is considered that the site offers **negligible** potential for breeding newts and **low** potential for foraging and commuting newts.

Bats

- 3.34 The data search showed records of bats from the genera pipistrelle (*Pipistrellus*), long eared (*Plecotus*), myotis (*Myotis*), serotine (*Eptesicus*), noctule (*Nyctalus*), and barbastelle (*Barbastellus*) occurring within the 2km search area in the past 15 years.
- 3.35 During the survey, potential roosting features for bats were seen at Building B1 and Building B2. The remaining buildings on-site were unsuitable for bats due to the nature of their construction and single skin felt roofs.
- 3.36 Overall it is considered that Building B1 offered **moderate** potential for roosting bats and Building B2 offered **low** potential for roosting bats. The remaining buildings on-site (B3 and B4) had **negligible** potential.

Birds

- 3.37 Several Red or Amber listed Birds of Conservation Concern¹ (BoCC), and notable² bird species were returned by the data search that may utilise habitats within the site. Species include starling (*Sturnus vulgaris*), lesser spotted woodpecker (*Dryobates minor*), and song thrush (*Turdus philomelos*).
- 3.38 During the survey it was noted that the onsite trees and scrub provided suitable habitat for nesting birds. Various nests were also found in the barn (B2) beneath the wooden beams (Photo 12 in Appendix B).
- 3.39 Overall it is considered that the site offered **high** potential for breeding birds.

Barn Owls

- 3.40 The data search returned recent records of barn owls (*Tyto alba*) within 2km of the site.
- 3.41 Whilst the barn (B2) offers open access to barn owls, the internal beams were not of a sufficient width for nesting, and there were no other ledges within the barn. No secondary evidence of owls was seen during the survey.
- 3.42 Overall it was considered the site offered **negligible** potential for breeding barn owls.

Badgers

- 3.43 Records for this species are kept confidentially and were not returned by the data search.
- 3.44 No evidence of badgers or badger setts was seen during the survey, neither within the site nor within the immediate surrounding area. However, it was considered likely that badgers would use surrounding habitats due to the areas of woodland, grassland, and hedgerows nearby, and therefore could commute across and forage within the site.
- 3.45 Overall, the site offered **negligible** potential for breeding badgers and **moderate** potential for foraging and commuting badgers.

Hazel Dormice

- 3.46 The data search returned a high amount of recent (post-2005) records of hazel dormice (*Muscardinus avellanarius*) within 2km of the site.

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.

² Notable Birds are based on a list of birds that are particularly scarce or vulnerable either at national or a regional level. The majority of these bird species are designated as Schedule 1 species, under the Wildlife and Countryside Act 1981 (as amended), or listed as red or amber-listed BoCC.

- 3.47 The areas of scrub and trees within the central portion of the site were well connected to woodlands offsite. However, it is understood these areas are to be retained. Some of the trees to the northeast of the cottage (B2) which comprised of beech and sparsely scattered scrub undergrowth are to be removed. It is felt these trees and scrub provide sub-optimal commuting habitat for dormice.
- 3.48 Overall it was considered that the site offered **low** potential to support breeding dormice and **moderate** potential to support commuting dormice, restricted to the central portion of the site, which will not be impacted by the proposed plans. The remaining habitat was sub-optimal.

Water Voles

- 3.49 The data search returned one recent (2015) record of water vole (*Arvicola amphibius*) within 2km of the site.
- 3.50 The site did not contain the aquatic habitat and vegetation types that would support breeding, foraging or commuting water vole.
- 3.51 Overall it was considered that the site offered **negligible** potential to support breeding water voles and **negligible** potential to support commuting and foraging water voles.

Otters

- 3.52 Reports of otter are not returned by the record centre in this area.
- 3.53 The site did not contain the aquatic habitat and vegetation types that would support breeding, foraging or commuting otters.
- 3.54 Overall it was considered that the site offered **negligible** potential to support breeding otter and **negligible** potential to support commuting otter.

Stag Beetles

- 3.55 The data search returned no recent (post-2005) records of stag beetle (*Lucanus cervus*) within 2km of the site.
- 3.56 Although no direct evidence of stag beetle was seen during the survey, the stands of log and brash piles seen on site would provide suitable habitat for them to breed.
- 3.57 Overall, the site offered **moderate** potential for stag beetle.

Hedgehogs

- 3.58 The data search returned a low number of records for hedgehogs within the 2km search area in the past 12 years.
- 3.59 Although no direct evidence of hedgehogs was seen during the survey, the habitats on site, such as the short grassland, brash pile, and dense scrub, would provide suitable habitat for them to forage and/or hibernate.
- 3.60 Overall the site offered **moderate** potential for hedgehogs.

Invasive Plants

- 3.61 The data search returned recent (post-2005) records of Japanese knotweed (*Reynoutria japonica*), Himalayan balsam (*Impatiens glandulifera*), and Himalayan cotoneaster (*Cotoneaster simonsii*) occurring within the 2km search area in the past 20 years. These plants are listed as invasive in Schedule 9 of the Wildlife and Countryside Act (1981 amended).
- 3.62 During the survey specimens of cotoneaster and rhododendron were seen (See Photo 13 in Appendix B). Five species of cotoneaster and two species of rhododendron are listed as invasive in Schedule 9, Part II, of the Wildlife and Countryside Act (1981 amended).
- 3.63 During the survey specimens of buddleia (*Buddleja davidi*) were seen (See Target Note and Photo in appendices A & B). While not listed in Schedule 9, Part II, of the Wildlife and Countryside Act (1981 amended), it appears on the Non Native Species Secretariat (NNSS, 2022) register of species that are of concern.

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 CIEEM (2017 and 2018) and in accordance with BS 24040:2013. This 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. The Conservation of Habitats and Species Regulations 2017 (as amended) implements the Natural Habitats and Wild Fauna and Flora (92/43/EC) (Habitats Directive) 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 Ashdown Forest SAC located 7.1km to the east. The designated habitats of the SAC are Northern Atlantic wet heaths with *Erica tetralix* and European dry heaths, neither of which are supported by the habitats with the site. The qualifying species of Ashdown Forest SAC is great crested newt. Whilst the site does provide some potential foraging and commuting habitat for great crested newts, it does not provide suitable breeding habitat for this species. The qualifying species of the Ashdown Forest SPA are Dartford Warbler (*Sylvia undata*) and nightjar (*Caprimulgus europaeus*). The site does not provide any supporting habitat for these species, which are typically found in heathlands and conifer woods.

Features of National Importance

4.6 Features of national importance include Sites of Special Scientific Interest (SSSIs) which are designated under the Wildlife and Countryside Act 1981 (as amended). The site is not subject to any national statutory nature conservation designations and it is not considered that any habitats or populations or assemblages of species within the site would meet the criteria for the designation of SSSIs at an appropriate geographic level³.

4.7 The closest designated site of national importance for nature conservation is Wakehurst and Chiddingly Woods SSSI located 190m to the northeast. The site does not provide any supporting habitat for this SSSI. The site also lies within the 2km Impact Risk Zone of this SSSI, but the site does not have any supporting habitat for this SSSI.

4.8 The site is also located within the 7km Impact Risk Zone of Ashdown Forest SSSI, but the site does not have any supporting habitat for this SSSI.

Features of Regional (i.e. Sussex) Importance

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

Features of District (i.e. Mid Sussex) Importance

4.10 The site is relatively small and does not support any features that were considered to be of value at this level.

Features of Local (i.e. Balcombe) Importance

4.11 The site does not support any features that were considered to be of value at this level.

³ JNCC Guidelines for selection of biological SSSIs (see <http://jncc.defra.gov.uk/page-2303#download>).

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

- 4.12 The on-site vegetation is of value within the immediate vicinity and provides suitable habitat to support protected species including reptiles, great crested newts, breeding birds, bats, foraging badgers, hazel dormice, stag beetles, and hedgehogs. It also forms part of the wider ecological network of habitats in the locality, providing wildlife corridors for mobile species to move through the landscape.

Summary

- 4.13 Overall on the basis of the survey results and the above criteria, habitats within the site are considered largely to be of ecological value within the immediate vicinity only. The site provides suitable habitat to support several protected species and groups including reptiles, great crested newts, breeding birds, bats, foraging badgers, hazel dormice, stag beetles, and hedgehogs. However, populations of these are unlikely to be locally significant.

Local Plan Evaluation

- 4.14 It is considered that the statutory Mid Sussex District Plan 2014 – 2031 (Adopted 2018) contains the following nature conservation policies relevant to the site. A summary of these policies is provided below. The full text of the relevant policies is contained in the Legislation section in Appendix C and this should also be referred to.

Mid Sussex District Plan (2018)

-  DP12: Protection and Enhancement of Countryside.
-  DP15: New Homes in the Countryside.
-  DP16: High Weald Area of Outstanding Natural Beauty.
-  DP37: Trees, Woodlands and Hedgerows.
-  DP38: Biodiversity.
-  DP39: Sustainable Design and Construction.

5. Discussion and Recommendations

Discussion

- 5.1 The survey site is located at Lulling's Cottage, West Hill, Balcombe, Haywards Heath, RH17 6QY. The survey area extended over approximately 0.2 hectares (ha). Habitats to be impacted by the development proposals include buildings, improved grassland, scattered trees and scrub, introduced shrub, and scrub and ruderal vegetation.
- 5.2 Design proposals include the demolition of the cottage, and construction of a replacement dwelling.
- 5.3 The desk study has shown that the site is within the High Weald AONB statutory designated site. The site is not subject to any other statutory or non-statutory designations.
- 5.4 Habitats within the proposed development area were assessed as being of value to wildlife within the local vicinity with potential to support reptiles, great crested newts, breeding birds, bats, foraging badgers, hazel dormice, stag beetles, and hedgehogs, and these species may pose a constraint to works.
- 5.5 It is recommended that targeted surveys in respect to bats and great crested newts are undertaken in order to determine presence or likely absence.
- 5.6 In addition, a precautionary approach to site clearance in respect to other species is recommended.
- 5.7 Details regarding specific mitigation, including further surveys and precautionary working practices together with habitat enhancement measures are provided below.

Recommendations

Breeding Birds

- 5.8 The on-site scattered trees and scrub provide suitable nesting habitat for a range of bird species. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).
- 5.9 In order to avoid any potential impact on breeding birds, the clearance of any trees or scrub should be undertaken outside the main bird nesting season which runs from March to August inclusive⁴, with clearance works possible between September and February. Where this is not possible, an ecologist would need to check the vegetation for active nests and signs of bird breeding activity.

⁴ It should be noted that this is the main breeding period. Breeding activity may occur outside this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

- 5.10 In the event that a nest is found, an exclusion zone around the nest would be established. Works would have to cease within this buffer area until the young birds have fledged.

Great Crested Newts

- 5.11 Great crested newts receive protection under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Due to the potential for great crested newts to use on-site habitats, a great crested newt survey should be carried out to determine presence/likely absence and if present, the survey will enable a population assessment to be made.
- 5.12 The on-site pond and, where possible, all ponds within 500m of the site, should be included in the survey. The survey protocol should follow that set out in the Great Crested Newt Mitigation Guidelines (English Nature, 2001). An initial four surveys are required to demonstrate presence or absence and these must be carried out between mid-March and mid-June with two of those visits taking place within the peak survey time between mid-April and mid-May.
- 5.13 If great crested newts are found to be present, an additional two survey visits will then be required to allow a population size class assessment to be made, with at least one of these visits being undertaken within the peak survey time between mid-April and mid-May.
- 5.14 The results of the survey should then be used to inform mitigation proposals for this species.
- 5.15 If great crested newts are found to be present in the locality following the survey, a European Protected Species Mitigation Licence from Natural England may be required to remove aquatic or terrestrial habitat in order to facilitate the works. Once submitted, a licence application can take up to 30 days to be processed. Natural England will only grant a licence once planning permission has been received.
- 5.16 As part of the licence application, a Method Statement will need to be submitted to guide works in relation to this species. If individuals are found to be using the pond, suitable compensation measures to mitigate for losses to any aquatic habitat will be required in addition to undertaking a formal translocation to ensure individuals are not present within the development footprint. This process will involve fencing the development area and trapping and relocating newts over a number of weeks.
- 5.17 An alternative approach is District Licencing. This approach enables a development to progress all year round, and results in the developer funding great crested newt projects in the district and county. Although this approach is usually quicker it can be more expensive than a conventional licence if there are ponds on site, or in the immediate vicinity. However, currently this approach is not available in West Sussex.

Badgers

- 5.18 Badgers receive protection under The Protection of Badgers Act 1992.
- 5.19 Due to the **moderate** potential presence of foraging badgers in the area, a series of general precautions are recommended. This will include the following;
- 🌿 Throughout construction, all on-site contractors must be made aware of the potential presence of badgers in the locality and a tool box talk should be given by a qualified ecologist immediately prior to the start of construction works to discuss the potential for badgers to pass through the site and to provide information on legislation and the ecology of this species.
 - 🌿 All trenches should be covered at night or if this is not possible, ramps must be installed into the trenches to enable badgers to escape should they enter the excavations. All materials must be stored safely and lids securely fitted, particular waste and other potential food sources.

Bats

- 5.20 Bats receive protection under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended)
- 5.21 Due to Building B1's **moderate** potential suitability to support roosting bats, 2 activity surveys (emergence and/or re-entry surveys) are recommended in order to provide information on if and how bats are using the site. Surveys can only be undertaken during the active period for bats taken to run between May and September with at least 1 between May and August.
- 5.22 Due to Building B2's **low** potential suitability to support roosting bats, a single emergence or re-entry survey is recommended in order to provide information on if and how bats are using the site. This survey must be undertaken during the peak active period for bats taken to run between May and August.
- 5.23 The results of the bat surveys can then be used to inform specific mitigation and enhancement measures for this species group to include a lighting scheme that is sympathetic to bats.
- 5.24 Where a roost is likely to be impacted by the works, and where avoidance is not possible, it may be necessary to obtain a European Protected Species Mitigation (EPSM) Licence before the works can proceed and to complete any necessary mitigation.
- 5.25 Such a licence would need to be obtained from Natural England once full planning permission is in place. The application will require the drafting of a detailed mitigation strategy including timing and construction methods in addition to the mitigation measures proposed. Natural England currently require 30 working days to determine a licence application.
- 5.26 If a bat roost is found for a common bat species and the roost is of low conservation value, then a Low Impact Class Licence may be obtained for the site instead. This type of licence is typically obtained within 15 days.

Hedgehogs

- 5.27 Hedgehogs are listed on the Natural Environment and Rural Communities (NERC) Act 2006 Section 41 as a Species of Principal Importance. They are a rapidly declining species.
- 5.28 Hedgehogs need short grass areas to search for invertebrate prey. Log piles and decaying vegetation are used to forage and hibernate in. Areas of leaf litter can be collected and used in nests. Dense scrub areas are also useful to build hibernation nests during winter. Wildlife friendly corridors allow hedgehogs and other wildlife to migrate across a site. These are discussed in the Wildlife Friendly Pathways Section below.

Other Mammals

- 5.29 Several other native mammals are protected by the Wildlife and Countryside Act 1981 (as amended) and/or Conservation of Habitats and Species Regulations 2010 (as amended).
- 5.30 The proposed development is considered to have a relatively low impact on any protected mammals, not addressed above. It is therefore felt that a precautionary approach to vegetation clearance outside the hibernation period, should be sufficient to safeguard these protected species group. This would involve vegetation clearance to be carried out in stages in order to avoid any potential impacts on them. This work should be supervised by a suitably experienced ecologist.

Stag Beetles

- 5.31 As well as being a Species of Principle Importance for the UK, this species is also listed on the Sussex Rare Species inventory and therefore a precautionary approach to the clearance of all deadwood should be taken during works. Where possible the standing dead wood around the site boundaries should be retained as part of the works. Where the dead trees pose a health and safety risk, the above ground section should be felled and the arisings stacked on the ground. The tree base and root system of these trees should be retained where possible.
- 5.32 Where it is not possible to retain these areas, the root system of the dead trees should be removed under an ecological watching brief and any larvae encountered should be removed to suitable retained deadwood habitat elsewhere around the site boundaries.

Habitat Retention

- 5.33 All retained trees, including all adjacent off-site trees should be protected in accordance with British Standards (BS 2012) 5837:2012 Trees in Relation to Design, Demolition and Construction. The root protection areas of any retained trees must be left free from excavation and disturbance, and protected during any proposed works. Protection should be in the form of fencing and signs installed for the duration of the works.

Habitat Enhancement

- 5.34 New development offers the opportunity for habitat enhancement in accordance with national and local planning policy and some recommendations are included below.

Control of Invasive Non-Native Species (INNS)

- 5.35 Although it is not illegal to have species listed under the Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), it is illegal to permit these species to spread and grow in the wild.
- 5.36 We recommend that a member for the Property Care Association Invasive Weed Control Group (PCA IWCG) is contacted to manage the invasive weeds cotoneaster and buddleia.

Bird and Bat Boxes and Bricks

- 5.37 Additional bird nesting and bat roosting provision could be incorporated into new design proposals. These could either be installed on trees or incorporated into the new building design. Some recommendations are made below as a guide.
- 5.38 Bat roosting opportunities could be provided through the installation of boxes on the outside of the walls or remaining trees, such as the Schwegler 2F, or other makes of a similar design, such as Chavenage Bat box. There are a range of bat boxes available and these can be selected to suit the development and bat species in the locality.
- 5.39 Bird boxes could be installed on the walls of the new building or in the remaining trees which could include the following Schwegler bird house or 1B makes, or similar designs from alternative suppliers. If the client is happy for bird boxes to be installed on the walls of the new building then a Schwegler sparrow terrace 1SP could also be used.
- 5.40 Further details of the bird and bat boxes are provided in Appendix F.
- 5.41 Bat boxes should be installed at appropriate locations ideally with south-east, south, or south-west facing aspects at least 3m from ground level. Ideally they need to be exposed to 6-8 hours of direct sunlight, but sheltered from strong winds. If installed on the building, these should ideally be positioned directly below the eaves.
- 5.42 Bird Boxes should be located out of prevailing wind, rain, and strong sunlight, ideally with a clear flight path to the entrance. Ideally they should be installed two to four metres from the ground facing north or north-east.

Hedgehog and Wildlife Friendly Pathways

- 5.43 Hedgehogs are a rapidly declining species. By providing pathways hedgehogs, and other wildlife, will be able to migrate across the site.

5.44 Hedgehogs need short grass areas to search for invertebrate prey. Log piles and decaying vegetation are used to forage and hibernate in. Areas of leaf litter can be collected and used in nests. Dense scrub areas are also useful to build hibernation nests during winter. Hedgerows and other wildlife corridors allow hedgehogs and wildlife to migrate across a site. This is helped by installing hedgehog holes in fences (at least 13cm by 13cm) at ground level.

Compensatory Planting

5.45 Additional tree and shrub planting could be incorporated into the landscape proposals to compensate for any removal to facilitate the works. Planting should include a high proportion of native species and be of local provenance where possible. These should be carefully selected to ensure they contain species suitable for the area. Some species of known wildlife value are listed in Appendix E.

6. Conclusions

- 6.1 The site survey revealed the following habitats:
- 🌿 Buildings;
 - 🌿 Improved grassland;
 - 🌿 Scattered trees and scrub;
 - 🌿 Introduced shrub;
 - 🌿 Scrub and ruderal vegetation;
 - 🌿 A fence; and
 - 🌿 Log and brash piles.
- 6.2 The site is within the High Weald AONB statutory site. The site is not subject to any other statutory or non-statutory designations. The closest statutory site is Wakehurst and Chiddingly Woods SSSI located approximately 190m to the northeast at its closest point and the survey area does not support any features that contribute to the designation of this site.
- 6.3 The following protected species surveys are recommended in order to determine presence or likely absence.
- 🌿 Bats; and
 - 🌿 Great crested newt.
- 6.4 In addition, a precautionary approach to vegetation clearance in respect to other species is recommended to minimise any adverse impacts on them.
- 6.5 It has been recommended that the site is enhanced by introducing some compensatory planting and installing bat and bird boxes.

7. References

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- 🌿 Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn). The Bat Conservation Trust, London.
- 🌿 Department for Communities and Local Government (2019) *National Planning Policy Framework (NPPF)* (on-line). Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf [Accessed on 14/10/2022].
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8. Glossary of Terms

BAP	Biodiversity Action Plan
BRC	Biological Records Centre
CIEEM	Chartered Institute of Ecology and Environmental Management
Habitats Directive	Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
LNR	Local Nature Reserve
LWS	Local Wildlife Site
MAGIC	Multi-Agency Geographical Information for the Countryside
NNR	National Nature Reserve
Nomenclature	The system of devising of names for plants
NPPF	National Planning Policy Framework
PCA IWCG	Property Care Association Invasive Weed Control Group
PEA	Preliminary Ecological Appraisal- formerly referred to as a Phase 1 Habitat Survey
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

Figures and Appendices

Appendix A

Habitat Map

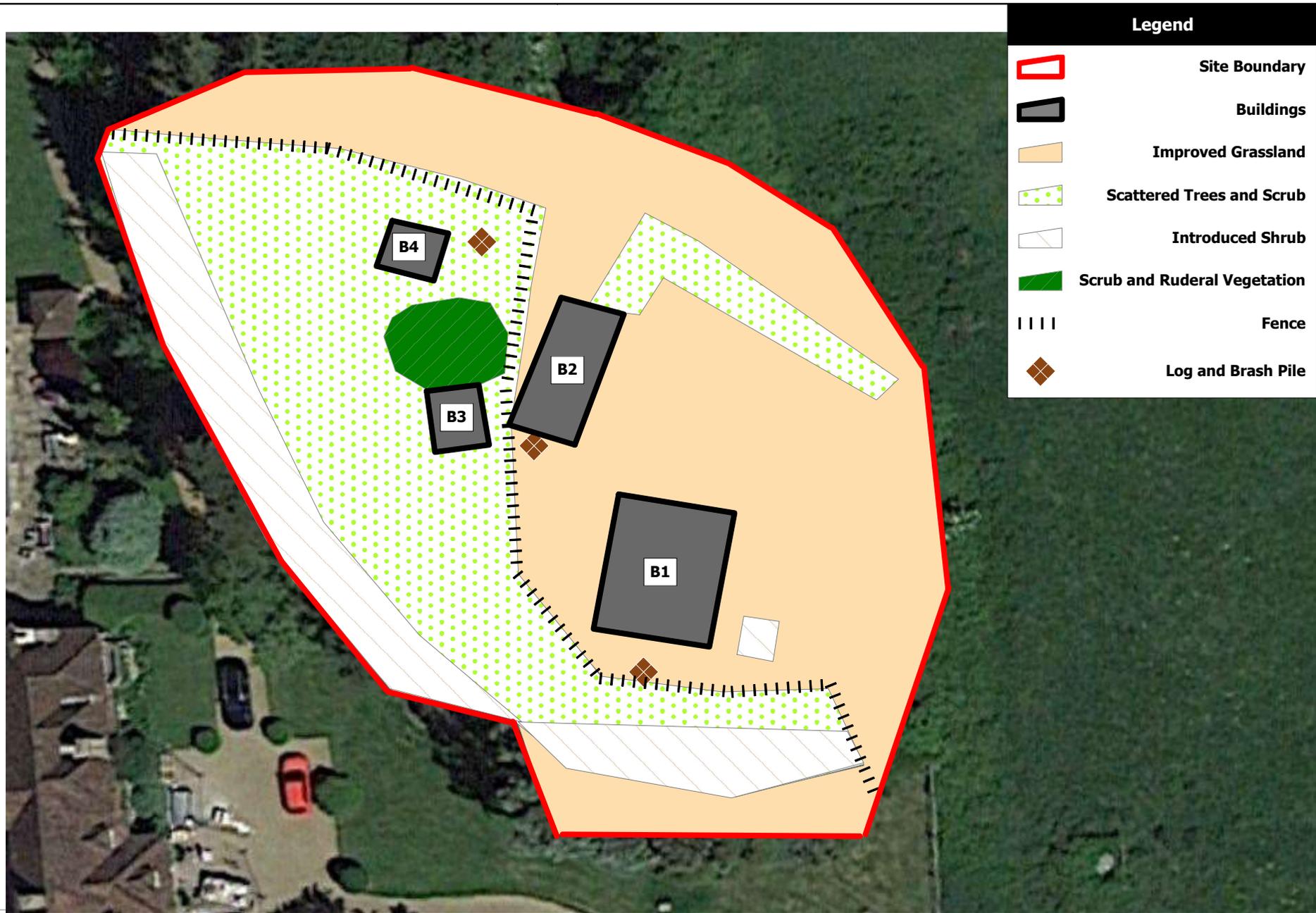


Figure 1: Lulling's Cottage Habitat Survey Map

Drawn by: HW
 On the: 12/10/22
 Not to Scale
 Ref: 11683



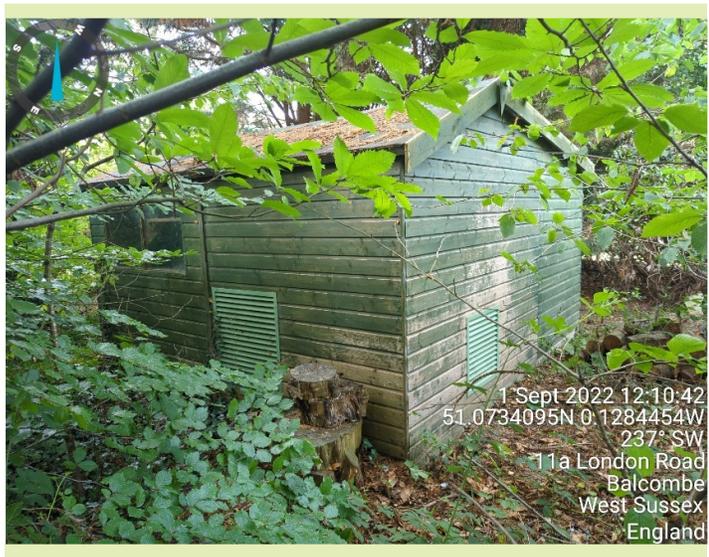
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Appendix B

Photographs and Target Notes

Photographs

Photo No.	Feature (Target Note No.)	Photograph of Feature
1	Building B1 – Lulling's Cottage	 <p>1 Sept 2022 12:33:32 51.057488485138734N 0.10591063944051973W 326° NW 1 Haywards Heath Road Balcombe West Sussex England</p>
2	Building B2 – Barn	 <p>1 Sept 2022 12:20:29 51.05764879933295N 0.10603659065067579W 279° W 11a London Road Balcombe West Sussex England</p>

<p>3</p>	<p>Building B3 - shed</p>	 <p>1 Sept 2022 12:02:23 51.057727997825154N 0.10633100401184134W 166° S West Hill West Sussex England</p>
<p>4</p>	<p>Building B4 - Shed north of B3</p>	 <p>1 Sept 2022 12:10:42 51.0734095N 0.1284454W 237° SW 11a London Road Balcombe West Sussex England</p>
<p>5</p>	<p>Log and brash pile</p>	 <p>1 Sept 2022 12:36:01 51.057497266451186N 0.10611089879022963W 159° S West Hill West Sussex England</p>

<p>6</p>	<p>Interior of ground floor at Building B1</p>	 <p>1 Sept 2022 12:45:28 51.05752626328315N 0.10601538364439633W 112° E West Hill West Sussex England</p>
<p>7</p>	<p>Roost Feature at B1 – hole in soffit board</p>	 <p>1 Sept 2022 12:34:28 51.05749227292571N 0.10600568969808649W 30° NE West Hill West Sussex England</p>
<p>8</p>	<p>Roost feature at B1 – cavity between wall and ceiling on external wall</p>	 <p>1 Sept 2022 12:34:16 51.057490732317284N 0.10599148882623047W 357° N West Hill West Sussex England</p>

<p>9</p>	<p>Roost feature at B1 – Loose, hanging, and missing tiles on roof</p>	 <p>1 Sept 2022 12:37:43 51.05760910757955N 0.1060772104210332W 119° SE West Hill West Sussex England</p>
<p>10</p>	<p>Internal wooden beams of Building B2</p>	 <p>1 Sept 2022 12:21:29 51.05767257399739N 0.10610024315265884W 356° N West Hill West Sussex England</p>

<p>11</p>	<p>External elevation of Building B2</p>	 <p>1 Sept 2022 12:19:24 51.05759923393152N 0.10618485205345986W 20° N 11a London Road Balcombe West Sussex England</p>
<p>12</p>	<p>Bird nest under eaves of B2</p>	 <p>1 Sept 2022 12:20:56 51.05766588798226N 0.10609090354851076W 262° W West Hill West Sussex England</p>

13 Cotoneaster species
within introduced shrub
habitat



Appendix C

Legislation

Legislation

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 EC Habitats Directive⁵ is to conserve plants and animals which are considered to be rare across Europe. The Directive is transposed into UK law by 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).

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; and
-  Wild Mammals (Protection) Act 1996.

Badgers

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;

⁵ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.

- 🌿 intentionally or recklessly cause a dog to enter a badger sett;
- 🌿 intentionally or recklessly damage, destroy or obstruct access to a badger sett⁶ or any part thereof;
- 🌿 intentionally or recklessly disturb⁷ 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.

⁶ 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

⁷ 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 European Protected Species Mitigation (EPSM) Licence 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 and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC). 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;
- 🌿 ≥50% of UK breeding population in 10 or fewer sites;
- 🌿 ≥50% of UK non-breeding population in 10 or fewer sites;
- 🌿 ≥20% of European breeding population in UK; and
- 🌿 ≥20% of NW European (wildfowl), East Atlantic Flyway (waders) or European (others) non breeding populations in UK.

Hazel Dormice

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 European Protected Species Mitigation (EPSM) Licence 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; or
- 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 Voles

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.

Otters

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 European Protected Species Mitigation (EPSM) Licence 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.

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 European Protected Species Mitigation (EPSM) Licence 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 (Natural Habitats, &c. Regulations 1994 (as amended) an offshore SPA's are afforded protection under The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). SPAs are designated under the EC Birds Directive (Council Directive 2009/147/EC on the Conservation of Wild Birds). SPAs are areas recognised as important habitat for rare and migratory birds within the European Union (rare birds as listed on Annex I of the Directive).
- Special Areas of Conservation (SACs): These areas are designated under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora), designated for the habitats and (non-bird) species listed on Annexes I and II to the Directive 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 (NPPF) (2021) replaces the former NPPF 2019, 2018 and 2012, and the former PPS9 document and emphasises the need for sustainable development. The Framework specifies the need to protect and enhance biodiversity and geodiversity. Identify and safeguard components of local wildlife-rich habitats and wider ecological networks including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors; and stepping that connect them. Plus partnerships for habitat management, enhancement, restoration or creation. The Framework aims to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species. 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.

Local Planning Policy

Mid Sussex Local Plan (2018)

DP12: Protection and Enhancement of Countryside Strategic Objectives:

3) To protect valued landscapes for their visual, historical and biodiversity qualities; 11) To support and enhance the attractiveness of Mid Sussex as a visitor destination; and 15) To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations.

Evidence Base: A Landscape Character Assessment for Mid Sussex, A Strategy for the West Sussex Landscape, Capacity of Mid Sussex District to Accommodate Development Study.

The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality. The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character. Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council. Economically viable mineral reserves within the district will be safeguarded.

DP15: New Homes in the Countryside Strategic Objectives:

3) To protect valued landscapes for their visual, historical and biodiversity qualities; and 13) To provide the amount and type of housing that meets the needs of all sectors of the community. Evidence Base: A Landscape Character Assessment for Mid Sussex; Town and Parish Council submissions. Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or
- In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or
- Affordable housing in accordance with Policy DP32: Rural Exception Sites; or

- The proposed development meets the requirements of Policy DP6: Settlement Hierarchy. Permanent agricultural (includes forestry and certain other full time rural worker) dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:
- The need cannot be fulfilled by another existing dwelling on or any other existing accommodation near the agricultural unit; and 4 Policies Adopted District Plan 61
- It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and
- It can be proven that the farming enterprise is economically viable; and
- It can be proven that the size of the dwelling is commensurate with the established functional requirement of the agricultural unit.

Temporary agricultural dwellings essential to support a new farming activity either on a newly created agricultural unit or on an established one will be subject to the criteria above and should normally be provided by temporary accommodation. Applications for the removal of agricultural occupancy conditions will only be permitted where it can be proven that there is no longer any need for the dwelling for someone solely, mainly or last working in agriculture or forestry or other rural based enterprise. This will be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area as a whole, and not just on a particular holding. New 'granny annexes' that are physically separate to the dwelling are defined as a new home and are subject to the same requirements as above. Re-use of rural buildings for residential use The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed⁸ agricultural building which has not been or has been little used for its original purpose and:

- the re-use would secure the future of a heritage asset; or
- the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.

Replacement dwellings in the countryside will be permitted where:

- The residential use has not been abandoned;
- Highway, access and parking requirements can be met; and
- The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.

DP16: High Weald Area of Outstanding Natural Beauty Strategic Objectives:

3) To protect valued landscapes for their visual, historical and biodiversity qualities; and 11) To support and enhance the attractiveness of Mid Sussex as a visitor destination. Evidence Base: The High Weald AONB Management Plan. Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- the identified landscape features or components of natural beauty and to their setting;
- the traditional interaction of people with nature, and appropriate land management;

- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and
- the conservation of wildlife and cultural heritage. Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported. Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.

DP37: Trees, Woodland and Hedgerows

Trees, woodland and hedgerows make a valuable landscape, amenity and biodiversity contribution to the District, both in urban and rural areas. Mid Sussex is a heavily wooded district with two thirds of this being ancient woodland. Trees, woodland and hedgerows form part of the District's green infrastructure, and in particular, are important for health and well-being, biodiversity, and increasing resilience to the effects of climate change. Ancient woods are irreplaceable wildlife habitats with complex ecological conditions that have developed over centuries. They contain a wide range of wildlife including rare species, however, because the resource is limited and highly fragmented, ancient woodland and their associated wildlife are particularly vulnerable and must be protected from damaging effects of adjacent and nearby land uses that could threaten the integrity of the habitat and survival of its special characteristics. 4 Policies Adopted District Plan 91 The District Plan recognises this contribution and will support the protection of trees, woodland and hedgerows, as well as encouraging new planting. Development will be required to incorporate trees, woodland and hedgerows into the design and landscaping scheme. All hedgerows on farmland and open land are protected and consent is required from the District Council to remove them. The Hedgerow Regulations 1997 also define 'important' hedgerows as being of particular archaeological, historical, wildlife or landscape value. The District Council will make Tree Preservation Orders or attach planning conditions, in line with national guidance, to protect specific trees, a group of trees or woodlands in the interests of amenity or where they are threatened by development. The amenity value of trees will take into account visibility and characteristics relating to the individual, collective and wider impact including: • Size and form; and • Future potential as an amenity; and • Rarity, cultural or historical value; and • Contribution to, and relationship with, the landscape; and • Contribution to the character and appearance of a conservation area. DP37: Trees, Woodland and Hedgerows Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; 4) To protect valued characteristics of the built environment for their historical and visual qualities; and 5) To create and maintain easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes. Evidence Base: Green Infrastructure mapping; Mid Sussex Ancient Woodland Survey, Tree and Woodland Management Guidelines, Tree Preservation Order records. 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; and • prevents damage to root systems and takes account of expected future growth; and • where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and • has appropriate protection measures throughout the development process; and • 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; and • does not sever ecological corridors created by these assets. Proposals for works to trees will be considered taking into account: 4 Policies Adopted District Plan 92 • the condition and health of the trees; and • the contribution of the trees to the character and visual amenity of the local area; and • the amenity and nature conservation value of the trees; and • 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

Coupled with the pressure for new development is the importance of conserving and enhancing areas of importance for biodiversity and nature conservation. The District has a number of valued landscapes, habitats and species which need to be protected and enhanced. The District Plan recognises the importance of the protection and conservation of areas of importance for nature conservation and the valuable contribution made by these sites and features in conserving biodiversity and geodiversity of our natural heritage, together with opportunities for education and employment. The District Plan also recognises the importance of the protection and conservation of areas outside of designated areas where these are of nature conservation value or geological interest especially where they contribute to wider ecological networks. Mid Sussex lies adjacent to the Ashdown Forest (within Wealden District), a European designated Special Protection Area and Special Area of Conservation. Policy DP17: Ashdown Forest Special Protection area (SPA) and Special Area of Conservation (SAC) looks at protecting this area. Mid Sussex also contains 13 Sites of Special Scientific Interest, 50 Sites of Nature Conservation Importance and 6 Local Nature Reserves. Nearly 16% of the District is covered by Ancient Woodland. This policy reflects the requirements of the National Planning Policy Framework (section 11) where it relates to biodiversity and the natural environment. It takes into account the duty on the District Council to have regard to the purpose of conserving biodiversity. Development proposals should be informed by local ecological and geological evidence and national guidance. Local ecological evidence should include protected and notable species as well as considering the potential effects of the development on the habitats and species on the Natural Environment and Rural Communities Act 2006 section 41 list. DP38: Biodiversity Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; and 5) To create and maintain easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes. Evidence Base: Biodiversity 2020; Biodiversity Action Plan; Biodiversity Opportunity Areas; Green Infrastructure mapping; Habitats and Species Records; Mid Sussex Ancient Woodland Survey; Mid 4 Policies Adopted District Plan 93 Sussex Infrastructure Delivery Plan; The Natural Choice: Securing the Value of Nature; West Sussex SNCI Register. 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. Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.

DP39: Sustainable Design and Construction

The District Council, with four other West Sussex authorities, commissioned the 'West Sussex Sustainable Energy Study' to inform policies on carbon emission standards for new development. The Study was prepared to inform planning policies which positively encourage reduced energy consumption and carbon emissions from buildings and greater sustainable energy generation. The Study makes a number of recommendations (section 9 of the Study) for inclusion in future planning documents. The Mid Sussex Sustainable Energy Study (2014) updated this earlier work and assessed the local potential for renewable and low carbon energy development. However, since the 2014 Study was published, the Government's position on sustainable development has changed. In July 2015, HM Treasury and the Department for Business, Innovation and Skills published 'Fixing the Foundations: Creating a more prosperous nation'. This states, "The Government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established." The policy reflects the current Government position on sustainable development. DP39: Sustainable Design and Construction Strategic Objectives: 1) To promote development that makes the best use of resources and increases the sustainability of communities within Mid Sussex, and its ability to adapt to climate change. Evidence Base: Gatwick Sub Region Water Cycle Study; West Sussex Sustainable Energy Study, Mid Sussex Sustainable Energy Study. All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;
- Use renewable sources of energy;
- Maximise efficient use of resources, including minimising waste and maximising recycling/

re-use of materials through both construction and occupation; • Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment; • Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience

Appendix D

Plant Species List

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, L = locally

Key to qualifiers: G=garden origin, P=planted, Y = young, S=seedling or sucker, T=tree, H=hedge, W=water, ? = identification uncertain.

Scientific Name	Common Name	Abundance	Qualifier
<i>Achillea millefolium</i>	Yarrow	O	S
<i>Aegopodium podagraria</i>	Ground elder	O	S
<i>Aesculus hippocastanum</i>	Horse chestnut	O	T
<i>Bellis perennis</i>	Common daisy	O	S
<i>Betula pendula</i>	Silver birch	O	T
<i>Brachyglottis greyi</i>	Daisy bush	O	P
<i>Buddleja davidii</i>	Buddleia	O	S
<i>C. avellana</i>	Hazelnut	O	T
<i>Castanea sativa</i>	Sweet chestnut	O	T
<i>Chamaecyparis lawsoniana</i>	Lawsons cypress	O	T
<i>Cirsium arvense</i>	Creeping thistle	O	S
<i>Cotoneaster sp</i>	Cotoneaster	O	P
<i>Crataegus sp</i>	Hawthorn	O	T
<i>Dryopteris sp.</i>	Fern	O	S
<i>Eucalyptus sp</i>	Eucalyptus	F	T

<i>Fagus sylvatica</i>	European beech	O	T
<i>Geranium robertianum</i>	Herb Robert	F	S
<i>Hedera sp</i>	Ivy	F	S
<i>Impatiens parviflora</i>	Balsam	O	S
<i>Jacobaea vulgaris</i>	Ragwort	O	S
<i>Juglans regia</i>	Walnut	O	T
<i>Juniperus sp</i>	Juniper	O	P
<i>Larix sp</i>	Larch	O	T
<i>Laurus nobilis</i>	Bay laurel	O	P
<i>Mespilus germanica</i>	Medlar	O	P
<i>Pilosella officinarum</i>	Mouse-eared hawkweed	O	S
<i>Pinus sylvestris</i>	Scott's pine	O	T
<i>Plantago major</i>	Greater plantain	O	S
<i>Poa sp</i>	Meadow grass	O	S
<i>Prunus avium</i>	Cherry	O	T
<i>Prunus laurocerasus</i>	Cherry laurel	F	P
<i>Ranunculus repens</i>	Creeping buttercup	O	S
<i>Rhododendron sp</i>	Rhododendron	O	P
<i>Rubus fruticosus</i>	Bramble	O	S
<i>Rumex obtusifolius</i>	Broad-leaved dock	O	S
<i>Sambucus nigra</i>	Elderberry	O	S
<i>Soleirolia soleirolii</i> (Req.) Dandy	Mind-your-own-business	O	S
<i>Taraxacum officinale</i>	Common dandelion	O	S
<i>Trifolium repens</i>	White clover	F	S

<i>Urtica dioica</i>	Common nettle	F	S
<i>Viburnum opulus</i>	Guelder rose	O	P

Appendix E

Suggested Compensatory Planting

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.

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

Ash (*Fraxinus excelsior*) N

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 atalantoides*) 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

Appendix F

Bird and Bat Box Designs

Bird and Bat Box Designs

Bird Boxes

Example	Type	Dimension D x W x H (cm)	Target Species	Location
	Schwegler Nest Box 1B Hole-fronted 26mm entrance hole	16 x 16 x 23	Multi-purpose, including: blue-, marsh-, coal and crested tit and possibly wren. All other species are prevented from using the nest box due to the smaller entrance hole.	Suitable walls or semi-mature/mature trees and shrubs; attached to a tree trunk or hung from branches. Ideal points include discrete areas away from predators, such as against walls, plant and metal supports.
	Schwegler Bird House 32mm entrance hole	15 x 21 x 33	Multi-purpose, including: great-, blue-, marsh- and coal tit, redstart, nuthatch, pied flycatcher and sparrows.	Fixed to a semi-mature/mature tree trunk, wall or fence using the hanging bracket on the back. Between 1.5 m and 3 m high, and should be sited higher if your area has a particularly high cat population.

Example	Type	Dimension D x W x H (cm)	Target Species	Location
	Schwegler Sparrow Terrace 1SP	20 x 43 x 24.5	House sparrow. It may also occasionally attract tits, redstarts and spotted flycatchers.	<p>In an elevated position such as on post/platform within dense shrub/tree planting or on top of lighting columns. Alternatively, they could be attached to the side of a building.</p> <p>The terrace can be fixed on to the surface of a suitable wall or incorporated into the wall. It is suitable for all types of houses in built-up areas, and on industrial and agricultural buildings such as barns, sheds and factories. Due to its weight (15kg), it is not suitable for fences or garden sheds. Ideally place the terrace two metres or more above the ground. Either install on the surface of the wall using the plugs and screws provided, or install directly into the wall. Cleaning is not necessary. The front panel can be removed by turning the screw hook.</p>

Bat Boxes

Example	Type	Dimension D x W x H (cm)	Target Species	Location
	2F Schwegler Bat Box (General Purpose) with or without Double Front Panel	16 x 16 x 33	<p>Without panel: Particularly successful with brown long-eared bat. Also used by noctule.</p> <p>With panel: Ideal for crevice-dwelling species: pipistrelles, Myotis species (particularly Daubenton's), Leisler's and serotine.</p>	<p>On trees or buildings and at a height of 3 to 6m.</p> <p>In open sunny positions and in groups of 3 to 5 facing different directions.</p> <p>Please note that once bats have inhabited a roost site they may only be disturbed by licensed bat workers.</p>
	Chavenage Bat Box	10 x 18 x 38	Small crevice-dwelling bats e.g. pipistrelles.	<p>On trees in gardens or woodland and also on house walls. 2.5 - 5m high on a building, mature tree or vegetation line (trees/tall hedge) or on a feeding/flight route in partial daytime sun.</p> <p>Please note that once bats have inhabited a roost site they may only be disturbed by licensed bat workers.</p>



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