

Preliminary Ecological Appraisal

Equestrian Yard, Balcombe
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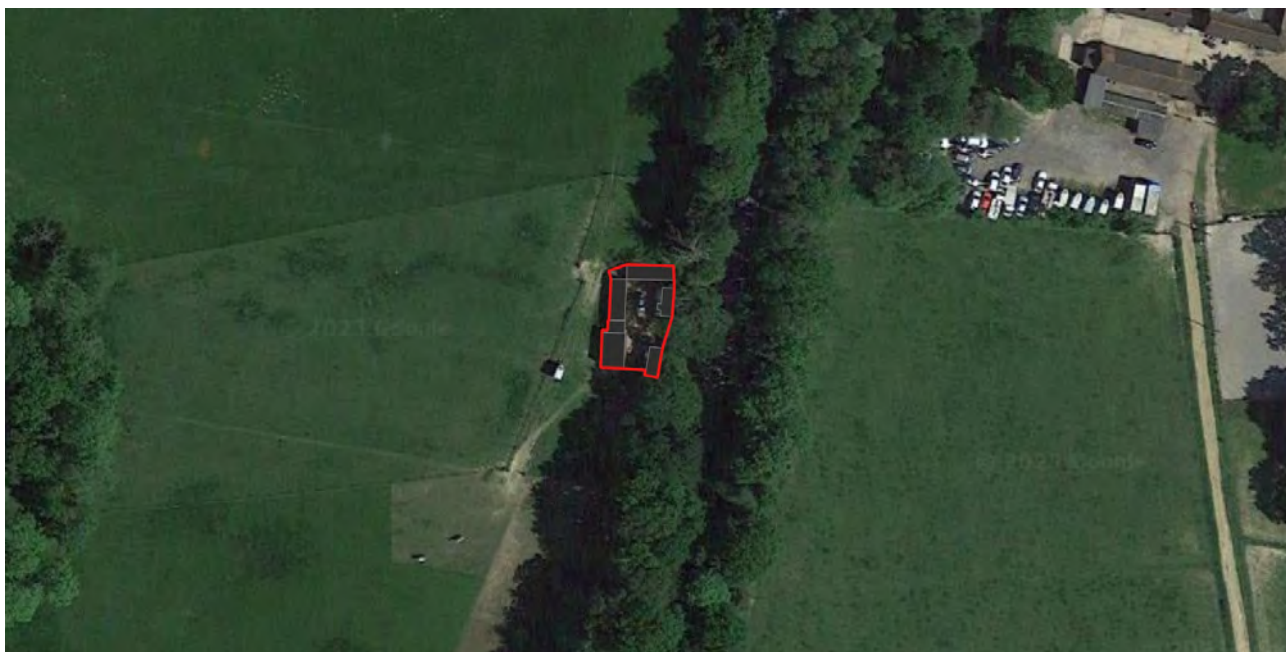
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1.0. SUMMARY

The site currently consists of an agricultural yard with several buildings, including a barn and stables. There are no designated sites or notable habitat within or adjacent to the site and, therefore, a development proposal is unlikely to warrant further information for these ecological considerations. Depending on when a planning application is submitted, the development may need to demonstrate a biodiversity net-gain in accordance with the Environment Act 2021.

Regarding protected species, further surveys are recommended for bats as three of the structures on-site displayed features suitable for roosting bats. The surveys should be conducted prior to the determination of any application to ensure that adequate mitigation can be enacted if necessary. Precautionary mitigation measures have been recommended for other protected species regarding the construction phase of any development.



Designated Sites and Habitats

The site is not within, or adjacent to, any statutory designated site for nature. As such, most development proposals at this site will not trigger consultation with Natural England. Additionally, as the site primarily consists of hardstanding, buildings and improved grassland, the habitat on-site is considered to be of low ecological value. If a development would entail the loss of grassland or boundary vegetation, biodiversity net-gain obligations will likely need to be considered. The soft landscape of any development at this site must also seek to implement native species-only planting to safeguard the ecological integrity of the surrounding habitat.

Protected Species

While the majority of the site's environment is unlikely to support protected species, three of the buildings on-site have been judged as having 'moderate' potential for roosting bats. As such, prior to the determination of any application that impacts the buildings, a minimum of two surveys will be needed to establish the status of bats on-site. No other protected species surveys are recommended, provided the site's grassland continues to be regularly grazed or mown, and if development proposals will not impact the roadside boundary vegetation. Precautionary mitigation measures for protected species have been recommended for the construction phase of any development.



2.0. INTRODUCTION

- 2.1 Kent Sussex Ecology was commissioned to undertake a Preliminary Ecological Appraisal at 'Equestrian Yard, Nr. Kings Farmhouse, London Road, Balcombe, RH17 6QA'. The site is approximately centred around grid reference RH17 6QA.
- 2.2 The site (red-line boundary) is approximately 300m² in size and primarily consists of a hardstanding courtyard and several agricultural/equestrian buildings.
- 2.3 Development proposals are unknown at the time of this report's production.
- 2.4 The main objectives of the PEA 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 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.

3.0. METHODOLOGY

- 3.1 A desktop study was carried out using DEFRA's website MAGIC , NBN Atlas and other record data resources, for records of site designations, protected species and habitat information.
- 3.2 The site and associated buildings were subject to a survey on 8th December 2023 by Kate Baldock MSc BSc MCIEEM (licence no. CL18 2015-12362-CLSCLS), who is a registered consultant on the Bat Low Impact Class Licence and has over 17 years of ecological surveying experience.
- 3.3 The site survey was carried out in alignment with current CIEEM guidance and JNCC phase one survey guidance, and there were no limitations regarding access to all areas of the site.
- 3.4 The external inspection of the buildings included:
 - Assessing the building's wall and roof construction.
 - Identifying potential access points and roosting features, such as holes or gaps in the roof, walls, brickwork or soffits, crevice spaces behind hanging tiles, fascia or cladding, and lifted/damaged tiles or lead flashing.
 - Search for evidence of bats such as live or dead specimens, squeaking noises, urine splashes, staining and/or bat droppings below any features, on walls, windows and windowsills, and on the ground/vegetation at the base of the building.
- 3.5 The internal inspection included a systematic search of the building to identify bat access points and roosting places by the presence of bats themselves, droppings, staining, urine splashes, odour and/or feeding remains,



through an inspection of the following:

- Floors, walls, structures, surfaces of stored items and any open chimneys/shafts.
- Commonly used roost locations such as gable end or dividing walls, top of chimney breasts, ridge, hip and other roof beams, mortise and tenon joints, roof timber junctions, behind purlins, the space between the ridge beam and roof lining, and the space between the inner roofing felt and tiles/flat roof (where these features were present/accessible).

3.6. The type of roof lining and presence of insulation was noted, including whether this blocked potential access points. Access to cavity walls was also noted.

3.7. Close-focus binoculars, a high-powered torch, ladder and endoscope were used where required. The assessment was carried out in accordance with the Good Practice Guidelines for bat surveys (Collins, 2016). Any droppings collected during the internal assessment would be collected for DNA analysis if required. Any signs of breeding birds were also noted.

3.8. The overall suitability to support roosting bats at any time of year was classified by placing the building into one of four categories as described in Collins (2023):

High: A structure with one or more potential roost sites that are obviously suitable for use by a larger number of bats on a more regular basis and potentially for longer periods of time due to their size, shelter protection, conditions and surrounding habitat;

Moderate: A structure with one or more potential roost sites that could be used by bats but which is unlikely to support a roost of high conservation status, such as a maternity or hibernation roost;

Low: A structure with one or more potential roost features that could be used by individual bats opportunistically, but unlikely to support larger numbers of bats or to support bats on a regular basis;

Negligible: No features likely to be used by roosting bats.

3.9. All trees within the proposed works area were subject to a Preliminary Ground Level Roost Assessment (PGLRA) to identify any potential roost features (PRFs). The survey was carried out during dry, calm and bright conditions and in accordance with best practice guidelines (Collins, 2023). All sides of the tree were observed systematically, using binoculars and a high powered torch as required.

3.10. The following information was noted:

- Tree species, DBH and maturity
- PRF type, aspect, height and entrance size
- Any visible evidence of upward or downward extension
- Any signs of roosting bats, including droppings, staining, odour or squeaking

3.11 The overall suitability for the tree to support roosting bats at any time of year was classified by placing it into one of four categories as described below (Collins, 2023):

High: Trees with one or more potential roost sites that are obviously suitable for use by a larger number of bats on a more regular basis and potentially for longer periods of time due to their size, shelter protection,



conditions and surrounding habitat;

Moderate: A tree with one or more potential roost sites that could be used by bats but which is unlikely to support a roost of high conservation status, such as a maternity or hibernation roost;

Low: A tree of sufficient size and age to contain potential roost features but with none seen from the ground or features seen with only very limited roosting potential;

Negligible features likely to be used by bats.

- 3.12. Where a tree supports multiple features, the tree as a whole is categorised according to the highest suitability roost feature present.
- 3.13. Bats will use different tree roosts at different times of the year and can frequently move between different trees. It can therefore often be difficult to definitively locate bat roosts in trees. Field signs to look for include bat droppings in, around or beneath features, scratch marks, dark streaking below holes and crevices, and staining around the access point from fur oils. Chattering noises emitted by bats may also be audible, particularly during the summer. However, even where bats are known to occur, many bat roosts have no external signs of occupation, and internal evidence may be washed away or broken down by invertebrates.
- 3.14. The report will remain valid for 12 to 36 months in accordance with current CIEEM guidance.



4.0. BASELINE ECOLOGICAL CONDITIONS

4.1. DESIGNATED SITES

4.1.1. The site is situated within the 'High Weald' Area of Outstanding Natural Beauty (AONB). However, the site is not within, or adjacent to, a statutory designated site for nature.

4.1.2. All statutory designated sites, within a 6km radius of the site, are listed below.

Statutory designated site	Distance from the site
Worth Forest SSSI	1560m
Wakehurst & Chiddingly Woods SSSI	1900m
Philpot's and Hook Quarries SSSI	3436m
Cow Wood and Harry's Wood SSSI	3648m

4.1.3. The nearest non-statutory designated site for nature is an area of ancient woodland, 'Monks Forest', situated c.118m to the west of the site. This woodland is also classified as 'priority habitat', as listed under Section 41 of the NERC Act 2006.

4.2. HABITATS

4.2.1. Excluding the buildings, the yard mostly consists of hardstanding. Improved grassland, including species such as Yorkshire Fog, Perennial Ryegrass, Creeping Buttercup, White Clover and Creeping Thistle, extends beyond the yard's perimeter north and south. Scrub borders the eastern boundary.

4.2.2. The yard's buildings and structures are listed below.

Building	Bat Roost Suitability
B1 Static Caravan	None
B2 Timber Barn	Moderate
B3 Timber Stable	Moderate
B4 Hay Store	None
B5 Timber Stable	Moderate
B6 Static Trailer	None

4.2.3. The structures with no bat roosting suitability include B1 (static caravan), B4 (hay store) and B6 static trailer. No roosting features for bats were identified regarding these structures.

4.2.4. Regarding the other three buildings, the roosting potential for bats is detailed in the table below. Photographs corroborating the findings can be found in Appendix A.

Building	Features
B2	Features of bat potential include warped weatherboarding on the western gable end, and gaps between the external weatherboarding and internal lining. Potential bat access is available via the eaves, and the open windows and doors. Moderate suitability for crevice dwelling bats in the active season and low suitability in the hibernation season. The interior of the building is too light and exposed to be suitable for void dwelling species such as long-eared bats.



B3	Features of bat potential include warped/rotten weatherboarding on the western elevation, the northern and southern gable ends, and gaps between the external weatherboarding and internal lining. Moderate suitability for crevice dwelling bats in the active season and low suitability in the hibernation season. The interior of the building is too light and exposed to be suitable for void dwelling species such as long-eared bats.
B5	Features of bat potential include damaged weatherboarding on the southern gable end and in gaps between the external weatherboarding and internal lining. Features of bat potential include damaged weatherboarding on the southern gable end and in gaps between the external weatherboarding and internal lining.

4.2.5. There are no trees within the site. However, a number of large mature trees, predominantly oaks, line the boundary with the B2036 (London Road). These trees were not inspected in detail. However, dead wood and features of bat roosting potential were noted. If any works are planned to these trees, further assessment will be required, at the very least with a ground based assessment with the possibility of climbing inspections and/or emergence surveys depending on the potential impacts.

4.3. PROTECTED SPECIES

4.3.1. No direct or indirect evidence of protected species was observed during the site visit. However, in addition to roosting bats (discussed above), the potential for other protected species to be present has to be given greater consideration. This is detailed below.

4.4. GREAT CRESTED NEWT

4.4.1. There are no ponds within 250m of the site, and only two waterbodies within 500m. The habitat within the yard is considered unsuitable for Great Crested Newt (GCN), but the improved grassland offers habitat that GCN could commute through.

4.5. REPTILES

4.5.1. Although some areas of long grass are present, these tend to be limited. The majority of the grassland within the site is of simple structure, thought to be managed/grazed until recently, with limited potential for reptiles. This is surrounded by grassland in a similar condition.

4.6. BADGERS

4.6.1. No field signs of badger use, including latrines, tracks and sett entrances, were observed during the survey visit. Overall, the garden offers suboptimal habitat for this species. However, given the presence of a suitable habitat around the site, badgers could commute through the site.

4.7. BATS

4.7.1. As discussed in the habitat section above, roosting bats could utilise the site. Given the natural surroundings of the site, foraging and commuting bats are likely to be present.

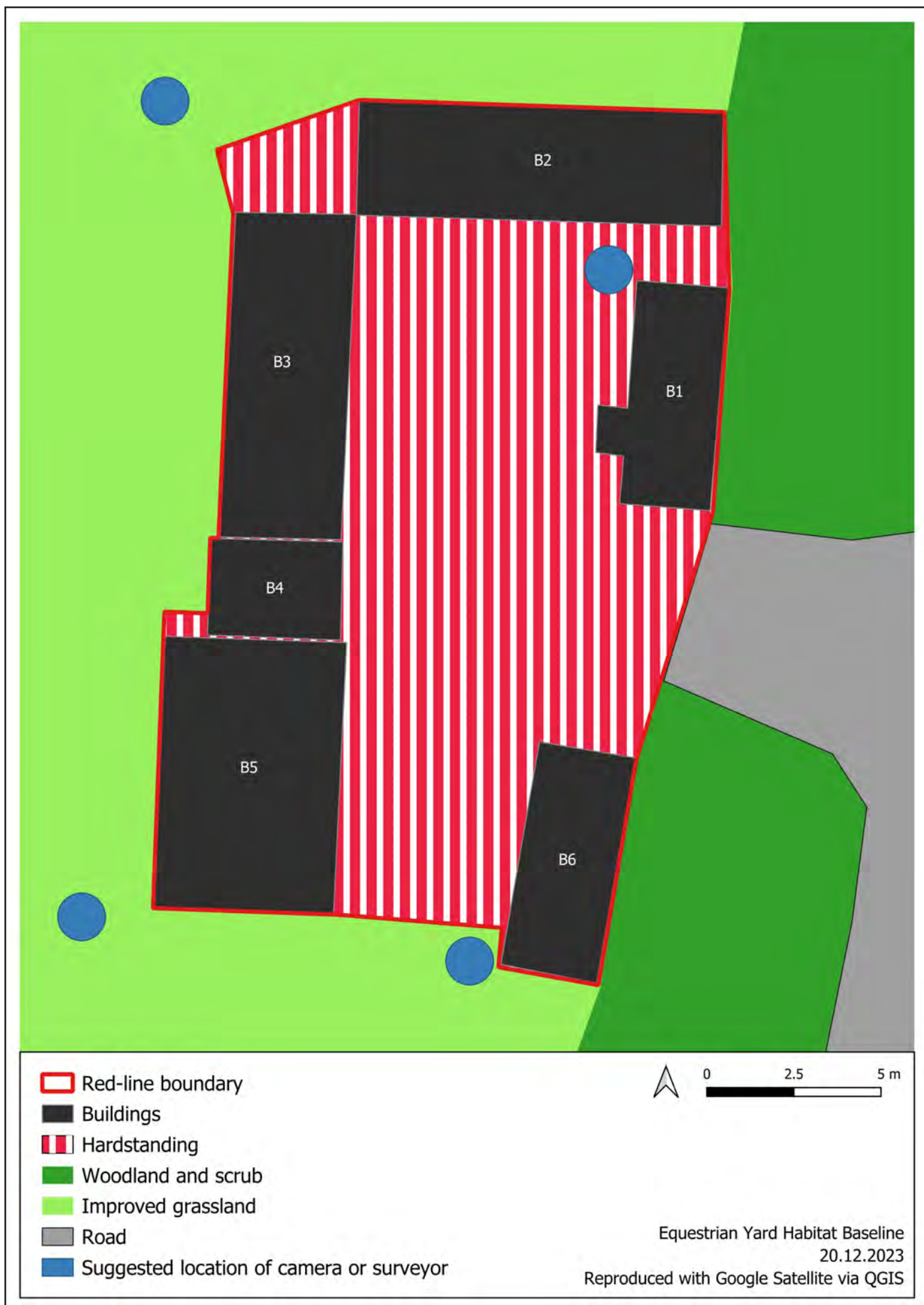


4.8. HAZEL DORMOUSE

- 4.8.1. The woodland habitat running north-south along the B2026 (London Road) verge on the site's eastern boundary contains suitable habitat for dormice, given the connectivity to extensive woodland in the wider landscape. The limited scrub within the site along the eastern boundary does have potential for dormice, but given the limited extent of this habitat, if any work is required, this can be undertaken following a non-licensed method statement. If more intrusive works are required, especially to the roadside vegetation, such as for access/sightlines, a dormouse survey and/or more detailed mitigation will be required.

4.9. BREEDING BIRDS

- 4.9.1. No barn owl evidence was recorded on-site. Two swallow nests were observed in B2 (Timber Barn). The scrub and woodland along the eastern boundary also has potential for nesting birds.





5.0. CONCLUSION AND RECOMMENDATIONS

5.1. DESIGNATED SITES

- 5.1.1. 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”.
- 5.1.2. While the site does lie in a Natural England SSSI impact zone, most development types at this site, such as residential developments, will not trigger consultation with Natural England. It is concluded that any proposed development here is unlikely to entail impacts on the surrounding designated sites.

5.2. HABITATS

- 5.2.1. There are certain habitat types listed as habitats of principle importance, or ‘priority habitats’, under the NERC Act 2006 which, in accordance with Section 41 of the Act, are capable of being a “...material consideration in the... ..making of planning decisions” (Paragraph 84, Government Circular (ODPM 06/2005)). Paragraph 174 of the National Planning Policy Framework (2023) states “Planning policies and decisions should contribute to and enhance the natural and local environment by... ..minimising impacts on and providing net gains for biodiversity...”.
- 5.2.2. There is no priority or otherwise notable habitat on-site. The majority of the yard consists of hardstanding and buildings, while the surrounding grassland is considered to be of low ecological value. The only habitat feature of note is the roadside tree and scrub boundary.
- 5.2.3. Any development at this site should seek to maintain biodiversity value by retaining as much vegetation as possible. Any grassland lost to development activities can likely be offset via habitat enhancement or creation, which may be required if biodiversity net-gain is a legal requirement by the time a planning application is made. Additionally, any development must seek to incorporate sensitive lighting and native species-only planting to negate the impact on the surrounding habitats and safeguard ecological integrity.

5.3. PROTECTED SPECIES

- 5.3.1. 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”.

5.4. BATS

- 5.4.1 The survey results show that three structures on-site (B2, B3 and B5) have ‘moderate’ potential to support roosting bats. In alignment with the formal guidance from the Bat Conservation Trust, the structures should be subject to at least two bat emergence surveys (during the period of May and August) if a proposed development would impact these buildings. A final third survey will be required if bats are observed emerging. Ideally, these surveys should take place within a 12 month period prior to planning permission being granted to ensure a licence from Natural England be required to facilitate works in the event that bats are present.



5.5. OTHER PROTECTED SPECIES

- 5.5.1 No further surveys are recommended at this stage, assuming that the development will not significantly impact the eastern boundary vegetation (the trees and scrub). However, precautionary mitigation measures for certain protected species are recommended below for the construction phase of any development. These are detailed below and can be conditioned with any granted planning permission.
- 5.5.2 To prevent the colonisation of terrestrial protected species, such as reptiles, the surrounding grassland should be continually grazed or cut up until development works start. To prevent harm occurring to terrestrial species during the construction phase of a development, it is recommended that excavations be covered overnight or that an adequate escape route be provided.
- 5.5.3 As noted above, Swallow nests were observed in building B2. As such, any work to this building (and any other suitable nesting habitat for birds) 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.
- 5.5.4 For the operational phase of any development at this site, it is recommended that any lost nest space for Swallows be replaced in some capacity, as this species has undergone significant population decline in recent decades.
- 5.5.5 To avoid disturbance to foraging and commuting bats, a sensitive lighting design should be implemented. Importantly, any development must aim to have no continuous external illumination throughout the entire night. Any installed lighting should adhere to the following points:
- Only luminaries with 0% upward light ratio should be used and fitted on the horizontal to avoid excessive up-lighting, back lighting and light spill onto boundary hedgerows and trees;
 - Lamps of greater than 2000 lumens (150 W) must not be used;
 - Light emitting diodes (LED) should be used, as these typically feature no UV component and as a result are less attractive to invertebrates and less disturbing to bats;
 - A warm white spectrum (ideally under 2700 Kelvin) should be used in order to reduce the blue light component, therefore reducing the number of invertebrates attracted to the lights;
 - Internal luminaries can be recessed where installed in proximity to windows to reduce glare and light spill;
 - Movement sensors or timers must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on;
 - Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
 - Light must not be directed at or close to bat roost access points or flight paths from the roost;
 - Where habitat needs to be unlit (e.g., important foraging and commuting corridors/roost sites), luminance should be below 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane.



APPENDIX A: PHOTOGRAPHS



B1: A static caravan with negligible suitability for roosting bats.



South eastern elevation of B2.



Northern elevation of B2



Warped weatherboarding at the western end of B2, with potential for crevice dwelling bats.



Open access into western section of B2.



Interior of the western section of B2. The walls are lined, with potential crevice features between the lining and the exterior weatherboarding.



Swallow nest in B2



Northern gable end of B3 (right) and western gable end of B2 (left) with warped and rotten timber, creating potential crevice roosting features.



Western elevation and southern gable end of B3 with warped and rotten timber, creating potential crevice roosting features.



Interior of B3. The roof is unlined. The western wall and southern gable end are boarded, creating potential crevice features accessed by the warped/rotten external weatherboarding.



Eastern elevation of B6.



Western elevation of B6.



Damaged weatherboarding on the southern end of B6, with potential crevice features.



Interior of B6.



A static trailer with negligible suitability for roosting bats.



Hay store between B3 and B4 with no apparent bat roosting features.



The interior of the car port.



Western elevation the car port



APPENDIX B: LEGISLATION AND POLICY

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".

