



Preliminary Ecological Appraisal

Stumble Ridge, Oldlands Avenue, Balcombe,
Haywards Heath, RH17 6LP

November 2024



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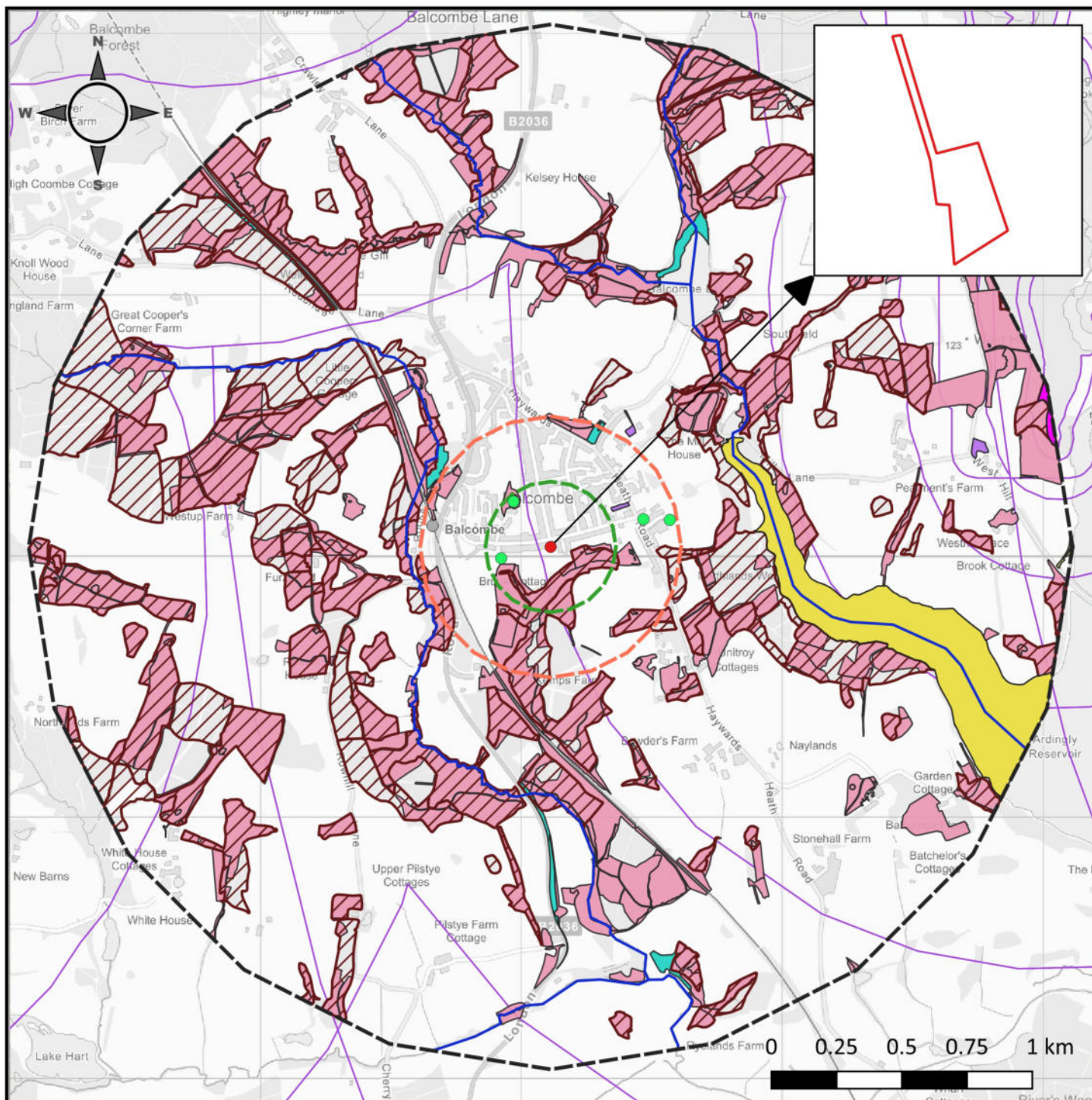
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Legend

- | | | |
|---|------------------|----------------------|
| Deciduous woodland | SSSI | Development boundary |
| Good quality semi-improved grassland | SSSI IRZ | Site centroid |
| Traditional orchard | Ancient woodland | 250 m search area |
| No main habitat but additional habitats present | Rivers | 500 m search area |
| LNR | Ponds | 2 km search area |

Figure title: Site Location and Desk Study Results

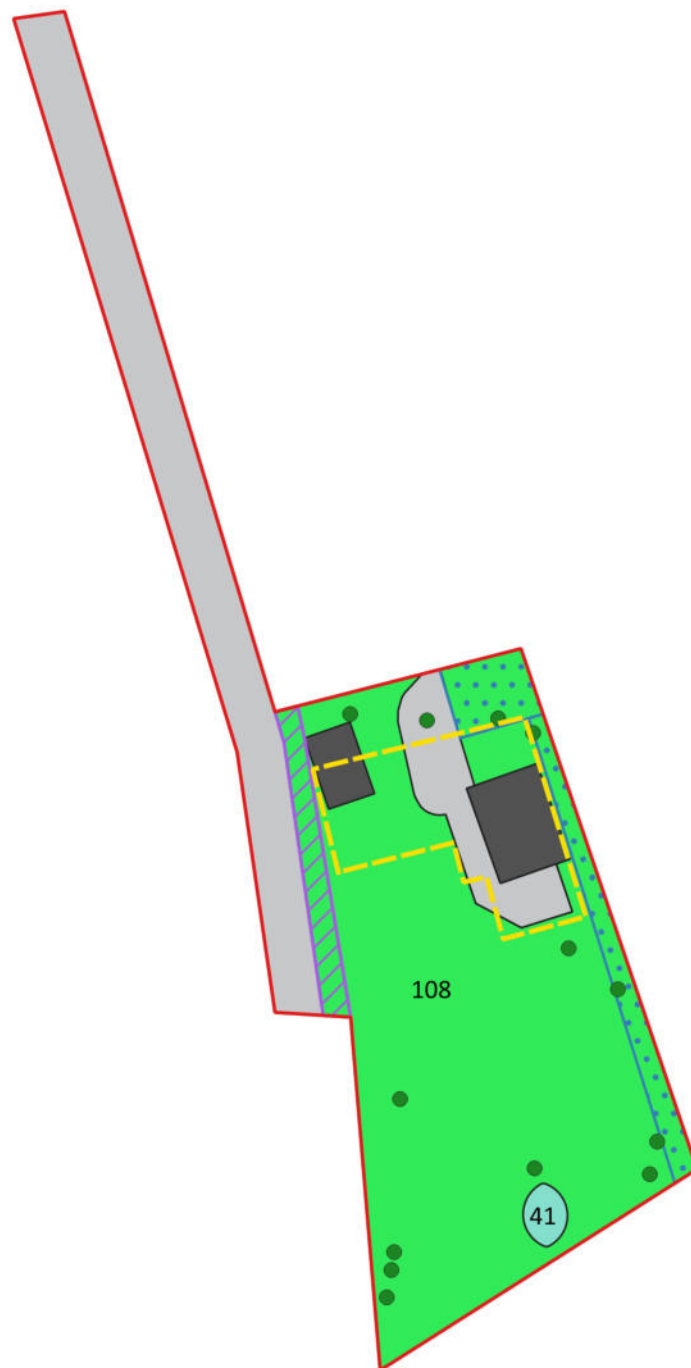
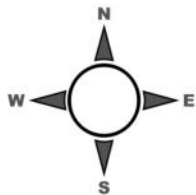
Client: C-NJA-014-001-001
Steve Baker

Site location: Stumble Ridge, Oldlands Avenue, Balcombe, Haywards Heath, RH17 6LP

Figure number: 1 Date drawn: 06/11/24 Scale at A4: 1:22000

Revision: 1 Cartographer: AO Approver: JB





Legend

- Main footprint of the development
- Development boundary
- UK Habs Primary code**
 - u1b5 - Building
 - u1b - Developed land sealed surface
 - h2b - Non-native hedgerow
 - g4 - Modified grassland
- UK Habs Secondary code**
 - 32 - Scattered trees
 - 847 - Introduced shrub
 - 41 - Non-priority pond
 - 108 - Frequently mown

Figure Title:
UK Habitat Classification Survey Results

Client/ Project Reference:
Steve Baker
C-NJA-014-001-001

Figure number: 2	Revision: 1	Scale at A4: 1:600
Cartographer: AO	Date drawn: 06/11/2024	Approver: JB

Photo 1: Displaying building B1 and an area of modified grassland within the main footprint of the development.



Photo 2: Displaying building B2 and an area of modified grassland within the main footprint of the development.



Photo 3: Displaying an area of modified grassland and developed land sealed surface within the main footprint of the development.



Photo 4: Displaying a line of introduced shrub along the eastern aspect of the development boundary.



Photo 5: Displaying an area of introduced shrub to the north of building B1 within the development boundary.

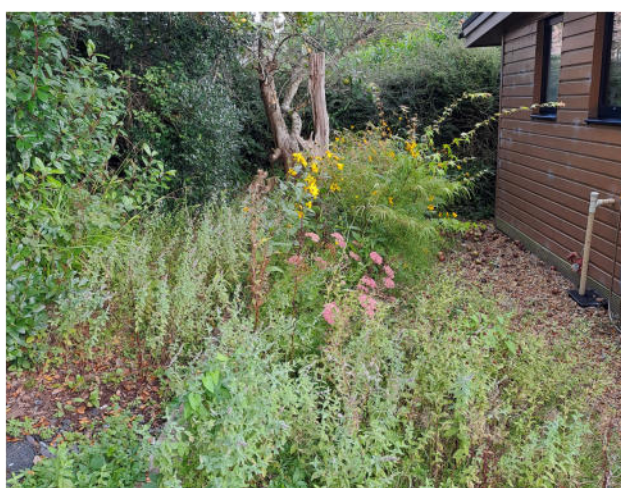


Photo 6: Displaying an area of modified grassland and a pond within the southern area of the development boundary.



Site Location			Client	
Stumble Ridge, Oldlands Avenue, Balcombe, Haywards Heath, RH17 6LP			Steve Baker	
Figure Title			Report reference	
UK Habitat Classification Survey - Photographs			C-NJA-014-001-001	
Figure no:	Revision no:	Scale:	 enquiries@arunecology.com www.arunecology.com	
3	1	n/a		
Cartographer:	Date Drawn	Reviewed by:		
AO	07/11/2024	JB		



1. Summary and Recommendations

Proposals	- Steve Baker is proposing a development on land at Stumble Ridge, Oldlands Avenue, Balcombe, Haywards Heath, RH17 6LP (see Figure 1). - The proposals include the removal of existing outbuildings and construction of a residential dwelling with associated access and landscaping.
Surveys	- A desk study was conducted that included the purchase of records from the Sussex Biodiversity Record Centre. - A site visit was conducted which included a UK Habitat Classification Survey (UK Habs, 2023) and an appraisal of the site habitats to act as ecological receptors.
Impact assessment	- The development will not result in any adverse impacts on designated sites of international, national or local importance. - The development will not result in any impacts on ancient woodland, any other type of irreplaceable habitat or Habitats of Principle Importance. - Based on the desk study results and habitats recorded on-site, bats (foraging and commuting habitat), great crested newts (GCN), hedgehogs and nesting birds are a material consideration for the development. Badgers and other mammal burrows are also a precautionary consideration for the development. - In line with national and local policy, the development will be required to incorporate ecological enhancements into the design. The development will be exempt from achieving measurable net gains as defined under The Environment Act, 2021.
Recommendations	The recommendations below represent a summary only. The full recommendations of this report are outlined in section 6 of this report. Protected Species Licencing - To ensure the development proceeds lawfully with respect to GCN, the development can register under the Mid Sussex District Council (MSDC) GCN District Level Licencing (DLL) Scheme. Should the applicant choose not to opt-in to the MSDC GCN DLL, Natural England's standing advice for GCN should be followed and additional GCN surveys may be required to inform the impacts of the development of GCN. Mitigation - The mitigation measures outlined in this report for badger and other mammal burrows, bats (foraging and commuting habitat), nesting birds and hedgehogs should be followed during the construction phases of the development. Ecological Enhancements - The ecological enhancements outlined within this report should be incorporated into the design of the development.



2. Introduction

2.1 Development Location

2.1.1 Steve Baker is proposing a development (grid reference: TQ 31122 29995) on land at Stumble Ridge, Oldlands Avenue, Balcombe, Haywards Heath, RH17 6LP (see Figure 1). The above address is hereafter referred to as ‘the site’ and Steve Baker as the ‘applicant’.

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

2.2 Development Proposals

2.2.1 The applicant seeks planning consent for a development to include:

- Removal of two existing outbuildings;
- Removal of selected associated trees and shrub;
- Construction of a new two-storey three-bedroom residential dwelling, with associated landscaping; and
- Redevelopment of existing access lane and creation of new access through an existing hedgeline.

2.2.2 The proposals above are hereafter referred to collectively as ‘the development’ in this report.

2.3 Ecology Background

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

2.4 Brief and Objectives

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

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

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



- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (ECiA); and
- Identify the opportunities offered by the development to deliver ecological enhancements and net gains for biodiversity.

2.4.3 The brief agreed with the applicant included:

- The undertaking of a desk study search obtaining records of designated sites, Habitats of Principle Importance (HPI) and ancient woodland as well as purchasing records of protected species and species of conservation concern;
- Undertake a UK Habitat Classification Survey at the site to record the habitats within the site, assess their conservation value and suitability to act as ecological receptors for protected species and species of conservation concern, including a detailed assessment of the suitability of structures and trees to support roosting bats; and
- Provide a PEA report supported by digitized mapping that presents the methods and results of the desk study and the UK Habitat Classification survey at the site. The report will also include an initial impact assessment of the development and any recommendations, including opportunities for ecological enhancement and net gains for biodiversity.



3. Method

3.1 Preliminary Ecological Appraisal

General Approach

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

3.2 Desk Study

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

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

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

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

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



- Purchased records from Sussex Biodiversity Record Centre.

3.3 Field Habitat Survey

Survey Area

- 3.3.1 The study area for the field survey was defined as all of the land within the development boundary (see Figure 2).

UK Habitat Classification Survey

- 3.3.2 The field survey was undertaken using the UK Habitat Classification system (UK Habs, 2023a) to record the habitat types within the development boundary. The UK Habitat Classification has 5 hierarchical levels of habitat classification that aligns with those outlined under national legislation and planning policy. Habitats were mapped in the field using the primary habitat codes described in the UK Habitat Classification Professional Edition to levels 3, 4 or 5 (UK Habs, 2023b).
- 3.3.3 Secondary habitat codes and target notes were assigned along with primary habitat codes to provide additional context where the habitat contained additional features that deviate from the primary classification.
- 3.3.4 To identify each habitat, the dominant plant and other readily identified species were recorded and their abundance within the site was measured using the DAFOR scale (Stace, 2019).

3.4 Site Habitat Suitability Assessment

General Approach

- 3.4.1 The site was appraised for its suitability to support protected species and species of conservation concern at the time of the field habitat survey with regard to the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and BS42020:2013 Biodiversity – Code of Practice for Planning and Development (BSI, 2013). The species-specific guidance and references used in the appraisal are outlined in Table 1 below.



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

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

Bats – Preliminary Roost Assessment

- 3.4.2 A bat preliminary roost assessment (PRA) of structures and trees within the development boundary as well as an assessment of the sites habitat for bats was carried out in accordance with the Bat Conservation Trust Good Practice Guidelines for Ecologists (Collins, 2023).
- 3.4.3 A ground level inspection of the exterior of any structures and trees within the site was undertaken with the aid of torchlight and binoculars to search for bat PRFs that might provide suitable crevices or access/egress points to voids or cavities for roosting bats.
- 3.4.4 Where accessible and safe to do so, a search for signs of bats such as bat specimens, droppings, urine staining and audible sound (such as social calls) was undertaken at each structure or tree. This included an internal inspection of roof voids at structures and the use of an endoscope to inspect any accessible bat PRFs.
- 3.4.5 A classification based upon the roosting suitability for bats was assigned for each structure and tree that was inspected within the site as well as the overall suitability



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

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

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

3.4.6 The bat PRA included the collection of information on the structure type and condition as well as the construction materials. For trees, where present, the species



height, condition, and approximate age was collected where a tree was assessed as having bat roosting potential.

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

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

3.5 Survey Dates and Conditions

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

Table 4 – Field Survey Information.

Date	Survey type	Survey timings		Temperature (°C)		Rain	Wind (Beaufort scale)
		Start	Finish	Start	Finish		
12/09/2024	UK Habitat Classification and Bat PRA.	10:30	12:30	14	14	None	4

3.6 Surveyors

3.6.1 The field surveys were undertaken by Hannah Baker BSc (Hons). Hannah Baker has 11 years of professional consultancy experience and is adequately trained to carry out UK Habitat Classification Surveys. Hannah Baker is also registered to use the Level 2 Class Licence to survey bats.

3.7 Limitations

3.7.1 No survey limitations were recorded during the UK Habitat Classification Survey or the bat PRA.



4. Results

4.1 Desk Study

Designated Sites

4.1.1 The results of the desk study search for statutory and non-statutory designated sites are detailed below in Table 5 and displayed in Figure 1.

Table 5 - Statutory and non-statutory designated sites returned from the desk study search.

Statutory and non-statutory designated sites			
Designation level	Site name	Distance & direction	Summary
International			
SAC	Ashdown Forest	The Ashdown Forest is 9 km east of the site. The site could fall within the SSSI IRZ.	Ashdown Forest is a 3,200 ha area in East Sussex located within the Wealden district. It is designated for its assemblages of breeding birds, invertebrate assemblages, GCN, dormice, lowland heath and deciduous woodlands.
National			
SSSI	Wakehurst & Chiddingly Woods	Wakehurst and Chiddingly Woods is 1.80 km northeast of the site. The site is within the SSSI IRZ.	Wakehurst and Chiddingly Woods is a 155 Ha site located within West Sussex in the district of Mid Sussex. This site is designated due to its breeding bird assemblages, invertebrate assemblages and lowland mixed deciduous woodland.
SSSI	Cow Wood and Harry's Wood	The SSSI is 3.2 km west of the site. The site is within the SSSI IRZ.	Designated due to its lowland broadleaved, mixed and yew woodland and its assemblages of breeding birds.



LNR	Ardingly Reservoir	The Ardingly Reservoir is 0.64 km east of the site.	The Ardingly Reservoir is a 75 Ha area in West Sussex managed by Southeast Water. This area is known to support migrating bird populations such as Osprey, along with multiple bird species of conservation concern. The surrounding ancient deciduous woodlands also support a known population of Hazel dormice.
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Habitats of Principle Importance

4.1.2 Details on the number of HPI, the habitat type and the distance from the site to the closest HPI parcel are detailed in Table 6 and displayed in Figure 1.

Table 6 - Habitats of Principle Importance returned from the desk study search within 2 km of the site.

Habitat of Principle Importance		
Habitat type	Number of HPI parcels within 2 km	Distance and direction of nearest HPI parcel and other notable parcels
Deciduous woodland	427	- There are 29 deciduous woodland parcels located within 0.5 km of the site; and - The closest deciduous woodland parcel is 0.08 km southeast of the site.
Traditional orchard	5	The nearest traditional orchard parcel is located 0.28 km northeast of the site.
Good quality semi-improved grassland	2	The nearest good-quality semi-improved grassland is 1.9 km east of the site.
No main habitat but additional habitats present	6	- The nearest parcel is a deciduous woodland parcel located 0.42 km north of the site; and - One of these parcels was a coastal and floodplain grazing marsh, the other five were deciduous woodland parcels.

4.1.3 Three ponds were recorded within 0.5 km of the site as displayed in Figure 1. The nearest pond was 0.2 km west of the site.

4.1.4 Eighteen main river parcels were returned within 2 km of the site as displayed in Figure 1. None of the parcels were listed as priority river habitats under the national inventory. The nearest main river parcel is located 0.5 km west of the site.



Ancient Woodland

- 4.1.5 There were 111 ancient woodland parcels returned within 2 km of the site as displayed in Figure 1. This included eight ancient woodland parcels within 0.5 km of the site, with the nearest parcel 0.08 km southeast of the site.

Protected Species and Other Species of Conservation Concern

- 4.1.6 Ninety species of conservation concern that could broadly be relevant to the development were identified from the records returned by the Sussex Biodiversity Record Centre within 1 km of the site. The above species included 1 amphibian, 9 bats, 57 birds, 1 plant, 4 invertebrates, 4 mammals (excluding bats) and 14 invasive non-natives (see Table 11, Appendix I).
- 4.1.7 One EPSL was granted within 1 km of the site. Information on the EPSL granted within 1 km of the site is provided below in Table 7.

Table 7 - Information on the EPSL granted within 1 km of the site.

Licence number and year granted	Species	Grid reference	Distance from site	Summary of activities
EPSM2013-6413	Hazel Dormouse	TQ30692979	0.48 km	Licence allowed the destruction of a breeding site and destruction of a resting place.

- 4.1.8 The site falls within the MSDC great crested newt (GCN) District Level Licence (DLL) Red Risk Zone based on the available online mapping.



4.2 UK Habitat Classification Survey Results

4.2.1 The habitats recorded during the UK Habitat Classification Survey within the development boundary are described below in Table 8 and displayed in Figure 2 and Figure 3.

Table 8 – Habitats recorded within the development boundary during the UK Habitat Classification Survey.

UK Habitat Classification code	Approx. Area sqm	Summary and species list
Grassland		
Primary: Modified grassland Secondary: Scattered trees, frequently mown, introduced shrub Code: g4 – 32, 108, 847	980	The habitat within the site was formed primarily of modified grassland. The grassland appeared to be recently mown with the sward height ranging from 50 -150 mm. The habitat was species poor with 4-5 species typically recorded per meter squared with the cover of perennial rye grass > 35%. Areas of the grassland were shaded by mature trees, with some areas (< 5 %) of bare ground also present that likely result from natural use. Scattered trees and various introduced shrubs were present throughout, increasing in density towards the southern aspects of the grassland. A planted border of ornamental shrubs was noted along the northern aspect of building B1. A line of introduced scrub runs adjacent to the eastern boundary dominated by cotoneaster, which measures approximately 35 m in length. <u>Species recorded:</u> Grasses: (D) Perennial rye grass, (A) Yorkshire fog, (A) annual meadow grass. Forbs and other plants: (D) White clover, (O) common plantain, (O) dandelion, (O) daisy, (O) common fleabane, (R) birds foot trefoil. Scattered trees: (A) Silver birch, (O) goat willow, (O) hawthorn, (O) hornbeam, (R) acer spp, (R) apple spp, (R) common holly, (R) cedar. Introduced Shrubs: (O) Cotoneaster, (R) Bramble, (R) Hawthorn, (R) Nettle, (R) Hedge bindweed. (R) Jerusalem artichoke, (R) showy stonecrop, (R) acer spp., (R) tutsan, (R) fern cultivar, (R) dahlia cultivar.



Heathland and Shrub		
Primary: Non-native and ornamental hedgerow Secondary: Hedgerow with trees Code: h2b - 11	120	A non-native hedgerow ran adjacent to the western boundary, which measured approximately 65 m in length, 2 m in width and 7 m in height. With > 50% canopy cover of non-native species, it is assessed appropriate to classify as a non-native hedgerow in accordance with UK Habitat Survey guidance. Scattered trees were noted throughout the non-native ornamental hedgerow, with density increasing towards the south of the site. Species recorded: Canopy layer: (O) Silver birch, (R) Ash Shrub layer: (A) Garden privet, (F) Small leaved lime, (O) Holly, (O) Beech, (O) Ivy, (O) Cotoneaster, (O) Honeysuckle, (O) Hawthorn.
Urban		
Primary: Developed land sealed surface Code: u1b	410	There is an area of developed land sealed surface that is comprised of an aggregate base layer. The developed land sealed surface is used as a base for the current outbuildings. There is no vegetation associated with this habitat.
Primary: Developed land sealed surface - Building Code: u1b5	85	Two existing outbuildings are present within the site. Building B1 is a timber cabin and building B2 is a timber storage shed for garden equipment. There is no vegetation associated with this habitat.
Standing Open Water and Canals		
Primary: Other Standing Water Secondary: Pond (non-priority) Code: r1g - 41	25	A drainage pond was located in the centre of the southern aspect of the modified grassland. This held a small quantity of water at the time of the survey and was fringed by aquatic marginal vegetation. Species recorded: Forbs and other plants: (F) pendulous sedge, (F), common reeds, (F) common rush.



4.3 Site Habitat Suitability Assessment

4.3.1 An assessment of habitat within the development boundary to act as an ecological receptor for protected species and species of conservation concern based upon the desk study results and the habitats recorded during the UK Habitats Classification Survey is provided below in Table 9. The results of the bat PRA are summarised below and given in full in Appendix II - Table 12.

Table 9 – Site habitat assessment for protected species and species of conservation concern.

Species/group	Site Assessment and Rationale
GCN and Other Amphibians	• No records of GCN were returned within 1 km of the site from the desk study search. Four waterbodies were recorded within 0.5 km of the site, with the nearest located 0.2 km west of the site. The site is also located within the MSDC GCN DLL red risk zone. • The habitat within the immediate footprint of the development includes modified grassland that is characterised by a short sward height and that provides sub-optimal habitat for GCN. Furthermore, there is developed land sealed surface and a building which provide unsuitable habitat for GCN within the main footprint of the development. • Within the wider development boundary there is potential GCN breeding habitat in the form of a small drainage pond, and modified grassland among scattered trees at the southern boundary of the site that provides a more heterogeneous terrestrial habitat as opposed to the habitat within the main footprint of the development. There is also a non-native ornamental hedgerow and line of introduced shrubs that could provide potential resting places for GCN. The habitat adjacent to the site includes, deciduous woodlands and longer marginal areas of grassland that could all provide potential GCN terrestrial habitat. • Based on the above points it is reasonably likely that GCN could be encountered within the site, and that the habitats recorded within the site could provide breeding and resting places for GCN, or form part of the habitat of any nearby GCN meta-populations.
Bats	• There are no structures or trees located within the main footprint of the development that were assessed as having suitability for roosting bats at the time of the bat PRA. A small section of modified grassland and introduced shrubs falls within the main footprint of the development providing habitat of limited value for foraging and commuting bats. • The habitat within the wider development boundary was assessed as having moderate suitability for foraging and commuting bats and included a non-native ornamental hedgerow and modified grassland and scattered trees that connect to the wider rural landscape. The



	habitat adjacent to the site includes deciduous woodlands that are reasonably likely to be habitats of higher value (roosting and foraging) for bats.
Birds	- Several records of birds including species of conservation concern were returned from the desk study search within 1 km of the site. The habitat within the main footprint of the development included developed land sealed surface and short modified grassland that all lack sufficient cover for all nesting birds. The building within the main footprint of the development is well sealed and provides little cover nesting birds. The wider site habitat includes non-native ornamental hedgerow and introduced shrubs that provide potential nesting habitat for nesting birds. - Based on the above points, it is reasonably unlikely that any important assemblages or populations of birds of conservation concern will be present within the site.
Terrestrial mammals (non-bats)	Badgers: No evidence of badgers, including badger setts or field signs, were recorded within the site at the time of the survey. The habitat within the main footprint of the development includes a small extent of modified grassland, introduced shrubs, developed land and sealed surface and a building that provide limited value as foraging habitat to badgers. The modified grassland provides better foraging opportunity at the southern boundary where it adjoins scattered trees and deciduous woodland, as such, it is possible badgers could be encountered near to the development. Hazel dormouse: Records of hazel dormice were returned from the desk study, with latest dated 2021, located within Upper Stumble Wood, 0.5 km southwest of the site. The land south of the site holds some connectivity with the surrounding deciduous woodlands. However, the habitats with in the red-line development boundary are comprised of modified grassland, non-native hedgerow with trees, introduced shrubs, developed land sealed surface and a building, which are not habitats typically used by hazel dormice, furthermore these habitats are subject to regular disturbance from human activity. Therefore, hazel dormice are reasonably likely to be absent for the site. Hedgehog: The site habitat includes modified grassland, non-native hedgerow with trees and introduced scrubs that are reasonably likely to provide foraging and resting places for hedgehog. As a small extent of this habitat extends within the main footprint of the development it is possible that hedgehog could be encountered. Other mammal burrows: No mammal burrows such as those of rabbit or fox were recorded within the site at the time of the UK Habitat Classification Survey. The main footprint of the development includes a non-native hedgerow and introduced shrubs which could conceal



	burrows. As such, it is possible the above species could be found near to the footprint of the development and encountered in less disturbed areas of the site. • Otter and water vole: No records of otter or water vole were returned within 1 km of the site. The nearest lotic waterbody is approximately 0.6 km from the site and separated by several urban land barriers, including a railway line. The pond within the site is also very small and unlikely to hold water permanently or provide sufficient resources for otter or water vole. Taken together the above points in our professional opinion suggest the site habitats are reasonably unlikely to form part of otter or water vole habitat, and these species are reasonably unlikely to be encountered within the site.
Reptiles	• Records of slow worm and grass snake were returned within 1 km of the site from the desk study search. • The habitat within the main footprint of the development is primarily formed of modified grassland characterised by a short sward height (<150 mm), developed land sealed surface, introduced shrubs and a building that all provide insufficient cover and resources for reptiles. The modified grassland surrounding the pond at the edges of the southern development boundary provide sub-optimal structure for reptiles but may provide sufficient resources for grass snakes to be encountered within the site. • Based on the above it is reasonably unlikely that a reptile population will be found within the main footprint of the development, although, it is possible that reptiles could be encountered at the southern boundary of the site.
Invertebrates	• The habitat within the main footprint of the development includes modified grassland characterised by poor botanical diversity environmental heterogeneity and non-native introduced shrubs that provide limited value for invertebrates. The wider site includes non-native ornamental hedgerow with native trees and line of introduced shrubs and a pond that provide value at a site level for invertebrates. The pond habitat is artificial, small and isolated, and it is our understanding that it is unlikely to hold water permanently, as such it is reasonably unlikely invertebrates of conservation concern will be present. • Based on the above points it is reasonably unlikely any important invertebrate assemblages or populations of species of conservation concern will be encountered within the site. Furthermore, that the records of species of conservation concern returned from the desk study search are reasonably likely to be associated with deciduous woodlands near to the site.



Plants, Lichens and Fungi	• No European or nationally protected plants or SPI were recorded during the site at the time of the survey. • The main extent of habitat within the development boundary was modified grassland indicative of an improved grassland with poor botanical diversity and low distinctiveness. Furthermore, site habitat included developed land sealed surface, a building, non-native introduced shrubs, non-native ornamental hedgerow and young native trees that are reasonably unlikely to be associated with plants, fungi and lichens of conservation concern.
Non-native and Invasive Species	• No non-native invasive species listed under schedule 9 of the Wildlife & Countryside Act, 1981 or the Invasive Alien Species Order, 2019 were recorded within the site at the time of the survey. A cotoneaster sp. was recorded within the wider site, which is a plant that is listed under schedule 9 of the Wildlife & Countryside Act, 1981.



5. Legislation and Planning Policy

- 5.1.1 The purpose of this section is to evaluate the legislation and planning policy that is either known to be or that could be a material consideration to the development based upon the desk study survey and the field survey results. A summary of the relevant legislation and planning policy in context of the development is provided below in Table 10. Further details of the UK legislation and planning policy relevant to the qualifying features in this section are detailed in Appendix III.

Table 10 – Legislation and planning policy evaluation of the development.

Ecological Feature	Relevant Legislation & Planning policy	Impact assessment and legal compliance	Rationale and comments
Designated sites			
Ashdown Forest SAC and SSSI	• Conservation of Habitat & Species Regulation, 2017; • Wildlife & Countryside Act, 1981; • National Planning Policy Framework, 2023; and • MSDC Local Plan (2018) – Policy DP38.	No adverse impact – Compliant.	• The development falls within the SSSI IRZ for the Ashdown Forest designation. The development does, however, fall outside of the 7 km SAC buffer for residential developments. • The development will not result in any direct loss of area to the SAC, nor is it anticipated that any adverse impacts on the qualifying features of the SAC will arise as a result of increased recreational pressure or pollution due to the scale of the development being small (1 residential unit). • Based on the above points, the development will be compliant with legislation and planning policy relevant to the Ashdown Forest SAC, and no further consultation with Natural England regarding adverse impacts on the designation is likely to be required for the development.



Cow Wood/Harry's Wood; and Wakehurst & Chiddingly Woods	- Wildlife & Countryside Act, 1981; and - National Planning Policy Framework, 2023; - MSDC Local Plan (2018), Policy DP38.	No adverse impact – Compliant.	- The development will not result in adverse impacts to the qualifying features of the designations due to: - The development being retained within the development boundary and not resulting in any direct loss of area within the designated sites; and - The development being small scale and sufficient distance away from the designation to avoid any adverse impacts that may arise from degradation as a result of increased recreational pressure or pollution. - The site is located within the SSSI IRZ for the designated sites but does not meet the criteria outlined under the SSSI IRZ area for consultation with Natural England. - No further recommendations are outlined for designated sites in this report.
Ardingly Reservoir - LNR	MSDC Local Plan (2018), Policy DP38.	No adverse impact – Compliant.	For the reasons outlined above for SSSI the development will not result in adverse impacts to the Ardingly Reservoir LNR.
Habitats			
Irreplaceable habitat	- National Planning Policy Framework, 2023; and - MSDC Local Plan (2018) - Policy DP37 and DP38.	No adverse impact – Compliant.	- No ancient woodland parcels or any other type of irreplaceable habitat are located within the development boundary or will be directly lost as part of the development. - It is anticipated that the deciduous (ancient) woodland located 20 m south of the development boundary will fall into a separate site ownership boundary that will be defined by a fence line. As such, no encroachment from the new residential plot is anticipated within the 15 m woodland buffer as a result of the development. - The retention of a >15m buffer is sufficient to avoid any adverse impacts to tree rooting zones or the ancient woodland soil as a result of the development.



			Based upon the scale of the development it is reasonably unlikely that there will be any adverse impacts as a result of degradation from increased recreational pressure or construction related pollution on any ancient woodland parcel.
Habitats of Principle Importance	- Natural Environment & Rural Communities Act, 2006 – Section 41; - National Planning Policy Framework, 2023; and - MSDC Local Plan (2018), Policy DP37 and DP38.	No adverse impact - Compliant	For the reasons outlined above it is not anticipated there will be any adverse impacts on HPI as a result of the development.
Biodiversity Net Gain and Ecological Enhancements			
Biodiversity Net Gain	- Environmental Act, 2021; - National Planning Policy Framework, 2023; - MSDC Local Plan (2018) – Policy DP38	Exempt	- The development is likely to be exempt from the mandatory biodiversity net gain (BNG) requirements as defined under The Environment Act, 2021. - No further recommendations are outlined in this report with respect to BNG.
Ecological Enhancement	- National Planning Policy Framework, 2023; and - MSDC Local Plan (2018) - Policy DP38	Further action required.	- The development will be required to implement ecological enhancements into the design of the development to ensure it is compliant with national and local planning policy. - The recommendations outlined in section 6.4 of this report should be followed to ensure the development is compliant with national and local planning policy.



Pollution Prevention	Environmental Protection Act, 1990	Compliant	The scale of construction-based pollution is anticipated to be acceptably low given the scale of the development. However, there are HPI habitats near to the site and a pond within the site. As such, pollution prevention measures as part of construction good practice are recommended in section 6.3 of this report.
Protected Species and Species of Conservation Concern			
Badger	Badger Protection Act, 1992.	Precautionary mitigation advised	- No badger setts or evidence of badgers were recorded within the site; however, the site is situated adjacent to woodland, and as such badgers could be encountered within the site in the future. - The precautionary recommendations outlined in section 6.3 should be followed to ensure the development proceeds lawfully.
Bats	- Conservation of Habitat & Species Regulation, 2017; - Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 41.	Mitigation required	- The development proposals will not adversely impact any structures or trees with suitability to support roosting bats. - The development will result in the loss of a small amount of modified grassland within the site that provides lower quality foraging habitat for bats. Despite this, it can be reasonably predicted that the favourable conservation status of bats will not be impacted by such actions without the need for further surveys due to the quantity of high-quality habitat located near to the site. - The site is situated adjacent to good bat foraging habitat (deciduous woodland). While the scale of light pollution is anticipated to be acceptably low, recommendations are outlined in section 6.3 to reduce light spill onto nearby deciduous woodland and potential bat foraging habitat.
Birds	- Wildlife & Countryside Act, 1981 – Section 1 and Schedule 1; and - Natural Environment & Rural Communities Act, 2006 – Section 41.	Mitigation required.	- It is reasonably unlikely that significant assemblages or populations of birds including SPI will be adversely impacted by the development. - The development proposals include the removal of a small section of non-native hedgerow (along the western development boundary) and four small



			trees (along the eastern development boundary) that have suitability for nesting birds. The recommendations outlined in section 6.3 of this report should be followed to ensure the development proceeds lawfully during the construction phase of the development.
Great crested newts	- Conservation of Habitat & Species Regulations, 2017. - Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 41	Mitigation/ further assessment required	- It is reasonably likely that GCN could be encountered within the site and that the habitat within the site could form part of the terrestrial habitat of any nearby GCN meta-populations. - To ensure the development proceeds lawfully the recommendations in section 6.2 should be followed.
Hazel dormouse	- Conservation of Habitat & Species Regulations, 2017. - Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 41	Adverse impacts/ offence reasonably unlikely.	The development is reasonably unlikely to result in impacts to individual hazel dormice or any habitat associated with hazel dormouse populations.
Hedgehog	- Natural Environment & Rural Communities Act, 2006 - Section 41; and - Wild Mammals (Protection) Act, 1996.	Mitigation required.	- It is reasonably likely that individual hedgehog could be encountered and inadvertently killed with methods prohibited under the Wild Mammals (Protection) Act, 1996 without appropriate mitigation. - It is however reasonably unlikely that a significant population of hedgehog will be impacted by the development. - The recommendations outlined in section 6.3 of this report should be followed to ensure the development is compliant with national and local planning policy.



Reptiles	• Conservation of Habitat & Species Regulations, 2017 (Sand Lizard & Smooth Snake only); • Wildlife & Countryside Act, 1981 – schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 41.	Compliant	• The main footprint of the development will be retained within habitat that is unsuitable for reptiles, and as such, the risk of harm to individual reptiles or a reptile population is acceptably low. • No further recommendations are outlined within this report with respect to reptiles.
Invasive non-native species	• Wildlife & Countryside Act, 1981 – Schedule 9; and • Invasive Alien Species Order, 2019	Impacts/ offence reasonably unlikely	• The development is reasonably unlikely to result in an act that would constitute an offence for a species listed under Schedule 9 of the Wildlife & Countryside Act, 1981 or Invasive Alien Species Order, 2019 (i.e. intentional release or spreading).
Invertebrates	• Conservation of Habitat & Species Regulations, 2017 – Schedule 2; • Wildlife & Countryside Act, 1981 – Schedule 5; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Impacts/ offence reasonably unlikely	• The development is reasonably unlikely to result in any adverse impacts to any European protected invertebrates, nationally protected species, important populations of SPI or nationally or locally important assemblages of conservation value.
Protected plants, fungi and lichens	• Conservation of Habitat & Species Regulations, 2017 – Schedule 5; • Wildlife & Countryside Act, 1981 - Schedule 8; and • Natural Environment & Rural Communities Act, 2006 – Section 40/41.	Adverse impacts/ offence reasonably unlikely	• The development is reasonably unlikely to result in intentional picking, uprooting, destruction, or intentional clearance of any wild plant, fungi or lichen, including, European protected species, national protected species, SPI or those of national or local conservation concern.



Other mammal burrows.	Wild Mammals Protection Act, 1996.	Precautionary mitigation advised	- No mammal burrows were recorded within the site; however, the site is situated adjacent to woodland, and as such mammal burrows could be encountered within the site in the future. - The precautionary recommendations outlined in section 6.3 should be followed to ensure the development proceeds lawfully.
Otter	- Conservation of Habitat & Species Regulation, 2017; - Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 41.	Adverse impacts/offence reasonably unlikely	The development is reasonably unlikely to result in adverse impacts to individual otter or their habitat, and therefore, will not impact the favourable conservation status of this species.
Water vole	- Wildlife & Countryside Act, 1981 – schedule 5; and - Natural Environment & Rural Communities Act, 2006 – Section 41	Adverse Impacts/offence reasonably unlikely	The development is reasonably unlikely to result in adverse impacts to individual water vole or the conservation status of significant water vole populations of conservation concern.



6. Requirements and Recommendations

6.1 Background

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

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

6.2 Protected Species Licencing

Great crested newts

6.2.1 To ensure the development proceeds lawfully the site can be registered under the MSDC GCN DLL scheme. Registration under the GCN DLL would not require any further surveys and can be completed at any time of year.

6.2.2 If the development does not opt-in to join the MSDC GCN DLL, further GCN presence/absence surveys of ponds within 250 m could be required following Natural England's standing advice to determine if any adverse impacts on GCN will arise as a result of the development. Further surveys would also inform any required mitigation and licencing for GCN (if required).

6.3 Mitigation

Badger and other mammal burrows

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

- Works paused and an ecologist consulted regarding any likely burrow or badger sett;
- A suitable buffer of at least 20 m established and clearly marked around the suspected badger sett;



- If it is not possible to apply a 20 m buffer around a suspected sett, the professional judgment of the ecologist should be consulted to determine a suitable buffer; and
- Any badger sett or mammal burrow that could be in use by badgers that is reasonably likely to be impacted by the development should be monitored for an appropriate period by an ecologist and the appropriate licencing requirements obtained.

6.3.2 To ensure the development proceeds lawfully, any rabbit or fox burrows found within the immediate area of the development should not be tracked over by machinery and those that will be impacted as part of the development should be dug out with hand tools to prevent unlawful methods of killing (such as those outlined under the Wild Mammals (Protection) Act, 1996).

Bats

6.3.3 To ensure the development avoids adverse impacts on high value foraging and commuting habitats for bats that are located adjacent to the southern development boundary, any lighting as part of the proposed development should be installed in line with current guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals: Guidance Note 08/23: Bats and Artificial lighting in the UK (BCT & ILP 2023).

6.3.4 The lighting strategy for the site as a minimum should aim to:

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



- Providing natural screens in the landscaping plans of the development to break up artificial light where light spill cannot be avoided.

Hedgehog

- 6.3.5 Where reasonably practical, measures should be taken to avoid the unnecessary killing or injuring (that could result in undue suffering and harm) of hedgehog as a result of the developments construction-based activities. Stakeholders and contractors should remain vigilant for the presence of hedgehogs around any vegetation, debris or stored materials. A reasonable action would be to move an individual to a safe location either within retained habitat on-site or off-site. During the construction phase of the development, any excavations on site should be covered nightly or include a suitable escape ramp to prevent nocturnal mammals (including hedgehog) from becoming trapped.

Nesting birds

- 6.3.6 To ensure that the development is compliant with the legislation and planning policy relating to nesting birds, the proposed removal of a section of non-native hedgerow and four small trees should ideally be scheduled outside of the breeding bird season (typically March – September). If it is not possible to avoid the breeding bird season to complete these works, a pre-works inspection of the section of hedgerow and trees to be removed should be undertaken by an appropriately qualified ecologist.
- 6.3.7 If an active bird nest or nesting activity is recorded during the pre-works inspection, enabling or main construction works (such as within the stored building materials or site compounds), the nest should be protected from damage and destruction (including disturbance that may cause the nest to be abandoned). An exclusion area should be implemented around any active nests and works in and around these areas should be controlled or delayed until the chicks have fledged.

Pollution Prevention

- 6.3.8 The following pollution prevention measures should be incorporated during the construction phase of the development to ensure that there is no onsite or offsite pollution:
- Safe storage of fuels, oil and chemicals within the site with appropriate spill kits (for the scale of activities) available on-site at all times;
 - Safe disposal of any contaminated water or soil and general waste within the site or with appropriate offsite management;



- Appropriate monitoring and prevention of water and silt run-off from construction areas;
- Where appropriate, the incorporation of dust barriers and dust suppression; and
- Where possible the use of fertiliser and herbicides should be minimised as part of on-going site management.

6.4 Ecological Enhancement

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

- Two bird nesting boxes should be installed on the western side of the proposed residential dwelling;
- Two medium sized solitary bee boxes should be installed in a sunny location within the development boundary;
- One bat box to be installed on a suitable mature tree within the development boundary; and
- Enhancement around the pond located on the southern boundary of the site, to include:
 - Longer areas of modified grassland that provide suitable structure for reptiles and amphibians;
 - One small hibernacula suitable for reptiles and amphibians; and
 - Two log piles that provide habitat for reptiles, amphibians and invertebrates.



7. Conclusion

- 7.1.1 Appropriate licencing via the MSDC GCN DLL will be required to ensure the development proceeds lawfully with respect to GCN, alternatively Natural England's standing advice for GCN could be followed to ascertain the impacts of the development on GCN and the need for appropriate mitigation.
- 7.1.2 The mitigation outlined in this report with respect to bats (foraging and commuting habitat), nesting birds and hedgehog will ensure the development proceeds lawfully. Furthermore, the precautionary mitigation outlined for badgers and other mammal burrows should be followed to ensure the development proceeds lawfully.



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

Table 11 – Records returned from the desk study search within 1 km of the site (SBRC, 2024).

Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Amphibians							
Common frog	<i>Rana temporaria</i>		✓ (5 - sale only)				
Bats							
Barbastelle	<i>Barbastella barbastellus</i>	✓	✓ (5)	✓			
Serotine	<i>Eptesicus serotinus</i>	✓	✓ (5)				
Daubenton's	<i>Myotis daubentonii</i>	✓	✓ (5)				
Leisler's	<i>Nyctalus leisleri</i>	✓	✓ (5)				
Noctule	<i>Nyctalus noctula</i>	✓	✓ (5)	✓			
Nathusius pipistrelle	<i>Pipistrellus nathusii</i>	✓	✓ (5)				
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	✓	✓ (5)				
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	✓	✓ (5)	✓			
Brown long eared	<i>Plecotus auritus</i>	✓	✓ (5)	✓			
Birds							
Barn Owl	<i>Tyto alba</i>		✓ (1)				
Barnacle Goose	<i>Branta leucopsis</i>		✓ (9)		Amber		Birds Directive
Black Tern	<i>Chlidonias niger</i>		✓ (1)				Birds Directive
Black-headed gull	<i>Chroicocephalus ridibundus</i>		✓	✓	Amber		
Bullfinch	<i>Pyrrhula pyrrhula</i>		✓	✓	Amber		
Canada Goose	<i>Branta canadensis</i>		✓ (9)				
Cetti's Warbler	<i>Cettia cetti</i>		✓ (1)				
Common Sandpiper	<i>Actitis hypoleucos</i>				Amber		
Common Sandpiper	<i>Actitis hypoleucos</i>		✓		Amber		
Common Tern	<i>Sterna hirundo</i>		✓		Amber		Birds Directive
Crossbill	<i>Loxia curvirostra</i>		✓ (1)				
Cuckoo	<i>Cuculus canorus</i>		✓	✓	Red		



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Dunnoch	<i>Prunella modularis</i>		✓	✓	Amber		
Egyptian Goose	<i>Alopochen aegyptiaca</i>		✓ (9)				
Firecrest	<i>Regulus ignicapilla</i>		✓ (1)				
Green Woodpecker	<i>Picus viridis</i>		✓				
Grey Wagtail	<i>Motacilla cinerea</i>		✓		Amber		
Hawfinch	<i>Chlidonias niger</i>		✓	✓	Red		
Hawfinch	<i>Coccothraustes coccothraustes</i>		✓	✓	Red		
Herring gull	<i>Larus argentatus</i>		✓	✓	Red		
Hobby	<i>Falco subbuteo</i>		✓ (1)				
House martin	<i>Delichon urbicum</i>		✓		Red		
House Sparrow	<i>Passer domesticus</i>		✓	✓	Red		
Kestrel	<i>Falco tinnunculus</i>		✓		Amber		
Kingfisher	<i>Alcedo atthis</i>		✓ (1)				Birds Directive
Lapwing	<i>Vanellus vanellus</i>		✓	✓	Red		
Lesser Spotted Woodpecker	<i>Dryobates minor</i>		✓	✓	Red		
Linnet	<i>Linaria cannabina</i>		✓	✓	Red		
Little egret	<i>Egretta garzetta</i>		✓				Birds Directive, Notable Birds
Little Grebe	<i>Tachybaptus ruficollis</i>		✓				
Mallard	<i>Anas platyrhynchos</i>		✓		Amber		
Mandarin Duck	<i>Aix galericulata</i>		✓ (9)				
Marsh tit	<i>Poecile palustris</i>		✓	✓	Red		
Mistle thrush	<i>Turdus viscivorus</i>		✓		Red		
Mute Swan	<i>Cygnus olor</i>		✓				
Osprey	<i>Pandion haliaetus</i>		✓ (1)	✓	Amber		Birds Directive
Red kite	<i>Milvus milvus</i>		✓ (1)		Red	Global post2001 NT	Birds Directive
Reed bunting	<i>Emberiza schoeniclus</i>		✓	✓	Amber		
Skylark	<i>Alauda arvensis</i>		✓	✓	Red		
Song Thrush	<i>Turdus philomelos</i>		✓				
Spotted Flycatcher	<i>Muscicapa striata</i>		✓	✓	Red		
Starling	<i>Sturnus vulgaris</i>		✓	✓	Red		



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
Stock dove	<i>Columba oenas</i>		✓		Amber		
Swallow	<i>Hirundo rustica</i>		✓				
Swift	<i>Apus apus</i>		✓		Red		
Tawny Owl	<i>Strix aluco</i>		✓		Amber		
Tufted Duck	<i>Aythya fuligula</i>		✓				
Turtle Dove	<i>Streptopelia turtur</i>		✓	✓	Red		
White-fronted Goose	<i>Anser albifrons</i>		✓	✓	Red		
Whitethroat	<i>Curruca communis</i>		✓		Amber		
Wigeon	<i>Mareca Penelope</i>		✓		Amber		
Willow tit	<i>Poecile montanus</i>		✓	✓	Red		
Willow Warbler	<i>Phylloscopus trochilus</i>		✓		Amber		
Wood Warbler	<i>Phylloscopus sibilatrix</i>		✓	✓	Red		
Woodcock	<i>Scolopax rusticola</i>		✓		Red		
Woodlark	<i>Lullula arborea</i>		✓ (1)	✓			Bird directive Annex I
Higher plants							
Bluebell	<i>Hyacinthoides non-scripta</i>		✓ (8 - Sale only)				
Invasive non-natives							
Mandarin Duck	<i>Aix galericulata</i>		✓ (9)				
Egyptian Goose	<i>Alopochen aegyptiaca</i>		✓ (9)				
Canada Goose	<i>Branta canadensis</i>		✓ (9)				
Red-crested Pochard	<i>Netta rufina</i>		✓ (9)				
New Zealand Pigmyweed	<i>Crassula helmsii</i>		✓ (9)				
Nuttall's Waterweed	<i>Elodea nuttallii</i>						
Himalayan Cotoneaster	<i>Cotoneaster simonsii</i>		✓ (9)				
Giant Hogweed	<i>Heracleum mantegazzianum</i>		✓ (9)				
Montbretia	<i>Crocasmia pottsii x aurea = C. x crocosmiiiflora</i>		✓ (9)				
Japanese Knotweed	<i>Fallopia japonica</i>		✓ (9)				
Himalayan Balsam	<i>Impatiens glandulifera</i>		✓ (9)				



Species		HSR ¹	W&C Act ²	SPI ³	BOCC ⁴	IUCN Red List ⁵	Other ^{6,7,8}
Common name	Latin name						
A Flowering Plant	<i>Lamium galeobdolon subsp. argentatum</i>		✓ (9)				
A Flowering Plant	<i>Rhododendron ponticum</i>		✓ (9)				
Eastern Grey Squirrel	<i>Sciurus carolinensis</i>		✓ (9)				
Invertebrates							
Purple Emperor	<i>Apatura iris</i>		✓ (5 - sale only)			GB post2001 NT	
Small Heath	<i>Coenonympha pamphilus</i>			✓		GB post2001 NT	
White Admiral	<i>Limenitis camilla</i>		✓ (5 - sale only)	✓		GB post2001 EN	
Brown Hairstreak	<i>Thecla betulae</i>		✓ (5 - sale only)	✓		GB post2001 NT	
Mammals - Terrestrial (excl. bats)							
West European Hedgehog	<i>Erinaceus europaeus</i>			✓		GB post 2001	WMA 2006 ⁸
Brown Hare	<i>Lepus europaeus</i>			✓			WMA 2006 ⁸
Hazel Dormouse	<i>Muscardinus avellanarius</i>	✓	✓ (5)	✓		GB post 2001	WMA 2006 ⁸ Habitats Directive - Annex IV
European rabbit	<i>Oryctolagus cuniculus</i>					Global post 2001 NT	WMA 2006 ⁸
¹ Conservation of Habitat and Species Regulation, 2017. ² Wildlife & Countryside Act, 1981 (Schedules – 1, 4, 8 and 9). ³ Species of Principle importance listed under the Natural Environment & Rural Communities Act, 2006. ⁴ Birds of Conservation Concern – RSPB ⁵ Species listed on the Global and National IUCN Red data list (EX – Extinct, Extinct in wild, CE - Critically Endangered, Endangered, VU - Vulnerable, NR - Near Threatened, LC – Least Concern, Data Deficient. GB Red Data Book: Under IUCN Criteria Includes Nationally Rare, Nationally Rare Marine, Nationally Scarce				⁶ EC Habitat Directive ⁷ EC Bird Directive ⁸ Wild Mammals (Protection Act, 1996			



Appendix II - Bat Preliminary Roost Assessment Results

Table 12 – Bat Preliminary Roost Assessment Results.

Building no.	Description	External Inspection	Internal inspection	Evidence of bats	Bat roost potential	Rational and potential roosting features recorded
B1	Building B1 is a timber garden summer house with felt lined roof.	Yes	Yes	None recorded	Negligible	- No bat PRFs on the exterior of building B1 or access/egress points leading to the interior of building B1 were recorded during the bat PRA. - No internal bat PRFs were recorded during the internal inspection.
B2	Building B2 is a timber garden storage shed with felt lined roof.	Yes	Yes	None recorded	Negligible	- No bat PRFs on the exterior of building B2 or access/egress points leading to the interior of building B2 were recorded during the bat PRA. - No internal bat PRFs were recorded during the internal inspection.



Appendix III – Legislation & Planning Policy

8.2 Background

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

8.3 RAMSAR Convention

- 8.3.1 RAMSAR sites are wetlands of international importance that have been designated under the criteria of the RAMSAR Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological biodiversity (JNCC, 2019).
- 8.3.2 The National Planning Policy Framework (NPPF, 2023) outlines the level of consideration that should be given to RAMSAR sites in Planning. Paragraph 187 states that RAMSAR and potential RAMSAR sites should be given the same protection as 'habitat sites' defined as those afforded protection under the Conservation of Habitat and Species Regulations (2017), such as Special Protection Areas or Special Areas of Conservation.

8.4 Conservation of Habitat and Species Regulations, 2017

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

Protected Species

- 8.4.2 The regulations include provisions that prohibit certain actions from the protection of species listed under Annex II of the Habitat Directive. It is a criminal offence for a person to 'intentionally or recklessly' take the following action:
- Deliberately capture, injure or kill any wild animal of a European Protected Species (EPS);



- Deliberately disturb wild animals of any such species in such a way as to be likely to affect significantly the local distribution or abundance of the species to which they are likely to belong;
- Deliberately take or destroy eggs of any such wild animal;
- Deliberately pick, collect, uproot or destroy a wild plant of an EPS; and
- Keep transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of an EPS, or any part of or anything derived from such an animal or plant.

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

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

Protected Sites

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

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

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

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



8.5 Wildlife and Countryside Act, 1981 (as amended)

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

Protection of Birds

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

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

Protection of Animals

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

- If any person intentionally or recklessly kills, injures or takes any wild animal included in schedule 5;
- If any person has in his possession or control any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal;



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

Protection of Plants

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

- Intentionally picks, uproots or destroys any wild plant included in schedule 8, or not being an authorised person, intentionally uproots any wild plants not included in that schedule;
- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild plant included in schedule 8, or any part of, or anything derived from, such a plant; or
- Publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.

Invasive Species

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

- Subject to the provisions of this part, (a) if any person releases or allows to escape into the wild any animal which is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or (b) is included in Part of Schedule 9; and/ or
- Subject to the provisions of this part, any person who plants, or otherwise causes to grow, any plant in the wild at a place out with its native range is guilty of an offence.



Sites of Specific Scientific Interest

- 8.5.6 Part 2 – Sections 28-33 of the act set out the law regarding Sites of Specific Scientific Interest (SSSI) by the conservation bodies in England (Natural England) and Wales (Natural Resource Wales) and outlines the offences with respect to SSSI.
- 8.5.7 The offences outlined in the act apply to any person(s), public body, landowner or occupier as well as statutory undertakers or permitted developments. Examples of offences include (but are not limited to):
- Any person intentionally or recklessly damaging or destroying any of the features of special interest of an SSSI, or disturbing wildlife for which the site was notified;
 - Public bodies are not allowed to carry out damaging operations on an SSSI, except where they notified the relevant conservation agency. It is also an offence for a public body to fail to minimise damage on an SSSI or – if damage occurs – to fail to restore a SSSI to its former state; and
 - Statutory bodies have a general duty to take reasonable steps to further to conservation and enhancement of the special feature of SSSI's;
 - Where statutory bodies propose to undertake or permit activities that could affect a SSSI they must consult the relevant statutory nature conservation agency. If the activity cannot be avoided it must be undertaken in a way least damaging to the SSSI; and
 - If you are the owner or occupier of a SSSI, it is an offence to carry out any activity that may likely damage the SSSI without consent from the relevant conservation agency. The law requires that you inform the conservation agency of any changes in the ownership or occupancy.

Other Protected Areas

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

8.6 Countryside Right of Ways Act, 2000

- 8.6.1 The Countryside Right of Ways Act, 2000 (CRoW Act, 2000) makes provisions for public access, amends the law for public rights of ways and amends existing law on



nature conservation and the protection of wildlife as well as makes further provisions for Areas of Outstanding Natural Beauty.

Wildlife Legislation

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

8.7 National Parks and Access to the Countryside Act, 1949

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

8.8 Natural Environment & Rural Communities Act, 2006

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

Section 40

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



Section 41

8.8.4 Section 41 of the NERC Act, 2006 requires the secretary of state in consultation with Natural England to outline Species of Principle Importance (SPI) and Habitats of Principle Importance (HPI) that in their opinion are important for the conservation of biodiversity.

8.8.5 The secretary of state is required to:

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

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

8.9 Protection of Badgers Act, 1992

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

8.10 Wild Mammals (Protection) Act, 1996.

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

8.11 The Environment Act, 2021

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

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



Nature and Biodiversity

- 8.11.2 Part 6 – Sections 98 - 101 of the act outlines provisions for biodiversity gain in planning.
- 8.11.3 Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England.
- 8.11.4 Schedule 14 states that, the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the on-site habitat by at least the relevant percentage.
- 8.11.5 It goes on to state that the biodiversity value attributable to the development is the total of:
- The post development biodiversity value of the on-site habitat;
 - The biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development; and
 - The biodiversity value of any biodiversity credits purchased for the development.
- 8.11.6 The relevant percentage is set at 10% for biodiversity gain.
- 8.11.7 Part 6 – Section 100 of the act outlines provisions by regulation for the secretary of a register of biodiversity gain sites (known as the biodiversity gain site register).
- 8.11.8 A biodiversity gain site is land where:
- A person is required under the conservation covenant or planning obligation to carry out works for the purpose of habitat enhancement;
 - That or another person is required to maintain the enhancement for at least 30 years after the completion of the works; and
 - For the purpose of schedule 7A to the Town and Country Planning Act, 1990 the enhancement is made available to be allocated (conditionally or unconditionally, and whether for consideration or otherwise) in accordance with the terms of the covenant or obligation to one or more developments for which planning permission is granted.
- 8.11.9 a) Part 6 – Section 101 states that the secretary of state may make arrangements under which a person who is entitled to carry out the development of any land may purchase a credit from the secretary of state for the purpose of meeting the



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

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

8.11.11 The arrangements may in particular include arrangements relating to:

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

8.12 National Planning Policy Framework (2023)

8.12.1 The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2023) sets out the Government's planning policies for England and how these should be applied. It provides a framework which locally prepared plans for housing and other developments can be produced.

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

Conserving and Enhancing the Natural Environment

8.12.3 Planning policies and decisions should contribute to and enhance the natural and local environment by:

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



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

8.12.4 Paragraph 181 states, that plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Habitats and biodiversity

8.12.5 Paragraph 185 states: To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration, or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

8.12.6 Paragraph 186 states that, when determining planning applications, local planning authorities should apply the following principles:

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The



only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

8.12.7 Paragraph 187 states, the following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed RAMSAR sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
- Paragraph 188 states: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

8.13 Biodiversity and Geological Conservation Circular 06/2005

8.13.1 Biodiversity and geological conservation circular 06/2005 provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the NPPF, 2023 and the Planning Practice Guidance. Broadly the guidance covers designated sites, the conservation of habitats and species, including outside of designated sites, protected species by law and the duties and powers used by planning authorities.

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



Protected Species and Planning

- 8.13.3 Paragraph 98 of the guidance states ‘the presence of a protected species is a material planning consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat’.
- 8.13.4 Paragraph 98 also states that ‘they (the planning authority) should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species’.
- 8.13.5 Paragraph 99 of the guidance goes on to state: ‘it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision’. Paragraph 99 also states that ‘this is justified only, where there is a reasonable likelihood of the species being present and affected by the development.’

8.14 Mid Sussex District Plan 2018 (2014-2031)

Policy DP37: Trees, Woodland and Hedgerows

- 8.14.1 Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; 4) To protect valued characteristics of the built environment for their historical and visual qualities; and 5) To create and maintain easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes.
- 8.14.2 The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.
- 8.14.3 Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/or that have landscape, historic or wildlife importance, will not normally be permitted. Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.



8.14.4 Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- Incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
- Prevents damage to root systems and takes account of expected future growth; and
- Where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
- Has appropriate protection measures throughout the development process and takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
- Does not sever ecological corridors created by these assets. Proposals for works to trees will be considered taking into account:
 - The condition and health of the trees; and
 - The contribution of the trees to the character and visual amenity of the local area; and
 - The amenity and nature conservation value of the trees; and
 - The extent and impact of the works; and
 - Any replanting proposals.

8.14.5 The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

8.14.6 Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.

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8.14.7 Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities; and 5) To create and maintain easily accessible green



infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes.

8.14.8 Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
- Promotes the restoration, management and expansion of priority habitats in the District; and
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

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

8.15 Birds of Conservation Concern

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

8.15.2 The bird species that breed and overwinter in the UK are assessed against a set of objective criteria and placed on the Green, Amber or Red lists that indicate the levels of conservation concern. The quantitative criteria collected is assessed against the



historical decline, recent trends in population and range, population size, localisation, and the level of international importance of each species, as well as its global and European threat status.

8.16 IUCN Red List

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

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