Preliminary Ecological Appraisal Report

Old Park Lodge, Slaugham Lane, Warninglid,

West Sussex, RH17 5TJ

December 2025

Arun Ecology Ltd

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Client	David Simpson and Phil Marshall
Project	Preliminary Ecological Appraisal – Old Park Lodge, Slaugham Lane, Warninglid, West Sussex, RH17 5TJ.
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Project team	Project Director – Hannah Baker
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Revision number	Date of issue	Author	Reviewer
001	06/01/2025	Joseph Baker BSc (Hons) – Principal Ecologist and Director	Hannah Baker BSc (Hons), MSc, ACIEEM – Principal Ecologist and Director
002	18/12/2025	Hannah Baker BSc (Hons), MSc, ACIEEM – Principal Ecologist and Director	

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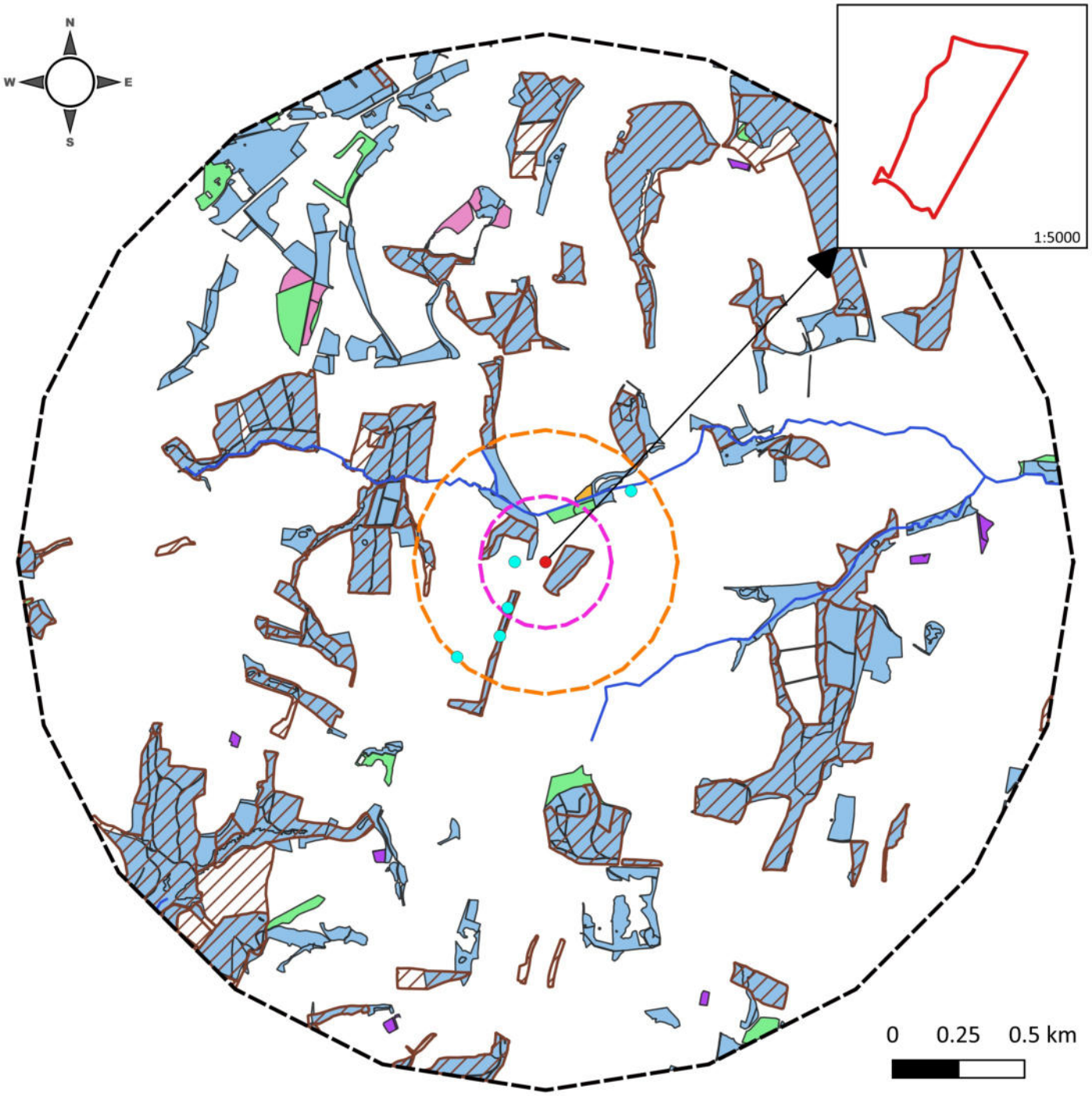

Legend

- Deciduous woodland
- Lowland fens
- Lowland heathland
- Traditional orchard
- No main habitat but additional habitats present
- SSSI IRZ
- Ancient woodland
- Rivers
- Ponds
- Site centroid
- 250 m search area
- 500 m search area
- 2 km search area
- Development boundary
- Site boundary

Figure title: Site Location and Desk Study Results		Client/ report reference: C-NJA-004-001-001 David Simpson and Phil Marshall
Site location: Old Park Lodge, Slaugham Lane, Warninglid, West Sussex, RH17 5TJ		
Figure number: 1	Date drawn: 21/10/24	Scale at A4: 1:22400
Revision: 1	Cartographer: Amy Oldham	Approver: Joseph Baker

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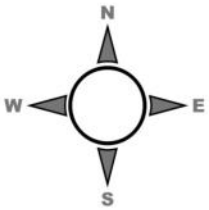
Legend

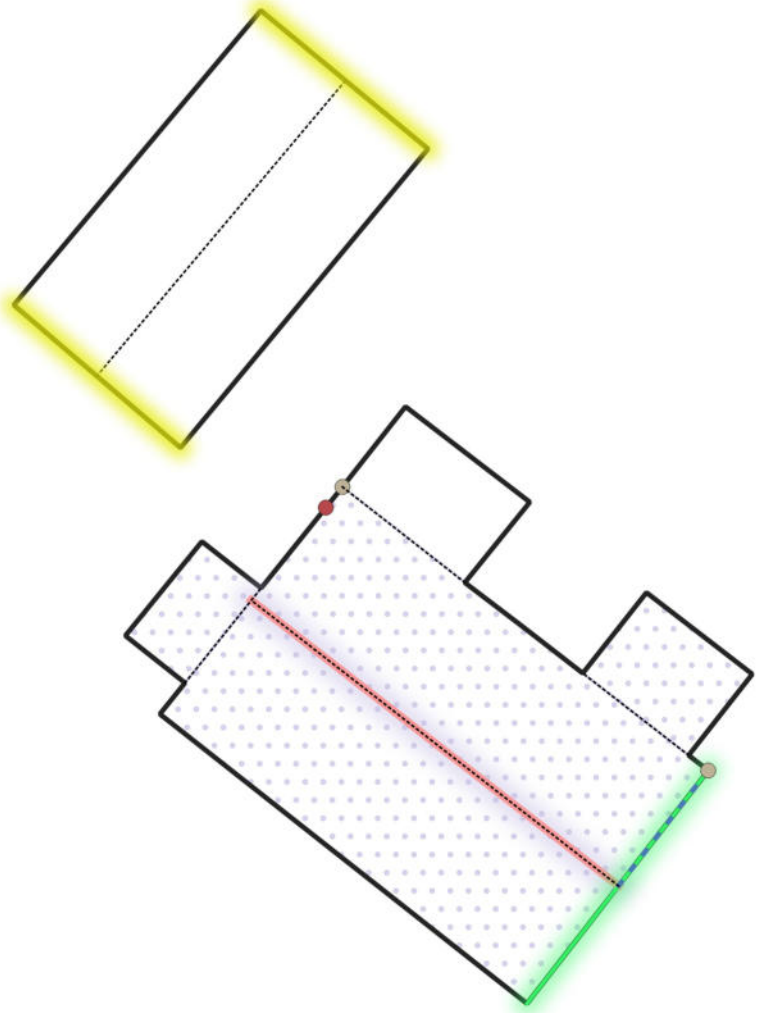
Development boundary

UKHab Baseline

- u1b5 - Buildings
- u1b - Developed land sealed surface
- u1c - Artificial unvegetated unsealed surface
- u1f - Sparsely vegetated urban land
- u1 828 - Vegetated garden
- g4 - Modified grassland
- 32 - Scattered trees

Figure Title: UK Habitat Classification Survey Results		
Client/ Project Reference: David Simpson and Phil Marshall C-NJA-004		
Figure number: 2	Revision: 1	Scale at A4: 1:850
Cartographer: HB	Date drawn: 18/12/2025	Approver: HB





0 2.5 5 7.5 10 m

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Legend

- Building layout
- Roof layout
- broken roof tiles
- Missing fascia board
- Missing mortar on ridge tile
- Gap under lower fascia board
- Hanging tiles
- Gap between purlin and wall
- Gap in soffit box

Figure Title: Bat Preliminary Roost Assessment Results		
Client/ Project Reference: David Simpson and Phil Marshall C-NJA-004-001-001		
Figure number: 3	Revision: 1	Scale at A4: 1:200
Cartographer: JB	Date drawn: 06/01/25	Approver: HB

Photo 1: Displaying buildings B1 and B2 within the development boundary.

Photo 2: Displaying an area of modified grassland within the development boundary and adjacent woodland edge.

Photo 3: Displaying an area of artificial unvegetated unsealed surface

Photo 4: Displaying an area of sparsely vegetated urban land to the south of building B2.

Photo 5: Displaying a parcel of modified grassland and the western development boundary.

Photo 6: Displaying a parcel of modified grassland and the northern development boundary.

Figure Title: UK Habitat Classification Survey - Photographs			**Client:** David Simpson and Phil Marshall
Site Location: Old Park Lodge, Slaugham Lane, Warninglid, West Sussex, RH17 5TJ			**Project Ref:** C-NJA-004
Figure No: 4	**Revision No:** 1	**Scale:** n/a	arun ecology
Cartographer: HB	**Date Drawn:** 18/12/2025	**Reviewed By:** HB	

1. Summary and Recommendations

Proposals	• David Simpson and Phil Marshall are proposing a development at Old Park Lodge, Slaugham Lane, Warninglid, West Sussex, RH17 5TJ (see Figure 1). • The applicants seek planning permission for a development that includes the demolition of an existing residential property, demolition of outbuildings, construction of a new residential dwelling and associated landscaping within the development boundary.
Surveys	• A desk study was conducted that included the purchase of records from the Sussex Biodiversity Record Centre. • A site visit was completed that included a UK Habitat Classification Survey and an appraisal of the habitats within the development boundary to act as ecological receptors.
Impact assessment	• The development will not result in any adverse impacts on any designated sites of international, national or local importance. • Mitigation will be required within the design and construction phase of the development to ensure the long-term safeguarding of ancient woodland and deciduous woodland (Habitat of Principle Importance) that border the development boundary. • Based on the development proposals, desk study and UK Habitat Classification Survey results, badger, bats, great crested newts, hedgehog, nesting birds, reptiles and mammal burrows are a material consideration to the development. • Building B1 was assessed as having high suitability for roosting bats, and the removal of this building as part of the development has the potential to adversely impact roosting bats without further surveys to determine the presence or likely absence of bats. • Building B2 was also assessed as having moderate suitability for roosting bats, however, no bat potential roosting features will be adversely impacted as part of the development on this building. Building B3, B4 and B5 were all assessed as having negligible suitability for roosting bats. As such, no adverse impacts on roosting bats are anticipated with respect to buildings B2, B3, B4 and B5 as part of the development. • The development will be required to achieve a measurable net gain for biodiversity as defined by The Environment Act, 2021, as well as incorporate 'non-measurable' ecological enhancements into the design of the development in line with national and local planning policy.

Recommendations	**The recommendations below represent a summary only. The full recommendations of this report are outlined in section 6 of this report.** **Further Assessments, Surveys and Consultations** • Three bat emergence surveys on building B1 should be undertaken in line with BCT Good Practice Guidelines (Collins, 2023) to determine the presence or likely absence of bats and characterise any bat roosts (if present). • In line with Natural England's standing advice for GCN, presence or probable absence surveys for GCN at ponds up to 250 m from the development boundary should be undertaken, to determine if any adverse impacts will arise on GCN as a result of the development. Alternatively, the applicant may opt-in to join the Horsham District Council GCN District Level Licensing (DLL) scheme **Mitigation** • The mitigation measures outlined in this report for ancient woodland, deciduous woodland (HPI) and bat foraging and commuting habitat should be incorporated into the design of the development. • The mitigation measures outlined in this report for ancient woodland, deciduous woodland (HPI), badger, hedgehog, nesting birds, mammal burrows and pollution prevention during the construction phases of the development should be followed. **Ecological Enhancements** • The ecological enhancements outlined within this report should be incorporated into the design of the development.

2. Introduction

2.1 Development Location

2.1.1 David Simpson and Phil Marshall are proposing a development (grid reference: TQ 25176 27244) at Old Park Lodge, Slaugham Lane, Warninglid, West Sussex, RH17 5TJ (see Figure 1). The above address is hereafter referred to as 'the site' and David Simpson and Phil Marshall as the 'applicant'.

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

2.2 Development Proposals

2.2.1 The applicant seeks planning consent for the redevelopment of a residential estate (as per Thornton Architecture + Design Proposed Site Plan, number 2315.100A) to include:

- Demolition of an existing residential property;
- Demolition of outbuildings;
- Construction of a new residential dwelling; and
- Associated landscaping within the development boundary.

2.2.2 The proposals above are hereafter referred to collectively as 'the development' in this report and the red line boundary of the development as the development boundary.

2.3 Ecology Background

2.3.1 No previous ecology reports for the site were provided to Arun Ecology Ltd by the applicant prior to this report.

2.4 Brief and Objectives

2.4.1 Arun Ecology Ltd were commissioned by the applicant to undertake a Preliminary Ecological Appraisal (PEA) at the site.

2.4.2 The key objectives of a PEA, as per CIEEM guidance (CIEEM, 2017) are as follows:

- Identify the likely ecological constraints associated with the development;
- Identify any mitigation measures likely to be required, following the 'mitigation hierarchy', as per BS42020:2013 Clause 5:2 (BSI, 2013);

- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (ECiA); and

- Identify the opportunities offered by the development to deliver ecological enhancements and net gains for biodiversity.

2.4.3 The brief agreed with the applicant included:

- The undertaking of a desk study search obtaining records of designated sites, Habitats of Principle Importance (HPI) and ancient woodland as well as purchasing records of protected species and species of conservation concern;

- Undertake a UK Habitat Classification Survey (hereafter referred to as UKHab Survey) to record the habitats within the development boundary, assess their conservation value and suitability to act as ecological receptors for protected species and species of conservation concern, including a detailed assessment of the suitability of structures and trees to support roosting bats; and

- Provide a PEA report supported by digitized mapping that presents the methods and results of the desk study and the UKHab Survey within the development boundary. The report will also include an initial impact assessment of the development and any recommendations, including opportunities for ecological enhancement and net gains for biodiversity.

3. Method

3.1 Preliminary Ecological Appraisal

General Approach

3.1.1 The PEA was carried out in accordance with the CIEEM Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and the CIEEM Guidelines for Ecological Impact Assessment (CIEEM, 2018).

3.2 Desk Study

3.2.1 The study area for the desk study at this stage of the development is based upon a provisional *'zone of influence'*. *'The 'zone of influence'* is defined as per CIEEM guidance as *'the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities'* (CIEEM, 2018).

3.2.2 The provisional zone of influence for the development where data was sought is set as the following:

- RAMSAR, Special Conservation Areas (SACs) and Special Protection Areas (SPAs), (including potentially designated sites), Sites of Specific Scientific Interest (SSSI) and locally designated sites – 2 km;
- All other non-statutory designated sites – 1 km;
- Habitats of Principle Importance (HPI) – 2 km;
- Ancient woodland – 2 km;
- Rivers – 2 km;
- Ponds – 0.5 km; and
- Protected Species, Species of Principle Importance (SPI) and other species of conservation concern – 1 km (from the last 20 years).

3.2.3 Sources of information within the study area for the desk study were as follows;

- The Multi-Agency Geographical Information for the Countryside (MAGIC);
- Government open-source GIS datasets;
- Mid Sussex District Plan (2018);
- Satellite images (powered by google via QGIS 3.38); and

- Purchased records from Sussex Biodiversity Record Centre.

3.3 Field Habitat Survey

UK Habitat Classification Survey

3.3.1 The field survey was undertaken using the UKHab Survey methodology (UKHab, 2023a) to record the habitat types within the development boundary. The study area for the UKHab Survey was defined as all of the land within the development boundary (see Figure 2).

3.3.2 The UKHab Survey has 5 hierarchical levels of habitat classification that aligns with those outlined under national legislation and planning policy. Habitats were mapped in the field using the primary habitat codes described in the UKHab Survey Professional Edition to levels 3, 4 or 5 (UKHab, 2023b).

3.3.3 Secondary habitat codes and target notes were assigned along with primary habitat codes to provide additional context where the habitat contained additional features that deviate from the primary classification.

3.3.4 To identify each habitat, the dominant plant and other readily identified species were recorded and their abundance within the development boundary was measured using the DAFOR scale (Stace, 2019).

3.4 Habitat Suitability Assessment

General Approach

3.4.1 The habitat within the development boundary was appraised for its suitability to support protected species and species of conservation concern at the time of the field habitat survey with regard to the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and BS42020:2013 Biodiversity – Code of Practice for Planning and Development (BSI, 2013).

3.4.2 The species-specific guidance and references used in the appraisal are outlined in Table 1 below.

Table 1 – References used to assess the suitability of habitat within the development boundary to support protected species and species of conservation concern.

Group/ taxa	Habitat Appraisal References
Amphibians/ GCN	• GCN Habitat Suitability Index (Oldham et al. 2010 and ARG UK 2010); and • Great Crested Newt Conservation Handbook (Langton et al, 2001).
Bats	• Bat Conservation Trust Good Practice Guidelines (Collins, 2023).
Birds	• A Field Guide to Monitoring Nests (Ferguson-Lees et al, 2011); and • Barn Owl Tyto alba Survey Methodology and Techniques for use in Ecological Assessment (Shawyer, 2011).
Mammals	• Surveying Badgers (Harris et al, 1989) and Badger Trust Best Practice Guidelines (Badger Trust, 2023); • The Dormouse Conservation Handbook (Bullion, S., Wolton, R. & White, I. 2025); • UK BAP Mammals Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation (Cresswell, et al, 2012); • Otter (Woodroofe, 2007), Hedgehog (Morris, 2011); Water shrew (Carter, 2006) - Mammal Society Species Series; and • Water Vole Field Signs and Habitat assessment (Dean, 2022) and Water Vole Mitigation Handbook (Dean et al, 2016).
Reptiles	• Herpetofauna Workers' Manual (Gent & Gibson, 2003); and • Reptile Habitat Management Handbook (Edgar, 2010).
Invertebrates	• Good Planning Practice for Invertebrates (Buglife, 2015); and • Organising Surveys to Determine Site Quality for Invertebrates (English Nature, 2005).

Bats – Preliminary Roost Assessment

3.4.3 A bat preliminary roost assessment (PRA) of structures and trees as well as an assessment of the habitat within the development boundary for bats was carried out in accordance with the Bat Conservation Trust Good Practice Guidelines for Ecologists (Collins, 2023).

3.4.4 A ground level inspection of the exterior of any structures within the development boundary, and any trees that will be adversely impacted by the development, was undertaken with the aid of torchlight and binoculars to search for bat PRFs that might provide suitable crevices or access/egress points to voids or cavities for roosting bats.

3.4.5 Where accessible and safe to do so, a search for signs of bats such as bat specimens, droppings, urine staining and audible sound (such as social calls) was also undertaken at each structure or tree. This included an internal inspection of roof voids at structures and the use of an endoscope to inspect any accessible bat PRFs.

3.4.6 A classification based upon the roosting suitability for bats was assigned for each structure and tree that was inspected within the development boundary as well as

the overall suitability of habitat. The classification descriptions are detailed below in Table 2 for structures and Table 3 for trees.

Table 2 – Suitability assessment for a proposed development site for bats, as adapted from BCT Good Practice Guidelines (Collins, 2023).

Potential Suitability	Definition	
	Roosting habitat	**Potential flight paths and foraging habitat**
None	No habitat features on-site likely to be used by any roosting bats at any time of year (i.e. a complete absence of crevices/ suitable shelter at all ground/ underground levels).	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/ protection for flight lines or that generates shelter for insect populations that is available to foraging bats).
Negligible	No obvious habitat features on site likely to be used by roosting bats, however, small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.	No obvious habitat features on site likely to be used as flight paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roosting sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site but could be used by individual hibernating bats).	Habitat that can be used by a small number of bats as flightpaths such as a gappy hedgerow or unvegetated stream but isolated i.e. not very well connected to the surrounding landscape by other habitats. Suitable, but isolated habitat that can be used by small numbers of foraging bats such as a lone tree (not in parkland situation) or a patch of scrub.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions, and surrounding habitat but unlikely to support a roost of high conservation status, with respect to roost type only, such as maternity or hibernation roosts.	Continuous habitat connected to the wider landscape that could be used by bats for flight paths such as lines of trees, scrub and linked back gardens and for foraging such as trees, scrub grassland and water.
High	A structure with one or more potential roosting 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. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation sites.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined water courses and grazed parkland. The site is close to and connected to known bat roosts.

Table 3 – Guidelines for assessing the suitability of trees for bats, adapted from BCT Good Practice Guidelines (Collins, 2023).

Suitability	Definition
None	Either no PRFs in the tree or highly unlikely to be any present.
FAR	Further assessment required to establish if PRFs are present in the tree.
PRF	A tree with a least one PRF present.

3.4.7 The bat PRA included the collection of information on the structure type and condition as well as the construction materials. For trees, where present, the species height, condition, and approximate age was collected where a tree was assessed as having bat roosting potential.

3.5 Survey Dates and Conditions

3.5.1 Details on the date, timing and weather conditions recorded during the survey are provided below in Table 4.

Table 4 – Field Survey Information.

Date	Survey type	Survey timings		Temperature (°C)		Rain	Wind (Beaufort scale)
		Start	Finish	Start	Finish		
29/04/2024	UKHab Survey and Bat PRA.	14:00	15:00	17	17	None	2
05/11/2025	Update UKHab Survey and Update Bat PRA	9:30	11:30	11	11	None	2

3.6 Surveyors

3.6.1 A summary of the survey team for the field surveys is outlined below in Table 5.

Table 5 – Field Survey Information.

Surveyor Name	Job title and Credentials	Survey Completed
Joseph Baker	• BSc (Hons) – Technical Director • Level 2 Class Licence to Survey Bats and Level 1 Class Licence to Survey GCN; and • 8 years professional consultancy experience	• UKHab Survey; and • Bat PRA

Hannah Baker	• BSc (Hons), MSc – Director and Principal Ecologist. ACIEEM • Level 2 Class Licence to Survey Bats and Level 1 Class Licence to Survey GCN; and • 11 years professional consultancy experience	• Update UKHab Survey; and • Update Bat PRA

3.7 Limitations

3.7.1 The original UKHab survey was undertaken within the optimal survey period for vascular plant identification, whereas the updated UKHab survey was completed outside the optimal period, in December. The updated survey is not considered a significant limitation to the conclusions of this report, as the habitats present had been previously identified and classified during the optimal survey period, and no substantive changes to habitat types were observed during the update. The majority of the site comprised modified grassland, which remains readily identifiable outside of the growing season, and other habitats present were likewise distinct and could be reliably re-confirmed in accordance with the UKHab Survey Methodology (UKHab, 2023a) despite the timing of the survey.

4. Results

4.1 Desk Study

Designated Sites

4.1.1 The results of the desk study search for statutory and non-statutory designated sites are detailed below in Table 6 (see Figure 1).

Table 6 - Statutory and non-statutory designated sites returned from the desk study search.

Statutory and non-statutory designated sites			
Designation level	**Site name**	**Distance & direction**	**Summary**
National			
SSSI	Cow Wood and Harry's Wood	2.6 km northeast of the site. Site within IRZ.	Designated for lowland mixed yew woodlands. Supporting breeding birds of conservation concern. The woodland contains clearings of chalk grassland, supporting several species of nationally scarce orchid.

Habitats of Principle Importance

4.1.2 Details on the number of HPI, the habitat type and the distance from the development boundary to the closest HPI parcel are detailed in Table 7 (see Figure 1).

Table 7 - Habitats of Principle Importance returned from the desk study search within 2 km of the development boundary.

Habitat of Principle Importance		
Habitat type	**Number of HPI parcels within 2 km**	**Distance and direction of nearest HPI parcel and other notable parcels**
Deciduous woodland	345	• The closest deciduous woodland parcel immediately adjoins the eastern boundary of the development.
Traditional orchard	14	• The nearest traditional orchard parcel is located 1.26 km southeast of the development boundary.
No main habitat but additional habitats present	16	• The habitat types returned from this category included deciduous woodland, lowland heathland, lowland fens and purple moor-grass and rush pastures; and

		• The nearest parcel of this habitat category is a lowland fen parcel located 0.15 km north of the development boundary.
Lowland fens	1	• The nearest lowland fen parcel is 0.26 km north of the development boundary.
Lowland heathland	6	• The nearest lowland heathland parcel is 1.23 km northwest of the development boundary.

4.1.3 Five ponds were recorded within 0.5 km of the development boundary (see Figure 1). Two of these ponds were within 0.25 km of the development boundary. The nearest pond was 0.06 km west of the development boundary.

4.1.4 Twenty main river parcels were returned within 2 km of the development boundary (see Figure 1). None of the parcels were listed as priority river habitats under the national inventory. The nearest main river parcel is located 0.19 km north of the development boundary.

Ancient Woodland

4.1.5 There were 51 ancient woodland parcels returned within 2 km of the development boundary (see Figure 1). The nearest parcel immediately adjoins the eastern boundary of the development.

Protected Species and Other Species of Conservation Concern

4.1.6 Fifty-eight species of conservation concern that could broadly be relevant to the development were identified from the records returned by the Sussex Biodiversity Record Centre within 1 km of the development boundary. The above species included 1 amphibian, 4 bats, 37 birds, 1 higher plant, 1 invertebrate, 1 reptile and 13 invasive non-native species (see Table 12, Appendix I).

4.1.7 One EPSL was granted within 1 km of the development boundary. Information on the EPSL granted within 1 km of the development boundary is provided below in Table 8.

Table 8 - Information of EPSL granted within 1 km of the development boundary.

Licence Number	Species	Grid Reference	Distance	Summary of activities
2018-34194-EPS-MIT	Brown long eared and common pipistrelle.	TQ25902760	0.78 km	Allowed the destruction of a resting place.

4.1.8 The development boundary falls within the MSDC great crested newt (GCN) District Level Licence (DLL) Red Risk Zone (based on mapping provided by NatureSpace).

4.2 UK Habitat Classification Survey Results

4.2.1 The habitats recorded during the UKHab Survey within the development boundary are described below in Table 9 (see Figure 2 and Figure 4).

Table 9 – Habitats recorded within the development boundary during the UKHab Survey.

UKHab Survey Classification Code(s).	Approx. Area sqm	Summary and Species List
Grassland		
Primary: Built up areas and gardens **Secondary:** Vegetated garden **Code:** u1 – 828 **Target Notes:** TN1	1969.3	The habitat within the southern section of the development boundary was formed primarily of vegetated garden. The garden comprised a species poor modified grassland with a short sward height (typical height 50-100 mm). The grassland was species poor (4-5 species per metre) and dominated by grasses with an abundance of perennial rye grass. Some of the species recorded within the modified grassland reflect overlap from the flora of the deciduous woodland and adjacent ancient woodland parcels. The vegetated garden parcel also contained a non-native and ornamental hedgerow formed of a single species – cherry laurel and scattered trees. **Species recorded:** **Grasses:** (D) common bent, (A) Yorkshire fog, (A) perennial rye grass, (F) sweet vernal, (F) meadow foxtail, (F) cock's foot, (O) annual meadow, (O) false oat grass. **Forbs and other plants:** (D) creeping buttercup, (A) white clover, (A) germander speedwell, (F) dandelion, (O) lesser stitchwort, (O) green dock, (O) European sedge, (O) pyramid bugle, (O) common ragwort, (O) field wood rush, (O) compact rush, (O) common nettle, (R) wild bluebell, (R) dove's foot cranesbill, (R) dead nettle, (R) ground ivy, (R) lady's smock, (R) meadow buttercup. **Scattered trees:** (R) Common Holly, (R) Norway Spruce, (R) Pedunculate Oak, (R) Elder. **TN1:** Several rabbit burrows.

Primary: Modified grassland **Secondary:** Scattered trees **Code:** g4 – 32	5427.8	A parcel of modified grassland was recorded in the northern and central section of the development boundary. The species composition of the grassland was consistent with that recorded in the southern section, as described above. The sward height was generally short (<100mm) but exhibited a more varied structure (approximately 50–200 mm) compared with the vegetated garden parcel, with small patches of bramble scrub and intermittent stands of tall ruderal species present. Several scattered trees were also recorded within this parcel. **Species recorded:** **Grasses:** (D) common bent, (A) Yorkshire fog, (A) perennial rye grass, (F) sweet vernal, (F) meadow foxtail, (F) cock's foot, (O) annual meadow, (O) false oat grass. **Forbs and other plants:** (D) creeping buttercup, (A) white clover, (A) germander speedwell, (F) dandelion, (O) lesser stitchwort, (O) green dock, (O) European sedge, (O) pyramid bugle, (O) common ragwort, (O) field wood rush, (O) compact rush, (O) common nettle, (R) dove's foot cranesbill, (R) dead nettle, (R) ground ivy, (R) lady's smock, (R) meadow buttercup. **Scattered trees:** (R) Pedunculate Oak, (R) red oak, (R) beech sp., (R) Quercus sp., (R) horse chestnut, (R) hornbeam, (R) cork oak, (R) rowan, (R) silver birch, (R) lime sp., (R) Japanese maple, (R) field maple, (R) common holly, (R) common ash, (R) goat willow, (R), Lime, (R) beech, (R) hornbeam.
Urban		
Primary: Building **Code:** u1b5	389	There are five buildings located within the development boundary. The buildings include a derelict residential property, a garage, a ruined outbuilding and a large wooden shed. A full description of each building is provided in Table 13 Appendix II.
Primary: Sparsely vegetated urban land **Secondary:** u1f	67	There is an area of shingle that forms a driveway. The cover of vegetation is greater than 10%, and as such, the sparsely vegetated urban land UKHab Survey category has been selected, as opposed to artificial unvegetated unsealed surface. The vegetation cover is dominated by forbs with bramble scrub also encroaching. **Species recorded:** (F) Germander speedwell, (F) bramble, (F) herb Robert, (F) English cinquefoil, (O) common daisy, (O) cock's foot, (O) green dock (O) imperforate St John's wort, (O) ribwort plantain.
Primary: Artificial unvegetated unsealed surface **Code:** u1c	157	There is an area of artificial unvegetated unsealed surface comprised of light gravel that is used as a driveway and access track for vehicles within the development boundary.
Primary: Developed land sealed surface **Code:** u1b	28	There is an area of developed land sealed surface that is comprised of garden patio and concrete slabs within the development boundary.

Primary: Developed land sealed surface **Code:** u1b	225	The is an area of developed land sealed surface included within the development boundary that forms the access road to the entrance of the site.

4.3 Site Habitat Suitability Assessment

4.3.1 An assessment of habitat within the development boundary to act as an ecological receptor for protected species and species of conservation concern based upon the desk study results and the habitats recorded during the UKHab Survey is provided below in Table 10. The results of the bat PRA are summarised below and given in full in Appendix II – Table 13 (see Figure 3).

Table 10 – Habitat assessment for protected species and species of conservation concern.

Species/group	Assessment and Rationale
GCN and Other Amphibians	• No records of GCN were returned from the desk study search within 1 km of the development boundary. Five ponds were recorded within 0.5 km of the development boundary. Two of these ponds were within 0.25 km of the development boundary separated only in the landscape by a small country road. • No potential GCN breeding habitat was recorded within the development boundary. The modified grassland within the immediate footprint of the development is suboptimal habitat for a permanent resting place for GCN based on its current short sward height and uniform structure. However, the presence of nearby ponds and surrounding deciduous woodlands mean that it is reasonably likely that GCN could be encountered as they rest temporarily or transition through the development boundary to these habitats which have potential to form their resting and hibernating places.
Bats	• Records of bats were returned from the desk study search within 1 km of the development boundary. • Two buildings were recorded as having suitability for roosting bats within the development boundary (building B1 and B2, see Appendix II). No trees within the development boundary were recorded as having suitability for roosting bats. • The habitat within the development boundary was assessed as having moderate suitability for bats, with the modified grassland, and scattered trees within the development boundary providing suitable foraging and commuting habitat for bats. The woodland edges that border the development boundary provide an interface of high value for foraging and commuting bats. The habitat described above connects well to the wider rural landscape, including local parcels of deciduous and ancient woodland.
Birds	• Several records of birds including species of conservation concern were returned from the desk study search within 1 km of the development boundary. There are scattered trees and non-native ornamental hedgerows within the development boundary that provide potential habitat for nesting birds. The

	modified grassland within the immediate footprint of the development is reasonably unlikely to be suitable for ground nesting birds due to its short sward height and lack of suitable cover. • The extent of modified grassland and its proximity to deciduous woodlands is reasonably likely to form a foraging resource of value to local bird populations. However, it is reasonably unlikely to support significant bird populations within the main footprint of the development.
Terrestrial mammals (non-bats)	• **Badgers:** Evidence of badgers, including snuffle holes, latrines and tracks were recorded along and adjacent to the northern development boundary. However, no badger setts were recorded within the development boundary. The development boundary is primarily formed of modified grassland situated between two deciduous woodland parcels, which are typical badger habitats, and badger tracks were observed connecting these woodland parcels. As a result, the development boundary forms part of a badger population territory, and they are reasonably likely to be encountered within the development boundary. • **Hazel dormice:** No records of hazel dormice were returned from the desk study search within 1 km of the development boundary. The habitat is situated adjacent to deciduous woodland, a habitat typically associated with hazel dormice, suggesting they could be found in close proximity to the development boundary. The habitat within the development boundary is primarily comprised of short, modified grassland and developed land sealed surface which are unsuitable habitats for hazel dormice. The non-native ornamental hedgerow within the development boundary is isolated and comprised entirely of cherry laurel, a hedgerow structure not typically associated with hazel dormice. Based on the above, it is reasonably unlikely hazel dormice will be encountered within the development boundary. • **Hedgehog:** No records of hedgehogs were returned from the desk study search within 1 km of the development boundary. The modified grassland and buildings within the development boundary provide potential foraging and resting places for hedgehog respectively. The development boundary is also situated directly adjacent to deciduous woodland parcels, which are typical foraging and resting places for hedgehog. As such, it is reasonably likely that hedgehog could be encountered within the development boundary. • **Other mammal burrows:** Several rabbit burrows were recorded within the modified grassland that is located near to the main footprint of the development. No other mammal burrows such as those of fox were recorded within the development boundary at the time of the UKHab Survey**.** • **Otter and water vole:** No records of otters or water voles were returned within 1 km of the development boundary. The nearest lotic watercourse is the River Ouse located 0.15 km north of the development boundary which connects to the Mill Pond 0.3 km to the east, with no waterbodies located within the development boundary. The development boundary is located high within the catchment of the nearby rivers, furthermore, the development is separated from the river by a network of roads. In our professional opinion, it is reasonably unlikely that otters or water voles will be encountered within the development boundary, or that the habitat within the development boundary will be associated with any population of these species.

Reptiles	• Records of grass snakes were returned from the desk study search within 1 km of the development boundary. • Modified grassland makes up the main extent of the habitat within the development boundary, and at the time of the UKHab survey had a uniform short sward height (typically <100 mm) that is subject to regular mowing, and that provides insufficient cover to support a permanent reptile population. The developed land sealed surface, artificial unvegetated unsealed surface and non-native ornamental hedgerow are all habitats that are not typically associated with reptile populations. However, habitats located adjacent to the development boundary, such an parcels of ancient woodland and lowland mixed deciduous woodland and the area of scattered trees in the northern section of the development boundary do provide suitable habitat for reptiles. • Based on the above points it is reasonably unlikely that a permanent population of reptiles will be present within the main footprint of the development, however, there is the potential for reptiles to be present in close proximity to the main footprint of the development.
Invertebrates	• One species of an invertebrate of conservation concern was returned from the desk study search within 1 km of the development boundary (see Appendix I). • The habitat within the development boundary includes modified grassland with scattered trees and non-native ornamental hedgerows which provide value for invertebrates. Furthermore, the development boundary is situated adjacent to two parcels of deciduous woodland which are habitats that can be associated with invertebrates of conservation concern. • Despite the above, the modified grassland lacks botanical diversity and environmental heterogeneity, and, in our professional opinion is unlikely to support significant invertebrate assemblages or invertebrate populations of conservation concern under the current management regimes.
Plants, Lichens and Fungi	• The modified grassland that forms the main extent of habitat within the development boundary was species poor and of low distinctiveness as were all other habitats recorded within the development boundary. No European or nationally protected plants or SPI were recorded within the development boundary at the time of the UKHab survey. Based upon the habitats present, it is reasonably unlikely any such species or any fungi or lichen species of conservation concern will be present within the development boundary.
Non-native and Invasive Species	• No invasive non-native species listed under Schedule 9 of the Wildlife & Countryside Act, 1981 or the Invasive Alien Species Order, 2019 were recorded within the development boundary at the time of the UKHab survey.

5. Legislation and Planning Policy

5.1.1 The purpose of this section is to evaluate the legislation and planning policy that is either known to be or that could be a material consideration to the development based upon the desk study survey and the field survey results. A summary of the relevant legislation and planning policy in context of the development is provided below in Table 11. Further details of the UK legislation and planning policy relevant to the qualifying features in this section are detailed in Appendix III.

Table 11 – Legislation and planning policy evaluation of the development.

Ecological Feature	Relevant Legislation & Planning policy	Impact assessment and legal compliance	Rationale and comments
Designated sites			

Cow Wood and Harry's Wood SSSI	• Wildlife & Countryside Act, 1981;
	• National Planning Policy Framework, 2024; and
	• Mid Sussex District Plan, 2018 – Policy DP38.
		No adverse impacts – Compliant.	• The development is located within the SSSI IRZ for the Cow Wood and Harry's Wood SSSI, however, it is reasonably unlikely that the development will adversely impact the qualifying features of this designation for the following reasons:
			  ○ The development is retained within the development boundary and will not result in any loss of area to Cow Wood and Harry's Wood SSSI; and
			  ○ The small scale, extent and magnitude of the development, as well as it's distance from the designation means that it is reasonably unlikely that any adverse impacts will arise from degradation as a result of increased recreational pressure or construction-based pollution.
			• Based on the above points, in our professional opinion, further consultation with Natural England regarding any adverse impacts on the Cow Wood and Harry's Wood SSSI will not be required.
			• No further recommendations are outlined within this report with respect to SSSI.

Habitats			
Irreplaceable habitat	• National Planning Policy Framework, 2024; and • Mid Sussex District Plan, 2018 – Policy DP37 and DP38.	Mitigation required	• No ancient woodland parcels or any other type of irreplaceable habitat are located within the development boundary or will be directly lost as part of the development. • The eastern development boundary is located exactly 15 m from the edge of an ancient woodland, and as such, the development falls outside of the 15 m ancient woodland buffer. • Mitigation within the design of the development will be required to ensure the proposed residential garden is clearly segregated from the ancient woodland buffer zone and that future residential use does not extend into the ancient woodland buffer to ensure the long-term safeguarding of the ancient woodland. • Due to the proximity of the ancient woodland to the development boundary, mitigation will also be required during the construction phase of the development to prevent any damage and degradation to the ancient woodland soil and rooting zones of trees. • The recommendations outlined in section 6.3 should be followed to ensure the safeguarding of ancient woodland and that the development proceeds lawfully.
Habitats of Principle Importance	• Natural Environment & Rural Communities Act, 2006 – Section 40/41; • National Planning Policy Framework, 2024; and • Mid Sussex District Plan, 2018 – Policy DP37 and DP38.	Mitigation required	• There is a deciduous woodland parcel that is listed as a HPI under the national inventory that adjoins the western development boundary. • For the reasons outlined above for ancient woodland, mitigation will be required within the design of the development and construction phase of the development to ensure the long-term safeguarding of deciduous woodland and promote its conservation. • The recommendations outlined in section 6.3 should be followed to ensure that the development proceeds lawfully.

Pollution of Habitats	• Environmental Protection Act, 1990; and • National Planning Policy Framework, 2024.	Mitigation required	• To ensure there is no pollution to nearby habitats and waterbodies during the construction phase of the development, pollution prevention measures should be incorporated into the construction phase of the development to avoid onsite and offsite pollution. • The recommendations outlined in section 6.3 should be followed to ensure the development proceeds lawfully.
Biodiversity Net Gain and Ecological Enhancements			
Biodiversity Net Gain	• The Environment Act, 2021.	Further assessment required	• The development will be required to achieve measurable net gains for biodiversity as defined by The Environment Act, 2021. • The recommendations outlined in section 6 with respect to Biodiversity Net Gain (BNG) should be followed to ensure the development proceeds lawfully.
Ecological Enhancement	• National Planning Policy Framework, 2024; and • Mid Sussex District Plan, 2018 – Policy DP38.	Further action required.	• The development will be required to implement ecological enhancements into the design of the development to ensure it is compliant with national and local planning policy. • The recommendations outlined in section 6.2 of this report should be followed to ensure the development is compliant with national and local planning policy.
Protected Species and Species of Conservation Concern			
Badgers	• Badger Protection Act, 1992.	Mitigation required	• Evidence of badger activity was recorded within the development boundary, however, no badger setts were recorded within the development boundary. • The removal of a small amount of modified grassland, in our professional opinion, is reasonably unlikely to adversely impact any badger populations. Furthermore, the design of the development will ensure badgers can actively continue to use the site to forage and commute. • Due to the evidence of badgers within the development boundary and its proximity to deciduous woodland, it is possible that badger setts could be

			created within the development boundary and close to the footprint of the development prior to its commencement. • To ensure the development proceeds lawfully the precautionary mitigation outlined in section 6.5 should be followed.
Bats	• Conservation of Habitat & Species Regulation, 2017; • Wildlife & Countryside Act, 1981 – Schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Mitigation required.	• The development proposals include the removal of building B1, which was assessed as having suitability for roosting bats, as such, further assessment will be required to determine if roosting bats will be adversely impacted by the development. • The development is located in close proximity to good bat foraging and commuting habitat, including parcels of deciduous woodland. As such, the illumination of these habitats with artificial light could adversely impact bats using the habitats within and adjacent to the development boundary without appropriate mitigation. • The recommendations outlined in section 6.5 and 6.6 should be followed to ensure the development proceeds lawfully.
Birds	• Wildlife & Countryside Act, 1981 – Section 1 and Schedule 1; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Mitigation required	• It is reasonably unlikely that significant assemblages or populations of birds will be adversely impacted by the development. • The development includes the removal of habitat that could result in adverse impacts to nesting birds without appropriate mitigation. • The recommendations outlined in section 6.5 of this report should be followed to ensure the development proceeds lawfully.
Great crested newts	• Conservation of Habitat & Species Regulations, 2017; • Wildlife & Countryside Act, 1981 – Schedule 5; and	Licencing or further assessment required	• The development boundary is located within the MSDC great crested newt (GCN) District Level Licence (DLL) Red Risk Zone. • As there are ponds within 250 meters of the development boundary and there is suitable habitat for GCN both within the development boundary and immediately adjacent to it, it is possible that individual GCN could be

	• Natural Environment & Rural Communities Act, 2006 – Section 40/41.		encountered within the development boundary and inadvertently harmed during the construction phase of the development. • The development will also remove a small amount of modified grassland habitat which could make up part of the available terrestrial habitat of any nearby GCN population. Despite this, the scale of habitat removal is reasonably unlikely to adversely impact GCN at a population level. • Based on the above, further assessment will be required to determine the presence or probable absence of GCN and ascertain if the development will adversely impact GCN in order to proceed lawfully. • To ensure the development proceeds lawfully the recommendation outlined in section 6 should be followed.
Hazel dormice	• Conservation of Habitat & Species Regulations, 2017; • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely.	• The development is reasonably unlikely to result in harm to individual hazel dormice or result in adverse impacts to any habitat associated with hazel dormice populations.
Hedgehogs	• Natural Environment & Rural Communities Act, 2006 - Section 40/41; and • Wild Mammals (Protection) Act, 1996.	Mitigation required.	• It is reasonably likely that individual hedgehogs could be encountered and inadvertently killed with methods prohibited under the Wild Mammals (Protection) Act, 1996 without appropriate mitigation during the construction phase of the development. • It is however reasonably unlikely that a significant population of hedgehogs will be impacted by the development. • The recommendation outlined in section 6.5 should be followed to ensure the development proceeds lawfully.

Reptiles	• Conservation of Habitat & Species Regulations, 2017 (sand lizard and smooth snake only); • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Mitigation required.	• The risk of harm to individual reptiles as a result of the development is low, due to only sub—optimal habitat being present within the main footprint of the proposed development, and all suitable habitat for reptiles within the wider site ownership boundary being retained. As such, it is reasonably unlikely that a significant population of reptiles will be adversely impacted by the development. • Suitable reptile habitat will be retained within close proximity to the development boundary, and therefore, mitigation will be required during the construction phase of the development to ensure the risk of encountering or harming reptiles remains acceptably low. • In our professional opinion, the potential impacts on reptiles can be reasonably predicted with appropriate mitigation, and that further surveys would be disproportionate to determine the adverse impacts of the development on reptiles. • The recommendations outlined in section 6 should be followed to ensure the development proceeds lawfully.
Invasive non-native species	• Wildlife & Countryside Act, 1981 – Schedule 9; and • Invasive Alien Species Order, 2019.	Adverse impacts/ offence reasonably unlikely.	• The development is reasonably unlikely to result in an act that would constitute an offence for a species listed under Schedule 9 of the Wildlife & Countryside Act, 1981 or Invasive Alien Species Order, 2019 (i.e. intentional release or spreading).
Invertebrates	• Conservation of Habitat & Species Regulations, 2017 – Schedule 2; • Wildlife & Countryside Act, 1981 – Schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely.	• The development is reasonably unlikely to result in adverse impacts to any European protected invertebrates, nationally protected species, important populations of SPI and national or locally important assemblages of conservation value.

Protected plants, fungi and lichens	• Conservation of Habitat & Species Regulations, 2017 – Schedule 5; • Wildlife & Countryside Act, 1981 - Schedule 8; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely.	• The development is reasonably unlikely to result in intentional picking, uprooting, destruction, or intentional clearance of any wild plant including European protected plants, national protected plants, SPI or those of national or local conservation concern.
Other Mammal Burrows	• Wild Mammals Protection Act, 1996.	Mitigation required.	• It is possible other mammal burrows could be encountered near to and within the development boundary in the future. • To ensure the development proceeds lawfully the precautionary mitigation outlined in section 6.5 should be followed.
Otters	• Conservation of Habitat & Species Regulation, 2017; • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely.	• The development is reasonably unlikely to result in harm to individual otters or adverse impacts to their habitat, and therefore, will not impact the favourable conservation status of this species.
Water voles	• Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely.	• The development is reasonably unlikely to result in harm to individual water voles or adversely impact any water vole burrows or habitat associated with water vole populations.

6. Requirements and Recommendations

6.1 Background

6.1.1 The recommendations included in this section are based upon the mitigation hierarchy (avoidance, mitigation, and compensation; BSI, 2013) and takes consideration of government circular: Biodiversity and Geological Conservation Circular 06/2005.

6.1.2 Mitigation is not discussed where further surveys are required to inform such mitigation or compensation, unless in our professional judgement it would not be proportionate to request further surveys as the risk of a legal offence being committed as a result of the development is acceptably low.

6.2 Biodiversity Net Gain and Ecological Enhancements

Biodiversity Net Gain

6.2.1 A BNG assessment for the development should be undertaken within the development boundary to ensure the development is compliant with the legislation and national planning policy requirements.

6.2.2 The BNG assessment should follow industry good practice guidelines and the principles of BNG (Baker et al, 2019 and CIEEM, 2021) and be calculated based upon the final landscaping plans using the latest edition of the Statutory Biodiversity Metric Tool.

6.2.3 The BNG assessment should be accompanied by a BNG Gain Plan and Habitat Management and Monitoring Plan (where appropriate) and should outline the strategy for achieving biodiversity net gain over a defined 30-year period.

Ecological Enhancements

6.2.4 The following ecological enhancements relevant to the development are recommended:

- The incorporation of artificial habitat boxes for wildlife within the development boundary including:
    - Two integrated bee bricks to be installed as part of the new proposed dwelling;
    - Two house sparrow nest boxes to be integrated or externally mounted on the new building within the development boundary.

- Two bat boxes to be installed on a suitable tree within the development boundary;

6.2.5 The enhancement and creation of habitats for the benefit of biodiversity within the development boundary and site ownership boundary to include:

- The planting of native trees within the development boundary;
- Enhancement of the retained semi-natural habitat within the 15 m ancient woodland buffer that falls within the site ownership boundary. This will be achieved through appropriate management to allow natural succession, alongside enhancement of the existing modified grassland to develop a coarse/ tussocky structure, and the planting of native shrubs and trees to create a diverse mosaic of habitats.

6.3 Habitat Mitigation

Ancient Woodland and Lowland Mixed Deciduous Woodand (HPI)

6.3.1 To safeguard ancient woodland located immediately adjacent to the eastern development boundary, all habitats within the 15 m ancient woodland buffer should remain semi-natural. As such, mitigation will be required within the design of the development to ensure there is no residential use within the ancient woodland buffer through encroachment of the residential garden and grounds into the 15 m ancient woodland buffer. This could be achieved with a clearly defined physical barrier such as the planting of native hedgerows and/ or the installation of post and rail fencing.

6.3.2 In addition to the above, a buffer along the deciduous woodland located adjacent to the western development boundary should be established. The buffer as a minimum should encompass the root protection zones of mature trees on the edge of the deciduous woodland ensuring that semi-natural habitat such as the existing modified grassland or natural scrub succession is retained or formed within the buffer. As outlined above for ancient woodland, the buffer should be clearly defined within the design of the development and could be achieved with post and rail fencing.

Pollution Prevention Measures

6.3.3 The following pollution prevention measures should be followed during the construction phase of the development to ensure that there is no onsite or offsite pollution to nearby habitats (including deciduous and ancient woodland parcels) and watercourses:

- Safe storage of fuels, oils and chemicals within the development boundary (such as on hardstanding) with appropriate spill kits (for the scale of activities) available on-site at all times;
- Appropriate locating and storage of construction materials outside of the root protection zone for native hedgerow and trees within the development boundary;
- Safe disposal of any contaminated water or soil and general waste within the development boundary or with appropriate offsite management;
- Appropriate locating of mixing stations and inclusion of dust prevention measures where required within the development boundary;
- Appropriate monitoring and prevention of water and silt run-off from construction areas; and
- Where possible the use of fertiliser and herbicides should be minimised as part of on-going site management.

6.4 Protected Species Mitigation

Badger and Other Mammal Burrows

6.4.1 In the unlikely event that a burrow entrance of a mammal is discovered within the development boundary that could be of a suitable size for badgers, the following actions should be taken:

- Works paused and an ecologist consulted regarding any likely burrow or badger sett;
- A suitable buffer of at least 30 m established and clearly marked around the suspected badger sett;
- If it is not possible to apply a 30 m buffer around a suspected sett, the professional judgment of the ecologist should be consulted to determine a suitable buffer; and
- Any badger sett or mammal burrow that could be in use by badgers that is reasonably likely to be impacted by the development should be monitored for an appropriate period by an ecologist and the appropriate licencing requirements obtained.

6.4.2 To ensure the development proceeds lawfully, any rabbit or fox burrows found within the immediate area of the development should not be tracked over by

machinery and those that will be impacted as part of the development should be dug out with hand tools to prevent unlawful methods of killing (such as those outlined under the Wild Mammals (Protection) Act, 1996).

Bats

6.4.3 To ensure that the development avoids adverse impacts on bat foraging and commuting habitats within the development boundary, any lighting as part of the proposed development should be installed in line with current guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals: Guidance Note GN08/23 Bats and Artificial Lighting At Night (BCT & ILP 2023).

6.4.4 The lighting strategy for the development boundary as a minimum should aim to:

- Avoid illumination of deciduous woodlands and bat potential flightlines within the development boundary; and
- Minimise the overall levels of light pollution within the development boundary as a result of the development by:
    - Selecting appropriate lighting sources such as LED lighting that lack UV components, have peak wavelengths higher than 550 nm and that have a warm white light (2,700 kelvin or lower);
    - Appropriate fitting of lighting to include horizontal mounting with no light output above 90° and/or no upward tilt, or as a last resort the use of baffles, hoods or louvres to reduce light spill and direct lighting to only where it is needed; and
    - Using light only when necessary, within the development boundary, by using timers and motion sensors.

Hedgehogs

6.4.5 Where reasonably practical, measures should be taken to avoid the unnecessary killing or injuring (that could result in undue suffering and harm) of hedgehogs as a result of the developments construction-based activities. The following action should be taken to safeguard hedgehogs:

- Stakeholders and contractors should remain vigilant for the presence of hedgehogs around any vegetation, debris or stored materials;
- Any excavations within the development boundary should be covered nightly or include a suitable escape ramp to prevent nocturnal mammals (including hedgehogs) from becoming trapped. Where it is not possible to cover

excavations, the excavation should be checked prior to the commencement of work each day by a site operative; and

- Any trapped hedgehogs (or other small mammal) encountered should be moved to a safe location either within retained habitat on-site or off-site.

Reptiles

6.4.6 To ensure there are no adverse impacts on reptiles during the construction phase of the development the mitigation measures outlined below should be followed:

- Habitats both within and immediately adjacent to the footprint of the development should be kept short to prevent reptiles colonising this area;
- A tidy construction area should be targeted, with appropriate storage of building materials (off ground where reasonably practical) to prevent the unintended creation of refugia and hibernacula for reptiles; and
- Where reasonably practical, any holes or excavation within the development boundary should be kept covered when not in use to prevent reptiles becoming trapped, checked regularly when not covered, and have an escape ramp installed to allow reptiles to escape; and
- In the unlikely event an individual reptile is encountered within the development boundary, the reptile should be encouraged to move to safety, or alternatively, advice from an ecologist should be sought, prior to moving the reptile.

Nesting birds

6.4.7 To ensure that the development is compliant with the legislation and planning policy relating to nesting birds, a pre-works inspection should be undertaken for any trees, buildings or vegetation that are proposed to be removed as part of the development during the nesting bird season (March– September).

6.4.8 If an active bird nest or nesting activity is recorded onsite during the pre-works inspection or at any other time during the development (such as the storage of building materials) the nest should be protected from damage and destruction (including disturbance that may cause the nest to be abandoned). A minimum buffer size of 5 m should be implemented around any active nests and works in and around these areas should be controlled or delayed until the chicks have fledged.

6.5 Further Surveys

Bats

6.5.1 Based on the current design of the development, further surveys on building B1 should be undertaken to determine the presence or likely absence of bats in line with BCT Good Practice Guidelines (Collins, 2023).

6.5.2 Building B1 was classified as having high potential for roosting bats, and therefore, three bat emergence surveys will be required to determine the likely presence/absence of bats. The bat emergence surveys should be completed between May and September, with at least two of the surveys completed between May and August.

6.5.3 Building B2 was classified as having moderate suitability for roosting bats. Despite this, the development proposals will not impact any bat potential roosting features on building B2. As such, no further surveys to determine the presence of roosting bats are required on building B2 at this time.

Great Crested Newts

6.5.4 In line with Natural England's standing advice, further surveys to establish the presence/ probable absence (and class population size, where appropriate) of GCN at ponds within the development boundary and up to 500 m from the development boundary should be undertaken to inform any mitigation and licensing requirements for GCN (if applicable). The further surveys for GCN, should be undertaken at an appropriate time of year and follow industry best practice guidelines.

6.5.5 Natural England's standing advice states 'surveys up to 250 metres are usually sufficient' for GCN from the development boundary. As such, the professional judgment of an ecologist should be used to determine the required level of survey effort for GCN.

6.5.6 Alternatively, given the timing of the application, the applicant may opt-in to join the MSDC GCN DLL scheme. Registration under the GCN DLL can be undertaken at any time and would not require any further surveys to determine the planning application.

7. Conclusion

7.1.1 Further assessment will be required to fully evaluate the ecological impacts of the development. Mitigation measures should be integrated into both the design and construction phases to ensure the scheme proceeds lawfully. The development will be required to achieve measurable net gains for biodiversity as defined under national planning guidance and The Environment Act, 2021. Furthermore, the development should incorporate appropriate ecological enhancements within its design.

7.1.2 The recommendations within this report outline how these requirements can be achieved, ensuring the development proceeds lawfully.

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Appendix I – Desk Study Protected Species and Species of Conservation Concern Records

Table 12 – Records returned from the desk study search within 1 km of the site (SBRC, 2024).

Species		HSR[1]	W&C Act[2]	SPI[3]	BOCC[4]	IUCN Red List[5]	Other[6,7,8]
Common name	**Latin name**						
Amphibians							
Common frog	*Rana temporaria*		✓ (5 - sale only)				
Bats							
Daubenton's	*Myotis daubentonii*	✓	✓ (5)				
Noctule	*Nyctalus noctula*	✓	✓ (5)	✓			
Soprano pipistrelle	*Pipistrellus pygmaeus*	✓	✓ (5)	✓			
Brown long eared	*Plecotus auritus*	✓	✓ (5)	✓			
Birds							
Barn Owl	*Tyto alba*		✓ (1)				
Bullfinch	*Pyrrhula pyrrhula*		✓	✓	Amber		
Cuckoo	*Cuculus canorus*		✓	✓	Red		
Dunnock	*Prunella modularis*		✓	✓	Amber		
Green Woodpecker	*Picus viridis*		✓				
Grey Wagtail	*Motacilla cinerea*		✓		Amber		
Hawfinch	*Coccothraustes coccothraustes*		✓	✓	Red		
Hobby	*Falco subbuteo*		✓ (1)				
House martin	*Delichon urbicum*		✓		Red		
House Sparrow	*Passer domesticus*		✓	✓	Red		
Kestrel	*Falco tinnunculus*		✓		Amber		
Kingfisher	*Alcedo atthis*		✓ (1)				Birds Directive
Lesser Spotted Woodpecker	*Dryobates minor*		✓	✓	Red		
Linnet	*Linaria cannabina*		✓	✓	Red		
Mallard	*Anas platyrhynchos*		✓		Amber		
Marsh tit	*Poecile palustris*		✓	✓	Red		
Meadow pipit	*Anthus pratensis*		✓		Amber		

Species		HSR[1]	W&C Act[2]	SPI[3]	BOCC[4]	IUCN Red List[5]	Other[6,7,8]
Common name	**Latin name**						
Mistle thrush	*Turdus viscivorus*		✓		Red		
Mute Swan	*Cygnus olor*		✓				
Nightingale	*Luscinia megarhynchos*		✓		Red		
Nightjar	*Caprimulgus europaeus*		✓	✓			Birds Directive
Oystercatcher	*Haematopus ostralegus*		✓		Amber		
Red kite	*Milvus milvus*		✓ (1)		Red	Global post2001 NT	Birds Directive
Reed bunting	*Emberiza schoeniclus*		✓	✓	Amber		
Skylark	*Alauda arvensis*		✓	✓	Red		
Song Thrush	*Turdus philomelos*		✓				
Spotted Flycatcher	*Muscicapa striata*		✓	✓	Red		
Starling	*Sturnus vulgaris*		✓	✓	Red		
Stock dove	*Columba oenas*		✓		Amber		
Swallow	*Hirundo rustica*		✓				
Swift	*Apus apus*		✓		Red		
Tawny Owl	*Strix aluco*		✓		Amber		
Tufted Duck	*Aythya fuligula*		✓				
Whitethroat	*Curruca communis*		✓		Amber		
Willow Warbler	*Phylloscopus trochilus*		✓		Amber		
Wood Warbler	*Phylloscopus sibilatrix*		✓	✓	Red		
Yellowhammer	*Emberiza citronella*		✓	✓	Red		
Higher plants							
Bluebell	*Hyacinthoides non-scripta*		✓ (8 - Sale only)				
Invasive non-natives							
Mandarin Duck	*Aix galericulata*		✓ (9)				
Egyptian Goose	*Alopochen aegyptiaca*		✓ (9)				
Canada Goose	*Branta canadensis*		✓ (9)				
Three-cornered Garlic	*Allium triquetrum*		✓ (9)				
Wall Cotoneaster	*Cotoneaster horizontalis*		✓ (9)				
Giant Hogweed	*Heracleum mantegazzianum*		✓ (9)				

Species		HSR[1]	W&C Act[2]	SPI[3]	BOCC[4]	IUCN Red List[5]	Other[6,7,8]
Common name	**Latin name**						
Montbretia	*Crocosmia pottsii x aurea = C. x crocosmiiflora*		✓ (9)				
Japanese Knotweed	*Fallopia japonica*		✓ (9)				
Himalayan Balsam	*Impatiens glandulifera*		✓ (9)				
A Flowering Plant	*Lamiastrum galeobdolon subsp. argentatum*		✓ (9)				
American Mink	*Neovison vison*		✓ (9)				
A Flowering Plant	*Rhododendron ponticum*		✓ (9)				
Eastern Grey Squirrel	*Sciurus carolinensis*		✓ (9)				
Invertebrates							
Small Heath	*Coenonympha pamphilus*			✓		GB post2001 NT	
Reptiles							
Grass snake	*Natrix helvetica*		✓ (5)	✓			

[1] Conservation of Habitat and Species Regulation, 2017.

[2] Wildlife & Countryside Act, 1981 (Schedules – 1, 4. 8 and 9).

[3] Species of Principle importance listed under the Natural Environment & Rural Communities Act, 2006.

[4] Birds of Conservation Concern – RSPB

[5] Species listed on the Global and National IUCN Red data list (EX – Extinct, Extinct in wild, CE - Critically Endangered, Endangered, VU - Vulnerable, NR - Near Threatened, LC – Least Concern, Data Deficient. GB Red Data Book: Under IUCN Criteria Includes Nationally Rare, Nationally Rare Marine, Nationally Scarce

[6] EC Habitat Directive

[7] EC Bird Directive

[8] Wild Mammals (Protection Act, 1996

Appendix II - Bat Preliminary Roost Assessment Results

Table 13 – Bat Preliminary Roost Assessment Results.

Building no.	Description	External Inspection	Internal inspection	Evidence of bats	Bat roost potential	Rational and Potential Roosting Features Recorded
B1	• Building B1 is the main residential property within the development boundary. • Building B1 is a vacant building in a state of disrepair. Building B1 has brick walls and a pitched slate tiled roof with gable ends. There is severe wear and damage to the exterior of building B1.	Yes	No	None recorded	High	• No internal inspection of building B1 occurred and any associated loft voids were deemed unsafe to enter. The building is considered structurally unsafe. Furthermore, no asbestos register was available for the property and building B1 was of an age and had materials present that could potentially be asbestos containing materials. • Several bat potential roosting features were recorded within building B1, including: ○ Missing mortar under the ridge tile on the gable end; ○ Gaps under roof tiles; ○ Gaps in soffit; and ○ Gaps under flashing. • The number of bat PRFs and the type of bat PRFs present could support larger numbers of bats.
B2	• Building B2 is a disused garage associated with the main residential property. • Building B2 is brick built and has a clay tiled pitched roof with skylight windows. Building B2 is finished with clay hanging	Yes	Yes	None recorded	Moderate	• The garage is well sealed with no access/egress points leading to the interior of Building B2. • There is no internal loft void within building B2, and the interior is well lit due to the roof skylights.

	tiles on the southern and northern gable ends.					• There are gaps under hanging tiles on the northern and southern aspect that provide PRFs for bats at building B2.
B3	• Building B3 is a ruined farm building. The building is wooden framed with wooden cladded sides. • Building B3 has a collapsed roof constructed from corrugated sheeting with potentially asbestos containing material (ACMs).	Yes	No	None recorded	Negligible	• No internal inspection of this building was undertaken due to damaged materials that are likely ACMs. • There are no bat PRFs present on the exterior of building B3 and the interior of building B3 is completely exposed. As such, there is insufficient cover for roosting bats within building B3.
B4	• Building B4 is a steel framed barn with metal panelled sides and roof. • Building B4 is in good overall condition.	Yes	Yes	None recorded	Negligible	• No external bat PRFs or potential bat access/ egress points to the interior of building B4 were recorded at the time of the bat PRA.
B5	• Building B5 is a large chicken coop/ outbuilding. • Building B5 is wooden framed with a wooden cladded finish and a bitumen felt roof.	Yes	Yes	None recorded	Negligible	• No external bat PRFs or potential bat access/ egress points to the interior of building B5 were recorded at the time of the bat PRA.

Appendix III – Legislation & Planning Policy

8.2 Background

8.2.1 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.

8.2.2 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 deemed relevant to the development.

8.3 RAMSAR Convention

8.3.1 RAMSAR sites are wetlands of international importance that have been designated under the criteria of the RAMSAR Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological biodiversity (JNCC, 2019).

8.3.2 The National Planning Policy Framework (NPPF, 2024) outlines the level of consideration that should be given to RAMSAR sites in Planning. Paragraph 187 states that RAMSAR and potential RAMSAR sites should be given the same protection as 'habitat sites' defined as those afforded protection under the Conservation of Habitat and Species Regulations (2017), such as Special Protection Areas or Special Areas of Conservation.

8.4 Conservation of Habitat and Species Regulations, 2017

8.4.1 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

8.4.2 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.

8.4.3 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.

Protected Sites

8.4.4 The Conservation of Habitats and Species Regulations, 2017 puts an obligation on the appointed appropriate authority for England & Wales to establish priorities for a network of nationally important sites.

8.4.5 The aforementioned sites, often referred to as European protected sites are formed of two types of sites, Special Protection Areas (sites specifically designated for birds) and Special Areas of Conservation (specifically designated for fauna and flora). The objective is for all species and habitats covered by these sites to contribute towards the maintenance and restoration of their favourable conservation status.

8.4.6 Designation can include but is not limited to the following reasons:

- A natural habitat type specified in Annex I of the Habitat Directive;
- A species specified in Annex II of the Habitats Directive;
- For the coherence of the national network of protected sites; and
- For threats of degradation or destruction to which the sites are exposed.

8.5 Wildlife and Countryside Act, 1981 (as amended)

8.5.1 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 Birds

8.5.2 Part 1 – Section 1 includes certain prohibitions for the protection of birds which make it a criminal offence for a person to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage, or destroy 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 any one's possession or control any egg or part of an egg which has been taken in contravention of the Act or the Protection of Birds Act, 1954;
- Use traps or similar items to kill, injure or take wild birds;
- Have in one's possession or control any bird of a species occurring on schedule 4 of the Act unless registered, and in most cases ringed, in accordance with the secretary of state's regulations; and
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the independent young of such a bird.

Protection of Animals

8.5.3 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.

Protection of Plants

8.5.4 Part 1 – Section 13 includes certain prohibitions for the protection of certain wild plants named in schedule 8. In summary offences include if any person:

- Intentionally picks, uproots or destroys any wild plant included in schedule 8, or not being an authorised person, intentionally uproots any wild plants not included in that schedule;

- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild plant included in schedule 8, or any part of, or anything derived from, such a plant; 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.

Invasive Species

8.5.5 Part 1 – Section 14 includes certain prohibitions for the introduction of certain invasive species named in schedule 9 of the act. In summary offences include if any person:

- Subject to the provisions of this part, (a) if any person releases or allows to escape into the wild any animal which is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or (b) is included in Part of Schedule 9; and/ or

- Subject to the provisions of this part, any person who plants, or otherwise causes to grow, any plant in the wild at a place out with its native range is guilty of an offence.

Sites of Specific Scientific Interest

8.5.6 Part 2 – Sections 28-33 of the act set out the law regarding Sites of Specific Scientific Interest (SSSI) by the conservation bodies in England (Natural England) and Wales (Natural Resource Wales) and outlines the offences with respect to SSSI.

8.5.7 The offences outlined in the act apply to any person(s), public body, landowner or occupier as well as statutory undertakers or permitted developments. Examples of offences include (but are not limited to):

- Any person intentionally or recklessly damaging or destroying any of the features of special interest of an SSSI, or disturbing wildlife for which the site was notified;
- Public bodies are not allowed to carry out damaging operations on an SSSI, except where they notified the relevant conservation agency. It is also an offence for a public body to fail to minimise damage on an SSSI or – if damage occurs – to fail to restore a SSSI to its former state; and
- Statutory bodies have a general duty to take reasonable steps to further to conservation and enhancement of the special feature of SSSI's;
- Where statutory bodies propose to undertake or permit activities that could affect a SSSI they must consult the relevant statutory nature conservation agency. If the activity cannot be avoided it must be undertaken in a way least damaging to the SSSI; and
- If you are the owner or occupier of a SSSI, it is an offence to carry out any activity that may likely damage the SSSI without consent from the relevant conservation agency. The law requires that you inform the conservation agency of any changes in the ownership or occupancy.

Other Protected Areas

8.5.8 Part 2 – Section 34 to 52 of the act deals with other protected areas within the UK such as limestone pavements, national nature reserves and marine nature reserves. The act allows designation of these sites by the appropriate authority for the purpose of conserving flora and fauna or geological or physiological features of specific interest in an area to protect the site. Furthermore, the act prohibits certain actions in National Parks for certain habitats without consent from local authorities.

8.6 Countryside Right of Ways Act, 2000

8.6.1 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

8.6.2 Part III of the CRoW Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.

8.6.3 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.

8.6.4 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.

8.7 National Parks and Access to the Countryside Act, 1949

8.7.1 This act makes provisions for National Parks and the establishment of a National Parks Commission; to confer on the Nature Conservancy and local authorities' powers for the establishment and maintenance of nature reserves. Part III of the act specifically outlines provisions for the designation of nature reserves.

8.8 Natural Environment & Rural Communities Act, 2006

8.8.1 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

8.8.2 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.

8.8.3 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

8.8.4 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.

8.8.5 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 habitat included in any list published under this section; or
- Promote the taking by other of such steps.

8.8.6 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.

8.9 Protection of Badgers Act, 1992

8.9.1 The Protection of Badgers Act, 1992 makes it a criminal offence to wilfully kill, injure or take any badger, or attempt to do so. It also makes it an offence to intentionally or recklessly damage, destroy or obstruct access to any part of a badger sett.

8.10 Wild Mammals (Protection) Act, 1996.

8.10.1 The Wild Mammals (Protection) Act, 1996 makes provision for the protection of wild mammals from certain cruel acts, and for connected purposes. It would be an offence for any person that mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, drags or asphyxiates any wild animal with intent to inflict unnecessary suffering.

8.11 The Environment Act, 2021

8.11.1 The Environment Act, 2021 gained royal ascent on the 9th November, 2021. The act is wide ranging and broadly has the following aim:

'a bill to make provision about targets, plans and policies for improving the natural environment, for statements and reports about environmental protection; for the office of environmental protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards, about water, about nature and biodiversity; for conservation covenants; about the regulation of chemicals, and for connected purposes'.

8.11.2 Part 6 – Sections 98 - 101 of the act outlines provisions for biodiversity gain in planning.

8.11.3 Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England.

8.11.4 Schedule 14 states that, the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the on-site habitat by at least the relevant percentage.

8.11.5 It goes on to state that the biodiversity value attributable to the development is the total of:

- The post development biodiversity value of the on-site habitat;
- The biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development; and
- The biodiversity value of any biodiversity credits purchased for the development.

8.11.6 The relevant percentage is set at 10% for biodiversity gain.

8.11.7 Part 6 – Section 100 of the act outlines provisions by regulation for the secretary of a register of biodiversity gain sites (known as the biodiversity gain site register).

8.11.8 A biodiversity gain site is land where:

- A person is required under the conservation covenant or planning obligation to carry out works for the purpose of habitat enhancement;
- That or another person is required to maintain the enhancement for at least 30 years after the completion of the works; and
- For the purpose of schedule 7A to the Town and Country Planning Act, 1990 the enhancement is made available to be allocated (conditionally or unconditionally, and whether for consideration or otherwise) in accordance with the terms of the covenant or obligation to one or more developments for which planning permission is granted.

8.11.9 a) Part 6 – Section 101 states that the secretary of state may make arrangements under which a person who is entitled to carry out the development of any land may purchase a credit from the secretary of state for the purpose of meeting the

biodiversity gain objective referred to in schedule 7A to the Town and Country Planning Act, 1990 and Schedule 2A of the Planning Act, 2008.

8.11.10 A credit is to be regarded for the purpose of that schedule as having such biodiversity value as is determined under the arrangements.

8.11.11 The arrangements may in particular include arrangements relating to:

- Applications to purchase credits;
- The amount payable in respect of a credit of a given value;
- Proof of purchase; and
- Reimbursement for credits purchased for development which is not carried out.

8.12 National Planning Policy Framework (2024)

8.12.1 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.

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

Conserving and Enhancing the Natural Environment

8.12.3 Paragraph 187 states: Planning policies and decisions should contribute to and enhance the natural andlocal 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;

8.12.4 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

8.12.5 f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

8.12.6 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 Framework65; 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.

8.12.7 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 Broads66. 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.

8.12.8 Paragraph 190 states that: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development67 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.

8.12.9 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

8.12.10 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

- b) 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.

8.12.11 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.

8.12.12 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.

8.12.13 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.

Ground Conditions and Pollution

8.12.14 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

8.13 Biodiversity and Geological Conservation Circular 06/2005

8.13.1 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.

8.13.2 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

8.13.3 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'.

8.13.4 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'.

8.13.5 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.'

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

Policy DP37

8.14.1 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.

8.14.2 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.

8.14.3 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.

8.14.4 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.

8.14.5 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.

8.14.6 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

8.14.7 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.

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

8.14.9 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.

8.15 Birds of Conservation Concern

8.15.1 Birds of Conservation Concern is a report compiled by a coalition of the UK's leading bird conservation and monitoring organisations and reviews the conservation status of all regularly occurring birds in the UK, Channel Islands and Isle of Man. The report was first released in 1996 and is currently in its 5th edition, released in 2021.

8.15.2 The bird species that breed and overwinter in the UK are assessed against a set of objective criteria and placed on the Green, Amber or Red lists that indicate the levels of conservation concern. The quantitative criteria collected is assessed against the historical decline, recent trends in population and range, population size, localisation, and the level of international importance of each species, as well as its global and European threat status.

8.16 IUCN Red List

8.16.1 The international Union for Conservation of Nature (IUCN) Red List of Threatened Species (also known as the IUCN Red List or Red Data Book) is an inventory of the global conservation status of biological species. The inventory is based upon internationally accepted criteria that evaluates the extinction risk of species in all regions of the world. There are two types of red list, the global and national lists. In the UK the IUCN Red List is overseen by an interagency working group that is coordinated by the Joint Nature Conservation Commission.

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