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Precautionary Method Statement

Site Name

Red Oaks, Cuckfield

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Client

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About the Author

This report has been prepared by Emma Baker, who is a Senior ecologist with nine years' experience. She holds Level 1 great crested newt and hazel dormouse survey licenses. As a Full member of the Chartered Institute for Ecology and Environmental Management (CIEEM), she is bound by their code of professional conduct.

About the Reviewer

This report has been reviewed by Kate Priestman, who is a Principal Ecologist with over twenty years' experience. Kate has undertaken extensive survey work and reporting, encompassing a breadth of deliverables, and prepared European Protected Species licences for numerous schemes. As a Full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and a Chartered Environmentalist (CEnv), she is bound by CIEEM's code of professional conduct.



Report Summary

Purpose	The Ecology Co-op was commissioned by Mrs Sue Orpen to provide a Precautionary Method Statement (PMS) for Red Oaks, Cuckfield, regarding a proposal to construct a single-storey extension between the house and garage, as well as create a bedroom space within the garage. This document outlines pre-construction and construction phase mitigation measures for the works and will be submitted to Mid Sussex District Council in order to discharge condition 4 of the approved planning application (DM/25/3212).
Context	The site currently comprises a semi-detached house, garage and garden space with lawns, ornamental planting, hedgerows and mature trees. A Bat Scoping Assessment, followed by one emergence survey was undertaken in 2025. These surveys ascertained that the buildings are not currently used by roosting bats, but the following species are present commuting and foraging on site: common pipistrelle, soprano pipistrelle and serotine. The development footprint was considered unlikely to support protected species, as it comprises the existing buildings, hardstanding, tightly-mown grassland, hedgerow and ornamental shrubs. However, reasonable avoidance measures are outlined within this document for great crested newts and breeding birds.
Pre-construction and construction phase mitigation measures	Section 3 of this report details mitigation measures prior to and during construction for great crested newts and breeding birds.
Toolbox talk	Site staff must be briefed, prior to the commencement of construction, on the ecological issues related to the project and the importance of contacting an ecologist if any animals are found during the works.



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1 INTRODUCTION

1.1 Purpose of the Report

The Ecology Co-op was commissioned by Mrs Sue Orpen to provide a Precautionary Method Statement (PMS) for Red Oaks, Cuckfield, regarding a proposal to construct a single-storey extension between the house and garage, as well as create a bedroom space within the garage.

This document outlines pre-construction and construction phase mitigation measures for the works and will be submitted to Mid Sussex District Council in order to discharge condition 4 of the approved planning application (DM/25/3212) which is as follows:

“4. No development shall take place until a Precautionary Working Methods Statement (PWMS) detailing reasonable avoidance measures for great crested newts has been submitted to and approved by the Local Planning Authority. Works shall only be undertaken in accordance with the approved Method Statement.

Reason: To protect great crested newts and to comply with DP38 of the Mid Sussex District Plan.”

1.2 Background

The site is situated in Cuckfield, West Sussex RH17 5HY. It comprises a semi-detached house, garage and garden space with lawns, ornamental planting, hedgerows and mature trees. In addition, the site has an amenity playing field directly to the east and other gardens and arable parcels to the west and southwest. There is a woodland strip to the south. There are five ponds within 500m of the site, but no licence returns for great crested newts *Triturus cristatus* within this radius. The National Grid Reference for the site is TQ 29372 25807. Figure 1 illustrates the location of the site and Figure 2 illustrates the development proposals.



Figure 1. An aerial image showing the location of the site boundary (red outline) and where the proposed extension will be (red arrow) Image produced courtesy of Google maps (map data ©2025 Google).

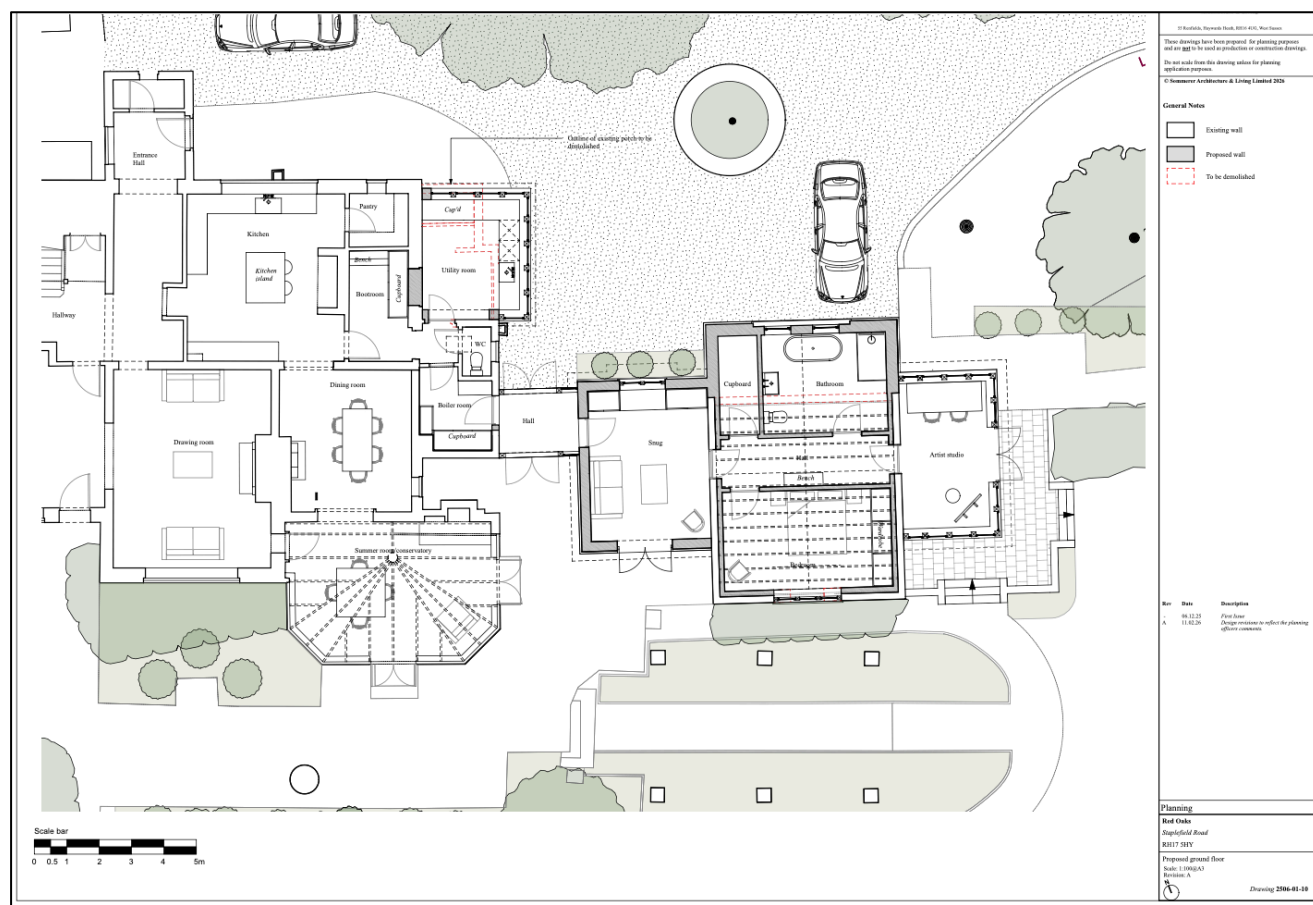


Figure 2. Proposed plans for development at Red Oaks, Cuckfield. Provided by Sommerer Architecture and Living, 6th December 2025 (dwg no: 24506-01-10).

1.3 Previous Survey Work

A Bat Scoping Assessment, followed by one emergence survey were undertaken in 2025¹². These surveys ascertained that the buildings are not currently used by roosting bats, but the following species are present commuting and foraging on site: common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and serotine *Cnephaeus serotinus*.

The development footprint was considered unlikely to support protected species, as it comprises the existing buildings, hardstanding, tightly-mown grassland, hedgerow and ornamental shrubs. However, there are five ponds within 500m of the site (see Figure 3), but no licence returns for great crested newts within this radius. Given the proximity of the site to these waterbodies, precautionary mitigation is outlined within this document for great crested newts and breeding birds.

¹ The Ecology Co-op (2025). Ref: One storey extension from the house to the garage at Red Oaks.

² The Ecology Co-op (2025). Bat Emergence Survey Report – Red Oaks, Cuckfield.

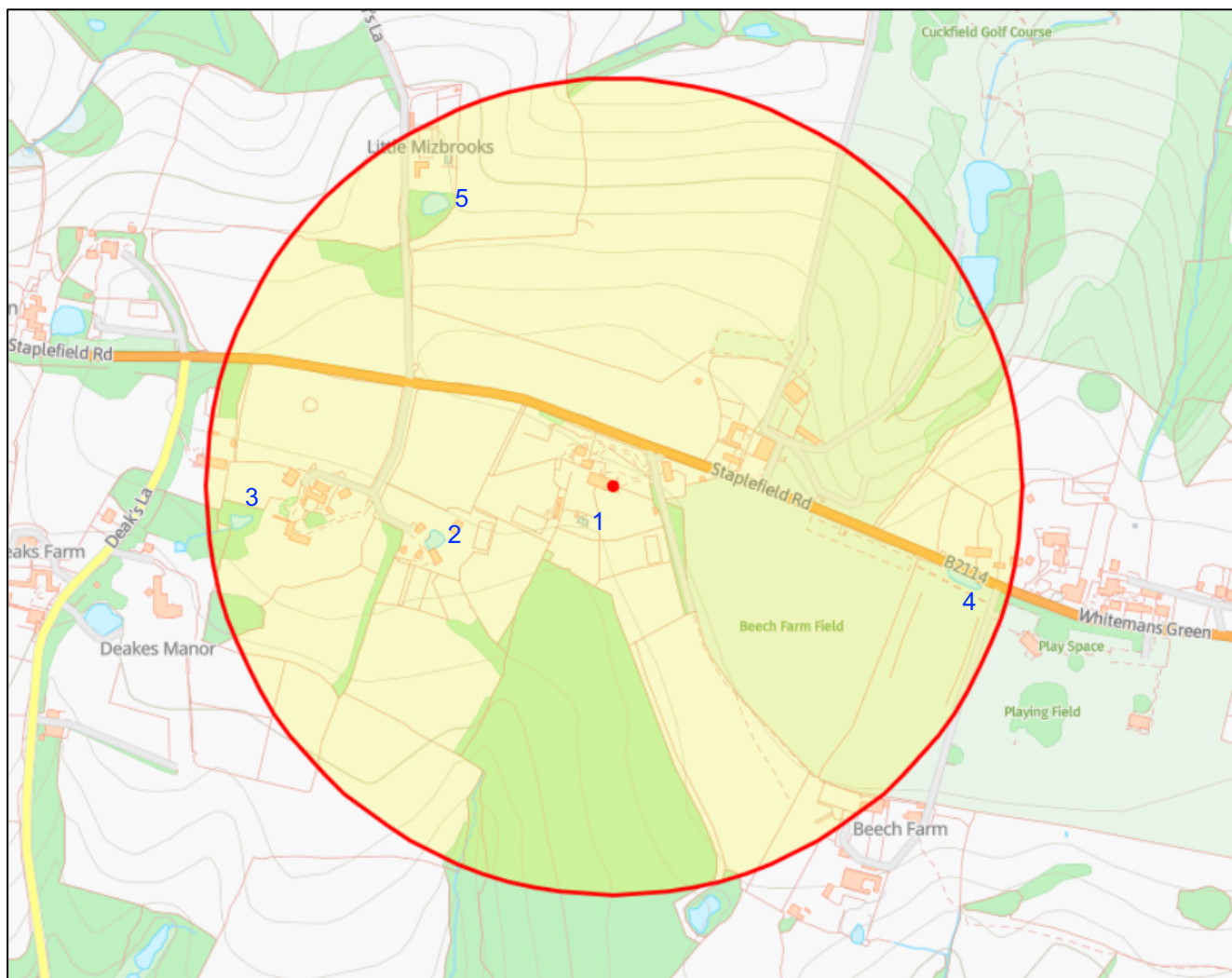


Figure 3. Ponds within 500m of the site (red dot). Images produced courtesy of Magic maps (<http://www.magic.gov.uk/>, contains public sector information licensed under the Open Government Licence v3.0).

2 LEGAL PROTECTION

Legal protection applying to relevant bird, mammal and herpetofauna species is detailed in Appendix 1 of this report. This includes both national and European legislation that protects badgers *Meles meles*, bats, hazel dormice *Muscardinus avellanarius*, reptiles and breeding birds.

3 MITIGATION METHODS

3.1 Great Crested Newts

The proposals will likely only impact upon the existing buildings, hardstanding, tightly-mown grassland and very small areas of ornamental shrubs/hedgerow. Reasonable avoidance measures will prevent any impacts upon amphibians or small mammals. The following measures will be implemented under the supervision of a suitably qualified and licensed Ecological Clerk of Works (ECoW):



- the grassland within the garden should be maintained in the same way, to below a height of 5cm prior to the commencement of construction;
- any piles of logs, brash or building materials (which form suitable amphibian hibernacula) will be dismantled carefully by hand and moved outside of the proposed construction zone. Similarly, once any substrate has been excavated during the works, it is best practice to move materials off site, to a skip or to nearby hardstanding areas to minimise the risk of the spoil being used for shelter. If this is not possible the material should be placed on a tarpaulin and be compacted to avoid gaps and spaces;
- the shrubs and hedgerows to be removed should first be searched at ground level to check for sheltering or commuting amphibians, and cutting should be phased, to allow any amphibians or small mammals present to move to safety;
- should stumps need removal with an excavator, this should use a toothed bucket;
- these measures will only be undertaken when amphibians are active, (March to October) and the temperature is above 5°C; and
- all holes will be backfilled at the end of the working day, or a rough sawn plank can be placed in the hole to allow safe egress. Trenches and holes should be checked regularly by site staff for amphibians and other small mammals.

Though unlikely, should a great crested newt be found at any time, the following will be required:

- stop all works immediately and leave the area;
- inform an ecologist immediately who will provide further guidance/instructions;
- do not try to handle or rescue a great crested newt;
- do not resume construction works until advised it is safe to do so by an ecologist; and
- a European Protected Species Licence (EPSL) or District Licence (DL) may be required to continue legally.

3.2 Breeding Birds

As removal of small amounts of shrubs, trees or hedgerow will likely need to be timed within the nesting bird season (March to August inclusive) to ensure no harm to amphibians, mitigation will be required to protect breeding birds. As such, any vegetation to be removed must first be searched by a suitably qualified ecologist to check for nesting birds. Should any nests be found, a 5m buffer must be put in place until all the young have safely fledged.

4 TOOLBOX TALK

Prior to works on site, contractors should be delivered a toolbox talk outlining their responsibilities and emphasising the mitigation measures detailed within this report. A copy of this report should be available on site at all times. The contact details of The Ecology Co-op are detailed below and should be available on site in case of questions or issues arising of an ecological nature: info@ecologyco-op.co.uk/ 01798 861800.



5 CONCLUSION

The avoidance and mitigation measures outlined within this report will reduce impacts on amphibians, small mammals and breeding birds. These measures must be adhered to at all times.

Should you need any further advice on the information provided above, please do not hesitate to contact The Ecology Co-op.



APPENDIX 1 – Wildlife Legislation and National Planning Policy

Introduction

The following text is intended for general guidance only and does not constitute comprehensive professional legal advice. It provides a summary of the current legal protection afforded to wildlife in general and certain species. It includes current national planning policy relevant to nature conservation.

The ‘Birds Directive’, ‘Habitats Directive’ and ‘Natura 2000 Sites’

The Council Directive 79/409/EEC on the Conservation of Wild Birds (“the Birds Directive”) sets a framework for the protection of wild birds. Under the Directive, several provisions are made including the designation and protection of ‘Special Protection Areas’ (SPAs) – areas which support important bird populations, and the legal protection of rare or vulnerable species.

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the “Habitats Directive”) directs member states of the EU to take measures to maintain the favourable conservation status of important habitats and species. This requires the designation of a series of sites which contain important populations of species listed on Annex II of the Directive (for example Bechstein’s bat *Myotis bechsteinii*, Barbastelle bat *Barbastella barbastellus* and white-clawed crayfish *Austropotamobius pallipes*). Together with ‘Special Areas of Conservation’ (SACs), SPAs form a network across Europe of protected areas known as the ‘Natura 2000 sites’.

Annex IV lists species in need of more strict protection, these are known as “European Protected Species (EPS)”. All bat species, common dormice *Muscardinus avellana*, otter *Lutra lutra* and great crested newts *Triturus cristatus* are examples of EPS that are regularly encountered during development projects.

The ‘Habitats Regulations’

The Conservation of Habitats and Species Regulations 2017, as amended (the “Habitats Regulations”) is the principle means of transposing the Habitats Directive and the Birds Directive, and updates the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 regulations”) in England and Wales.

‘Natura 2000’ sites, now known as National Site Network sites under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, receive the highest level of protection under the Regulations which requires that any activity within the zone of influence of these sites would be subject to a Habitats Regulations Assessment (HRA) by the competent authority (e.g. planning authority), leading to an Appropriate Assessment (AA) in cases where ‘likely significant effects’ to the conservation objectives are identified.

For European Protected Species, Regulation 41 makes it a criminal offence to:

- deliberately capture, injure or kill any such animal;
- deliberately disturb wild animals of such species;
- deliberately take or destroy their eggs (where relevant);
- damage or destroy a *breeding or resting place* of such an animal;
- possess, control, sell or exchange any live or dead animal or plant, of such species;
- deliberately pick, collect, cut, uproot or destroy a wild plant of such species.



The Habitats Directive and Habitats Regulations provide for the derogation from these prohibitions for specific reasons provided certain conditions are met. An EPS licensing regime allows operations that would otherwise be unlawful acts to be carried out lawfully. Natural England is the licensing Authority and, in order to grant a license, ensures that three statutory conditions (sometimes referred to as the ‘three derogation tests’) are met:

- a licence can be granted for the purposes of “preserving public health or safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” (Regulation 53 (2) (e);
- a licence can be granted if “there are no satisfactory alternatives” to the proposed action;
- a licence shall not be granted unless the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Wildlife and Countryside Act (1981) as amended.

This remains one of the most important pieces of wildlife legislation in the UK. There are various schedules to the Act protecting birds (Schedule 1), other animals including insects (Schedule 5), plants (Schedule 8), and control of invasive non-native species (Schedule 9).

Under the Wildlife and Countryside Act (WCA) 1981, all wild birds (with the exception of those listed on Schedule 2), their eggs and nests are protected by law and it is an offence to:

- take, damage or destroy the nest of any wild bird while it is in use or being built
- take or destroy the egg of any wild bird
- disturb any bird listed on Schedule 1, while it is nest building, or at a nest with eggs or young, or disturb the dependant young of any such bird.

Schedule 5 lists all non-avian animals receiving protection to a varied degree. At its strongest, the Act makes it an offence to intentionally kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturb animals while occupying such places. Examples of species with *full protection* include all EPS, common reptile species, water vole *Arvicola amphibius*, white-clawed crayfish *Austropotamobius pallipes* and Roman snail *Helix pomatia*. Other species are protected from sale, barter or exchange only, such as white letter hairstreak *Satyrrium w-album*.

The Act makes it an offence to intentionally pick, uproot or destroy any plant or seed, and sell or possess any plant listed on Schedule 8. It is also an offence to intentionally uproot any wild plant not listed on Schedule 8 unless authorised [by the land owner]. Species on Schedules 5 and 8 are reviewed every 5 years when species can be added or removed.

Measures for the prevention of spreading non-native species which may be detrimental to native wildlife is included in the Act, which prohibits the release of animals or planting of plants into the wild of species listed on Schedule 9 (for example, Japanese knotweed *Fallopia japonica*, Himalayan balsam *Impatiens glandifera*, New Zealand Pygmyweed *Crassula helmsii*).

The Wildlife and Countryside Act 1981 (as amended) also prohibits certain inhumane methods of traps and devices for the capture or killing of wild animals and certain additional methods such as fixed trap, poisoning with gas or smoke, or spot-lighting with vehicles for killing species listed on Schedule 6 of the Act (this includes all bat species, badger, otter, polecat, dormice, hedgehog and red squirrel).



Natural Environment and Rural Communities (NERC) Act (2006)

The NERC Act (2006) created the statutory nature conservation body Natural England, and places a statutory duty on all public bodies, including planning authorities, under Section 40, to take, or promote the taking by others, steps to further the conservation of *habitats and species of principal importance for the conservation of biodiversity* in England (commonly referred to as the 'Biodiversity Duty'). This duty extends to all public bodies the biodiversity duty of Section 74 of the Countryside and Rights of Way (CROW) Act 2000, which placed a duty only on Government and Ministers. Section 41 of the NERC Act lists the habitats and species of principle importance. This includes a wide range of species from mosses, vascular plants, invertebrates through to mammals and birds. It originates from the priority species listed under the UK Biodiversity Action Plan (UK BAP) with some omissions and additions.

Environment Act (2021)

The Environment Act sets a target of halting the decline in species through the inclusion of a legally binding 2030 species abundance target. Aiming to restore natural habitats and enhance biodiversity, the Act requires new developments to improve or create habitats for nature (through mechanisms such as mandatory Biodiversity Net Gain), and tackle deforestation. Going forwards, UK businesses will need to look closely at their supply chains as amongst other measures they will be prohibited from using commodities associated with wide-scale deforestation. Woodland protection measures are also strengthened through the Act.

The Act enables the reform of the Habitats Regulations and further improves protection for nature through the establishment of Local Nature Recovery Strategies that support national Nature Recovery Networks. In addition, the Act provides for the production of Protected Site Strategies and Species Conservation Strategies, aimed at supporting the design and delivery of strategic approaches to deliver better outcomes for nature.

Protection of Badgers Act (1992)

The badger *Meles meles* is afforded specific legal protection in Britain under the Protection of Badgers Act (1992), and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) (see above).

Under this legislation, it is a criminal offence to:

- intentionally kill, injure, take, possess, or cruelly ill-treat, a badger, or to attempt to do so;
- interfere with a sett, by damaging or destroying it;
- to obstruct access to, or any entrance of, a badger sett; or
- to disturb a badger when it is occupying a sett.

A licence may be obtained from Natural England to permit certain prohibited actions for a number of defined reasons including interference of a sett for the purpose of development, provided that a certain number of conditions are met. Note that licenses are not normally granted for works affecting badgers between the end of November and the start of July.

National Planning Policy Framework

The National Planning Policy Framework (NPPF 2024)³ sets out the Government's view on how planners should balance nature conservation with development and helps ensure that Government meets its biodiversity

³ HM Government (2024). National Planning Policy Framework. Department for Communities and Local Government. Available online at: https://assets.publishing.service.gov.uk/media/67aaf8f3b41f783cca46251/NPPF_December_2024.pdf



commitments with regard to the operation of the planning system.

Paragraph 192b, states that council plans should “*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.*”

The Office of the Deputy Prime Minister (ODPM) Circular 06/2005, 2005)⁴. In accordance with the NPPF, it is important that developments should contribute to and enhance the natural and local environment by:

- minimising impacts on existing biodiversity and habitats;
- providing net gains in biodiversity and habitats, wherever possible;
- establishing coherent ecological networks that are more resilient to current and future pressures.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (UK BAP), first published in 1994, was the UK’s response to the commitments of the Rio Convention on Biological Diversity (1992) until 2010, when the UK BAP was replaced by the UK Post-2010 Biodiversity Framework. This framework covers the period 2011 to 2020 and forms the UK government’s response to the new strategic plan of the United Nations Convention on Biodiversity (CBD) published in 2010. This promotes a focus on individual countries delivering target for protection for biodiversity through their own strategies.

The most recent biodiversity strategy for England, 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' was published by Defra (2011), and a progress update was provided in July 2013 (Defra 2013).

'Biodiversity 2020' builds on the Natural Environment White Paper for England – 'The Natural Choice', published on 7 June 2011, and sets out the strategic direction for biodiversity policy for the next decade.

Biodiversity 2020 deliberately avoids setting specific targets and actions for local areas and species because the Government believes that local people and organisations are best placed to decide how to implement the strategy in the most appropriate way for their local area or situation.

Birds of Conservation Concern (BoCC)

In 1996, the UK’s leading non-governmental bird conservation organisations listed the conservation status of all bird species in the UK against a series of criteria relating to their population size, trends and relative importance to global conservation. The lists, known as the ‘Red’, ‘Amber’ and ‘Green’ lists (in order of decreasing concern) are used to inform key conservation policy and decisions. The lists are reviewed every five years and are a useful reference for determining the current importance of a particular site for birds. The most recent review was undertaken in 2021 (Stanbury et al, 2021), which provides an up to date assessment of the conservation status of birds in the UK.

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⁴ HM Government (2005) ODPM Circular 06/05 Government Circular: *Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*. Available online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf.



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