



Precautionary Method Statement for Hazel Dormouse

Land at Caldyne Park, Turners Hill Road,
Crawley, West Sussex, RH10 4NB

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Arun Ecology Ltd

Registration in England and Wales. Company number: 12524764

Registered Address: Russetts, Hayes Lane, Slinfold, West Sussex

Email: enquiries@arunecology.com – www.arunecology.com



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001	02/02/2026	Amy Oldham BSc (Hons) – Consultant Ecologist	Hannah Baker BSc (Hons), MSc, ACIEEM – Principal Ecologist and Director

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1. Introduction

1.1 Development Location

1.1.1 DD Architects on behalf of their client is proposing a development located on Land at Caldyne Park, Turners Hill Road, Crawley, West Sussex, RH10 4NB – Grid reference: TQ 32157 36563. The above address is hereafter referred to as ‘the site’.

1.1.2 The local planning authority for the site’s location is Mid Sussex District Council (MSDC).

1.2 Development Proposals

1.2.1 The development proposals include the conversion of a brownfield site into a residential property (as per Nicholas Dexter Ltd Landscape Layout Drawing ID: 0364 – 1000 – P04). The proposals include:

- Demolition of an existing storage building (building B1);
- The construction of a four-bedroom dwelling; and
- Associated landscaping within the development boundary.

1.2.2 The proposals above are hereafter referred to collectively as ‘the development’ in this report. The footprint of the works and their immediate surroundings are hereafter referred to as the ‘development boundary’.

1.3 Ecology Background

1.3.1 An Ecological Scoping Survey (ESS) was completed by Calumma Ecological Services in 2014. Based on the recommendations of the ESS report, protected species surveys for hazel dormice (Verdant Ecology, 2024) and reptiles (Verdant Ecology, 2024) were completed within suitable habitat present within the development boundary, with likely absence concluded for both species groups.

1.3.2 An application for the above development was submitted to Mid Sussex District Council (DM/24/2799). As part of the consultation process, Place Services recommended to the council the implementation of a non-licensed Precautionary Method Statement for hazel dormouse, as the site provides suitable habitat for hazel dormouse and is surrounded by areas of ancient woodland.

1.4 Brief and Objectives

1.4.1 Arun Ecology Ltd were commissioned by the applicant to produce a non-licensed Precautionary Method Statement (PMS) for hazel dormice. The PMS sets out precautionary mitigation measures to reduce the risk of adverse impacts to hazel



dormice during the woodland management works proposed to deliver on-site Biodiversity Net Gain (BNG), as detailed in the Habitat Management and Monitoring Plan (HMMP).



2. Risk Assessment

- 2.1.1 It is not anticipated that the proposed woodland management works will result in any significant loss of suitable habitat for hazel dormouse. The proposed works comprise small-scale, localised woodland enhancement and management activities, including the removal of invasive non-native species (*Rhododendron ponticum*), planting of native understorey shrubs and enhancement of woodland ground flora (as set out in the Habitat Management and Monitoring Plan (HMMP)). These works are intended to improve the structure and quality of woodland habitat in the long term and do not involve large-scale clearance or fragmentation of woodland habitat.
- 2.1.2 Targeted hazel dormouse surveys (Verdant Ecology, 2024) were undertaken within suitable habitat within the development boundary and concluded likely absence of the species. No evidence of hazel dormouse (including nests or characteristic feeding remains) was recorded during the surveys. However, due to the presence of suitable habitat on site and the proximity of ancient woodland in the surrounding landscape, a precautionary approach to woodland management is considered appropriate.
- 2.1.3 The principal risk to hazel dormouse arising from the proposed works is the potential for disturbance, injury or killing of an individual through vegetation clearance or ground disturbance. This could occur if a dormouse were to be present within trees, scrub or at ground level during hibernation. Potential impacts could arise from the use of tools, machinery, or manual clearance associated with woodland management activities.
- 2.1.4 The activities with potential to affect hazel dormouse include:
- Removal of *Rhododendron ponticum*, involving cutting of stems and branches and, subsequent stump removal or treatment.
 - Localised tree and scrub clearance associated with woodland enhancement works.
 - Ground disturbance associated with shrub planting, including the creation of planting pits.
 - Light disturbance of ground vegetation to facilitate the establishment of woodland ground flora.
 - Installation of deer-exclusion fencing around woodland parcels.
- 2.1.5 During the active season (typically May–October), there is potential for hazel dormouse to utilise woodland and scrub habitats for foraging and commuting. During the hibernation period (typically November–March), dormice may be present at ground level within leaf litter, brash piles, or dense vegetation. As the site contains



suitable habitat, the risk of a dormouse being present cannot be entirely discounted, although the likelihood is considered low based on survey findings.

- 2.1.6 Given the limited scale of vegetation clearance, the absence of confirmed dormouse records on site, and the nature of the proposed works (which are designed to enhance woodland habitat), the risk of significant adverse effects on hazel dormouse is considered low. These risks can be effectively managed through the implementation of a non-licensed Precautionary Method Statement (PMS).
- 2.1.7 A European Protected Species Licence (EPSL) from Natural England is not considered necessary for the proposed works, provided that all activities are undertaken in accordance with the PMS (outlined in section 3). The PMS therefore represents a proportionate and appropriate approach in light of the survey results, the scale of the works, and the nature of the habitats affected.



3. Precautionary Method Statement

3.1 Construction Phase

- 3.1.1 Although hazel dormice are considered to be likely absent from the woodland parcels within the development boundary, a precautionary approach will be adopted during the construction phase and during the proposed woodland management works. The mitigation measures outlined to safeguard the ancient woodland, HPI woodland and non-priority woodland in the Preliminary Ecology Appraisal (PEA) (Arun Ecology Ltd, 2026) are considered sufficient to avoid adverse effects on hazel dormice during the construction phase of the development.

3.2 Woodland Management

- 3.2.1 A non-licensed precautionary method statement (PMS) for hazel dormice will be implemented during the proposed woodland enhancement works and on-going woodland management (as set out in the submitted Habitat Management and Monitoring Plan (HMMP)). The following mitigation measures will be followed:-

Prior to commencement

- 3.2.2 Prior to the commencement of any woodland management work, the following will be implemented:-
- A toolbox-talk will be delivered by an appropriately qualified ecologist to all contractors. The toolbox talk will include the legal protection afforded to hazel dormice, the purpose of PMS, and the necessary actions to take, including a stop works policy in the event hazel dormice are encountered.
 - Prior to any tree felling or vegetation clearance works, the trees, shrubs and associated ground vegetation within the working area, will be inspected for signs of dormouse presence (e.g. nests, gnawed hazelnuts, woven structures), by a suitably qualified ecologist. In the event evidence of hazel dormouse is encountered, works will stop immediately and advice sought from Natural England. A European Protected Species Licence (EPSL) will be obtained prior to works recommencing, if required.
 - Following the pre-works inspection, defined haul-routes or extraction routes should be clearly marked to prevent disturbance of areas which may contain hibernating dormice.



Vegetation clearance works

- When tree or scrub clearance works is required, this should proceed in two stages:

Stage 1: Vegetation will be cut back during the winter period (November–March) when dormice are likely to be in hibernation.

Stage 2: Stump removal and associated ground disturbance will be undertaken in spring, once dormice are expected to have emerged from hibernation and are more mobile.

- Cutting will be undertaken with chainsaws or hand tools, and the use of mechanical grabs or rapid felling techniques will be avoided in order to minimise the risk of injury to any animals present.
 - As vegetation clearance will be limited to areas in close proximity to retained suitable dormouse habitat, and connectivity will be maintained, the provision of temporary habitat corridors (e.g. dead hedges) will not be required.
 - Brash should be carried off the ground rather than dragged, and moved to a secure location such as a designated haul route. Since dormice may hibernate on exposed ground several metres away from vegetation, the potential impact zone includes not only the vegetation being removed but also appropriate ground areas directly next to it.
 - Following vegetation clearance, further disturbance to the area should be avoided until May, by which time dormice will normally have dispersed.
- 3.2.3 Artificial lighting of retained or created suitable dormice habitat will be avoided, with no light spill within a 2 m buffer of the created, retained or enhanced woodland parcels (as outlined in the HMMP).
- 3.2.4 No works will be undertaken within suitable hazel dormouse habitat until this PMS has been implemented and communicated to all site personnel.
- 3.2.5 A PMS does not permit activities that would otherwise constitute an offence under the Conservation of Habitats and Species Regulations 2017 (as amended). If a hazel dormouse or a suspected hazel dormouse nest is encountered at any time, work must stop immediately, and advice sought from Natural England. A European Protected Species Licence (EPSL) may be required before works can continue.
- 3.2.6 Should the woodland management works change significant to that outlined in the HMMP, then this PMS will be reviewed and amended accordingly.



Appendix I – Legislation & Planning Policy

3.3 Background

- 3.3.1 This section provides a summary of the legislation and planning policy that could be relevant to the development. Where possible we have limited this section to the areas relevant to this report. This means the legislation and planning policy outlined below is not included in its entirety.
- 3.3.2 This section does not constitute legal advice, and only represents the interpretation and professional judgement of the ecologists named in this report, on the legislation and planning policy considered relevant to the development.

3.4 Conservation of Habitat and Species Regulations, 2017

- 3.4.1 The Conservation of Habitats and Species Regulations, 2017 transposes the EC Habitats Directive and some elements of the EC Bird Directive into national law in England and Wales. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The directive lays down rules for the protection, management and exploitation of such habitats and species.

Protected Species

- 3.4.2 The regulations include provisions that prohibit certain actions from the protection of species listed under Annex II of the Habitat Directive. It is a criminal offence for a person to ‘intentionally or recklessly’ take the following action:
- Deliberately capture, injure or kill any wild animal of a European Protected Species (EPS);
 - Deliberately disturb wild animals of any such species in such a way as to be likely to affect significantly the local distribution or abundance of the species to which they are likely to belong;
 - Deliberately take or destroy eggs of any such wild animal;
 - Deliberately pick, collect, uproot or destroy a wild plant of an EPS; and
 - Keep transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of an EPS, or any part of or anything derived from such an animal or plant.



3.4.3 The disturbance of such animals includes in particular; any disturbance that is likely to impact their ability;

- To survive, to breed or reproduce, or to rear or nurture their young;
- In case of animals of a hibernating or migratory species, to hibernate or migrate; or
- To affect significantly the local distribution or abundance of the species to which they belong.

3.5 The Wildlife and Countryside Act, 1981 (as amended)

3.5.1 The Wildlife and Countryside Act, 1981 (as amended) primarily transposes the UK Governments obligations under the Bird Directive and Bern Convention into law. The act outlines provisions for the protection of nationally important sites for nature conservation and provides protection at different levels for certain animals and plants, including certain prohibitions.

Protection of Animals

3.5.2 Part 1 – Section 9 of the act includes certain prohibitions for the protection of certain animals named in schedule 5. In summary offences include:

- If any person intentionally or recklessly kills, injures or takes any wild animal included in schedule 5;
- If any person has in his possession or control any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal;
- If any person intentionally or recklessly damages or destroys, or obstructs access to, any structure or place which any wild animal included in schedule 5 uses for shelter or protection; or
- Disturb any such animal while it is occupying a structure or place which it uses for that purpose; and
- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal, or publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.



3.6 Countryside Right of Ways Act, 2000 (CRoW, 2000)

- 3.6.1 The Countryside Right of Ways Act, 2000 (CRoW Act, 2000) makes provisions for public access, amends the law for public rights of ways and amends existing law on nature conservation and the protection of wildlife as well as makes further provisions for Areas of Outstanding Natural Beauty.

Wildlife Legislation

- 3.6.2 Part III of the CRoW Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.
- 3.6.3 Schedule 9 of the CRoW Act, 2000 increases powers for the protection and management of SSSI. There are increased powers for appropriate authorities to secure management agreements for SSSI. A duty is placed on public bodies to have regard for the continued conservation and enhancement of SSSI. Furthermore, there are increased penalties for the prosecution of wildlife crime, including for third parties that damage SSSI.
- 3.6.4 Schedule 12 of the CRoW Act, 2000 makes certain offences under the provision of the Wildlife and Countryside Act, 1981 arrestable. Greater powers are given to police and appointed wildlife inspectors under the CRoW Act, 2000 and enables heavier penalties for the prosecution of wildlife crime.

3.7 Natural Environment & Rural Communities Act, 2006

- 3.7.1 The Natural Environment and Rural Communities Act (NERC), 2006 is primarily intended to implement key aspects of the governments rural strategy published in July 2004. It also addresses a wider range of issues relating broadly to the natural environment.

Section 40

- 3.7.2 Section 40 of the NERC Act, 2006, places a duty on any public authority and statutory undertaker to have due regard for the conservation and enhancement of biodiversity when delivering their functions, extending the provisions outlined under section 74 of the CRoW Act, 2000.
- 3.7.3 The policy goes on to state that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population of that habitat.

Section 41

- 3.7.4 Section 41 of the NERC Act, 2006 requires the secretary of state in consultation with Natural England to outline Species of Principle Importance (SPI) and Habitats of



Principle Importance (HPI) that in their opinion are important for the conservation of biodiversity.

3.7.5 The secretary of state is required to:

- Take such steps as appear to the secretary of state to be reasonably practicable to further the conservation of the living organisms and types of habitats included in any list published under this section; or
- Promote the taking by other of such steps.

3.7.6 The NERC Act, 2006 also provides some amendments to the Wildlife & Countryside Act, 1981 (as amended) and includes provisions for enforcement powers and the protection of SSSI.

3.8 National Planning Policy Framework (2024)

3.8.1 The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2024) sets out the Governments planning policies for England and how these should be applied. It provides a framework which locally prepared plans for housing and other developments can be produced.

3.8.2 The NPPF supplements Government Circular: Biodiversity and Geological Conservation 06/2005 (Office of the Deputy Prime Minister, 2005).

Conserving and Enhancing the Natural Environment

3.8.3 Paragraph 187 states: Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and



future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

3.8.4 Paragraph 188 states: Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

3.8.5 Paragraph 189 states that: great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

3.8.6 Paragraph 190 states that: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.



- 3.8.7 Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 189), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

- 3.8.8 Paragraph 192 states that: To protect and enhance biodiversity and geodiversity, plans should:
- Identify, map 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 stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
 - Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 3.8.9 When determining planning applications, local planning authorities should apply the following principles:
- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) 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;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and



- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

3.8.10 The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

3.8.11 The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

3.9 Biodiversity and Geological Conservation Circular 06/2005

3.9.1 Biodiversity and geological conservation circular 06/2005 provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the NPPF, 2024 and the Planning Practice Guidance. Broadly the guidance covers designated sites, the conservation of habitats and species, including outside of designated sites, protected species by law and the duties and powers used by planning authorities.

3.9.2 Paragraph 82 of the guidance states that ‘in determining the application for development that is covered by up-to-date standing advice, a planning authority must take into account this standing advice’.

Protected Species and Planning

3.9.3 Paragraph 98 of the guidance states ‘the presence of a protected species is a material planning consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat’.

3.9.4 Paragraph 98 also states that ‘they (the planning authority) should consider attaching appropriate planning conditions or entering into planning obligations



under which the developer would take steps to secure the long-term protection of the species.

- 3.9.5 Paragraph 99 of the guidance goes on to state: ‘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’. Paragraph 99 also states that ‘this is justified only, where there is a reasonable likelihood of the species being present and affected by the development.’

3.10 Mid Sussex District Adopted Local Plan 2014-2031 (2018)

Policy DP37

- 3.10.1 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.
- 3.10.2 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.
- 3.10.3 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.
- 3.10.4 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;
 - Where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management;
 - Has appropriate protection measures throughout the development process; 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:
 - 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.

3.10.5 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.

3.10.6 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.

Policy DP38

3.10.7 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.
- 3.10.8 Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.
- 3.10.9 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.



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