Queensmere House, Queens House, East Grinstead, RH19 1BG

Ecological Impact Assessment (EcIA) Scoping Report

On Behalf of ATP Group

Version 1 | November 2024

Document Control

Version	Date	Produced by	Reviewed by	Notes
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This report does not purport to provide legal advice. This report provides baseline ecological conditions for the aforementioned site. The baseline information and recommendations within are considered relevant for a period of no more than 12 months from the date of the Site visit. Following which time Site conditions may need to be reassessed and recommendations for further survey and /or mitigation updated.

Contents

Executive Summary

Practical Ecology Ltd were commissioned by ATP Group to undertake the scoping stage of an ecological impact assessment (EcIA) for the proposed conversion of Queensmere House into 25 flats, with associated car parking. This report presents information gathered from a desk study, data search, and field survey which was undertaken on 21st October 2024. The proposed development will be retaining Queensmere House, the existing building, and converting to residential units, along with associated car parking and bicycle sheds. Scattered trees, scrub and sparsely vegetated land will be cleared to facilitate the development.

The Site lies within 2 km of one statutory site and two non-statutory sites of nature conservation value and within the Impact Risk Zone (IRZ) of Ashdown forest Special Protection Area (SPA) and Special Area of Conservation (SAC). As the Site lies 4.5 km from Ashdown Forest SPA it falls within the 7 km Zone of Influence, due to recreational impacts mitigation will be required through a financial contribution to Suitable Alternative Natural Greenspace (SANG) and the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy. Payment contribution to SANG and SAMM will ensure that there is no residual effect on Ashdown Forest SAC & SPA for a development of this size.

Protected species groups that could be affected by impacts arising from the development include bats, birds, hazel dormice and invasive plant species.

The onsite building is considered to have *High Suitability* for roosting bats *with hibernation potential.* A Sycamore tree onsite was noted to have *PRF FAR Suitability* for roosting bats although this looks to be retained within current proposal plans. It is not possible to assign a scale of geographic importance for this receptor without further survey effort. Three emergence/re-entry surveys to be undertaken between May and September, with at least two of the surveys taking place between May and July, hibernation surveys (Static detector surveys should be conducted during winter to record bat activity between periods of torpor for a period of a minimum of two weeks per survey, each month from November to March) along with endoscope inspections of accessible features conducted in December and January and an internal inspection of the building are required to determine if roosts are present, their status, potential impacts and their geographic importance. Appropriate mitigation measures along with requirements for Natural England licensing can be determined following completion of these surveys. General mitigation for bats can be incorporated into the scheme at this stage, including the provision of compensatory roost features, a bat sensitive lighting scheme, and avoidance of the use of woven breathable roofing membranes if any re-roofing work takes place. .

The Site has suitable bird nesting habitat in the form of the building, trees, and scrub. It is considered likely that the Site only supports low numbers of common nesting birds, so this ecological receptor is considered unlikely to be of importance greater than Site level. The development will result in the clearance of bramble scrub, scattered trees and loss of nesting habitat as a result of the conversion of the building. This could result in active nests being damaged or destroyed if undertaken in the nesting bird season and will also result in a reduction in nesting habitat. Proposed mitigation for nesting birds comprises vegetation removal and building refurbishment works to be undertaken outside of the nesting bird season (the nesting bird season is considered to run from March to September, inclusive) or following a nesting bird check. Provision of compensatory bird boxes is also recommended.

Although the Site has low suitability vegetation for hazel dormice, limited to a small amount of bramble scrub and trees onsite, the Site is well connected to Brooklands Park which lies c. 300 m west of the Site and appears to have some suitable habitat for hazel dormice. As there is a low risk of dormice being present onsite and the small amount of

suitable habitat removal onsite, a precautionary approach to the removal of bramble scrub and trees is recommended. The removal of scrub and trees onsite is to be carried out under a Method Statement, with ecological clerk of works (EcCOW) supervision. Given the scale of habitat removal and the mitigation measures recommended no residual effects are anticipated.

The Sites suitability for hedgehogs also requires for any small mammal disturbed during construction to be allowed to flee of their own violation or to be moved to the Site boundary. Gaps in existing fencing should also be created within the Site to allow access for hedgehogs and reduce habitat fragmentation.

Japanese knotweed (*Fallopia japonica*) and late cotoneaster (*Cotoneaster lacteus*), non-native invasive plants both listed on Schedule 9 of the Wildlife and Countryside Act (as amended 1981), were found onsite or close to Site. It is not appropriate to assign a level of geographic importance to invasive non-native species. Dense scrub onsite could not ne fully assessed and may conceal Japanese knotweed. A management plan should be produced and implemented by an invasive weed specialist. Onsite dense scrub should be inspected and cleared under supervision by the EcCoW with a standoff zone implemented from the Japanese knotweed offsite, with no excavation within 7m, erect fencing to demark area . If Japanese knotweed is found within dense scrub areas onsite a specialist advise is to be sought for the treatment and removal. Clearance of cotoneaster onsite should be included within a MS for the Site, detailing appropriate methods and timings for removal.

With the further surveys and subsequent mitigation strategy and license for bats (if present), the proposed mitigation measures for nesting birds, hazel dormice, invasive species and payment into SANGS and SAMM Strategy for Ashdown Forest SPA, it is concluded that residual effects of the scheme are not likely to be significant.

1. Introduction

1.1 Report Authors and Commissioning Organisation

Practical Ecology Ltd were commissioned by ATP group to undertake a Scoping Ecological Impact Assessment (EcIA) of a Site at Queensmere House, Queens House, East Grinstead, RH19 1BG, herein referred to as the 'Site'. Version 1 of this report were prepared by Kat Surman, BSc (Hons), an Assistant Ecologist with over 18 months experience within an ecological consultancy and reviewed by Cyrise Weaire, BSc (Hons), MCIEEM, a Principal Ecologist and Director of Practical Ecology Ltd, with over 20 years of experience within ecological consultancy.

1.2 The Site

The Site is approximately 0.18ha (central OS grid reference TQ 39324 38087, postcode RH19 1BG) and is located in East Grinstead, in West Sussex, c. 12.5 km east of Crawley. The Site comprises a single building, built linear features, sparsely vegetated urban land, invasive non-native plant species, car park, introduced shrubs, bramble scrub and scattered trees. Surrounding the Site are built up areas and gardens, car parks, urban park, commercial buildings and roads. A Site boundary (red line) is shown in Figure 1, below.

Figure 1: Site Boundary, Overlaid on Google Earth, 2021.

1.3 Proposals

The pre-planning application includes the redesign of the existing building and conversion into a total of 25 flats across the four floors, with differing numbers of bedrooms. Plans include a 15-bay car park, bicycle shelters and patio areas for the ground floor flats. Pre-application drawings have been included in Appendix 1 (Drawing number: 24152_PA04-A).

1.4 Report Purpose

The purpose of this scoping report is to establish an initial understanding of the baseline ecological conditions by collecting relevant background information and an initial site walkover and/or identifying the need for further surveys to establish the baseline and identifying the Zone of Influence. This baseline is then used to identify the potential significant effects that could arise from the proposed development, identifying potential ecological receptors and those which can be scoped out with justification. If considered appropriate, the identification of potential mitigation measures can be addressed at scoping stage, in advance of further surveys.

This scoping assessment has been undertaken using best practice guidance, recommended by CIEEM[1]. It is intended that the evaluation of findings presented within this report will assist the local planning authority in their review of the applications.

2. Legislative and Planning Policy Context

2.1 Legislation

Relevant legislation includes the following (see Appendix 4):

- The Conservation of Habitats and Species Regulations 2017 (as amended),
- Natural Environment and Rural Communities (NERC) Act 2006.
- The Wildlife and Countryside Act 1981 (as amended).
- The Countryside Rights of Way Act 2000.
- The Protection of Badgers Act 1992.

2.2 Planning Policy

2.2.1 National Planning Policy

The following sections from the National Planning Policy Framework[2] (NPPF) are considered relevant to the development:

- *Section 2: Achieving Sustainable Development*
- *Section 15: Conserving and enhancing the Natural Environment*

These sections contain relevant policy regarding biodiversity. The policy specifically governs that all development should 'minimise impacts and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and that plans 'should take a strategic approach to maintaining and strengthening networks of habitats and green infrastructure, and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries'.

2.2.2 Local Planning Policy

The Adopted Mid Sussex District Plan[3], is considered to be relevant, notably:

- DP4: Housing
  - The District's OAN is 14,892 dwellings over the Plan period. Provision is also made of 1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area. There is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031.
  - The Council commits to commencing preparation of a Site Allocations DPD in 2017 to be adopted in 2020. The DPD will identify further sites which have capacity of 5 or more residential units.
- DP6: Settlement Hierarchy
  - Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.
- DP38: Biodiversity
  - 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.
- DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
  - Within a 7 km zone of influence around the Ashdown Forest SPA, residential development leading to a net increase in dwellings will be required to contribute to mitigation through:
  - 1) The provision of Suitable Alternative Natural Greenspace (SANG) to the minimum level of 8 Ha per 1,000 net increase in population; or a financial contribution to SANGs elsewhere; or the provision of bespoke mitigation; and
  - 2) A financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy. Large schemes proposed adjacent or close to the boundary of the 7 km zone of influence may require mitigation for the SPA. Such proposals for development will be dealt with on a case-by-case basis.
  - Where bespoke mitigation is provided, these measures will need to be in place before occupation of development and must be managed and maintained in perpetuity. The effectiveness of such mitigation will need to be demonstrated prior to approval of the development. Bespoke mitigation will need to

be discussed and agreed by the District Council as the competent authority following advice from Natural England.

3. Assessment Methods

3.1 EcIA Methodology

3.1.1 EcIA and EcIA Scoping Guidance

The impact assessment follows the criteria set out in the CIEEM Guidelines for EcIA[4]. These guidelines are in place to be followed by ecologists undertaking EcIA in addition to providing regulators, decision makers, and those submitting projects with an indication of the information needed to adequately consider projects in the light of biodiversity legislation and policy. EcIA should look to follow the Mitigation Hierarchy and seek to Avoid, Mitigate, Compensate, and Enhance.

Within this guidance it is noted that scoping should be proportionate to the potential effects on ecological features. Ecologists undertaking EcIA should use their knowledge and experience to judge resources which are required to complete an effective EcIA. A rigorous and transparent approach to this process is considered essential.

The purpose of this report is scoping the EcIA. This scoping EcIA follows the CIEEM Guidelines for Scoping which advises it is essential to determine the ecological issues to be addressed in an EcIA by establishing an initial understanding of the baseline ecological conditions, to determine and agree the zone of influence of the project and which important ecological features could be significantly affected, and to determine and agree the proposed surveys and methods for survey, evaluation and assessment.

3.1.2 EcIA and EcIA Scoping Process

The Impact Assessment process is considered below:

- Identify all potential ecological receptors and describe all potentially significant ecological effects associated with the proposed development
- Establish a baseline or to identify the need for further species/ habitat specific surveys to inform baseline for a full EcIA;
- Identify how mitigation measures will or could be secured;
- Provide an assessment of the significance of any residual effects;
- Identify appropriate biodiversity enhancement measures;
- Provide necessary information to determine whether the project conforms with all relevant environmental laws, policies, and legislation, and where suitable to allow conditions or obligations to be proposed by the relevant authority.
- Set out any necessary requirements for post-construction monitoring to ensure that long-term management is directed accordingly.
- Establish the Zone(s) of Influence (ZoI) of the proposed activities (area(s) over which ecological features may be affected by the biophysical changes caused by the proposed project and associated activities) or identify the need for modelling to determine the ZoI– this can be an iterative process following further research and survey.

The outcomes of the scoping process in accordance with CIEEM guidelines should be:

- A description of the Zone(s) of Influence of the project.
- The identification of key ecological impacts which could be addressed through changes to project design, including consideration of alternatives.
- A list of the ecological features to be given detailed consideration in relation to each feature.
- A description of the surveys to be undertaken to provide the necessary data to inform the assessment, including methods and timing.
- A list of relevant ecological features that will not be given detailed consideration in an EcIA and a justification for their exclusion.

3.1.3 Scoping Importance of Ecological Features

To decide which ecological features are important and require assessment or consideration within this report information gleaned from the desk study, data search, and field survey were considered.

CIEEM guidance encourages the importance of individual ecological features to be considered within a defined geographical context using the following scale, although this is not always possible at the scoping stage in advance of further surveys:

- International – *Outside of the UK, i.e. Europe*
- National – *UK*
- Regional – *Eastern England*
- County – *West Sussex*
- Local – *East Grinstead*

Considering the CIEEM guidance, features of less than Local importance are unlikely to trigger a mitigation or policy response at EcIA level. However, where relevant, this assessment uses the term 'Site importance' to evaluate features within the Site that are assessed to be of value only within the context of the Site and of which are typically unlikely to require further assessment.

Criteria based on the magnitude of effect is used within other disciplines. Table 1 provides shows the relation between the two approaches. This table can be used to allow the ecological impact assessment to be integrated into the wider EIA without compromising the CIEEM best practice guidelines.

Table 1: Relationship Between EcIA and Wider EIA Assessment of Significance.

Geographic scale of effect (as per CIEEM 2024 guidance)	Magnitude of effect
International, European, national or regional	Large
Regional, metropolitan, county, vice-county or other local authority-wide area.	Medium
Local	Small
Site or below	Negligible

3.1.4 Features Considered

The following receptors, which include sites, species or ecological features have the potential to be impacted by the proposal, or their presence has been detected during the desk study, data search or Site visit. As such, they are considered to fall within the Zone of Influence of the project and are discussed further and action points, additional surveys, mitigation and compensation measures are recommended as necessary:

- Habitats
- Non-Statutory and Statutory Sites of Nature Conservation Value
- Great Crested Newts
- Bats
- Reptiles
- Birds
- Hazel Dormice
- Badgers
- Priority & Notable Species (Fauna and Flora)
- Invasive Species

3.1.5 Features Scoped Out

The following receptors are very unlikely to occur on the Site, in adjacent habitats either due to a lack of suitable habitat or as they have localised distributions in the UK away from the Site. As such, the proposed development does not pose a threat to the following species and they are not discussed or not discussed further than at baseline as no further survey or mitigation is considered necessary:

- Otter
- Water Voles
- White-Clawed Crayfish

3.1.6 Zone of Influence

The Zone of Influence is the area over which ecological receptors may be subject to significant effects as a result of the proposed development and associated activities[4]. The Zone of Influence will vary with different ecological receptors, depending on their sensitivities to an environmental change. As recommended by CIEEM, professionally accredited or published studies have been used to determine Zone of Influence for different habitat and fauna species.

A list of those receptors considered to be within the Zone of Influence is provided in Section 3.1.4 above.

3.1.7 Characterising Ecological Impacts

Using the available proposal plans, likely impacts are then determined with reference to the nature of the impact which is characterised and considered using the following parameters:

- Positive or negative
- Extent
- Magnitude
- Duration

- Frequency and timing
- Reversibility (or lack thereof)

3.1.8 Determining Significance of Effects

Significant ecological effects are defined as an effect that either supports or undermines nature conservation objectives for important ecological features, for example local and national priority habitats and species, rare or notable species or those listed as species of conservation concern, statutory and non-statutory designated sites and legally protected species.

3.2 Establishing Baseline

For the basis of this scoping assessment the conditions onsite in October 2024 and historic aerials of the Site within the last five years have been used to assume the baseline conditions for the Site. Where required further surveys for sites, habitats, and species have been recommended to inform the baseline.

3.2.1 Desk Study

The following searches were made on the Multi Agency Geographical Information for the Countryside (MAGIC)[5]

- A search for Statutory Sites of Nature Conservation Value and Priority Habitats[6] within 2 km of the Site,
- A search for granted European Protected Species Mitigation Licenses within 2 km of the Site.
- A search for Great Crested Newt class survey licenses returns from within 2 km of the Site.
- A search for Natural England Pond Surveys 2017-2019 within 2 km of the Site.

Ordnance Survey maps and aerial photographs from online sources were consulted to identify the presence of any water bodies within 500m of the Site and to look at past Site management and changes in habitats.

Records of protected species, notable species, invasive species, and non-statutory sites of nature conservation value from within 2 km of the Site were procured from Sussex Biodiversity Record Centre[7] as part of the desk-based study and, where deemed relevant, are presented in this report.

3.2.2 Field Survey

A field survey of the Site was undertaken on 21st October 2024 by Tom Haley MSc, a Principal Ecologist with over 10 years' experience within ecological consultancy with a Level 2 bat class Licence. And Kat Sturman BSc (Hons) Assistant Ecologist with over 18 months experience within ecological consultancy.

This survey assessed the value of onsite habitat and their potential to support protected or notable species and habitats following the guidelines for Preliminary Ecological Appraisal[8] and the guidelines for Ecological Impact Assessment[4] in the UK and Ireland published by the Chartered Institute for Ecological and Environmental Management (CIEEM). A full list of standard survey methods is included in Appendix 2.

3.2.3 Limitations

Due to the seasonal behaviour of animals and the seasonal growth patterns of plants, ecological surveys may be limited by the time of year in which they are undertaken. Therefore, this survey may not provide a complete list of the plants and animals present, or which may utilise the Site throughout the year.

As part of standard practice, a data search has been undertaken from the local biological record centre. This is not considered to be a complete list of species present and is better considered to be a list of species recorded, with many species known to be under recorded.

Access was not gained into the interior of the building at the time of the Site visit, as such assessments were made from the building externally in the first instance. Photos of the inside of the building were subsequently reviewed to reduce this limitation. From ground level it was not possible to view all roof lines and planes, features noted are on the lower roof.

The assessment of baseline is limited in this scoping report to a single Site visit and a desk study. The baseline assessment requires further species-specific surveys to inform baseline information and therefore support any further impact assessment to be made.

These limitations are not considered to have affected the accuracy of the assessment or the recommendations provided in this scoping report and, where considered necessary, recommendations for further survey have been made to overcome these limitations.

This report presents conditions and recommendations for the Site based on the state of the Site during the survey visit. Any changes to the Site prior to development, including changes in the management of the Site habitats will therefore potentially invalidate this report and its recommendations.

3.3 Possible Activities Generating Ecological Impacts

In regard to the proposed development, activities that can generate ecological impacts can include the following;

Preliminary Activities Prior to the Main Construction

- Vegetation clearance.

Construction Phase

- Access and travel on/off-site, including temporary access routes for construction vehicles and vessels;
- Movement of materials to/from or within a site;
- Dust generation;
- Soil stripping;
- Environmental incidents and accidents e.g. spillages, noise and emissions;
- Lighting;
- Provision of services and utilities e.g. underground power lines, water supply and drainage;
- Construction of structures and hard surfaces;
- Structural works to existing buildings, including conversions; &
- Vegetation/habitat clearance including tree felling and use of herbicide.

Occupation/operational Phase

- Access to site (both route and means);
- Drainage; and waste water
- Implementation of landscape design and habitat management;

- Lighting; &
- Presence of pets.
- Waste and litter
- Noise
- Urbanisation
- Recreational

4. Baseline Ecological Conditions

4.1 Summary

Habitats present on the Site included building, sparsely vegetated land, invasive non-native plant species, car park, introduced shrub, bramble scrub and scattered trees.

At this stage, without further survey effort, the importance of the ecological features onsite scoped into this assessment cannot be fully determined. For this scoping report, a maximum likely importance for some features may be given. However, it is considered that the following should be considered within the baseline of the Site:

- Statutory and Non-Statuary Sites of Nature Conservation Value
  - One statutory Site and two non-statutory sites lie within 2 km of the Site. The closest is The High Weald an Area of Outstanding Natural Beauty (AONB) which lies 700 m SW of Site. These do not bare any similarity to the Site and therefore the Site does not provide any steppingstone or connecting habitat that could be impacted by the development. The Site lies 4.5 km from Ashdown Forest SPA it falls within the 7 km Zone of Influence mitigation will be required through; a financial contribution to SANG and the Ashdown Forest SAMM Strategy charged as a rate of per additional net new unit.
- Habitats
  - The habitats onsite to be impacted by the development are not considered important ecological features.
- Great crested newts
  - Great crested newts are considered likely absent from Site and scoped out, due to the distance of the Site from possible breeding ponds and limited habitat suitability onsite.
- Bats
  - One building is present onsite, this has multiple potential roost features and is well connected to the wider landscape. Features are considered suitable for use by larger numbers of bats on a more regular basis and for a longer period of time due to their size, shelter, protection and conditions[9], as such it is considered to have *High Suitability* as well as *hibernation potential*[9]. A multi-stemmed sycamore tree was also identified to have *PRF FAR Suitability,* although this looks to be retained within proposal plans. At this stage, is not possible to determine the geographical importance of any bat roosts present. This will be informed by further surveys to determine if roosts are present, the species and roost status and what geographical scale any roosts present would be valued at. Given the context of the Site, habitat and roost features present it is considered likely that any roosts present are likely to be only of importance at Local or, at most, County level. Further surveys are required to ascertain whether bats are present and to detail the scale of importance of any roosts alongside any required mitigation and compensation.

- Birds
  - The scrub, trees and building have suitability as nesting habitat. However, this habitat is not likely to support species or a species assemblage of anything greater than Site importance.
- Reptiles
  - The Site is dominated by unsuitable habitats of a building and car park area, with a small amount of suitable refuge habitat within the onsite scrub and brash piles. The Site is considered to be too small, with limited suitable reptile habitat to support a population in its own right, and it is considered unlikely that reptiles are present. Reptiles have therefore been scoped out of the assessment.
- Hazel Dormice
  - The Site contains limited vegetation for hazel dormice, with some suitability within the bramble scrub and trees onsite. The Site is well connected to Brookland's Park which lies c. 300 m west of Site. There is no survey data for Brookland's park to indicate a presence of dormice. If hazel dormice are present within this park they could utilise the Site. However, due to the small size of Site, and the limited suitable habitat onsite, it is not able to support a population of conservation concern. To mitigate the very low residual risk to dormice, a precautionary approach to the removal of bramble scrub onsite should be undertaken.
- Badgers
  - No evidence of badgers was noted onsite, with no evidence of sett building, latrines or foraging present and the Site had limited suitability for badgers which is isolated from the wider area by development. It is not appropriate to assign a level of geographic importance to badgers as they are not protected for their ecological value rather against persecution. This receptor has been scoped out of this assessment as they are not considered present onsite.
- Notable Flora & Fauna
  - 22 records were returned within 2 km of the Site for hedgehogs. The Site is dominated by unsuitable habitats of a building and car park area, with only boundary habitats of scrub having limited foraging suitability for hedgehogs. It is considered that hedgehogs could be present transiently with local records existing.
- Invasive Species
  - Two floral species which are listed on Schedule 9 of the Wildlife and Countryside Act (as amended 1981) were found onsite or close to Site. Japanese knotweed was observed just outside of the northeastern boundary of the Site, and it is considered possible that rhizomes are likely to extend onto the Site. Late cotoneaster (*Cotoneaster lacteus*) was observed present onsite. Buddleia is dominant across the Site, although no listed as a Schedule 9 species it is non-native invasive. It is not appropriate to assign a level of geographic importance to invasive non-native species.

Table 2 below, includes the summary of receptors scoped in and their respective geographic level of importance.

Table 2: Summary of Receptors Scoped in and Geographic Value

Receptor	Geographical Importance
Statutory Sites of Nature Conservation Value	International level
Habitats	Site level
Bats	TBC – Likely local, at most County

Birds	Site level
Hazel Dormice	Likely absent or local value if present
Notable Flora & Fauna	Site level
Invasive Species	N/A

4.2 Designated Sites

The desk study returned one record for statutory sites and two records for non-statutory sites within 2 km of the Site. These are detailed, along with their geographic value, in Table 3 below.

Table 3: Sites of Nature Conservation Value Within 2 km of Site.

Non-Statutory Sites				
Name	**Designation**	**Distance/ Location from Site**	**Geographic Value**	**Notable Features & Reasons for Designation**
High Weald	Area of Outstanding Natural Beauty (AONB)	700 m SW	National	The High Weald National Character Area (NCA) encompasses the ridged and faulted sandstone core of the Kent and Sussex Weald. It is an area of ancient countryside and one of the best surviving medieval landscapes in northern Europe. The High Weald Area of Outstanding Natural Beauty (AONB) covers 78 per cent of the NCA. The High Weald consists of a mixture of fields, small woodlands and farmsteads connected by historic routeways, tracks and paths. Wildflower meadows are now rare but prominent medieval patterns of small pasture fields enclosed by thick hedgerows and shaws (narrow woodlands) remain fundamental to the character of the landscape[10].
Worth Way	Local Wildlife Site (LWS)	650 m NW	County	The Worth Way follows for much of its route part of the course of a dismantled railway the Three Bridges to Tunbridge Wells Central Line, which closed in 1967, and serves as an important wildlife corridor. Officially designated a Site of Nature Conservation Importance in an Area of Outstanding Natural Beauty, much of the Worth Way forms an important wildlife corridor supporting a wide variety of fauna and flora. The former railway cuttings and embankments have been progressively colonised by trees, notably Silver Birch, Ash, Hazel and Sallow, which have developed into mature woodland. It supports a variety of flora and fauna, including Nuthatch, Chiff Chaff, Kingfishers, roe deer, foxes, bats and common lizards. It is part of the National Cycle Network[11].
Ashplats Wood	LWS	945 m NE	County	Ashplats Wood is 28 ha and is part of the East Court Estate in East Grinstead, West Sussex, UK. The main part of the wood is designated as Ancient Woodland, and also a West Sussex Site of Nature Conservation Importance (SNCI). It sits within the High Weald Area of Outstanding Natural Beauty

				(AONB). The bulk of the wood is characterised by Sweet Chestnut, Silver Birch, Alder, Oak and Ash and the associated shrub layer of Coppice Hazel, Holly and Hawthorn. The ground is rich in flora and carpeted with the flowers of bluebells and wood anemones in the Spring[12].

The sites listed in Table 3 are a significant distance from Site and provide no connecting habitat and therefore there is no projected impact.

The proposed development Site also lies within an IRZ for:

- Ashdown forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

As the Site lies 4.5 km from Ashdown Forest SPA it falls within a 7 km zone of influence around the Ashdown Forest SPA and the development will lead to a net increase in dwellings, required mitigation will be required through:

1. A financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy.
2. A financial contribution to Suitable Alternative Natural Greenspace (SANG) elsewhere

4.3 Habitats

Desk Study

The desk study returned the following records of notable habitat within 2 km of the Site:

Table 4: Notable Habitats within 2 km of the Site.

Habitat	Areas	Parcels	Closest to Site
Deciduous Woodland	17	52	360 m
National Forest Inventory	37	37	360 m
Woodpasture and Parkland BAP Priority Habitat	1	1	500 m
No main habitat but additional habitat exists	12	12	670 m
Ancient Woodland	7	40	718 m
Traditional Orchards	3	3	750 m
Good quality semi-improved grassland	2	2	1,032 m
Open mosaic habitat	1	1	1,990 m

The habitat listed as 'no main habitat but additional habitat exists', the parcels to the northeast of Site are dominant in deciduous woodland. The habitats listed in Table 4 bare no similarity to those occurring within the Site. Given this and the distance and nature of habitats that separate the Site from these habitat parcels it is considered unlikely that development will result in any negative impact upon these habitats.

Field Survey

Habitats noted within the Site were assessed using the Handbook for The UK Habitat Classification[13]. The Site consists of a building, built linear features, sparsely vegetated urban land, introduced shrub, invasive non-native species, car park, bramble scrub and scattered trees. A description of these habitats is provided below:

On Site Habitats:

Buildings (u1b5)

The Site is dominated by a large, four storey red brick building, which is partially clad in wooden weatherboard. This has an undercover area for carparking.

This is of negligible ecological importance as a habitat in its own right.

Built linear features (u1e)

Metal palisade fencing runs around the entire boundary of the Site.

This has negligible ecological importance.

Sparsely vegetated urban land, invasive non-native species, car park, Introduced shrub (u1f; 524,804, 847)

Figure 2: Introduced Shrub and Car Park Area with Vegetated Areas.

The entire footprint surrounding the onsite building, with the exception of the trees and bramble scrub comprises of tarmacked and gravel areas with emerging vegetation. The emerging vegetation is less than 50% of the urban land. The area is dominated by non-native buddleia (*Buddleja davidii*), with frequent perennial rye (*Lolium perenne*) grass and forbs species including common dandelion (*Taraxacum officinale*), green alkanet (*Pentaglottis sempervirens*), herb Robert (*Geranium robertianum*), fleabane (*Erigeron sp.*), ribwort plantain (*Plantago lanceolata*) and spear thistle (*Cirsium vulgare*). Occasional fox glove (*Digitalis sp.*), ground ivy (*Glechoma hederacea*), umbellifer species (*Apiaceae sp.*), common ragwort (*Jacobaea vulgaris*), cat's-ear (*Hypochaeris radicata*), curled dock (*Rumex crispus*) and common nettle (*Urtica dioica*) are also present across the area.

An area of introduced shrub is present next to a lamppost to the north of Site, juniper (*Juniperus sp.*) is the dominant species in this area.

Japanese knotweed (*Reynoutria japonica*) a Schedule 9 invasive species[14] was noted to be present just outside the northeastern boundary of the Site.

These habitats have negligible ecological importance, due to the low amount of vegetation present and due to it being dominated by non-native buddleia.

Bramble scrub (h3d)

Scrub is present onsite to the northeast corner of Site, and along the northwestern boundary of Site. This is dominated by bramble (*Rubus fruticosus*), with frequent buddleia and occasional ivy (*Hedera helix*).

This is considered to have ecological importance at a site level only.

Sparsely vegetated urban land; scattered trees (u1f; 32)

Scattered trees are present across the Site, onsite to the far northeastern corner of Site is an immature pine tree (*Pinus sp.*), which is covered in ivy. Along the southeastern boundary lies a holly tree (*Ilex aquifolium*), a multi-stemmed sycamore (*Platanus occidentalis*), a goat willow (*Salix caprea*) and a large late cotoneaster (*Cotoneaster lacteus*) which is non-native and a Schedule 9 species[14]. Scattered throughout the rest of the Site are silver birch (*Betula pendula*) and ash (*Fraxinus excelsior*) tree saplings, along with an immature silver birch present along the southern boundary of Site.

The trees to the northeastern boundary of the Site are considered to have local ecological importance, saplings and immature trees present have negligible ecological importance.

Surrounding Habitats

- *Built-up areas and gardens (u1)* surround the Site.
- *Urban; car parks (u; 804)* car parks for associated businesses lie to the east and south of the Site.
- *Urban; urban park (u; 806),* a large 7.9 ha park (Brooklands park) lies to the west of Site.
- *Urban; Commercial building (u; 815)* the Site has businesses surrounding the Site to the south and east.
- *Other developed land; roads (u1b6; 800)* roads are present to the north, east and south of Site.

All habitats onsite with the exception of mature trees are considered to have negligible to Site level ecological importance and will not require compensation. Mature trees onsite are considered to have local ecological importance, however, these look to be retained on current proposal plans. Therefore, the Site will not see the removal of any habitats with anything greater than Site level importance and habitats can be scoped out as an ecological receptor.

4.4 Great Crested Newts

Desk Study

The desk study returned 18 records for great crested newts (*Triturus cristatus*) within 2 km of the Site, within the last 10 years. The closest record is 825 m south of Site and dated 2021, it is noted that there are major roads and large developed areas between this record and Site.

The search on MAGIC Map[5] shows five great crested newt class survey licence returns, the closest of which is 716 m east of Site and dated 2015. No European Protected Species Application Licences were returned within 2 km of Site.

Two ponds were identified during the desk study. **Figure 3,** overleaf, shows the pond locations within 500 m of the Site and are further detailed in Table 5, overleaf.

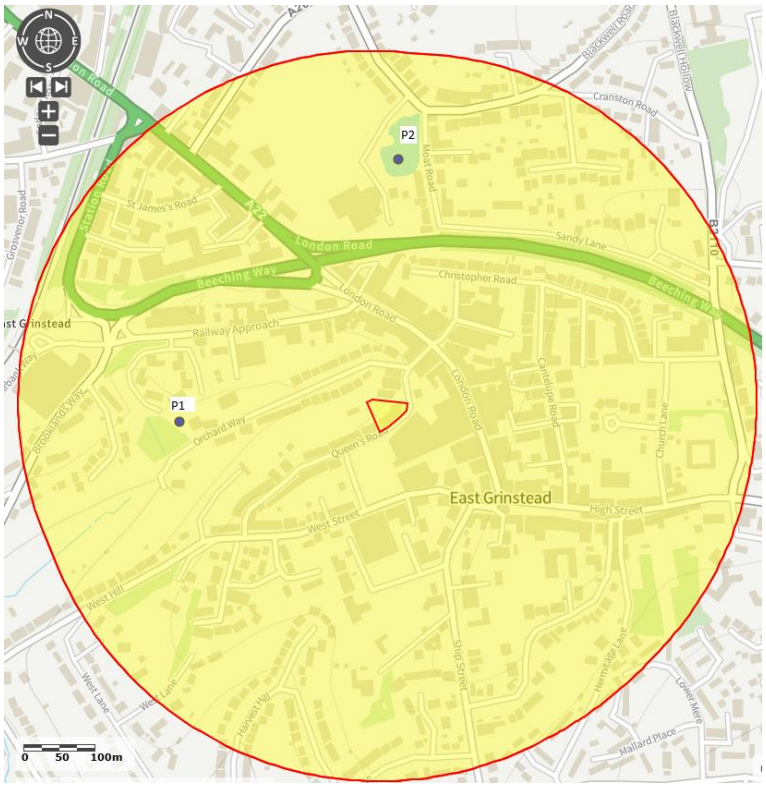


Figure 3: Ponds within 500m of the Site.

Field Survey

Bramble scrub

This habitat has some potential for refuge habitat, however it is limited in size. Brash piles are present onsite along the north eastern boundary of Site, which could provide refuge habitat for GCN.

Buildings, sparsely vegetated urban land, introduced scrub, scattered trees and built linear features

These habitats are considered unsuitable for great crested newts, and provide no cover from predators and therefore is of no importance.

Table 5: Pond Details

Pond Number	Distance	Direction	Visited	HSI	Notes/ Dispersal Barriers to Site
1	270 m	W	No	-	Garden bordered by walls, roads, distance.
2	320 m	N	No	-	Distance, major road A22.

Overall, the Site had poor suitability terrestrial habitat, the site is dominated by a building and sparsely vegetated land which provides no suitability for GCN and there is no breeding habitat onsite. The only habitat onsite that has potential to provide refuge habitat for great crested newts is the bramble scrub and brash piles however, this is limited to small areas onsite and is surrounded by unsuitable hardstanding habitat.

Both ponds are located over 250 m from Site, research from English Nature (now Natural England) has shown great crested newts to primarily remain within 100 m of breeding ponds and are rarely present outside 250 m from a breeding pond without suitable connecting habitat and reduced habitat within 250 m of a pond[15].

Therefore, due to the distance, and barrier to dispersal between the Site from possible breeding ponds and limited habitat suitability onsite, great crested newts are considered likely absent from Site and scoped out.

4.5 Bats

Desk Study

The following records of bats were returned by the desk study within 2 km of the Site, within the last 10 years:

- Leisler's (*Nyctalus leisleri*), one record dated 2023, c. 1 km east of Site.
- Noctule (*Nyctalus noctule*), one record dated 2023, c. 1 km east of Site.
- Pipistrelle species (*Pipistrellus sp.)* for a roost of 6-20 adults c.1880 m from Site dated 2023.
- Common pipistrelle (*Pipistrellus pipistrellus*), 31 records, the closest record is c. 400 m east of Site dated 2014
- Soprano pipistrelle (*Pipistrellus pygmaeus*), nine records, the closest is c. 1 km south of Site dated 2019
- Long-eared species (*Plecotus sp.*) three records, the closest is c. 360 m east of Site, dated 2014.
- Brown long-eared (*Plectorus auritus*) 6 records, the closest is c. 70 m SW of Site dated 2016.

Nine EPSML licences were returned within 2 km of the Site:

Licences under 1 km away:

- 2015-15233-EPS-BDX. Destruction of a common pipistrelle breeding and resting place 01/09/2015 to 30/04/2016. C. 880 m SE of Site.
- 2017-31493-EPS-MIT. Destruction of a common pipistrelle resting place. 16/10/2017 to 30/10/2022. This is the closest licence to Site lying c. 88 m SW
- 2018-34037-EPS-MIT Destruction of a resting place for brown long-eared and common pipistrelle 19/04/2018 to 13/04/2023. C. 897 m NW of Site.
- 2020-49337-EPS-MIT destruction of a common pipistrelle resting place. 01/11/2020 to 28/02/2026. C. 800 m NW of Site.

Between 1 km to 2 km from Site:

- EPSM2012-3949, destruction of a resting place for brown long-eared and whiskered bat 17/05/2012 to 31/08/2012
- EPSM2012-4152, destruction of a resting place for common pipistrelle 24/02/2012- 30/09/2017
- EPSM2010-1891, destruction of a resting place for common pipistrelle and brown long-eared 17/05/2010 to 30/04/2012
- 2018-37923-EPS-MIT, destruction of a resting place for common pipistrelle 01/03/2019-31/03/2020
- 2018-37924-EPA-MIT, for the destruction of a resting place for common pipistrelle 01/03/2019 to 31/03/2020

Field Survey

Sparsely vegetated urban land; scattered trees

Scattered trees are present across the Site, an immature pine tree is located onsite to the far north eastern corner of Site, immature ivy covers the entire trunk, however due to the tree being immature and lack of thick stemmed ivy it is considered highly unlikely any PRFs are present and it is considered to have *PRF NONE*[9].

A multi-stemmed sycamore tree is present along the northwestern boundary of Site, old ivy with thick stems is present across the trunk. Although no PRFs were noted at ground level it is considered to be of an age where PRFs could be present, with the thick stemmed ivy creating further possible roosting opportunities. This is considered to have *PRF FAR* suitability[9]**Error! Bookmark not defined.**, further assessment will be required to establish if PRFs are present in this tree.

All other trees onsite were immature and no potential roost were features present, all other trees onsite are considered to have *PRF NONE suitability*[9].

Building- High Suitability, with hibernation potential[9]***Error! Bookmark not defined.***

The building was assessed for potential roost features as well as evidence of roosting bats and suitable access.

External:

There is one building onsite, which dominates the Site's footprint. This is a four-storey red brick construction with cavity walls, wooden clad areas on the top floor, along with an undercover carpark present at ground level, with open sides. The building is currently not in use. The roof structure is consistent with a mansard, with parapets to the flat roof section over the main body of the building, and lower, single pitch roofs on the lower and ground floor sections of the building. Flat concrete tiles are present across the pitched roofs, along with wooden clad soffits.

Multiple potential roost features (PRFs) were noted across the building externally, weep holes are present across the entire building and could provide a roost potential. Multiple tiles were noted to have slipped on the southeastern elevation creating PRFS, mortar was found to be missing on the corner brickwork on the northwest corner, and southwest corner of the building. Not all roof lines could be seen at ground level to be assessed due to the small size of the Site and the height of the building.

Within the undercover, ground floor car park area, areas of ceiling tiles are missing, or have holes creating access to the cavity between the ceiling tile and concrete tubes forming the construction of the building (Photo 5). Some of the lower holes were inspected, and the concrete found to have a rough finish which would allow bats to grip, concrete would also provide a stable/cool climate for roosting bats. Ceiling tiles have gaps in the area with the car park ramp, and further holes were noted in the ceiling above this creating access to two storeys on the southeastern area of the building. A PRF was also noted in a gap between the brickwork and the supporting beam on each side within this area (Photo 2), with a further gap between the external brickwork and concrete beam within the car park area, with runs the entire length of this area. A low area of exposed brickwork was noted on the far northeastern column on the building (Photo 1), this was endoscoped and although parts were filled with clutter it did open out into a cavity that could run the length of the column and is considered to have bat roost potential.

A small room was inspected to the far northwest of the car park area, a small hole was noted in the ceiling and it was considered dark enough to be suitable for bats. However, this has a door through to the main carpark area which is usually closed and no obvious access points were noted into this area making it likely inaccessible for bats.

Two plant rooms were also inspected internally and no obvious PRF features were found.

On the southeastern elevation of the building, many of the smaller windows do not lie flush with the building, and sit within a wooden clad frame. A consistent PRF feature noted across these windows in a gap formed at the base between the brickwork and the window frame, that runs the length of the window frame.

The top floor of the southeastern elevation has been wooden clad, many of these clad areas have lifted areas of wood, missing boards and a consistent gap between the lower roof and the start of the base of the wooden clad. These all have the potential to act as a PRF. Windows within this floor also have gaps around the window frames. Lead flashing on the lower roof within this elevation was noted to be lifted in places and completely missing on one ridge line. A large area of brickwork is missing on the lower floor of this elevation and has been boarded up, along with broken windows.

Internal:

Access could not be achieved for an internal inspection, however, internal photographs (Photos 18-20) were reviewed show that internally the ceilings have been stripped throughout the building. It is possible that there could be dark and sheltered areas or crevices in the structure of the building internally, that could have potential roosting suitability, although none have been noted within the internal pictures.

The building is considered to have *High Suitability with hibernation potential*[9]**Error! Bookmark not defined.** as it is a structure with multiple potential roost sites, suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time, due to their size, shelter, protection, conditions and surrounding habitat. This structure has the potential to support high conservation status roosts[9]**Error! Bookmark not defined.** such as maternity roosts for more common species.

Foraging and commuting- *Low Suitability*[9]***Error! Bookmark not defined.***

The Site has limited vegetation suitable for foraging or commuting, which is limited to scattered trees and scrub along the northwestern and western boundary of the Site. However, the Site has habitat that could be used by small numbers of bats, although it is isolated habitat that could be used by small numbers of foraging bats. Particularly in this case as the Site is situated at the end of a wildlife corridor. Overall the Site is considered to have *Low Suitability* foraging and commuting.

Further Survey Effort Required

Three dusk emergence surveys are required for the building to determine the presence or likely absence of bats using the building to roost. These surveys should be conducted between May and September, with at least two of the surveys taking place between May and July in order to comply with best practice guidelines**Error! Bookmark not defined.** and to adequately cover the peak maternity period for bats so that roost status can be appropriately characterised. If roosting bats are confirmed then further surveys, a mitigation strategy and derogation licence may be required. NB Natural England may require survey data from the last available survey season to support a license application.

Hibernation Surveys: Static detector surveys should be conducted during winter to record bat activity between periods of torpor for a period of a minimum of two weeks per survey, each month from November to March. An internal inspection of the building should take place to see if there is any suitable areas for static detectors to be deployed. Following this static detectors should be deployed within the car park area, along with a temperature and humidity logger to provide context, static detectors may also be required on each level of the building internally. Endoscope

inspections of accessible features suitable for hibernating bats should also be conducted in December and January. Although, it should be noted that vesper bat species are often under-recorded because they crawl deep into crevices[9], and the inspection will be limited to the extent of the reach of an endoscope. As detectors will have to be placed in the open within the carpark area, close to potential hibernation roost features the presence of bats will not bring any useful information as it will only confirm bat activity in the vicinity of the features (i.e. could record passing bats) whereas an *absence* of bat activity onsite in the hibernation period will confirm likely absence of hibernating bats.

The sycamore tree onsite appears to be retained, if plans change and this is to be felled the tree will require further assessment and possible surveys and licence prior to removal. Retained trees, surrounding buildings and any retained roost features onsite should be protected from any additional lighting.

4.6 Birds

Desk Study

Records of species returned by the data search included a range of species typical of the landscape surrounding the Site and included notable species which are detailed within Table 6 below.

Table 6: Notable Bird Records from the Data Search

Scientific Name	Common Name	Schedule 1 WCA	BoCC Status	National Priority	Local Priority
Motacilla cinerea	Grey Wagtail		Amber	✓	
Delichon urbicum	House Martin		Red		
Passer domesticus	House Sparrow	✓	Red		✓
Milvus milvus	Red Kite	✓	Green		
Sturnus vulgaris	Starling	✓	Red	✓	
Columba oenas	Stock Dove	✓	Amber		
Hirundo rustica	Swallow		Green		
Apus apus	Swift	✓	Red		✓

Field Survey

The field survey noted the following species on the Site, seen in Table 7:

Table 7: Birds Recorded Onsite

Species			Protection			
Scientific Name	Common Name	Breeding?	Schedule 1 WCA	BoCC Status	National Priority	Local Priority
Cyanistes caeruleus	Blue Tit	-		Green		
Columba livia domestica	Feral Pigeon	-		Green		
Passer domesticus	House sparrow	-	✓	Red		✓
Erithacus rubecula	Robin	-		Green		
Sturnus vulgaris	Starling	-	✓	Red	✓	

Bramble scrub, scattered trees

These habitats provide nesting and foraging potential for a wide range of common species of birds.

Buildings

The onsite building was noted to have old birds nests within gaps the car park area of Site, further gaps were noted within the building externally which could provide access for smaller birds for nesting. Lifted tiles create further nesting opportunities. The flat roof offers further nesting opportunities for corvid and pigeons who tend to favour this type of nesting habitat.

However, this habitat is not likely to support species or a species assemblage of anything greater than Site importance.

4.7 Reptiles

Desk Study

The desk study returned four records of grass snake (*Natrix helvetica*) and slow worm (*Anguis fragilis*) within 2 km of the Site in the last 10 years.

The closest record relates to a grass snake c. 880 m northwest of Site in 2021. All other records within the last 10 years are over 1 km from Site.

Field Survey

Bramble scrub

Bramble scrub onsite provide suitable foraging and refuge habitat for reptiles. A brash pile present along the northeastern boundary of the Site provides potential refuge habitat. However, these habitats are small in size and the Site is dominated by a building and car park area which are unsuitable habitats. The Site is considered to be too small, with limited suitable reptile habitat to support a population in its own right, and it is considered unlikely that reptiles are present.

Buildings, Built linear features, Sparsely vegetated urban land; scattered trees .

These habitats onsite have no suitability for reptiles.

It is considered unlikely that reptiles are present onsite and therefore they are scoped out of this assessment.

4.8 Hazel Dormice

Desk Study

The desk study returned one record for hazel dormice (*Muscardinus avellanarius*) with 2 km of the Site within the last 10 years. This record lies c.1.4 km to the northeast of Site dated 2015.

Four further records are present dated over 10 years, with the closest of these lying c. 730 m north of the Site in 2010, all other records are over 1.4 km from Site.

Two European Protected Species Mitigation Licences were returned for hazel dormice within 2 km of the Site.

- 2013-5786- 17/08/2013-30/05/2015 impact to breeding site, destruction of breeding and resting place- Closest licence to Site c. 1,680 m NE of Site.

- 2020-46244-EPS-MIT, destruction of a breeding and resting place, impact to a breeding site. 08/04/2020-31/12/2025

Field Survey

The Site contains bramble scrub and trees which have suitability for hazel dormice, although the bramble scrub onsite is limited and located mainly to the western boundary of the Site. Within the wider landscape to the west of Site is an area of trees within gardens which leads to Brooklands Park, c. 300 m west of Site (**Figure 4**) which has connectivity to Site. There is no survey data for Brooklands Park to indicate the presence of hazel dormice. An anecdotal PEA report for the Site, presumably in conjunction with the parks masterplan[16] scoped out hazel dormice from their report. Despite this, if hazel dormice are present within Brooklands Park, they could utilise the small areas of suitable vegetation onsite, bramble scrub and trees. However, due to the small size of Site, and the limited suitable habitat onsite, it is not able to support a population of conservation concern. A precautionary approach to the removal of bramble scrub onsite should be undertaken.

Figure 4: Area of Brooklands Park (Outlined in Green) in Relation to Site (Outlined in Red) Overlaid on Google Earth 2024.

4.9 Badger

Desk Study

The desk study returned no records for badgers (*Meles meles*) within 2 km of the Site.

Field Survey

The Site could provide a small area of foraging habitat within the bramble scrub for badgers; however, no evidence of foraging was noted onsite. A fox (*Vulpes vulpes*) was observed onsite indicating medium sized mammals can access the

Site. However, with the limited suitable habitat onsite it is considered unlikely that badgers will be present onsite, and it is not considered appropriate to give a geographical importance for badgers.

Therefore, badgers are scoped out of this assessment.

4.10 Notable and Priority Species (Flora & Fauna)

Desk Study

The desk study returned 22 records for hedgehog (*Erinaceus europaeus*) within 2 km of the Site within the last 10 years. The closest record relates to an observation of an individual on the same road, c. 60 m southwest of Site in 2016.

Field Survey

The Site is dominated by unsuitable habitats of a building and car park area, with only boundary habitats of scrub having limited foraging suitability for hedgehogs. It is considered that hedgehogs could be present transiently with local records existing.

The scale of the Site and lack of suitable habitat onsite limits the value and as such only provide importance at a Site Level.

4.11 Invasive Species

Desk Study

The desk study returned one record for Japanese knotweed (*Fallopia japonica*) and one record of Himalayan balsam (*Impatiens glandulifera*) within 2 km of the Site in the last 10 years.

Field Survey

Japanese knotweed was observed just outside of the northeastern boundary of the Site, although it appeared confined by areas of hardstanding, giving the nature of Japanese knotweed growth, there good potential there are dissociated rhizomes and contaminated material elsewhere onsite and is considered possible that it has colonised the Site. Late cotoneaster (*Cotoneaster lacteus*) was observed present onsite. Both species are noted on Schedule 9 of the Wildlife and Countryside Act[14].

5. Impact Assessment

5.1 Features Considered

The following receptors, which include sites, species or ecological features have the potential to be impacted by the proposal, or their presence has been detected during the desk study, data search or Site visit. As such, they are considered to fall within the Zone of Influence of the project and are discussed further and action points, additional surveys, and mitigation measures are recommended as necessary:

- Non-Statutory and Statutory Sites of Nature Conservation
- Bats
- Birds

- Hazel Dormice
- Priority & Notable Species (Fauna and Flora)
- Invasive Species

5.2 Features Scoped Out

The following receptors are very unlikely to occur on the Site, in adjacent habitats either due to a lack of suitable habitat or as they have localised distributions in the UK away from the Site. As such, the proposed development does not pose a threat to the following species and they are not discussed further as not further survey or mitigation is considered necessary:

- Badgers
- Great Crested Newts
- Otter
- Reptiles
- Water Vole
- White-Clawed Crayfish

5.3 Assessment of Effects & Mitigation

5.3.1 Summary of Potential Effects.

A summary of the potential effects resulting from construction and operational phases is given in Table 8, below.

Table 8: Summary of Assessment of Effects

Receptor	Potential effect	Relevant Development Activity	Details of Ecological Effect	Effect	Scale and Severity	Significance
Statutory and Non-Statutory Sites	Recreational Pressure	Operational phase.	The Site falls within the zone of influence for Ashdown Forest SAC and SPA, and financial contribution through the SANG and SAMM payment will be required.	Permanent, irreversible.	International / large	Significant.
Bat	Destruction of roosts / killing and injury of bats.	Site clearance during construction.	Further survey is required to ascertain impact on bats. If the Building is found to have bats present, then the loss of this habitat will see the destruction of roosts.	Permanent.	At most county / medium	At most significant at a county level.
Birds	Damage or destruction to active nests / Habitat loss.	Site clearance during construction.	The scattered trees, scrub and building provide suitable nesting provision for birds. Clearance and any work to these habitats will result in a loss of nesting provision and	Permanent loss of habitat / temporary direct	Site level / negligible	Non-significant.

			could result in active nests being damaged or destroyed.	impact on nests.		
Hazel Dormice	There is a ow risk of hazel dormice being present onsite, removal of bramble scrub and trees could cause death, injury and disturbance to hazel dormice	Removal of scrub and trees	Precautionary methods of removal will be required for any scrub or tree removal. With a MS and EcCOW supervision.	Likely absent or permane nt effect if not.	Likely absent or local value if presen t	Non-significant. Significant if present onsite.
Priority and Notable Species (Hedgehogs)	Habitat fragmentati on.	Use of impermeable fencing across Site / Operational phase.	If hedgehogs are present onsite, the use of impermeable fencing within the development will create habitat fragmentation.	Permanen t.	Site level / negligi ble	Non-significant.
Invasive Species	The spread of invasive plants *Fallopia japonica* and *Cotoneaster lacteus*	Site clearance during construction.	If removed from the Site, inappropriate removal methods can cause the species to spread within the local area.	Long-term.	N/A	Significant at local level.

5.4 Statutory Sites & Habitats

5.4.1 Assessment of Effects

One statutory site and two non-statutory sites lie within 2 km of the Site. As listed below:

- High Weald, AONB
- Worth Way LWS
- Ashplats Wood LWS

The proposed development Site also lies within an IRZ for:

- Ashdown forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

Stat Sites:

Operational Phase

The development will see an increase in the number of residential units through conversion of the onsite building into 25 flats with an expected occupancy rate of 53 people; equating to four 1 bed flats, 15 two person flat, five three person flats and one four person flat. Proposals for any net increase in residential units will have a likely to have an effect through increased recreational pressure, though not significant, however it would be classed as significant when considered in combination with other developments in the region.

As the Site is not in close proximity to any surrounding statutory Sites, it is considered unlikely to cause any direct impact.

5.4.2 Significance of Effects

The development will result in an increase in residential units within the IRZ for Ashdown Forest SPA & SAC. Increased recreation at the designated site, without mitigation, could result in habitat degradation and increased disturbance of features within the SPA/SAC. This could result in impacts to the condition of the SPA/SAC and the conservation status of the bird populations that utilise the SPA. As such this impact could be permanent, reversable but significant at an international level.

5.4.3 Mitigation Measures

The Site falls within a 7 km zone of influence for Ashdown Forest SPA & SAC, payment contribution to SANG and SAMM, to be established by the LPA.

5.4.4 Significance of Residual Effects

Payment contribution to SANG and SAMM will ensure that there is no residual effect on Ashdown Forest SAC & SPA for a development of this size.

5.5 Bats

5.5.1 Potential Impacts

Pre-Construction and Construction Phase

Should bat roosts be present in the building which has been identified as *high suitability with hibernation potential* the impact of roost loss without mitigation would be permanent. The extent of the impact is unknown and would depend on the numbers of roosts, status of roosts, and species present. This will need further surveys to determine.

The development could have direct impacts to hibernating and roosting bats, through killing, injury, disturbance, entombment, destruction of roost/s and the loss of hibernation site.

It appears that the sycamore tree identified as having *PRF FAR suitability* is being retained. If plans change then the impact of potential roost loss without mitigation would be permanent. The extent of the impact is unknown and would depend on the numbers of roosts, status of roosts, and species present, this could risk killing, injury, disturbance and destruction of roost/s if present. This will need further surveys to determine.

Light pollution could disturb foraging or commuting bats or impede bats from leaving or entering roosts if present nearby causing damage to roosts and entomb bats.

It is unclear if the development will require re-roofing, the use of woven breathable roofing membranes can pose a serious threat to bats as a result of entanglement which can lead to death.

Operational Phase

Additional light spill onto retained trees, surrounding buildings, any retained roost features and bat boxes incorporated into the development can cause disturbance to bats by impeding bats from leaving or entering roosts along with having a negative impact on commuting or foraging bats. Furthermore, lighting can cause damage to roosts, entombment of bats and further impacts to a potential hibernation site.

5.5.2 Significance of Effects

Further assessment is required to ascertain whether the building supports roosting bats and therefore the scale of impact on bats. The building was assessed to have *High suitability with hibernation potential*[9].

If any trees noted as having *PRF FAR Suitability* are removed, this will require further assessment to fully assess the scale of impacts on bats.

5.5.3 Mitigation Measures

This assessment should take the form of **three dusk emergence surveys** to determine the presence or likely absence of bats using the building to roost. These surveys should be conducted between May to September, with at least two of the surveys taking place between May and July in order to comply with best practice guidelines. If roosting bats are confirmed then further surveys, a mitigation strategy and derogation licence may be required. Natural England require survey data from the last available survey season to support a license application.

Hibernation Surveys: Static detector surveys should be conducted during winter to record bat activity between periods of torpor for a period of a minimum of two weeks per survey, each month from November to March. An internal inspection of the building should take place to see if there is any suitable areas for static detectors to be deployed. Following this static detectors should be deployed within the car park area, along with a temperature and humidity logger to provide context, static detectors may also be required on each level of the building internally. Endoscope inspections of accessible features suitable for hibernating bats should also be conducted in December and January. Although, it should be noted that vesper bat species are often under-recorded because they crawl deep into crevices[9], and the inspection will be limited to the extent of the reach of an endoscope. As detectors will have to be placed in the open within the carpark area, close to potential hibernation roost features the presence of bats will not bring any useful information as it will only confirm bat activity in the vicinity of the features (i.e. could record passing bats) whereas an *absence* of bat activity onsite in the hibernation period will confirm likely absence of hibernating bats.

The sycamore tree identified as having *PRF FAR suitability****Error! Bookmark not defined.*** appears to be retained within proposal plans. If plans change this will require aerial assessment to establish if PRFs are present in this tree. A final suitability score can then be given, and further surveys, a mitigation strategy and derogation licence may be required prior to removal.

Retained trees, surrounding buildings, retained bat roost features and any installed bat box locations as part of the development should be protected from any additional lighting.

Any lighting schemes to be installed during and post-construction must be designed to prevent unnecessary light spill onto the retained trees, surrounding buildings, any retained bat roost features and any bat boxes installed as part of the development. Construction phase lighting mitigation measures are to be followed, lighting needs to be as directional as possible for the task in hand, avoid putting lighting units close to retained habitats, surrounding buildings or retained roost features and hording to minimise light spill.

Artificial lighting proposals must not directly illuminate boundary habitats, surrounding buildings, trees, any retained roost features or bat box locations.

5.5.4 Significance of Residual Effects

Mitigation will have to be acceptable to Natural England for any derogation licence, so should avoid any likely significant residual effect.

As temporary lighting during the construction phase and any permanent lighting scheme will be designed to prevent unnecessary light spill onto any vegetation or bat boxes installed as part of the development, if lighting recommendations are adhered to it is considered that any potential adverse residual effects from lighting upon bats will not be significant.

5.6 Birds

5.6.1 Potential Impacts

Pre-Construction and Construction Phase

The development will result in the clearance of bramble scrub, scattered trees and loss of nesting habitat as a result of the conversion of the building. These habitats are suitable for a wide range of nesting birds. This could result in active nests being damaged or destroyed if undertaken in the nesting bird season and will also result in a reduction in nesting habitat.

5.6.2 Mitigation Measures

Pre-Construction and Construction Phase

Any work to the building, removal of scrub and trees which could impact nesting birds should take place outside of the nesting season (the nesting season is considered to run from March to September, inclusive). If this is not possible works should only take place after a nesting bird check has been undertaken by a suitably experienced ecologist at most 48 hours before clearance. Any nests present within the works areas will be left undisturbed until young have fledged or a reasonable buffer installed as established by the EcCOW. An additional nesting bird check may then be required.

Suitable compensatory habitat is considered to be three general purpose hole fronted bird boxes (28 mm or 32 mm), to be included within the dwelling or retained trees at least 2-3 m high, north or east facing. Plus five integrated house sparrow terrace nest boxes facing north or east on buildings.

5.6.3 Significance of Residual Effect

There will be a small, permanent loss of foraging and nesting habitat onsite, however, given the proposed compensation this residual effect is not considered significant.

5.7 Hazel Dormice

5.7.1 Potential Impacts

If hazel dormice are present within Brooklands Park, they could utilise the small areas of suitable vegetation onsite, bramble scrub and trees. Although there is a low risk of hazel dormice being present onsite, removal of bramble scrub and trees could cause death, injury and disturbance to hazel dormice. However, given the small amount of habitat to be removed and the low quality of this habitat no impacts on the favourable conservation status of any local populations are anticipated.

5.7.2 Mitigation Measures

As there is a low risk of dormice being present onsite and the small amount of suitable habitat onsite, a precautionary approach to the removal of bramble scrub and trees is recommended. A Method Statement is to be developed detailing the measures for removal of bramble scrub and trees onsite, this is to include hand searches of the habitats by a suitably experienced ecologist and removal to avoid the hibernation period for dormice (considered to be October to April/May[17]). Work in these areas are to be carried out under ecological supervision (EcCoW) by a suitably experienced ecologist. If an individual dormouse or evidence of dormice is identified, works will stop and a licenced dormouse ecologist consulted to determine an appropriate way forward. .

5.7.3 Significance of Residual Effect

Given the scale of habitat removal and the mitigation measures recommended no residual effects are anticipated.

5.8 Priority and Notable Species (Flora & Fauna)

5.8.1 Potential Impacts

Pre-Construction and Construction Phase

The development will result in the loss of a small area of habitat with suitability for hedgehog. The development has potential to cause injury or death to individual small mammals, including hedgehog, disturbed during Site clearance. However, the development is unlikely to cause any impacts to the population status of any notable or priority species.

Operational Phase

Habitat fragmentation resulting from the use of impermeable fencing within the development.

5.8.2 Mitigation Measures

Pre-Construction and Construction Phase

Any small mammal disturbed during construction should be allowed to flee of their own volition or moved to the Site boundary.

Operational Phase

The development should seek to provide 13x13cm holes in the base of existing fencing to provide access to Site for hedgehogs.

5.8.3 Significance of Residual Effect

The development is unlikely to cause any impacts to the local population status of any notable or priority species. With mitigation the residual impact will not be significant.

5.9 Invasive Species

5.9.1 Potential Impacts

Pre-Construction and Construction Phase

Without mitigation the development could cause further spread of cotoneaster and Japanese knotweed, species listed on Schedule 9 of the Wildlife and Countryside Act (as amended 1981) into the wider landscape. If the species are spread by works or inappropriate removal, it will result in a breach of legislation and could contribute to the spread within the local area, a long-term impact at a local level

5.9.2 Mitigation Measures

Pre-Construction and Construction Phase

Localised clearance of vegetation under EcCOW to allow access and to identify any invasive species present within the dense scrub onsite, if Japanese knotweed is found onsite a Japanese knotweed specialist is to be consulted for removal methods. A Japanese knotweed specialist is to advise on a treatment plan and safe systems of work, to include a marked buffer zone around the known offsite Japanese knotweed.

The removal of cotoneaster is to be included within a Method Statement (MS) for the Site, which will detail removal methods including timings to be removed when not in berry/seed and disposed of or, if in berry, bagged and disposed of at landfill.

Any landscape planting should avoid the inclusion of any species listed on Schedule 9 of the Wildlife and Countryside Act (as amended 1981)[14].

5.9.3 Significance of Residual Effect

The appropriate treatment and removal of *Fallopia japonica* and *Cotoneaster lacteus* will ensure that the species does not spread to other areas, so residual effects are not considered to be significant.

6. Enhancement

Enhancement measures could be incorporated into the scheme through appropriate landscaping, as well as the provision of nesting / roosting habitat for bats, birds and invertebrates.

- *Bats.* Two bat boxes to be incorporated into the building or installed on retained trees, at least 3m high.
- *Birds.* Two 28mm hole fronted nest boxes on retained trees, or installed on the building, at least 2m high and with a clear line of flight, out of full sun.
- *Invertebrates.* Invertebrate boxes to be mounted on fences or walls or posts, 1-2m high with a variety of materials and openings to provide habitat to a wide variety of species, facing south or west and be positioned in a sunny area.
- *Habitat.* Tree planting of broadleaved native trees and a small area of native berry producing scrub planting onsite.

7. Monitoring

It is not considered that any long-term monitoring would be required, unless required as part of a Natural England licence for bats, should further surveys confirm presence and the requirement of a licence.

8. Conclusions

Mitigation measures detailed in this report will reduce the effects from the development to a non-significant level on all identified ecological receptors.

The Site lies 4.5 km from Ashdown Forest SPA, as the development will lead to a net increase in dwelling, payment contribution to SANG and SAMM will ensure that there is no residual effect on Ashdown Forest SAC & SPA for a development of this size

As Building onsite has high suitability for roosting bats, with hibernation potential, development of the Site could result killing or injury of bats and destruction of bat roosts. As such further survey to confirm the presence/absence of roosting bats and the status of any roosts present is recommended. From there the geographical importance of any bat roosts present can be ascertained. Any artificial lighting installed during pre-construction and construction, or operational phases will be tailored to reduce the risk of disturbance impacts upon bats.

Mitigation for nesting birds as well as provision of compensation nesting habitat will reduce the residual effects on nesting birds to a non-significant level. The measures include nesting birds checks and provision of three general purpose hole fronted bird boxes plus five integrated house sparrow terrace nest boxes.

There is a low risk of dormice being present within the bramble scrub and trees onsite, therefore removal of these habitats should be cleared under precautionary methods of a method statement, and removal under the supervision of an EcCOW. If an individual dormouse or evidence of dormouse be identified, works will stop and a licenced dormouse ecologist consulted to determine an appropriate way forward.

As the Site has suitable habitat for hedgehogs, clearance of the Site has the potential to cause injury or death to individuals, it is therefore required that any small mammal disturbed during construction should be allowed to flee of their own volition or moved to the Site boundary and gaps should be provided in existing fencing to provide suitable access for hedgehogs to Site. With these mitigation measures, the residual impact will not be significant.

Japanese knotweed (*Fallopia japonica*) is located just outside the northeastern boundary of Site along with late cotoneaster (*Cotoneaster lacteus*) onsite, as both species are listed on Schedule 9 of the Wildlife and Countryside Act (as amended 1981) treatment of the offsite Japanese knotweed should seek a Japanese knotweed specialist for a treatment plan, a buffer zone and no excavation buffer zone around this know area is to be implemented. Clearance of dense onsite scrub is to take place under EcCOW supervision, if Japanese knotweed is found a specialist advise is to be sought for the treatment and removal. Clearance of cotoneaster onsite should be included within a MS for the Site, detailing methods and timings for removal.

Any landscape planting should avoid the inclusion of any species listed on Schedule 9 of the Wildlife and Countryside Act (as amended 1981).

Enhancement measures are also suggested for the scheme to include two bat boxes, two hole-fronted bird nest boxes, invertebrate boxes, planting of broadleaved native trees and a small area of native berry producing scrub planting onsite. With the correct implementation of the mitigation and enhancement measures, the development will be in adherence with relevant legislation and the national planning policy. This implementation of these measures will be secured through appropriately worded planning conditions.

Table 9: Table Summarising Mitigation and Enhancement.

Receptor	Environmental Measures Proposed	Proposed Mechanism to Secure
Statutory and Non-Statutory Sites.	Payment contribution to SANG and SAMM	Planning Condition.
Habitats	**Enhancement**: Tree planting of broadleaved native trees a small area of native berry producing scrub planting onsite.	Design Stage.
Bats	Three dusk surveys between May to September, with two to be completed between May and July. Plus hibernation surveys consisting of Static detector surveys to be conducted during winter to record bat activity between periods of torpor for a period of a minimum of two weeks per survey, each month from November to March. Any accessible features should be endoscoped by a licenced bat worker and the building should be inspected internally. Lighting scheme to prevent unnecessary light spill onto vegetation, surrounding buildings, any retained roost features and any installed bat boxes. **Enhancement**: Two bat boxes to be incorporated into the building or installed on retained trees, at least 3m high.	Planning Condition.
Birds	Clearance of scrub and trees and any work to the building to be undertaken outside of nesting season or preceded by nesting bird check by suitably experienced ecologist; Compensatory nesting habitat in the form of three general purpose hole-fronted bird boxes and five integrated house sparrow terrace nest boxes facing north or east on buildings **Enhancement**: Two 28mm hole fronted nest boxes**.**	Planning Condition.
Hazel Dormice	Precautionary methods to be applied as low risk of hazel dormice being present onsite. The required clearance of scrub and trees is to be	Planning Condition

	undertaken under a Method Statement, with EcCOW supervision. This will detail timings and methods of work. If a hazel dormice is found onsite, all work is to stop and the required licencing and mitigation put in place prior to vegetation removal.	
Priority and Notable Species	Small mammals allowed to flee or moved to Site boundary; & Existing fencing to have 13x13cm holes added to allow site access for hedgehogs. Enhancement: Invertebrate boxes	Planning Condition.
Invasive Species	A Japanese Knotweed specialist to be consulted for the treatment of this species. Cotoneaster to be removed as per recommendations within the report. Landscape planting should avoid the inclusion of any species listed on Schedule 9 of the Wildlife and Countryside Act (as amended 1981)[14].	Planning Condition.

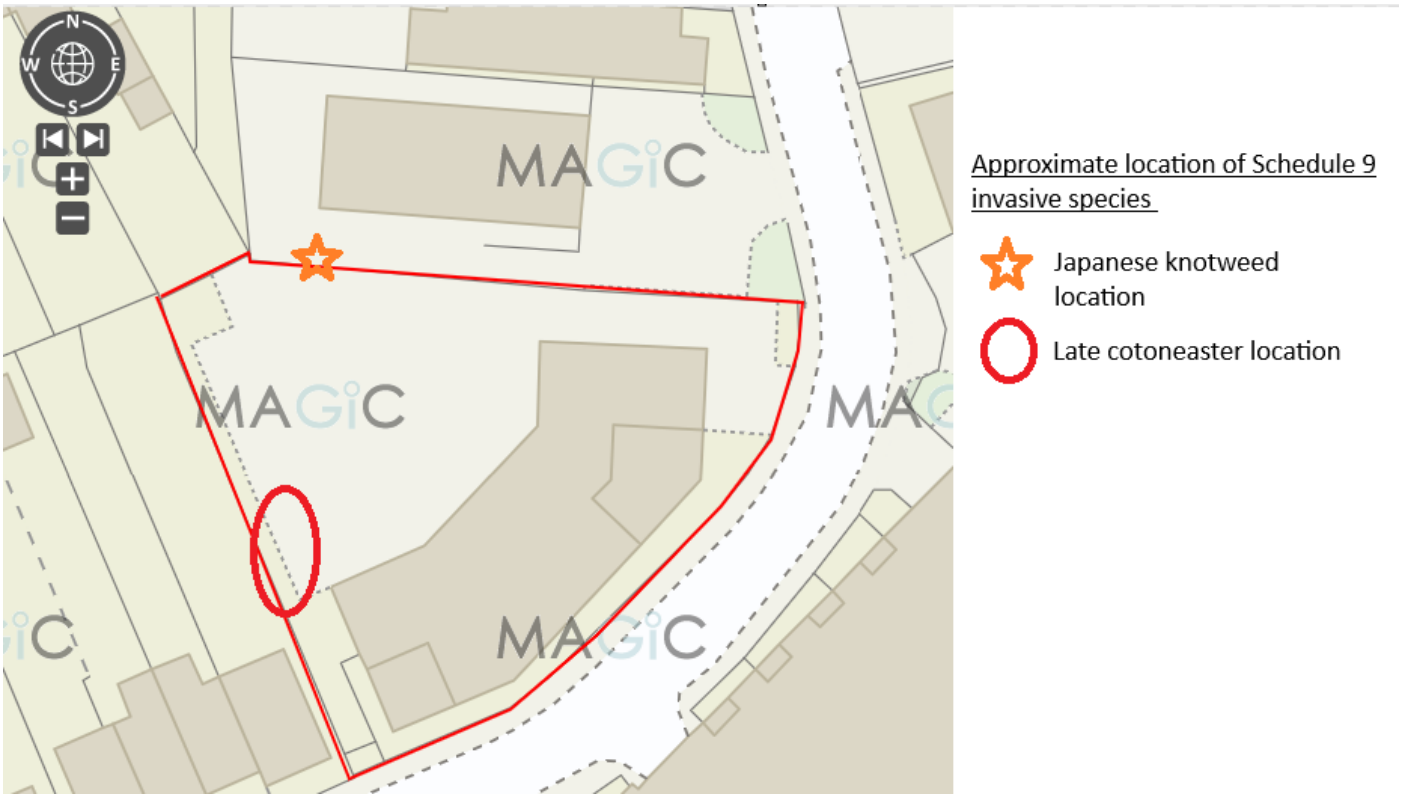
9. References

[1] CIEEM, Guidelines for Ecological Impact Assessment in the UK and Ireland. Version 1.3, updated September 2024. Online, available at: https://cieem.net/wp-content/uploads/2018/08/EcIA-Guidelines-v1.3-Sept-2024.pdf
[2] National Planning Policy Framework, 2019, Ministry of Housing, Communities and Local Government, (Online) Available: https://www.gov.uk/government/publications/national-planning-policy-framework--2
[3] Mid Sussex District Council. District Plan 2014-2031, Adopted March 2018. Available online at: https://www.midsussex.gov.uk/media/3406/mid-sussex-district-plan.pdf
[4] CIEEM, Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal. , 2019
[5] https://magic.defra.gov.uk/MagicMap.aspx
[6] Maddock, A. ed., 2008. UK Biodiversity Action Plan; Priority Habitat Descriptions. [pdf] Available at: http://archive.jncc.gov.uk/PDF/UKBAP_PriorityHabitatDesc-Rev2011.pdf
[7] https://sxbrc.org.uk
[8] https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/
[9] Collins, J. ed., 2023. Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th ed). The Bat Conservation Trust, London.
[10] https://publications.naturalengland.org.uk/publication/4706903212949504
[11] https://www.woodlandtrust.org.uk/visiting-woods/woods/worth-way-and-forest-way/
[12] https://www.woodlandtrust.org.uk/visiting-woods/woods/ashplats-wood/#:~:text=Ashplats%20Wood%20is%2028%20ha,Outstanding%20Natural%20Beauty%20(AONB).
[13] UKHab Ltd (2023). *UK Habitat Classification Version 2.0* (at https://www.ukhab.org)
[14] https://www.legislation.gov.uk/ukpga/1981/69/schedule/9
[15] Cresswell, W., and Whitworth, R., 2004. English Nature Research Reports No. 576 - An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt Triturus cristatus. English Nature, Peterborough, UK.
[16] https://ehq-production-europe.s3.eu-west-1.amazonaws.com/9a4bdadc7d2f1f5f31d3fa95cc2e4e3ead5ec5a1/original/1678724453/29fddf88e890b24e2faaab0ee4515062_Brooklands_Park_Masterplan_Report_211116.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20241125%2Feu-west-1%2Fs3%2Faws4_request&X-Amz-Date=20241125T110956Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=815c133f56307c1991888143578f5ece3adc7f6c35d6da1416d3ba4a7ec6d4a6
[17] dormouse-fact-sheet.pdf

10. Appendices

Appendix 1: Site Proposal Plan

Appendix 2: Approximate Location of Invasive Species in Relation to the Site



Appendix 3: Site Photographs

Photo 1: Brickwork Inspected with an Endoscope on the Northeastern Corner of the Building.

Photo 2: PRFs Present within the Ramped Carpark Area

Photo 3: Weep Hole Present

Photo 4: North Eastern Corner of the Building, Showing Consistent Weep Hole Features and Open Air Vents.

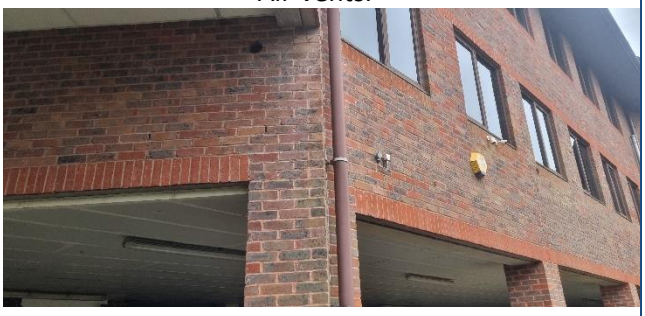


Photo 5: Gaps Present in the Ceiling of the Undercover Carpark Area to the North West of the Building.

Photo 6: Presence of an Old Birds Nest within the Undercover Carpark Area.

Photo 7: Undercover Car Park Area to the Northwest of the Building.

Photo 8: Northeastern Corner of the Site

Photo 8: Brash Pile Present to the Northeast of Site.

Photo 9: Southwestern Corner of the Building.

Photo 10: View of the Onsite Building from the Southwest.

Photo 11: Habitats Present to the Front of the Onsite Building.

Photo 12: Japanese Knotweed Present Just Outside the Northeastern Boundary of Site.

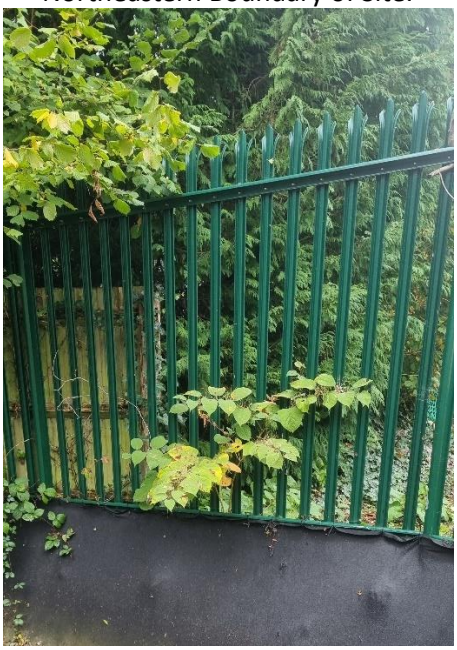


Photo 13: Cotoneaster Present Along the Western Boundary of Site.

Photo 14: Vegetation Present Across Part of the Western Boundary of Site.

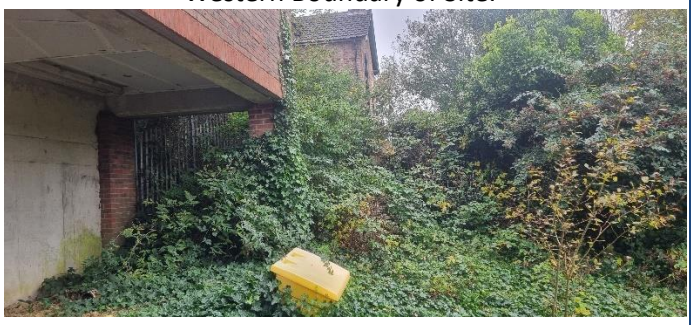


Photo 15: Northwestern Elevation of Site.

Photo 16: Pine Tree Present to the Northeastern Corner of Site.

Photo 17: Gap Present Underneath the Window on the Southeastern Elevation of the Building.

Photo 18: Internal View of the Building

Photo 19: Internal View of the Building

Photo 20: Image from the Flat Roof 	

Appendix 3: Field Survey Methodology

Habitats

Habitats were classified as per the criteria set out in the Handbook for The UK Habitat Classification[xviii] with the prescribed habitat primary and relevant secondary habitat codes included. Habitats were checked against the definitions for Priority Habitats. Priority Habitats are those which are identified as a Habitat of Principal Importance in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 20066.

European Protected Species

Following the UK exit from the European Union (EU), species formerly protected under the Habitat Regulations are now considered to be protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[xix] and will continue to be referred to as European Protected Species (EPS). Further legislative details regarding protected species are included in Appendix 33.

Great Crested Newt (Triturus cristatus)

Great crested newts use both terrestrial and aquatic habitat within their lifecycle, with all habitat used legally protected. The terrestrial and, if present, aquatic habitats onsite were assessed for their value and suitability for great crested newts. The proximity of ponds within 500m and any habitat linking such ponds to the Site was also assessed as an important factor determining the likelihood of the species being present onsite. Any ponds present onsite or accessible during the survey were assessed using the Habitat Suitability Index (HSI) Assessment[xx] where appropriate.

Bats

Any trees or buildings present onsite were assessed for their suitability for roosting bats using the protocol set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd ed)[xxi]. Where necessary this included the use of binoculars to allow for a ground level assessment to search for signs such as staining and/or droppings sometimes found around roost entrances. Internal inspections of buildings or loft voids was undertaken where possible, using ladders and crawling boards if appropriate. It is noted that a lack of evidence of roosting bats, such as presence of bats, droppings, or staining, does not correlate to a lack or presence or a lack of suitability.

Habitats were assessed for their suitability for foraging and commuting bats, as set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd ed)[xi] .

Hazel Dormice (Muscardinus avellanarius)

The Dormouse Conservation Handbook (2nd Ed.)[xxii] provides a level of guidance on assessing a site where the status of hazel dormice is unknown. This assessment is made based upon historical records as well as the habitat and plant species present on and adjacent to the Site. As hazel dormice have a large range, a lack of evidence does not correlate to a lack of presence.

Otter (Lutra lutra) | White Clawed Crayfish (Austropotamobius pallipes)

Suitable waterbodies (if present) on or adjacent to the Site were assessed for their suitability to support these species, where access was possible. Any incidental evidence of the presence of these species on site (e.g. burrows, holts, spraints, foraging signs) was also recorded.

Other species

Protected under the Wildlife and Countryside Act 1981[xxiii] or further specific legislation, further detailed within Appendix 3.

Birds

Habitats on site were assessed for their potential to support nesting birds as well as important numbers of breeding and wintering birds.

Reptiles

Terrestrial habitats on site were assessed for their potential to support common reptile species, based on factors including vegetation structure and composition, and the availability of shelter and foraging resources. All UK reptiles are protected, with rare species (smooth snake (Coronella austriaca) and sand lizard (Lacerta agilis) also given EPS status.

Water Vole (Arvicolus amphibius)

Suitable waterbodies (if present) on or adjacent to the Site were assessed for their suitability to support these species, where access was possible. Any incidental evidence of the presence of these species on site (e.g. burrows, holts, spraints, foraging signs) was also recorded.

Badger (Meles meles)

Habitats on site were assessed for their suitability for badger foraging and sett building. Any incidental evidence of the presence of badgers on site (e.g. setts, paths, prints, foraging signs, and latrines) was also recorded.

Priority Species

Habitats on site were assessed for their suitability for Priority Species. Priority Species are those listed as of Principal Importance in England under Section 41 of the NERC Act 2006[xxiv], those listed as Local Priority Species, or those that feature on the relevant Local Biodiversity Action Plan. Any incidental evidence of the presence of these species on site was also recorded. The presence of rare or notable plant species, such as red data list species[xxv] , was also noted.

Invasive Species

A search was made for evidence of the presence of invasive plant species listed in Schedule 9 of the Wildlife and Countryside Act 1981 as they are subject to strict legal control.

[xviii] UK Habitat Classification Working Group (2018) UK Habitat Classification – Habitat Definitions V1.0
[xix] The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019: 579) Available at: https://www.legislation.gov.uk/uksi/2019/579/contents/made
[xx] Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000). Evaluating the suitability of habitat for the Great Crested Newt (Triturus cristatus). Herpetological Journal 10(4), 143-155.
[xxi] Collins, J. ed., 2016. Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd ed). The Bat Conservation Trust, London

[xxii] Bright, P., Morris, P., and Mitchell-Jones, T., (2006) The Dormouse Conservation Handbook (2nd ed.), English Nature.
[xxiii] Wildlife and Countryside Act 1981 as amended (SI 1981 c.69) Available online at: http://www.legislation.gov.uk/ukpga/1981/69
[xxiv] Natural Environment and Rural Communities Act 2006, c.16. Available at: http://www.legislation.gov.uk/ukpga/2006/16
[xxv] BSBI [Botanical Society of Britain & Ireland], 2018. Great Britain Red List for vascular plants. [xlsx] Available at: https://bsbi.org/download/10959/.

Appendix 4: Legislation

The following sections outline the legislation protecting each species or group of species where appropriate which have been considered as part of the preceding report.
Important notes:

- Practical Ecology Ltd's reports do **not** purport legal advice.
- The outline of legislation provided is not comprehensive and the original texts of the relevant legislation must be referred to for a full list of offences.

European Protected Species

Overview

The Bern Convention (The Convention on the Conservation of European Wildlife and Natural Habitats) was adopted in 1979. To implement the agreement, the European Community adopted the EC Habitats Directive.
The EC Habitats Directive has been written into UK law in the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). The Conservation of Habitats and Species Regulations 2017 (as amended) provides safeguards for European Protected Sites and Species (as listed in the Habitats Directive). This has recently been amended by the Conservation of Habitats and Species Regulations (amendments) (EU Exit) (2019) which continue the same provision for European protected species, licensing requirements and protected areas after the UK's exist from the European Union. In addition, the Countryside and Rights of Way Act 2000 strengthened the wildlife legislation in the UK. In relation to development, a person commits an offence regarding a species protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) if they:

- Deliberately capture, injure or kill an EPS;
- Deliberately or recklessly disturb wild animals of any such species in such a way as to be likely to significantly affect;
    - The ability of any significant group of animals to survive, breed or rear of nurture their young;
    - The local distribution or abundance of that species.
- Damages or destroys a breeding site or resting place (even if unintentional or when the animal is not present);
- Intentionally or recklessly obstructs access to a structure or place used for protection or shelter; and
- This applies regardless of the life stage (i.e. eggs, young, adult).

The following sections outline the offences that can be committed against each species or group of species which are protected by European law and tranches of UK law which strengthen that protection.

Great Crested Newts (*Triturus cristatus*)

Great crested newts and their breeding sites (ponds) or resting places are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.
It is an offence to:

- intentionally or recklessly kill, injure or handle a great crested newt;
- to possess a great crested newt (whether live or dead);
- disturb a great crested newt – this includes in particular:
    - Any disturbance or obstruction which is likely to impair their ability to survive, breed or reproduce, or to rear or nurture their young; or

    - Any disturbance or obstruction that impairs their ability to hibernate or affecting their local distribution and abundance;
- sell or offer a great crested newt for sale without a licence.

It is also an offence to intentionally or recklessly damage, destroy or obstruct access to any place used by great crested newts for shelter, whether they are present or not.

Bats

All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.
It is an offence to:

- intentionally kill, injure or handle a bat;
- to possess a bat (whether live or dead);
- disturb a roosting bat; or
- sell or offer a bat for sale without a licence.

It is also an offence to intentionally or recklessly damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.
A roost is defined as 'any structure or place which (a bat) uses for shelter or protection'. As bats tend to reuse the same roosts, legal opinion is that a roost is protected whether or not bats are present at the time of the survey.

Otter (Lutra lutra)

Otters and their breeding sites (holts) or resting places are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.
It is an offence to:

- Deliberately or recklessly capture, kill, disturb or injure otters;
- Deliberately or recklessly damage or destroy a breeding or resting place;
- Deliberately or recklessly obstruct access to their resting or sheltering places; or
- possess, sell, control or transport live or dead otters, or parts of otters.

Common dormouse (Muscardinus avellanarius)

Common dormice and their breeding sites or resting places are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981.
It is an offence to:

- Deliberately or recklessly capture, kill, disturb or injure common dormice;
- Deliberately or recklessly damage or destroy a breeding or resting place;
- Deliberately or recklessly disturb a common dormouse whilst in structure or place of shelter or protection;
- Deliberately or recklessly obstruct access to their resting or sheltering places; or
- possess, sell, control or transport live or dead common dormice, or parts of common dormice.

Other Species

Badgers (Meles meles)

Badgers are fully protected in the UK by the Protection of Badgers Act, 1992 and by Schedule 6 of the Wildlife and Countryside Act 1981 as amended. The Protection of Badgers Act 1992 was introduced in recognition of the additional threats that badgers face from illegal badger digging and baiting. Under the Act, it is an offence *inter alia* to:

- Wilfully kill, injure or take a badger, or to attempt to do so;

- Cruelly ill-treat a badger; or
- Intentionally or recklessly interfere with a badger sett by;
    - damaging a sett or any part of one;
    - destroying a sett;
    - obstructing access to or any entrance of a sett;
    - causing a dog to enter a sett; or
    - disturbing a badger when it is occupying a sett.

The purpose of this legislation is to ensure that badgers are humanely treated.

Water Vole (Arvicola terrestris)

Water vole and their breeding sites or resting places (burrows) are protected under Schedule 5 of the Wildlife and Countryside Act 1981. It is an offence to:

- Deliberately or recklessly capture, kill, disturb or injure water voles;
- Deliberately or recklessly damage or destroy a breeding or resting place;
- Deliberately or recklessly disturb a water vole whilst in structure or place of shelter or protection;
- Deliberately or recklessly obstruct access to their resting or sheltering places; or
- Possess, sell, control or transport live or dead water voles, or parts of water voles.

NB: In the case of water voles, a place of shelter or breeding or resting place is only likely to constitute an 'active' burrow.

Reptiles

All six of the UK's reptile species are protected under the Wildlife and Countryside Act 1981 (as amended).
Of the more common reptiles, it is illegal to intentionally kill or injure common lizard (*Zootoca vivipara*), slow worm (*Anguis fragilis*), an adder (*Vipera berus*) and grass snake (*Natrix helvetica*).

White-Clawed Crayfish (Austropotomobius pallipes)

The Wildlife and Countryside Act 1981 (as amended) makes it an offence to:

- Take a white-clawed crayfish from the wild;
- Sell or offer the sale of a whole or any part of a white-clawed crayfish.

This applies to all life stages.

Birds

The Wildlife and Countryside Act 1981 (as amended) makes it an offence to:

- intentionally kill, injure or take any wild bird;
- intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built;
- intentionally take or destroy the nest or eggs of any wild bird. [Special penalties are liable for these offences involving birds listed on **Schedule 1**].

Birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) have an additional level of protection. With regards to these species, it is it is an offence to deliberately or recklessly:

- disturb them whilst they are nesting, building a nest, in or near a nest that contains their young;
- disturb their dependent young.

Invasive Species

Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife & Countryside Act 1981 (as amended) prohibits the release of

any animal species that are 'not ordinarily resident or is not a regular visitor to Great Britain in a wild state'. Therefore, under Section 14 it is an offence to allow the establishment of plant species listed on Schedule 9 Part 2 in the wild.

Wild Mammals

Mammal species not of primary conservation concern do receive protection from unnecessary suffering through the Wild Mammals Protection Act (1996).