

Ecological Impact Assessment

34 Hurst Road, Hassocks

October 2024

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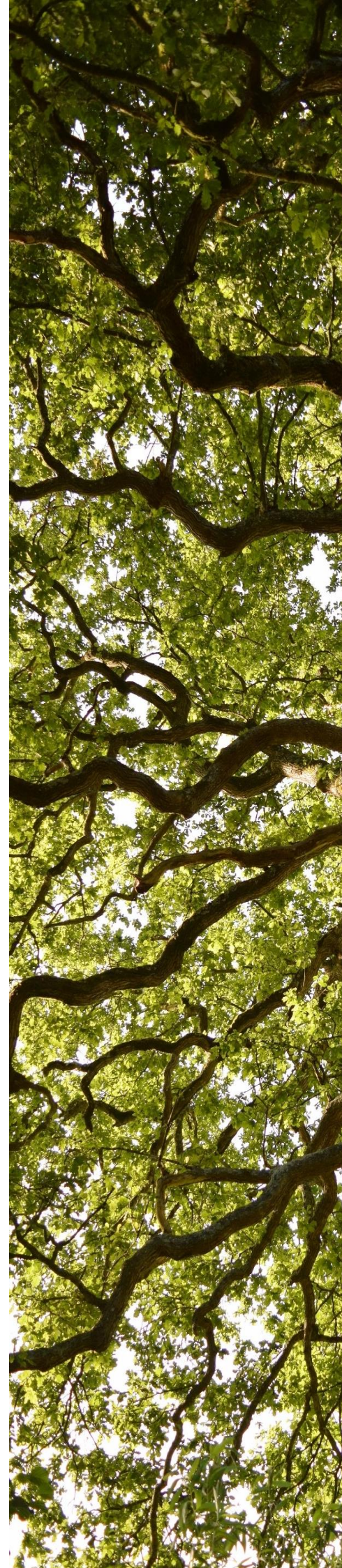
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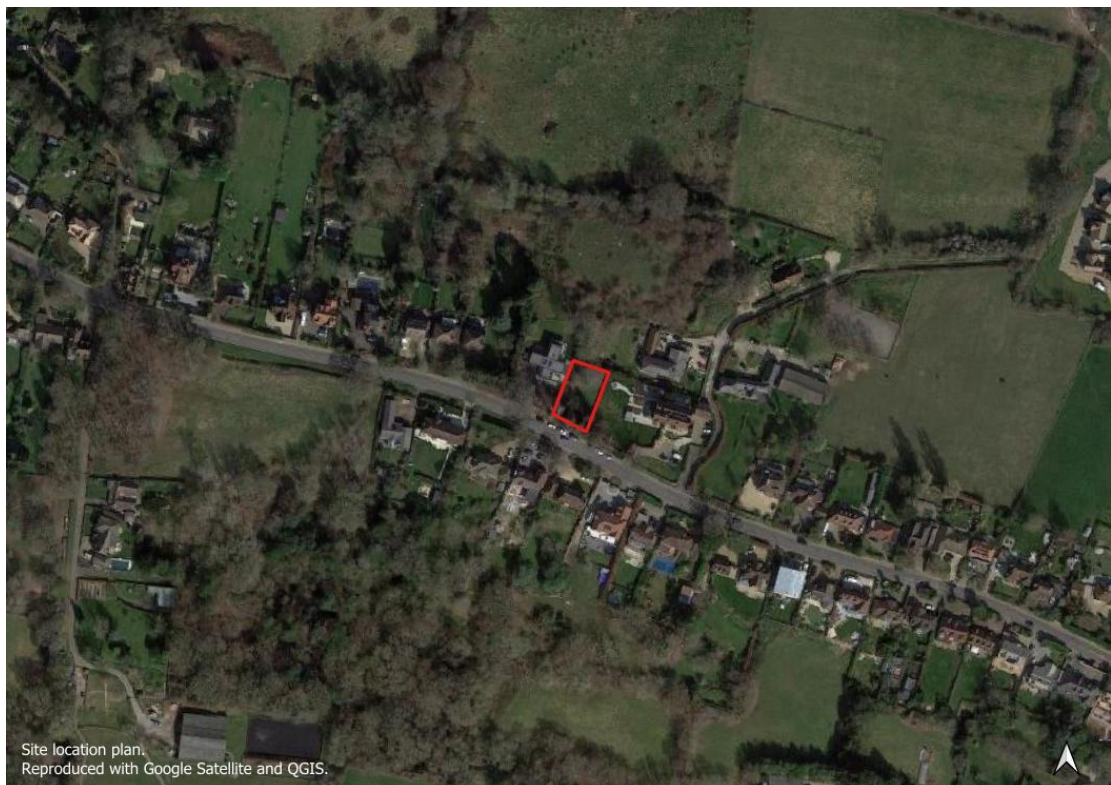


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1.0. SUMMARY

- 1.1. An ecological impact assessment (EcIA) was undertaken for a proposed modular residential development at 34 Hurst Road, Hassocks. The site is primarily composed of maintained amenity grassland with scattered shrubs and trees, with the main habitat type being low-ecological-value grassland. Protected species are considered unlikely to be present or impacted by the development; however, precautionary measures have been recommended for both the construction and operational phases of the development. This includes avoiding disturbance to nesting birds and the implementation of a sensitive lighting design.
- 1.2. Overall, the proposed development is likely to have minor ecological impacts. With the implementation of the recommended mitigation measures, any impacts on biodiversity can be effectively minimised and breaches of the associated legislation can be avoided.





2.0. INTRODUCTION

- 2.1. Kent Sussex Ecology was commissioned to undertake an ecological impact assessment (EclA) at '34 Hurst Road, Hassocks, West Sussex. BN6 9NL'.
- 2.2. The site (redline boundary) is c.600m² in size and consists of maintained amenity grassland, with some scattered shrubs and roadside boundary vegetation that mostly consists of trees of varying age.
- 2.3. The proposed development is for the provision of a 'modular' residential structure, that will not require any new access or parking space.
- 2.4. The site was subject to an on-site survey on 4th October 2024 in calm and bright conditions (in accordance with best practice guidelines), and with no limitations regarding access. The surveyor is a qualified (BSc) and CIEEM-accredited ecologist with over a decade of experience in the field of ecology.
- 2.5. A desktop study was carried out using DEFRA's website MAGIC and other record data resources for records of site designations, protected species and habitat information. Regarding specific protected species surveying methodologies, the trees were subject to a preliminary ground level roost assessment to identify any potential roost features (PRFs). This included noting ingress points and crevice space, as well as searching for direct and indirect evidence of roosting bats.
- 2.6. The objectives of the EclA were to:
 - Identify all relevant statutory and non-statutory designated sites and features of ecological significance within the site and its surroundings.
 - Assess the potential for the presence of protected species and species of principal conservation importance, important habitats, or other biodiversity features within the site and its surroundings.
 - Provide recommendations for, and undertake, further surveys as necessary.
 - Present the likely significance of ecological impacts from potential development.
 - Present any likely mitigation and compensation measures to be required in relation to the relevant legislation and policy.
- 2.7. This section of the report will stay valid for between 12 and 36 months, in accordance with current CIEEM guidance.



3.0. BASELINE ECOLOGICAL CONDITIONS

3.1. DESIGNATED SITES

- 3.1.1. The site is not situated within, or close to, any statutory designated site for nature. The nearest designated site is the 'Wolstonbury Hill' Site of Special Scientific Interest (SSSI), located over 1.5km to the south of the site.

3.2. HABITATS

- 3.2.1. The site predominately consists of maintained amenity lawn ('modified grassland'), which is dominated by a cultivated ryegrass mix, with species such as Creeping Buttercup *Ranunculus repens* and White Clover *Trifolium repens* also present (indicating low ecological value).
- 3.2.2. Along the western boundary, is an individual non-native *Pinus sp.* and *Corylus sp.* Along the southern (roadside) boundary, there is a mixture of native and non-native trees of varying age structures, with no understorey. Within the main lawn area, there are two stumps from relatively recently removed trees.
- 3.2.3. The field is bordered by lowland deciduous woodland (designated a 'priority habitat' under the NERC Act 2006). There is reasonable habitat connectivity to the wider landscape given the site's relatively rural setting.

3.3. PROTECTED SPECIES

- 3.3.1. Being part of a used and maintained curtilage, as well as a lack of high-quality habitat features and impenetrable closeboard fencing around some of the perimeter, there is little opportunity for protected species to utilise the site, and no evidence of protected species was noted during the visit. However, further consideration has to be given regarding the potential presence of protected species, as discussed further on.

3.4. GREAT CRESTED NEWT

- 3.4.1. The site predominately consists of regularly-mown amenity grassland with little, if any, potential for Great Crested Newt (GCN) to shelter or hibernate on-site. Regardless, given the presence of ponds within 250m of the site, the potential presence of this protected species
- 3.4.2. There are no waterbodies within 100m of the site. Four waterbodies are located within 250m of the site (see figure 2). However, these are all situated to the south of the site and, therefore, are subject to a significant dispersal barrier when it comes to GCN movement, i.e., the B2116 road (Hurst Road).
- 3.4.3. As denoted by the biological record data, Great Crested Newt (GCN) have been recorded in the area and MAGIC returned a 2017 licence record within c.70m of the site. Again, these records are located to the south of the B2116 road. An 'absent' pond record is located c.1.6km to the south-west and the nearest positive pond result is located over



2.5km to the south-east. Given the connectivity of the site to the surrounding ponds, it is possible that GCN could traverse the site.

3.4.4. It is considered that there could be a minor disturbance to GCN in the absence of precautionary mitigation. Although the site is considered unimportant for GCN due to a lack of suitable habitat for breeding, shelter, hibernation and foraging, it is possible that GCN may traverse through the site.

3.4.5. On the basis that the footprint of the development will cover no more than 0.1 of a hectare, Natural England's rapid assessment tool for GCN states that an offence is 'likely' (see table below). The tool assumes the surrounding ponds have breeding populations of GCN, the site area comprises suitable GCN habitat and that there are no fragmentation factors.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.01
Land >250m from any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.001
Individual great crested newts	Minor disturbance of newts	0.5
Maximum:		0.5
Rapid risk assessment result:	AMBER: OFFENCE LIKELY	

4.1. The user guidance accompanying the tool states that the amber result "...indicates that the development activities are of such a type, scale and location that an offence is likely. In this case, the best option is to redesign the development (location, layout, methods, duration or timing; see non-licensed avoidance measures tool) so that the effects are minimised". The tool can then be re-run once suitable a precautionary mitigation methodology has been produced.

3.5. OTHER PROTECTED SPECIES

3.5.1. While no trees on-site appear to possess suitable roost features for bats (see images within the appendices), it was concluded that the two trees at potential risk of direct impact from the development, i.e., the Pinus and Corylus, are 'negligible' regarding their potential for roosting bats.

3.5.2. The trees on-site offer limited suitability for breeding birds, with some of the large roadside specimens offering nest space for common bird species.

3.5.3. Given the lack of habitat features on-site, it is concluded that most terrestrial protected species, such as reptiles and badgers, will be absent. However, given the rural setting of the site, it is possible that terrestrial protected species may commute through the site.



4.0. CONCLUSION AND RECOMMENDATIONS

4.1. DESIGNATED SITES

- 4.1.1. Schedule 4(w) of the Town and Country Planning (Development Management Procedure) Order 2015 states that Natural England must be consulted on “development in or likely to affect a Site of Special Scientific Interest”.
- 4.1.2. Paragraph 180 of the National Planning Policy Framework (NPPF) 2023 states that “development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”.
- 4.1.3. Regarding the European designation (SPA and SAC), Article 6(3) of the Habitats Directive 2017, states that “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”.
- 4.1.4. As the site is not situated within, or close to, a statutory designated site for nature, it is concluded that the proposed development will not trigger a consultation regarding impacts on statutory designated sites. Therefore, no further information is required.

4.2. HABITATS

- 4.2.1. Certain habitat types are listed as ‘habitats of principle importance’, or ‘priority habitats’, under the NERC Act 2006. In accordance with Section 41 of the Act, these habitats are capable of being a “...material consideration in the... ..making of planning decisions” (Paragraph 84, Government Circular (ODPM 06/2005)).
- 4.2.2. There are no priority or notable habitats on-site, with the grassland (the main habitat type) being common and of low ecological value. The adjacent priority habitat woodland will remain unimpacted by the development.
- 4.2.3. This development will not be subject to mandatory biodiversity net gain obligations (in accordance with Schedule 7A of the Town and Country Planning Act 1990, as inserted by Schedule 14 of the Environment Act 2021). This is due to its categorisation as a ‘self/custom build’ (as defined section 1(A1) of the Self-build and Custom Housebuilding Act 2015) and because the build will be less than 0.5ha and under the 10 dwellings.



- 4.2.4. It is recommended that if any planting is incorporated into the development, this should consist of native species only to safeguard and enhance the ecological integrity of the surrounding countryside.

4.3. PROTECTED SPECIES

- 4.3.1. Paragraph 99 of the ODPM 06/2005 states that “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.
- 4.3.2. It is concluded that impacts to protected species can be adequately mitigated through the implementation of precautionary measures (detailed below), and that no further surveys are required. However, in alignment with the current guidance, further consideration needs to be given to the potential presence of Great Crested Newt.

4.4. GREAT CRESTED NEWT

- 4.4.1. Great Crested Newt is afforded full legal protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). It is also listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended). The combined legislation makes it an offence to:
- intentionally or deliberately capture, kill or injure a great crested newt;
 - intentionally or recklessly damage, destroy or obstruct access to any place used for shelter and protection, including resting and breeding places, whether occupied or not, and;
 - deliberately, intentionally or recklessly disturb a great crested newt when in a place of shelter.
- 4.4.2. The ‘Great Crested Newt Mitigation Guidelines’ (English Nature 2001) state that “Great crested newts have been found to move over considerable distances (up to 1.3km from breeding sites). However, the vast majority of newts will inhabit an area much closer to the pond, and the exact distribution and migration patterns of newts on land depends on a variety of factors. The quality of terrestrial habitat near to breeding ponds is important, as are the lack of barriers to dispersal (such as fast-flowing rivers, or very busy roads). The distribution of ponds and hibernation opportunities may also influence movements... Several studies have been conducted which reveal a great deal of variation, but great crested newts commonly move between ponds that are within around 250m of each other”. In ‘Advice for Land Managers’ (Natural England 2007), it is stated that “Great crested newt may disperse several hundred metres, sometimes over 1km, from the breeding pond, though at most sites the majority of the population is normally found within around 100m of it”, and the Great Crested Newt Conservation Handbook, 2001 states that “very short pasture is easily traversed by newts, and provides night-time foraging...”.



4.4.3. While the Natural England rapid risk assessment returned an 'amber' result, i.e., indicating an offence was likely, it should be noted that there is no sheltering or hibernation for GCN habitat on-site. The grass is continuously mown and, therefore, it is likely that any newts present would be only commuting through the site.

4.4.4. As GCN are highly likely to be absent outside the herptile active season (March to October), and due to the unobtrusive and localised nature of the proposed development, it is considered that with the implementation of precautionary mitigation measures, impacts on GCN can be avoided. When the Natural England rapid risk assessment tool is re-run, with implementation of precautionary mitigation measures, the result is 'green', i.e., an offence is unlikely.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.01
Land >250m from any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.001
Individual great crested newts	No effect	0
Maximum:		0.01
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

4.4.5. The following precautionary mitigation measures should be conditioned with any granted planning permission:

- The site will be continuously mown up until site clearance and construction work begin. Groundworks will be scheduled to commence outside of the herptile active season (November to February). This will maximise the potential for GCN to be absent from the site.
- Prior to any works commencing (including any ground clearance), all contractors will be made aware of the potential impacts to GCN and the measures to be enacted to avoid impacts.
- During the entire construction phase of development, all trenches and excavations will be covered overnight and/or escape routes provided to prevent GCN (and other terrestrial fauna) from being trapped and harmed. Any open excavations will be checked every morning and prior to infilling.
- All site materials should be stored away from boundary vegetation and raised on pallets or other objects to avoid creating resting places or refuges for GCN. Any hazardous materials should be safely stored in a locked container.
- If a Great Crested Newt is found during development works, or suspected of being found, work must be suspended immediately and the advice of a suitably licenced GCN ecologist sought. No GCN must be handled by non-licensed personnel and a Natural England licence may be required before works can continue.



4.5. OTHER PROTECTED SPECIES

- 4.5.1. As mentioned above, all other potential impacts to protected species can be adequately avoided through the implementation of precautionary mitigation measures during the construction phase of the development. These measures are detailed below.
- 4.5.2. A sensitive lighting design should be implemented to limit the impact on nocturnal species, such as commuting bats and invertebrates, with a focus on no illumination throughout the entire night, no direct light spill on boundary vegetation and no upward-facing lights.
- 4.5.3. Any work to vegetation that may provide suitable nesting habitat for birds (primarily the hedgerow and scrub) should be undertaken outside of the breeding bird season (March to August, inclusive). If vegetation needs to be removed during the breeding bird season, it is recommended that an experienced ecologist inspect the vegetation prior to works commencing. If nesting birds are found to be present, work cannot take place until the young are fully fledged.
- 4.5.4. To prevent adverse impacts on badgers and other terrestrial species that may commute through the site during the construction phase, all trenches and excavations will be covered overnight, and/or escape routes provided to prevent badgers (and other terrestrial fauna) from being harmed or becoming trapped.



APPENDIX A: PHOTOGRAPHS AND ILLUSTRATIONS



The grassland within the redline boundary (viewing north).



The grassland within the redline boundary (viewing south).



The two trees (Hazel and Pine) that will be impacted by the development.



A section of the trees along the southern roadside boundary.





APPENDIX B: LEGISLATION

The Wildlife and Countryside Act (as amended) 1981

The Wildlife and Countryside Act 1981 (as amended) is the principal piece of UK legislation relating to the protection of wildlife. It consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain.

The Act makes it an offence to:

Intentionally kill, injure, or take any wild bird or their eggs or nests (with exception to species listed in Schedule 2). Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young.

Intentionally kill, injure, or take, possess, or trade in any wild animal listed in Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places (subject to exceptions). The Act also prohibits certain methods of killing, injuring, or taking wild animals listed in Schedule 6.

Uproot, trade in, or possess (for the purposes of trade) any wild plant listed in Schedule 8, and prohibits the unauthorised intentional uprooting of such plants (subject to exceptions).

Facilitate the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9. It also provides a mechanism making any of the above offences legal through the granting of licences by the appropriate authorities.

The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 (the 'Habitat Regulations'), as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, establish the requirements for protecting sites that are internationally important for threatened habitats and species and thus the requirement for a 'Habitat Regulations Assessment' of plans or developments with potential to affect them.

The Habitat Regulations also establish the strict protection of some species (European Protected Species) and make it an offence to deliberately capture, kill or disturb certain wild animals, and to damage or destroy a breeding site or resting place of such an animal even if the animal is not present at the time.

The competent authority will have to adhere to the requirements of the Habitats Directive in the exercise of their functions. As such, they must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

Regulation 55(2)(e) states: a licence can be granted for the purposes of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"*.

Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *"that there is no satisfactory alternative"*.

Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *"that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."*

Natural Environment and Rural Communities Act 2006

Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).

National Planning Policy Framework 2023

The National Planning Policy Framework (NPPF) sets out the view of central government on how planners should balance nature conservation with development and helps ensure that government meets its biodiversity commitments with regard to the operation of the planning system.



Section 15 of the NPPF sets out key policy requirements regarding ecology and development.

Paragraph 174 of the NPPF: “Planning policies and decisions should contribute to and enhance the natural and local environment by... ..minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

The Protection of Badgers Act 1992

The legislation affording protection to badgers is primarily concerned with animal welfare and the need to protect badgers from activities such as baiting and deliberate harm. The Protection of Badgers Act 1992 makes it an offence to:

Wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so;

To intentionally or recklessly interfere with a sett (this includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

As with The Wildlife and Countryside Act 1981 (as amended), there are several defences to prosecution in the legislation and the text should be consulted for details of these. Penalties for offences include fines up to £5,000, plus up to six months imprisonment for each illegal sett interference, or badger death or injury.

Hedgerows Regulations 1997

Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Criteria specified in the regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.

Office of the Deputy Prime Minister 06/2005

Paragraph 99 of the ODPM 06/2005 states that “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.