



**PRELIMINARY ECOLOGICAL APPRAISAL  
AND  
PRELIMINARY ROOST ASSESSMENT**

J L FAYNUM LIMITED

STANBRIDGE INDUSTRIAL PARK  
STAPLEFIELD LANE  
STAPLEFIELD  
RH17 6AS

28<sup>TH</sup> SEPTEMBER 2023

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## EXECUTIVE SUMMARY

A Preliminary Ecological Appraisal (PEA) and concurrent Preliminary Roost Assessment (PRA) in respect to bats was carried out at Stanbridge Industrial Park, in Staplefield, West Sussex on the 6<sup>th</sup> September 2023. Proposals are for the removal of two agricultural units to facilitate construction of a commercial unit with associated parking. The assessment was required in order to ascertain whether any ecological constraints could affect proposed re-development at the site. The site measures approximately 0.07 hectares (ha).

The main findings of the survey are as follows:

- \* The site is within a semi-rural location within the south-western extent of Staplefield. The application site is within the southern extent of the wider Stanbridge Industrial Park. In the wider surrounds, a combination of pasture and arable fields are located in all directions together with areas of woodland and scattered residential properties.
- \* The application site is dominated by two agricultural buildings together with discrete areas of grassland and tall ruderal vegetation.
- \* Works will impact discrete areas of semi-natural habitats to include approximately 0.02ha grassland, 0.0007ha ephemeral vegetation and 0.0005ha ruderal vegetation.
- \* The site falls wholly within the High Weald Area of Outstanding Natural Beauty (AONB), designated for its landscape value, with its diverse mix of wooded, rolling hills, sandstone outcrops; small and irregular-shaped fields and scattered farmsteads. Works to replace the existing agricultural units to facilitate construction of a single commercial unit will not serve to significantly impact the landscape value associated with the AONB.
- \* The site is of value within the immediate vicinity, supporting features with potential for use by breeding birds and a small number of individual great crested newts.
- \* The buildings were assessed as having negligible potential to support roosting bats due to an absence of any potential roosting features and no further survey or mitigation is required to facilitate removal of these structures. A single bat dropping, the size and morphology of which was indicative of a pipistrelle species was observed within building 1 during the PRA however this was not associated with any potential roosting features and instead considered likely to be left by a foraging bat that entered through an open section of the barn.
- \* No further surveys in respect to protected species are considered necessary.
- \* Breeding birds and great crested newt pose some minor constraints to the proposed works and precautionary working practices are recommended and considered sufficient to fully safeguard these species groups.

- \* Based on the small size of the site and limited suitability for on-site semi-natural habitats to support great crested newt, it is not considered necessary to register the application on the Mid Sussex Council District Level Licensing (DLL) Scheme which may otherwise be triggered by development. Instead, adopting a series of precautionary working measures will be sufficient to fully safeguard great crested newts and this approach is considered to be sufficient and proportionate in this situation to ensure the favourable conservation status of great crested newts is not impacted as a result of the works.
- \* Details regarding precautionary working practices and site enhancement measures are provided in the Recommendations section of the report

## 1 INTRODUCTION

### Background

- 1.1 CT Ecology Limited was commissioned by J L Faynum Limited to undertake a Preliminary Ecological Appraisal and concurrent preliminary bat roost assessment, to inform the potential ecological constraints of proposed re-development at Stanbridge Industrial Estate in, Staplefield, West Sussex (hereafter referred to as "the site").
- 1.2 This report has been compiled in accordance with current guidelines at the time of undertaking the assessment (British Standard 42020:2013 Biodiversity. Code of Practice for Planning and Development, 2013; CIEEM, 2013 & 2016; Collins et al, 2016; and Mitchell-Jones & McLeish. 2004).
- 1.3 The purpose of the Preliminary Ecological Appraisal was:
  - \* to classify the major habitats present;
  - \* to identify the potential for any legally protected species to be present;
  - \* to evaluate the nature conservation importance of the site;
  - \* to recommend any additional ecological surveys and mitigation; and
  - \* to provide recommendations for site enhancement.
- 1.4 This report also provides an assessment of the status of bats at the site, providing information on their potential presence. Potential impacts of the proposed works are identified and measures to mitigate the effects of the development on this species group is discussed, where applicable

### Development Proposals

- 1.5 Proposals are to demolish two existing agricultural units to facilitate construction of a replacement building for commercial use. No trees or hedgerows will require removal to facilitate the works and access will remain as existing. The new building footprint will be confined to the existing footprint with material storage within existing areas of hardstanding.

## Site Description

- 1.6 The site is within a semi-rural location within the south-western extent of Staplefield in the Mid Sussex District of West Sussex at National Grid Reference TQ270 272. The application site is located within the southern extent of the wider industrial park; dominated by two agricultural buildings together with discrete areas of grassland and tall ruderal vegetation. Vehicular access is through the existing industrial park to the east. The survey area extends over approximately 0.07 hectares (ha).
- 1.7 Grazed fields extend to the south and west and the industrial park extends to the north and east. In the wider surrounds, a combination of pasture and arable fields are located in all directions together with areas of woodland and scattered residential properties. The centre of Staplefield is approximately 2km to the north-east. The A23 is approximately 400m to the west.

## 2 METHODOLOGY

### Desk Study & Consultations

2.1 The desktop study involved conducting database searches for statutory and non-statutory designated sites, legally protected species and features of interest within a 2km radius of the site and an online search for any Protected Species Mitigation Licences (PSML) within 1km. The data search was based on information provided by Sussex Biodiversity Record Centre (SxBRC 2023); Multi-Agency Geographical Information for the Countryside (MAGIC, 2023); Ordnance Survey mapping; and aerial photography.

### Field Survey and Assessment

2.2 An ecological survey of the site was undertaken on 06<sup>th</sup> September 2023 by Carly Teague, a suitably qualified ecologist with over 15 years' experience as a professional ecologist. The weather conditions during the survey were dry and sunny with a gentle breeze. The temperature was 23°C at the start of the survey.

2.3 The field survey comprised a walkover inspection of the land and habitats present. The survey followed standard Phase 1 survey methodology (JNCC, 2010) and covered all accessible parts of the site, including boundary features. Habitats were described and mapped (Appendix B). A list of plant species was compiled, together with an estimate of abundance made according to the DAFOR scale (Appendix D).

2.4 This assessment provides information on the habitats in the survey area and identifies actual or potential presence of legally protected or otherwise notable species/habitats in or immediately adjacent to the site.

2.5 Target notes highlighting a particular feature of ecological interest are provided in Appendix A, with associated photographs.

2.6 Scientific names are given after the first mention of a species, thereafter, common names only are used. Nomenclature follows Stace (2010) for vascular plant species.

### Protected Species Assessment

2.7 The potential for the site to provide habitat for protected species was assessed from field observations in conjunction with results of the desk study. The site was inspected for indications of the presence of protected species including:

- \* Habitat considered suitable to support widespread reptile species including areas with a scrub/grassland mosaic and potential hibernation sites;
- \* on-site ponds offering potential breeding opportunities for great crested newt (*Triturus cristatus*) and the presence of suitable terrestrial habitat including hedgerows and rough grassland;
- \* presence of features in, and on trees, indicating potential for roosting bats *Chiroptera*, including knot and rot holes and loose bark. The presence of features on buildings including loose roof tiles, gaps in fascia boarding in addition to secondary evidence including staining, droppings and feeding remains;
- \* presence of nesting habitat for breeding birds, including mature trees, dense scrub and hedgerows and direct evidence of bird nesting including bird song, old nests etc;
- \* presence of woodland and or hedgerows providing suitable habitat to support hazel dormouse (*Muscardinus avellanarius*); and
- \* habitats considered suitable to support badger (*Meles meles*) setts, and evidence in the form of hair, pathways and latrines.

2.8 The potential presence for protected species is categorised as Negligible, Low, Moderate, High or Present, based on the findings of the field survey and on the evaluation of existing data.

2.9 The purpose of this assessment is to identify whether more comprehensive Phase 2 surveys for protected species or mitigation should be recommended.

### **Preliminary Roost Assessment**

2.10 The building inspection was carried out concurrently with the PEA in accordance with current good practice guidelines at the time of the of the assessment (Collins, 2016).

2.11 The interior and exterior of the buildings were inspected closely with the aim of identifying the presence of bats and any secondary evidence together with any potential roost sites. Secondary evidence includes droppings, feeding remains, scratch marks and oil and urine staining.

2.12 The external inspection comprised a detailed search of all accessible architectural features for bat droppings, urine staining, scratch marks, staining around suitable crevices and feeding remains. A high-powered torch was used to illuminate internal features at height, for instance the apex of the roof and associated supporting beams, and these were inspected using close focusing binoculars when required.

- 2.13 Where access permitted, and where present, roof voids were also inspected. This comprised a search of the floor area and other flat surfaces, including stored materials, in order to find evidence of discarded feeding remains and bat droppings. Internal features such as the roof lining were examined to assess actual or potential roost opportunities.

### **Caveat**

#### Data Search

- 2.14 It is important to note that, even where data is held, an absence of records for a defined area does not necessarily mean that there is a lack of ecological interest; the area may be simply under-recorded.

#### Preliminary Ecological Appraisal

- 2.15 Ecological surveys are limited by factors that affect presence of plants and animals such as seasonality. Whilst every effort has been made to provide a comprehensive description of the site, no investigation can ensure the complete characterisation of the environment.
- 2.16 The appraisal does not constitute a full botanical survey, or a Phase 2 pre-construction survey that would include accurate GIS mapping for invasive or protected plant species. This survey provides a preliminary view of the likelihood of protected species occurring on the site based on the suitability of the habitat, known distribution of the species in the local area and any direct evidence observed during the survey. It is therefore used as a tool to recommend further protected species surveys (or other species of significant nature conservation interest) if on the basis of the preliminary assessment or during subsequent surveys, it is considered reasonably likely that protected species may be present.
- 2.17 It is considered that the survey was sufficiently rigorous to assess the ecological value of the site.

#### Bat Survey Constraints

- 2.18 Bats are mobile animals and can move roost sites throughout the year. It is possible that the survey carried out in September may miss roosts occupied earlier or later in the year. However, where undisturbed, it is possible to find secondary evidence of bats inside a building throughout the year, although secondary signs may be missed where they are within an area that can't be fully accessed.

### 3 BASELINE CONDITIONS

#### Aerial Photography and OS Maps

- 3.1 The site is in a semi-rural environment, within the south-western extent of Staplefield, approximately 400m to the east of the A23. Land-use in the immediate vicinity comprises the wider industrial park to the north-east together with a mix of agricultural fields, woodland and scattered residential properties with associated gardens which extend in all directions.
- 3.2 There are no on-site ponds. There are 10 ponds within 500m of the site, located to the north, west and south. Over 30 woodland blocks are present within a 2km radius, the closest of which is approximately 300m to the north-west.

#### Protected Species Mitigation Licences (PSML)

- 3.3 No PSML's were returned within a 1km radius of the site. Licence returns for great crested newt in relation to two ponds were returned within a 1km radius of the site; the ponds were located approximately 290m to the west and 300m to the east respectively.

#### Statutory and Non-Statutory Designated Sites

##### Statutory Sites

- 3.4 The site falls wholly within the High Weald Area of Outstanding Natural Beauty (AONB), designated for its landscape value, with its diverse mix of wooded, rolling hills, sandstone outcrops; small and irregular-shaped fields and scattered farmsteads. The site is not subject to any other statutory or non-statutory designations and there are no other statutory designated sites within 2km.

##### Non-Statutory Sites

- 3.5 The site is not subject to any non-statutory designations. There is one non-statutory designated site within a 2km radius. Mallions Lane Designated Road Verge (DRV) is approximately 450m to the south-east. No specific details were provided on the DRV however it would have been designated for its special wildlife interest, potentially supporting rare orchids and other plant species indicative of old meadows, which may be of importance to invertebrates and fungi.

## Other Habitat Classifications

### *Ancient Semi-Natural Woodland*

3.6 Approximately 20 blocks of ancient semi-natural woodland (ASNW) and ancient replanted woodland are present within 2km of the site, located in all directions. The closest of which is North Hall Farm Copse; a small woodland block located approximately 500m to the east at its closest point.

## **Habitats**

### Site Summary

3.7 The main habitats recorded within the site are described below. Additional details are shown on the habitat survey plan in Appendix B, and the target notes are listed in Appendix A.

**Table 3.1: Habitat Descriptions**

Habitat Type	JNCC Code	Description	Area (ha)
Building	J3.6	A series of two agricultural units dominated the site. More details are provided in the PRA section of the report.	0.04
Improved Grassland	B2	A small area of regularly managed grassland was to the south of the buildings. Dominant grassland species were indicative of regular, long-term management and included Yorkshire fog ( <i>Holcus lanatus</i> ) and fescues ( <i>Festuca</i> sp.). Forbs were limited to discrete areas within the sward. Species included creeping buttercup ( <i>Ranunculus repens</i> ), white clover ( <i>Trifolium repens</i> ) and dandelion ( <i>Taraxacum</i> agg.).	0.02
Hardstanding	Unclassified	A tarmacadam access track and parking area extended from Staplefield Lane to the east.	0.008
Ruderal	C3.1	A discrete area of tall ruderal vegetation had developed adjacent to the west of building 2. Common nettle ( <i>Urtica</i>	0.0005

Ephemeral	J1.3	<i>dioica</i> ) dominated this area. Recently colonised species were present in the north-east corner of building 2. Species included dandelion, bristly oxtongue ( <i>Helminthotheca echioides</i> ), thistles ( <i>Cirsium</i> sp.), ragwort ( <i>Senecio</i> sp.) and willowherbs ( <i>Epilobium</i> sp.).	0.0007
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## Protected Species

### Legislation

3.8 Legislation relating to the protected species referred to in this section is included in Appendix C.

3.9 The following paragraphs detail the suitability of the on-site habitats to support protected species and include information from the data search for protected, rare and otherwise notable species returned within a 2km radius.

### Birds (excluding barn owl)

3.10 A total of four **red** and one **amber** listed Birds of Conservation Concern<sup>1</sup> (BoCC) were returned by the data search which may utilise habitats within the site. These include **song thrush** (*Turdus philomelos*), **starling** (*Sturnus vulgaris*), **house sparrow** (*Passer domesticus*), **herring gull** (*Larus argentatus*), and **dunnock** (*Prunella modularis*). Swallow (*Hirundo rustica*), a notable bird may also utilise features associated with the buildings.

3.11 The site did not support any trees or hedgerows. The buildings provided potentially suitable features for a range of widespread breeding birds associated with the supporting framework. An old, disused birds' nest was observed between the walls of building 1 and an adjoining agricultural unit, and on a supporting roof beam (Target Note 1 on the Figure 1: Habitat Plan in Appendix B).

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<sup>1</sup> Birds of Conservation Concern status is prioritised into high concern (Red), medium concern (Amber) and low concern (Green) (Eaton et al, 2009). Red-list species are those that are globally threatened according to the IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and have not shown a substantial recent recovery. Amber-list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; those whose population has declined historically but made a substantial recent recovery; rare breeders; and those with internationally important or localised populations. Green-list species are those that fulfil none of the criteria.

3.12 Overall, the site was considered to provide **low** potential for nesting birds.

#### Barn Owl

3.13 The data search did not return any recent (post 2011) records for barn owl within 2km of the site. The on-site buildings did not provide any potential roosting or breeding habitat for barn owl due to an absence of suitable features.

3.14 Overall, the site was considered to provide **negligible** potential for barn owl.

#### Reptiles

3.15 The data search did not return any records for widespread or rare reptiles within a 2km radius. Reptiles typically require a habitat mosaic which provides opportunities for sheltering, basking and hibernation which were absent at the site; buildings and hardstanding dominated the site. The discrete area of managed grassland provided sub-optimal conditions for reptiles due to an absence of cover opportunities and the site was isolated in all directions by grazed fields and areas of hardstanding and buildings associated with the industrial park.

3.16 Overall, the site was considered to provide **negligible** potential for reptiles.

#### Great Crested Newt (and other amphibians)

3.17 The data search returned 14 recent (post 2011) records for great crested newt within 2km of the site. These were all from three ponds located approximately 240m to the west and 370m south-west. The most recent record was from 2017 from one of the ponds approximately 240m to the west.

3.18 A number of recent records were also returned for common frog (*Rana temporaria*), common toad (*Bufo bufo*), smooth newt (*Lissotriton vulgaris*) and palmate newt (*Lissotriton helveticus*), all of which were over 200m from the site.

3.19 The desk study identified five ponds within a 250m radius. The closest of which was approximately 60m to the north.

3.20 There are no ponds within the application site. The site is small and dominated by buildings and hardstanding which form part of the wider industrial park and which serve to isolate the site to the north and east. The grassland area within the south of the site is small and well-managed and does not provide any cover or sheltering opportunities for this species, and overall the site provides limited connectivity to the wider landscape due to its location on the edge of an industrial park.

- 3.21 The Impact Risk Map covering Staplefield, created by NatureSpace, which is used to predict newt presence through habitat suitability was accessed as part of the data search. It is understood through accessing the map that the site is located within a red zone for great crested newts which indicates that suitable habitat is present in the area and great crested newts are highly likely to be present. Although the site supports limited and sub-optimal terrestrial habitat, the location in a red zone and presence of records within 250m means that the potential for an occasional individual to pass through the site cannot be ruled out.
- 3.22 Overall, based on the current assessment, the site was considered to provide **low** potential to support great crested newt.

#### Bats

- 3.23 At least seven species of bat have been recorded within 2km of the site boundary. This includes common pipistrelle (*Pipistrellus pipistrellus*); soprano pipistrelle (*P. pipistrellus*); myotis bat (*Myotis* sp.); natterers (*M. nattereri*); serotine (*Eptesicus serotinus*); long-eared (*Plecotus* sp.); and brown long-eared bat (*P. auritus*).
- 3.24 The most frequently recorded bat species was common pipistrelle with a total of six records for this species. The closest record of foraging/commuting activity was from common pipistrelle, soprano pipistrelle, serotine, myotis species, and long-eared species, approximately 665m to the north-east, from 2016.
- 3.25 The closest roost record was of an unspecified long-eared bat roost from 2007, located approximately 170m from the site. A grounded natterers bat was also found at this location in 2007.
- 3.26 There were two structures within the site although these did not support any potential bat roosting features. More details are provided in the PRA section of the report.
- 3.27 The on-site semi-natural habitats were discrete in nature and provided limited foraging and commuting opportunities for bats, with higher quality and more extensive semi-natural habitat in the wider landscape. Overall, the site was considered to provide **low** potential for foraging bats and **negligible** potential for roosting bats.

#### Badger

- 3.28 Records for this species are kept confidentially and were not returned by the data search.

- 3.29 No evidence of badgers in the form of setts or secondary evidence such as latrines, hairs or pathways was observed during the assessment or within the surrounding 30m, where access permitted.
- 3.30 Although grazed fields were to the south and west, the site was isolated to the north and east by extensive areas of hardstanding and buildings which served to significantly reduce connectivity for badger between habitats in the wider area.
- 3.31 Overall, the site was considered to provide **negligible** potential for this species.

#### Hazel Dormouse

- 3.32 The data search returned 38 recent (post 2011) records for hazel dormouse within 2km of the site. The closest of which was from 2014, approximately 250m to the south-west, from a hedgerow bounding grazed fields.
- 3.33 Dormice are largely arboreal and rely on blocks of diverse woodland and interconnected hedgerows for survival. Individuals rarely descend to the ground except to hibernate over winter months at the base of trees. Dormice favour a range of plant species which provide a food source throughout the year. Favoured species include an abundance of hazel and honeysuckle together with frequently occurring oak and bramble amongst other species.
- 3.34 The site did not support any potentially suitable habitat for this species. Overall, the site was considered to provide **negligible** potential for dormice.

#### Invasive Non-Native Species (INNS)

- 3.35 No INNS were observed during the survey, where access permitted.

#### **Preliminary Bat Roost Assessment**

- 3.36 A series of two buildings were included in the assessment. These are detailed below and is illustrated on the plan in Appendix B.

### Building 1

3.37 An agricultural building with a footprint of approximately 240m<sup>2</sup> adjoined directly to the northern elevation of building 2. The building comprised single skinned concrete breeze block below sheet metal walls and single skinned, pitched sheet metal roof with plastic skylights. Formerly used to house cattle, the building was in use for storage at the time of the assessment. Access was via full height metal doors on the eastern elevation. An area of timber cladding was present on this elevation around the access doors. This was single skinned and large gaps were present throughout the cladding, enabling potential ingress into the structure on this elevation. The remainder of the elevation was open although access into the building was restricted due to the presence of an adjacent building (see below for more details). The surveyed building was open at the eaves on all elevations. Numerous gaps were also present in the sheet metal walls and a large gap was present in the roof where the sheeting was loose or missing. A large cattle shed and open shelter section adjoined the building along the northern elevation.

3.38 Internally the building had a concrete floor and the former cattle troughs remained in the centre of the building. A large cattle shed and open shelter section (in current use) adjoined the entirety of the northern elevation. An old, disused bird's nest was present behind the sheet metal wall where a gap enabled ingress between the walls of the two structures. This gap was too large and unsuitable for use by bats. Gaps were present at the purlins between the two surveyed buildings.

3.39 A single, old, bat dropping, the size and morphology of which was indicative of a pipistrelle bat, was located on stored materials in the eastern extent of the building (Target Note 2 on the Figure 1: Habitat Plan in Appendix B). This was not associated with any potential bat roosting feature and instead was considered likely to be left by a foraging bat that entered through the open features.

3.40 No potential roost features were associated with the building. No bats or other secondary evidence of bats were associated with the survey structure and overall is considered to provide **negligible** potential for roosting bats.

### Building 2

3.41 An agricultural unit with a footprint of approximately 185m<sup>2</sup>. The building was open on the eastern elevation. A single skinned asbestos pitched roof was present with associated metal supporting framework. Internally the building was open along the entire eastern elevation and used to store vehicles. Recent timber supports were present on the rear (western) elevation to support the collapsing wall- the associated joints in these supports were well sealed with no obvious gaps. A plastic window was present on the western elevation. The building was open to the ridge and the roof supported a wide ridge. A ridge beam was absent and the asbestos sheet overlap was visible along the ridge. This was well sealed. Although the building was open, there were no potential bat roosting features associated with the structure, either internally or externally.

3.42 No bats or other secondary evidence of bats were associated with the survey structure and overall is considered to provide **negligible** potential for roosting bats.

### Adjacent Building

3.43 A brick building was adjacent to the north-east corner of building 1, although not attached directly to it. The adjacent building was brick built and supported a pitched clay tiled roof. Small gaps were associated with a small number of raised tiles. The eaves were completely sealed with felt although some minor areas of missing mortar were visible where the rafters extended through the brickwork. This building is outside the development footprint and no works are proposed to this building which was in use as a commercial premises at the time of the assessment.

## 4 EVALUATION

- 4.1 On the basis of the information available from the habitat survey and desk study, the site has been evaluated in terms of its potential for biodiversity, support of protected species and habitats, and the contribution the area makes as part of the wider landscape. The nature conservation value of the site has been assessed following standard criteria developed by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2006) and is provided below.
- 4.2 The biodiversity value of protected species within the site is a preliminary evaluation based upon the desk study records, habitat suitability and the conservation status of the species in question. It should be noted that where European Protected Species (EPS) or species of Principle Importance for the Conservation of Biodiversity are present on-site they may be valued at a lower level/scale where it is considered likely that populations would not be of sufficient importance to justify designation at a higher level. However, regardless of their biodiversity value, such species are still subject to national and/or European legislation.
- 4.3 Key aspects of relevant planning policy regarding conservation, including an explanation of species referred to as being of 'Principal Importance for Conservation of Biodiversity' and European Protected Species and habitats, are provided in the Legislation section in Appendix C.

### Geographic Evaluation

#### Features of International Importance

- 4.4 Features of International Importance are principally sites covered by international legislation or conventions, implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) in England and Wales. The Regulations mainly deal with the protection of sites with certain habitats and populations of species that are important for nature conservation in a European context, i.e., Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's).
- 4.5 The site is not subject to any international statutory nature conservation designations. The closest site of International Importance is Ashdown Forest SAC and SPA located approximately 15km to the east.
- 4.6 The SAC and SPA are designated for the range of bog, heath and woodland habitats with associated breeding bird, floral and invertebrate assemblages. The survey site does not provide any functionally linked land for the SAC or SPA. Due to the small scale of the proposal and distance of the development site, the construction and operational phases of the works are not considered likely to have any significant negative impacts on Ashdown Forest.

### Features of National Importance

- 4.7 Features of national importance include SSSIs which are designated under the Wildlife and Countryside Act 1981 (as amended).
- 4.8 The site falls wholly within the High Weald AONB, designated for its landscape value, with its diverse mix of wooded, rolling hills, sandstone outcrops; small and irregular-shaped fields and scattered farmsteads. Works to demolish the existing agricultural buildings and replace these with a single commercial unit broadly within the same footprint will not serve to significantly impact the wider landscape value associated with the AONB.
- 4.9 It is not considered that any habitats or populations or assemblages of species within the site would meet the criteria for the designation of a SSSI at an appropriate geographic level<sup>2</sup>.

### Features of Regional Importance

- 4.10 The site does not include any features of value at this level neither is it likely to be selected as a wildlife site based on the results of the current survey.

### Features of District Importance

- 4.11 Habitats are common and widespread in the district. The site does not support any features that were considered to be of value at this level.

### Features of Local Importance

- 4.12 Habitats are common and widespread in the locality. The site does not support any features that were considered to be of value at this level.

### Features of Value in the Immediate Vicinity (c. 250m) of the project

- 4.13 The site supports features with potential for use by small numbers of noteworthy species, including Species of Principal Importance and Sussex BAP species to include breeding birds and a small number of individual great crested newts. The site is therefore of some value at this level.

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<sup>2</sup> JNCC Guidelines for selection of biological SSSIs (see <http://jncc.defra.gov.uk/page-2303#download>).

### Summary

4.14 Overall based on the survey results and the above criteria, the site is considered to be of importance within the immediate vicinity, supporting potentially suitable habitat for use by small numbers of protected BAP species and groups including widespread breeding birds and great crested newt.

### **Local Plan Evaluation**

4.15 It is considered that the Mid Sussex District Plan 2014-2031 and the Mid Sussex Local Plan 2004 (saved policies) contain nature conservation policies relevant to the site. A summary of the relevant policies is contained in the Legislation section in Appendix C and this should be referred to.

## 5 CONCLUSIONS AND RECOMMENDATIONS

### Conclusions

- 5.1 The site is within a semi-rural location within the south-western extent of Staplefield in the Mid Sussex District of West Sussex. The application site is within the southern extent of the wider Stanbridge Industrial Park. In the wider surrounds, a combination of pasture and arable fields are located in all directions together with areas of woodland and scattered residential properties. The centre of Staplefield is approximately 2km to the north-east. The A23 is approximately 400m to the west.
- 5.2 The application site is dominated by two agricultural buildings together with discrete areas of grassland and tall ruderal vegetation. Vehicular access is through the existing industrial park to the east. The survey area extends over approximately 0.07ha.
- 5.3 Proposals are to demolish two existing agricultural units to facilitate construction of a replacement building for commercial use. No trees or hedgerows will require removal to facilitate the works and access will remain as existing. The new building footprint will be largely confined to the existing footprint with material storage within existing areas of hardstanding. Works will impact discrete areas of semi-natural habitats to include approximately 0.02ha grassland, 0.0007ha ephemeral vegetation and 0.0005ha ruderal vegetation.
- 5.4 The site falls wholly within the High Weald AONB, designated for its landscape value, with its diverse mix of wooded, rolling hills, sandstone outcrops; small and irregular-shaped fields and scattered farmsteads. Works to replace the existing agricultural units to facilitate construction of a single commercial unit will not serve to significantly impact the landscape value associated with the AONB.
- 5.5 The site is of value within the immediate vicinity, supporting features with potential for use by breeding birds and a small number of individual great crested newts.
- 5.6 The buildings were assessed as having negligible potential to support roosting bats due to an absence of any potential roosting features and no further survey or mitigation is required to facilitate removal of these structures. A single bat dropping, the size and morphology of which was indicative of a pipistrelle species was observed within building 1 during the PRA however this was not associated with any potential roosting features and instead considered likely to be left by a foraging bat that entered through an open section of the barn.
- 5.7 Breeding birds and great crested newt pose some constraints to the proposed works however further surveys in respect to these species' groups are not considered necessary and instead precautionary working practices are recommended and considered sufficient to fully safeguard protected species.

- 5.8 Based on the small size of the site and limited suitability for on-site semi-natural habitats to support great crested newt, it is not considered necessary to register the application on the Mid Sussex Council District Level Licensing (DLL) Scheme which may otherwise be triggered by development. Instead, adopting a series of precautionary working measures will be sufficient to fully safeguard great crested newts and this approach is considered to be sufficient and proportionate in this situation to ensure the favourable conservation status of great crested newts is not impacted as a result of the works.
- 5.9 Details regarding mitigation to include precautionary working practices, together with habitat enhancement measures are provided below.

## **Recommendations**

### Great Crested Newt

- 5.10 It is recommended that adopting a series of precautionary working measures will be sufficient to fully safeguard great crested newts that may pass through semi-natural habitats adjacent to the working area. These measures should include the following:

### Site Preparation

- \* The grassland and ruderal vegetation will continue to be managed at ground level prior to the start of any demolition/ground clearance works commencing in order to ensure the site remains sub-optimal for this species;
- \* Prior to works commencing, the top soil/surface material must be removed under an ecological watching brief using an excavator or similar. The ecologist will check the top soil for sheltering newts and any other debris that is exposed by the excavator. This must be undertaken in the active period for newts with ground clearance works possible between **March** and **October** inclusive;
- \* if any newts are found during the site preparation works then all activities must cease immediately and the working methodology updated accordingly. This may include the need to obtain a great crested newt licence; and
- \* any other species found during the site preparation phase will be removed from the site and relocated to suitable cover land within the wider estate.

### Site Storage

- \* All materials and machinery will be stored on existing areas of hardstanding within the industrial park. Migration by great crested newts is considered highly unlikely through the central area which is already subject to regular disturbance and is isolated by hardstanding and associated buildings in all directions;
- \* no barrier effects are predicted and any great crested newts can travel freely through the area should they choose to do so;
- \* in addition, all stored materials will be raised off the ground on pallets or skids to further remove any refuge potential for great crested newts; and
- \* aggregates such as gravel and sand must be delivered in bulk bags and stored on pallets rather than piled on site to create potentially suitable 'refuge piles'.

### Construction/Installation Phase

- \* If any excavation work is subsequently required these must be back-filled overnight, if this isn't possible then earth ramps must be left in the trench(es) to allow animals, including great crested newts, to easily climb out;
- \* the landowner/contractor must inspect any excavations each morning to check that great crested newts are not present;
- \* if any newts are found during the construction phase, then all activities must cease immediately and the project ecologist contacted for advice. An appropriate working methodology will need to be devised and this may include the need to obtain a great crested newt licence to enable activities to continue; and
- \* any other species found during the site preparation phase will be removed from the site and relocated to suitable cover land within the wider estate.

### Breeding Birds

5.11 The building provides suitable nesting habitat for a range of bird species. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

5.12 Works to remove the walls and roof should be undertaken outside the main bird nesting season which runs from March to August inclusive<sup>3</sup>, with works possible between September and February. Where this is not possible then an ecologist would need to check the building for active nests and signs of bird breeding activity. In the event that an active nest is found or suspected, an exclusion zone around the nest would be established. Works would have to cease within this buffer area until the young birds have fledged.

#### Habitat Retention

5.13 Suitable fencing should be installed around the perimeter of the working area to ensure materials and machinery do not encroach into adjacent retained habitats off-site to the south and west.

#### Habitat Enhancement

5.14 New development offers the opportunity for biodiversity net gain in accordance with national and local planning policy. Recommendations for ecological enhancement are detailed below.

#### *Post Development Landscaping*

5.15 Post development landscaping should be carefully designed with biodiversity in mind in order to ensure that there is a net gain in biodiversity post works.

5.16 Wildlife planting should be integral to the soft landscape plans and should include native species and/or species of recognised wildlife value<sup>4</sup>. The use of nectar-rich and berry producing plants will attract a wider range of insects, birds and mammals. Some species of known wildlife value are listed in Appendix E.

5.17 Good horticultural practice should be utilised, including the use of peat-free composts, mulches and soil conditioners, native plants with local provenance and avoidance of the use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

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<sup>3</sup> It should be noted that this is the main breeding period. Breeding activity may occur outside this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

<sup>4</sup> For example, The Royal Horticultural Society (RHS) Perfect for Pollinators Scheme <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/encourage-wildlife-to-your-garden/plants-for-pollinators> and the joint RHS/Wildlife Trust's Gardening with Wildlife in Mind Database <http://www.joyofplants.com/wildlife/home.php>

5.18 New hedgerow planting could be included as part of the development; bounding the southern extent of the application site. This should include a mix of at least five native species. The proposed new hedgerow will provide a linear feature through the site and provide connectivity between the site and the wider landscape for more mobile species including hedgehog, great crested newt and badger. A mix of native and non-native shrubs could also be planted around the new parking area. These should include berry-yielding and night-flowering species to attract a range of invertebrates and provide a food source for bats. The existing mixed species hedgerow off-site to the east could also be enhanced as part of the works with additional native species planting incorporated into the hedgerow.

#### *Bats and Lighting*

5.19 Different species of bat have been found to react differently to night-time lighting however research has found that generally, all species of bats are sensitive to artificial lighting and that excessive lighting can delay bats from emerging, thus shortening the time available for foraging, as well as causing individuals to move away from suitable foraging grounds or roost sites, to alternative dark areas (Jones, 2000). Bats can also become isolated from their foraging grounds if the linear features they use for commuting are suddenly illuminated, creating a light barrier (Fure, 2006).

5.20 Currently the site is illuminated to the north-east, associated with the wider industrial park, at night. Any new lighting associated with the development should seek to minimise light spill in order to avoid any additional levels of illumination post development. This can be achieved by following accepted best practice (Institute of Ecology and Environmental Management 2006, Institute of Lighting Engineers 2023):

- \* The level of artificial lighting including flood lighting should be kept to a minimum, with light spill limited on grassland to the south and west;
- \* recent LED technology should be utilised where possible. LED lights do not emit UV radiation, towards which insects are attracted, drawing them away from bat foraging areas in the surrounding landscape. All lights should be directed at a low angle with minimal light spillage wherever possible; and
- \* the southern and western site boundaries should be kept dark at bat emergence (0-1 hour after sunset) and during peak bat activity periods (e.g., 1.5 hours after sunset and 1.5 hours before sunrise). Therefore, where possible, if lighting is required this should be installed with the light directed down onto the parking/access areas wherever possible and lighting should be controlled through the use of PIR and/or timers.

### *Bird Boxes*

5.21 An external bird box could be installed post works. This could be attached to an external wall of the new building. There are a range of bird boxes on the market and various types are suitable for the site. Models selected should be suited for use by a range of garden birds. These should be located at a height of at least 3m or directly under the eaves if located on a building. A sparrow terrace could also be installed directly under the eaves of the building.

### *Bat Boxes*

5.22 Additional roosting provision should be incorporated into the scheme in order to enhance the site for bats in the long-term. It is recommended that a single bat box is installed on the building. The box should be sited at a height of at least 4m and under the eaves where possible. A Cavity Bat Box (i.e. the Eco Crevice cavity box) could be used; suitable for crevice or cavity roosting bats including pipistrelles, long-eared bats and noctules. This must be sited on a different elevation to the bird boxes.

### Other

5.23 It is recommended that updates to the surveys are undertaken if more than 18 months have elapsed between the survey date and the point at which any development decisions have been made at the site.

## 6 REFERENCES

- \* British Standards Institute (2012). 5837:2012. *Trees in Relation to Design, Demolition and Construction – Recommendations*. Standards Policy & Strategy Committee. Milton Keynes: BSI.
- \* British Standards Institute (2013). 24040:2013. *Biodiversity-Code of Practice for Planning and Development*. Standards Policy & Strategy Committee. Milton Keynes: BSI.
- \* CIEEM – Chartered Institute of Ecology and Environmental Management (2006). *Bats and Lighting*. Winchester: CIEEM.
- \* CIEEM – Chartered Institute of Ecology and Environmental Management (2016). *Guidelines for Ecological Impact Assessment in the UK and Ireland – Terrestrial, Freshwater and Coastal*. Winchester: CIEEM [On-line]. Available from [http://www.cieem.net/data/files/Publications/EcIA\\_Guidelines\\_Terrestrial\\_Freshwater\\_and\\_Coastal\\_Jan\\_2016.pdf](http://www.cieem.net/data/files/Publications/EcIA_Guidelines_Terrestrial_Freshwater_and_Coastal_Jan_2016.pdf) [Accessed on 14/09/2023].
- \* CIEEM – Chartered Institute of Ecology and Environmental Management (2013). *Guidelines for Preliminary Ecological Appraisal*. Winchester: CIEEM [On-line]. Available from [http://www.cieem.net/data/files/Resource\\_Library/Technical\\_Guidance\\_Series/GPEA/GPEA\\_April\\_2013.pdf](http://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/GPEA/GPEA_April_2013.pdf) [Accessed on 14/09/2023].
- \* Department for Communities and Local Government (2018) *National Planning Policy Framework (NPPF)* (on-line). Available from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) [Accessed on 14/09/2023].
- \* Eaton, M.A., Brown, A. F., Noble, D. G., Musgrove, A.J., Hearn, R., Aebischer, N.J., Gibbons, D.W., Evans, A. & Gregory, R.D. (2009). *Birds of Conservation Concern 3: The Population Status of Birds in the United Kingdom, Channel Islands and the Isle of Man*. British Birds 102, pp296–341 [on-line]. Available from [http://www.rspb.org.uk/Images/BoCC\\_tcm9-217852.pdf](http://www.rspb.org.uk/Images/BoCC_tcm9-217852.pdf) [Accessed on 13/09/2023].
- \* Fure, A. (2006) *Bats and lighting*. The London Naturalist, No. 85.
- \* HMSO - Her Majesty's Stationery Office (1981). *The Wildlife and Countryside Act (WCA)* (as amended). HMSO, London.
- \* HMSO - Her Majesty's Stationery Office (2000). *The Countryside and Rights of Way Act (CROW)*. HMSO, London.
- \* HMSO - Her Majesty's Stationery Office (2010). *The Conservation of Habitats and Species Regulations 2010*. HMSO, London.
- \* ILE - Institute of Lighting Engineers. (2023). *Guidance Note 8 Bats and Artificial Lighting at Night*. ILE and the Bat Conservation Trust [on-line]. Available from [Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals \(theilp.org.uk\)](https://theilp.org.uk/Content/ILE/ILE%20Guidance%20Notes/GN8%20-%20Bats%20and%20Artificial%20Lighting%20-%20ILE%20-%20BCT%20-%202023.pdf) [Accessed on 16/09/2023].

- \* Joint Nature Conservation Committee (2010). *Handbook for Phase 1 habitat survey - A technique for Environmental Audit*. JNCC, Peterborough. [on-line]. Available from <http://www.jncc.gov.uk/page-2468> [Accessed on 13/09/2023].
- \* Jones, J. (2000). *Impact of Lighting on Bats*. Bat Conservation Trust. [on-line]. Available from <http://www.bats.org.uk/downloads/Helpline/lighting.pdf> [Accessed on 13/09/2023].
- \* Multi-Agency Geographic Information for the Countryside (2022) (MAGIC). MAGIC Natural England, Leeds. [on-line]. Available from: [www.magic.gov.uk](http://www.magic.gov.uk) [Accessed on 14/09/2023].
- \* Stace, C.A. (2010). *New Flora of the British Isles* (3<sup>rd</sup> Ed.). Cambridge University Press, Cambridge.
- \* Sussex Biodiversity Record Centre (2023) *Ecological Data Search for Stanbridge Industrial Park, West Sussex*. Unpublished report for CT Ecology. SxBRC: West Sussex.

## **Appendix A**

### **Target Notes and Photographs**

Target Note (TN)	Feature	Photograph of Feature
N/A	<p><b>Photograph 1:</b> A view north towards the entrance of the existing buildings.</p>	
N/A	<p><b>Photograph 2:</b> Looking west along the area of grassland in the south of the site.</p>	
N/A	<p><b>Photograph 3:</b> A view to the rear of the buildings in the western site extent showing a discrete area of ruderal vegetation.</p>	

Target Note (TN)	Feature	Photograph of Feature
1, 2	<p><b>Photograph 4:</b>  A view within building 1. A bird's nest was located on a supporting beam and between the walls of building 1 and an adjacent building. A single bat dropping was found on stored materials in the eastern extent of the barn. This was not associated with a potential roosting feature.</p>	
N/A	<p><b>Photograph 5:</b>  A view within building 2.</p>	
N/A	<p><b>Photograph 6:</b>  A view of the roof within building 2.</p>	

## **Appendix B**

### **Survey Plan**

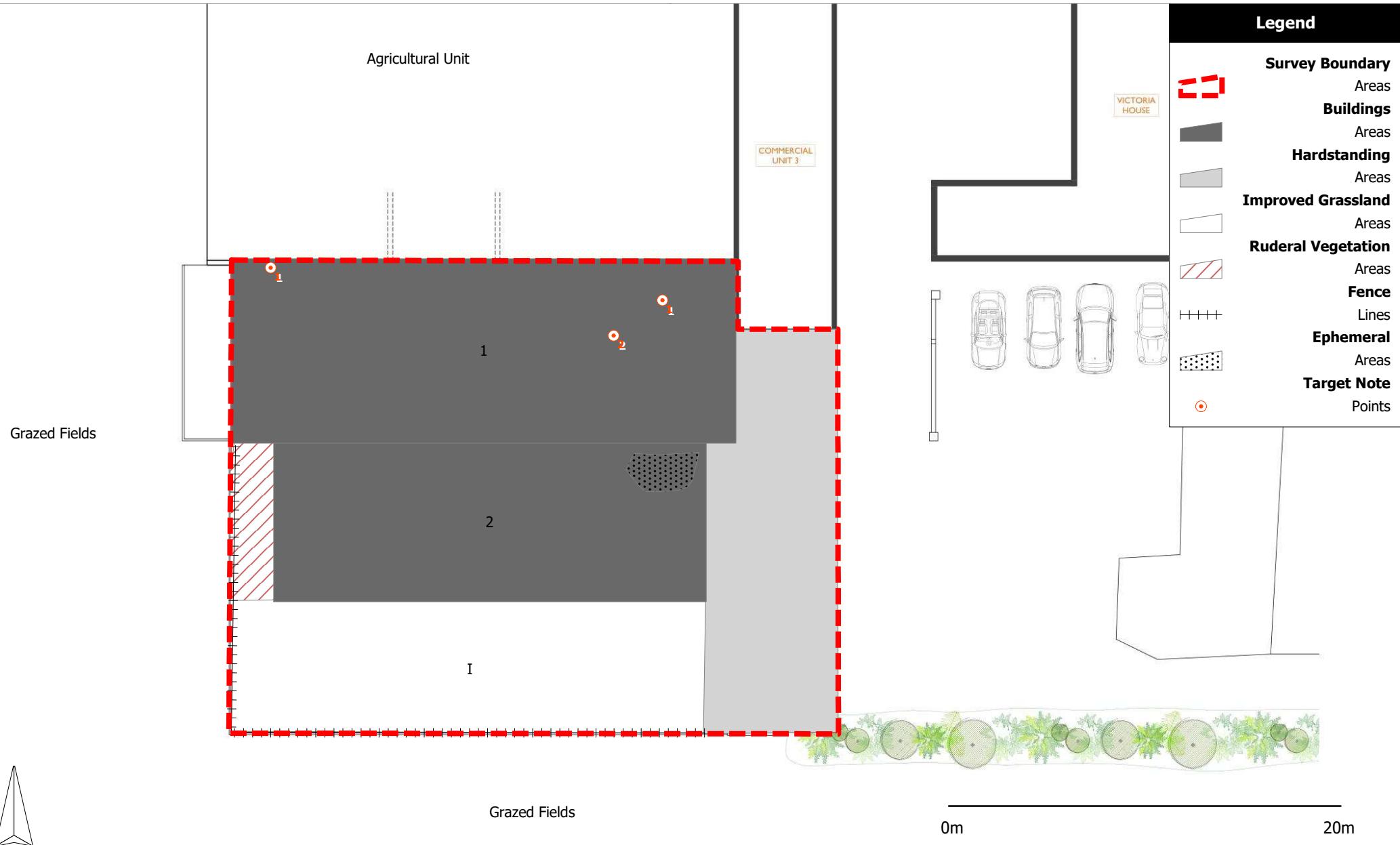


Figure 1: Stanbridge Industrial Park Habitat Survey Plan

Drawn by: CT  
 Date: 28/09/2023  
 Scale: See Plan

## **Appendix C**

### **Legislation**

## LEGISLATIVE FRAMEWORK

This section contains information pertaining to the legislation and planning policy applicable in Britain. This information is not applicable to Northern Ireland, the Republic of Ireland the Isle of Man or the Channel Islands. Information contained in the following appendix is provided for guidance only.

### Species

The objective of The Conservation of Habitats and Species Regulations 2017 (as amended) (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) is to conserve plants and animals which are considered to be rare across Europe.

The Wildlife and Countryside Act 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and also implements the obligations set out for species protection from the Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Various amendments have been made since the Wildlife & Countryside Act came into force in 1981. Further details pertaining to alterations of the Act can be found on the following website: [www.opsi.gov.uk](http://www.opsi.gov.uk). Key amendments have been made through the Countryside and Rights of Way (CRoW) Act (2000) and Nature Conservation (Scotland) Act 2004.

There are a number of other legislative Acts affording protection to species and habitats. These include

- \* Countryside and Rights of Way (CRoW) Act 2000
- \* Deer Act 1991
- \* Natural Environment & Rural Communities (NERC) Act 2006
- \* Protection of Badgers Act 1992
- \* Wild Mammals (Protection) Act 1996

### Badger

Badgers and their setts are protected under the Protection of Badgers Act (1992), which consolidated and added to the previous Badger Acts of 1973 and 1991. Under this legislation it is an offence to:

- \* cruelly ill-treat a badger, including use of tongs and digging;
- \* intentionally or recklessly cause a dog to enter a badger sett;

- \* intentionally or recklessly damage, destroy or obstruct access to a badger sett<sup>1</sup> or any part thereof;
- \* intentionally or recklessly disturb<sup>2</sup> a badger when it is occupying a badger sett;
- \* possess or control a dead badger or any part of a badger;
- \* sell or offers for sale, possesses or has under his control, a live badger; and
- \* wilfully kill, injure, take, or attempt to kill, injure or take a badger.

A Development Licence will be required from Natural England for any development works affecting an active badger sett, or to disturb badgers while individuals are occupying the sett. Depending on the nature of the works and the specifics of the sett, badgers could be disturbed by work near the sett even if there is no direct interference or damage to the sett itself. Natural England has issued guidelines on what constitutes a licensable activity. There is no provision in law for the capture of badgers for development purposes and therefore it is not possible to obtain a licence to translocate badgers from one area to another.

### Bats

Bats are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). This act protects individuals from:

- \* intentional or reckless disturbance (at any level);
- \* intentional or reckless obstruction of access to any place of shelter or protection; and
- \* selling, offering or exposing for sale, possession or transporting for purpose of sale

In addition, all species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- \* deliberate killing, injuring or capturing of Schedule 2 species (all bats);
- \* deliberate disturbance of bat species as to impair their ability:
  - (i) to survive, breed, or reproduce, or to rear or nurture young; and
  - (ii) to hibernate or migrate.

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<sup>1</sup> A badger sett is defined in the legislation as "*any structure or place which displays signs indicating current use by a badger*". This includes seasonally used setts. Natural England (2009) have issued guidance on what is likely to constitute current use of a badger sett: [www.naturalengland.org.uk/Images/WMLG17\\_tcm6-11815.pdf](http://www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf)

<sup>2</sup> For guidance on what constitutes disturbance and other licensing queries, see Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing. [www.naturalengland.org.uk/Images/badgers-dev-guidance\\_tcm6-4057.pdf](http://www.naturalengland.org.uk/Images/badgers-dev-guidance_tcm6-4057.pdf), Natural England (2009) Interpretation of 'Disturbance' in relation to badgers occupying a sett [www.naturalengland.org.uk/Images/WMLG16\\_tcm6-11814.pdf](http://www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf), Scottish Natural Heritage (2002) Badgers & Development.

[www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp](http://www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp) and Countryside Council for Wales (undated) Badgers: A Guide for Developers. [www.ccw.gov.uk](http://www.ccw.gov.uk).

- \* deliberate disturbance of bat species as to affect significantly the local distribution or abundance of the species;
- \* damage or destruction of a breeding site or resting place; and
- \* keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake activities listed above. A licence is required to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and monitored.

### Breeding Birds

Under the Wildlife & Countryside Act, 1981 (as amended), a wild bird is defined as any bird of a species that is resident in or is a visitor to the European Territory of any member state in a wild state. Game birds, however, are not included in this definition (except for limited parts of the Act). They are covered by the Games Acts, which fully protect them during the closed season.

Under the Wildlife & Countryside Act, 1981 (as amended), all birds, their nests and eggs are protected under Sections 1-8 of the Act and it is an offence, with certain exceptions, to:

- \* intentionally (or recklessly in Scotland) kill, injure or take any wild bird;
- \* intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) 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 one's possession or control any wild bird, dead or alive, or any part of a wild bird, which has been taken in contravention of the Act;
- \* have in one's possession or control any egg or part of an egg which has been taken in contravention of the Act;
- \* use traps or similar items to kill, injure or take wild birds;
- \* have in one's possession or control any bird (dead or alive) unless registered, and in most cases ringed, in accordance with the Secretary of State's regulations; and
- \* in Scotland only, intentionally or recklessly obstruct or prevent any wild bird from using its nest.

Certain rare species receive additional special protection under Schedule 1 of the Act. This affords them protection against:

- \* intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young;

- \* intentional or reckless disturbance of dependent young of such a bird;
- \* in Scotland only, intentional or reckless disturbance whilst lekking; and
- \* in Scotland only, intentional or reckless harassment.

The British Trust for Ornithology (BTO) has a list of birds that are Species of Conservation Concern. These birds are not legally protected but where they are found on site they should be given planning consideration. The criteria for birds listed as amber (medium conservation concern) include:

- \* historical population decline during 1800-1995, but recovering: population has more than doubled over last 25 years;
- \* moderate (25-49%) decline in UK breeding population over last 25 years;
- \* moderate (25-49%) contraction of UK breeding range over last 25 years;
- \* moderate (25-49%) decline in UK non-breeding population over last 25 years;
- \* species with unfavourable conservation status in Europe (Species of conservation Concern);
- \* five year mean of breeding pairs in the UK;
- \*  $\geq 50\%$  of UK breeding population in 10 or fewer sites.
- \*  $\geq 50\%$  of UK non-breeding population in 10 or fewer sites;
- \*  $\geq 20\%$  of European breeding population in UK; and
- \*  $\geq 20\%$  of NW European (wildfowl), East Atlantic Flyway (waders) or European (others) non breeding populations in UK.

### Hazel Dormouse

The hazel dormouse (*Muscardinus avellanarius*) is fully protected under The Conservation of Habitats and Species Regulations 2017 through its inclusion on Schedule 2. Regulation 41 prohibits:

- \* deliberate killing, injuring or capturing;
- \* deliberate disturbance as to impair its ability:
  - (i) to survive, breed, or reproduce, or to rear or nurture young; and
  - (ii) to hibernate or migrate.
- \* deliberate disturbance as to affect significantly the local distribution or abundance of the species;
- \* damage or destruction of a breeding site or resting place; and
- \* keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part of this species.

The hazel dormouse is also currently protected under the Wildlife and Countryside Act 1981 (as amended) through its inclusion on Schedule 5. Under this Act, this species is additionally protected from:

- \* intentional or reckless disturbance;
- \* intentional or reckless obstruction of access to any place of shelter or protection; and
- \* selling, offering or exposing for sale, possession or transporting for purpose of sale.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect dormouse breeding or resting places (N.B. this is usually taken to mean dormouse 'habitat') or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above. The licence will allow derogation from the relevant legislation but will also enable appropriate mitigation measures to be put in place and monitored.

#### Herpetofauna (Reptiles and Amphibians)

The following species receive full protection under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2.

- \* sand lizard (*Lacerta agilis*);
- \* smooth snake (*Coronella austriaca*);
- \* natterjack toad (*Epidalea calamita*);
- \* great crested newt (*Triturus cristatus*); and
- \* pool frog (*Pelophylax lessonae*).

Under this legislation, Regulation 41 prohibits:

- \* deliberate killing, injuring or capturing of species listed on Schedule 2;
- \* deliberate disturbance of any Schedule 2 species as to impair their ability:
  - (i) to survive, breed, or reproduce, or to rear or nurture young; and
  - (ii) to hibernate or migrate.
- \* deliberate disturbance of any Schedule 2 species as to affect significantly the local distribution or abundance of the species;
- \* deliberate taking or destroying of the eggs of a Schedule 2 species;
- \* damage or destruction of a breeding site or resting place; and
- \* keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part of a species.

With the exception of the pool frog, these species are also currently listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under this Act, they are additionally protected from:

- \* intentional or reckless disturbance (at any level);
- \* intentional or reckless obstruction of access to any place of shelter or protection; and
- \* selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of herpetofauna are protected solely under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). These species include:

- \* adder (*Vipera berus*);
- \* grass snake (*Natrix natrix*);
- \* common lizard (*Zootoca vivipara*); and
- \* slow-worm (*Anguis fragilis*).

Under this legislation, for these species it is prohibited under Section 9(1) & (5) to:

- \* intentionally (or recklessly in Scotland) kill or injure these species
- \* sell, offer or expose for sale, possess or transport for purpose of sale these species, or any part thereof.

The following species are listed in respect to Section 9(5) of Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) which only affords them protection against sale, offering or exposing for sale, possession or transport for the purpose of sale:

- \* common frog (*Rana temporaria*);
- \* common toad (*Bufo bufo*);
- \* smooth newt (*Lissotriton vulgaris*); and
- \* palmate newt (*L. helveticus*).

### Water Vole

The water vole (*Arvicola amphibius*) (=terrestris) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- \* intentionally kill, injure or take (capture) this species;
- \* intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection;
- \* intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection; and

- \* sell, offer or expose for sale, or have in his possession or transport for the purpose of sale, any live or dead water vole or part of this species.

Where development works are liable to affect habitats known to support water voles, Natural England must be consulted. All alternative design options must have been explored and communicated to Natural England in order to demonstrate that works have tried to avoid contravening the legislation e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable etc. Conservation licences for the capture and translocation of water voles may be issued by Natural England for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population.

### Otter

Otters (*Lutra lutra*) are fully protected under The Conservation of Habitats and Species Regulations 2017 through their inclusion on Schedule 2. Regulation 41 prohibits:

- \* deliberate killing, injuring or capturing of otters
- \* deliberate disturbance as to impair their ability:
  - (i) to survive, breed, or reproduce, or to rear or nurture young; and
  - (ii) to hibernate or migrate.
- \* deliberate disturbance as to affect significantly the local distribution or abundance of the species;
- \* damage or destruction of a breeding site or resting place; and
- \* keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part of this species.

Otters also receive protection under the Wildlife and Countryside Act 1981 (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- \* intentional or reckless disturbance (at any level);
- \* intentional or reckless obstruction of access to any place of shelter or protection; and
- \* selling, offering or exposing for sale, possession or transporting for purpose of sale.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect breeding or resting places or for activities likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above. The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and monitored.

### Red Squirrel

The red squirrel (*Sciurus vulgaris*) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- \* intentionally (or recklessly in Scotland) kill, injure or take (capture) red squirrels;
- \* intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection;
- \* intentionally or recklessly disturb this species while they are occupying a structure or place used for shelter; and
- \* sell, offer or expose for sale, or have in his possession or transport for the purpose of sale, any live or dead red squirrel or part of this species.

### White Clawed Crayfish

The white clawed crayfish (*Austropotamobius pallipes*) receives partial protection under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). This species is protected under Sections 9(1) and 9(5), making it an offence to:

- \* intentionally take/capture white-clawed crayfish; and
- \* sell, offer or expose for sale, have in possession or transport for the purpose of sale, any live or dead white clawed crayfish or part of this species.

A conservation licence for the capture and translocation of crayfish may be issued for the purpose of development activities if it can be demonstrated that the activity has been carefully planned and this species considered. The activity must also demonstrate that it contributes to the conservation of the population.

### Wild Mammals

All wild mammals are protected against intentional acts of cruelty under the Wild Mammals (Protection) Act 1996. Under this legislation it is an offence to:

- \* mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention of this legislation, due care and attention should be taken when carrying out works that have the potential to impact any wild mammal as described above.

## Plants

Wild plants are protected under the Wildlife and Countryside Act 1981 (as amended) which makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Some rare plant species also receive full protection under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits:

- \* intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only); and
- \* selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or parts.

In addition to the legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2017. Regulation 45 makes it an offence to:

- \* deliberately pick, collect or destroy a wild Schedule 5 species; and
- \* be in possession of, or control, transport, sell or exchange any wild live or dead Schedule 5 species or anything derived from it.

A Protected Species Mitigation Licence (PSML) issued by Natural England will be required for works liable to affect species of plant listed under The Conservation of Habitat and Species Regulations 2017.

## Invasive Plant Species

Certain plants are listed on Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2). Species include:

- \* Japanese knotweed (*Fallopia japonica*);
- \* giant hogweed (*Heracleum mantegazzianum*);
- \* Himalayan balsam (*Impatiens glandulifera*);
- \* certain species of rhododendron (*Rhododendron* sp.); and
- \* certain species of cotoneaster (*Cotoneaster* sp.).

Species listed are non-natives whose establishment or spread in the wild may be detrimental to native wildlife. Inclusion on Part II of Schedule 9 therefore makes it an offence to:

- \* plant or otherwise cause these species to grow in the wild.

This legislation makes it an offence to cause species listed to grow in the wild. Therefore, if they are present on site and development activities have the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures are in place to prevent this.

## **HABITATS**

### International Statutory Designations

- \* Special Protection Areas (SPAs): Terrestrial SPA's are afforded protection by The Conservation of Habitats and Species Regulations 2017 (as amended) an offshore SPA's are afforded protection under The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).
- \* Special Areas of Conservation (SACs): These areas are designated under the same regulations as detailed for SPA's.
- \* Ramsar sites: These areas are wetlands designated under the Convention on Wetlands of International Importance (1971). Wetlands can include areas of marsh, fen, water or peatland and may be natural or artificial, permanent or temporary. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSIs) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000.

### National Statutory Designations

- \* Sites of Special Scientific Interest (SSSIs): These sites are designated by the countryside agencies (for example Natural England) under the Wildlife & Countryside Act 1981 (as amended). Prior to 1981 these were designated under the National Parks and Access to the Countryside Act 1949. Improved mechanisms for the protection of SSSIs have also been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales).
- \* National Nature Reserves: These sites are also designated by the countryside agencies under the Wildlife & Countryside Act 1981 (as amended).

### Local Statutory Designations

- \* 1949 Local Nature Reserves (LNRs): These sites are designated by local authorities under the National Parks and Access to the Countryside Act 1949. These are sites recognised for their wildlife or geological interest at a local level and are managed for nature conservation.

### Non-Statutory Designations

- \* Local Wildlife Sites: Areas of local conservation interest may be designated by local authorities. The terminology for these sites varies depending on the county. They can be called Sites of Nature Conservation Importance (SNCI's), Sites of Importance for Nature Conservation (SINCs), County Wildlife Sites (CWS), Listed Wildlife Sites (LWS), Local Nature Conservation Sites (LNCS), Sites of Biological Importance (SBIs). The designation criteria may vary between counties. Local Wildlife Sites are of material consideration when planning applications are being determined.
- \* The Hedgerow Regulations 1997: These have been compiled to protect 'important' countryside hedgerows from damage or removal. A hedgerow is considered important if (a) has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations. Under the Regulations, it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. Hedgerows covered by these regulations include those on or adjacent to common land, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys.

### National Planning Policy

The National Planning Policy Framework (2023) replaces the former NPPF and PPS9 documents and emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks through preservation, restoration and re-creation. The protection and recovery of priority species is also included as a requirement of planning policy. In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; appropriate mitigation or compensation measures are in place where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

### Regional and Local Planning Policy

The Mid Sussex District Plan 2014-2031 and the Mid Sussex Local Plan 2004 (saved policies) contain the following Nature Conservation Policies that are relevant to the site.

#### Mid Sussex District Plan 2014-2031

- \* DP37: Trees, Woodland and Hedgerows

*'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. 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.*

*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;
- \* prevents damage to root systems and takes account of expected future growth;
- \* where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management;
- \* has appropriate protection measures throughout the development process;
- \* 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;
- \* 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;
- \* the contribution of the trees to the character and visual amenity of the local area;
- \* the amenity and nature conservation value of the trees;
- \* the extent and impact of the works; and
- \* any replanting proposals.

*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.*

*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.'*

- \* DP38: Biodiversity

*'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.*

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

*Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'*

#### Local Plan- Saved Policies

- \* C6

*'Development resulting in the loss of woodlands, hedgerows and trees which are important in the landscape, or as natural habitats, or historically, will be resisted.'*

#### Regional and Local BAPs

Many local authorities in the UK have produced a local Biodiversity Action Plan (LBAP) at the County or District level. The Sussex Biodiversity Action Plan is based on the UK list of Species and Habitats of Principal Importance and contains 1,149 species and 65 habitats.

## **Appendix D**

### **Plant Species List**

Scientific nomenclature follows Stace (2010) for vascular plant species and British Bryological Society (BBS) Special Volume No. 5 *English Names for British Bryophytes* for bryophyte species. Vascular plant common names follow the Botanical Society of the British Isles 2003 list, published on its web site, [www.bsbi.org.uk](http://www.bsbi.org.uk). The plant species list was generated as part of a Phase 1 Habitat survey and does not constitute a full botanical survey.

**Abundance was estimated using the DAFOR scale as follows:**

D = dominant, A = abundant, F = frequent, O = occasional, R = rare.

Key to qualifiers: c=clumped, e=edge only, g=garden origin, p=planted, y = young, s=seedling or sucker, t=tree, h=hedge, w=water. L = locally i.e. LD=locally dominant.

COMMON NAME	SCIENTIFIC NAME	ABUNDANCE	QUALIFIER
Bristly ox-tongue	<i>Helminthotheca echioides</i>	O	
Common nettle	<i>Urtica dioica</i>	F	LD
Creeping buttercup	<i>Ranunculus repens</i>	O	LF, C
Dandelion	<i>Taraxacum sp.</i>	O	
Hoary willowherb	<i>Epilobium parviflorum</i>	O	
Perennial sow-thistle	<i>Sonchus arvensis</i>	R	
Ragwort	<i>Senecio sp.</i>	O	
Sheep's-fescue	<i>Festuca ovina</i>	F	LA
Spear thistle	<i>Cirsium vulgare</i>	O	
White clover	<i>Trifolium repens</i>	F	LA
Willowherbs	<i>Epilobium sp.</i>	O	
Yorkshire-fog	<i>Holcus lanatus</i>	D	

**Appendix E**  
**Suggested Compensatory Planting**

This section provides a list of plants which are of proven value to wildlife. The list is not exhaustive and merely provides a guide for suggested planting for wildlife value. Planting should be tailored on a site by site basis. The list includes some native and ornamental species however the emphasis should always be on the use of predominantly native species.

N = Native, NN = Non-native.

This list includes species that may be harmful if handled or ingested. Schedule 9 (Part 2) of the Wildlife and Countryside Act, 1981 (as amended) includes a list of invasive plants, including aquatic species, that should always be avoided in planting schemes.

### **Large Shrubs**

Hedge veronica/Hebe (*Veronica* spp.) NN

Hawthorn (*Crataegus monogyna*) N

Blackthorn (*Prunus spinosa*) N

Rose: dog rose (*Rosa canina*), field rose (*R. arvensis*), burnet rose (*R. pimpinellifolia*) N

California lilac (*Ceanothus* spp.), (*C. arborea*) NN

Wild privet (*Ligustrum vulgare*) N

Common holly (*Ilex aquifolium*) N

Barberry (*Berberis* spp.) (*B. darwinii*), (*B. thunbergii*), (*B. x stenophylla*) NN

Daisy Bush (*Olearia* spp.), (*O. x hastii*), (*O. macrodonta*) and (*O. traversii*) NN

Firethorn (*Pyracantha coccinea*) NN

Hazel (*Corylus avellana*) N (*C. maxima*) NN

Viburnum (*Viburnum* spp.), wayfaring tree (*V. lantana*) N, guelder rose (*V. opulus*) N, laurustinus (*V. tinus*) E Note: *V. lantana* can become invasive in more open habitats.

Butterfly bush (*Buddleja* spp.), (*B. alternifolia*), (*B. globosa*) NN

Dogwood (*Cornus sanguinea*) N

Broom (*Cytisus scoparius*) N

Escallonia (*Escallonia macrantha*) NN

Hardy fuchsia (*Fuchsia magellanica*) NN

Buckthorn (*Rhamnus cathartica*) N

Spindle (*Euonymus europaeus*) N

Tutsan (*Hypericum androsaemum*) N

Yew (*Taxus baccata*) N

### **Trees**

Cherry (*Prunus* spp.), wild cherry (*P. avium*), bird cherry (*P. padus*), domestic plum (*P. domestica*) N or cherry plum (*P. cerasifera*) NN

Apple (*Malus* spp.), edible apple (*M. domestica*), crab apple (*M. sylvestris*) N

Pear (*Pyrus* spp.), edible pear (*P. communis*) NN

Small-leaved lime (*Tilia cordata*) N

Silver birch (*Betula pendula*) N  
Yew (*Taxus baccata*) N  
Black poplar (*Populus nigra*) N  
Foxglove tree (*Paulownia tomentosa*) NN  
Beech (*Fagus sylvatica*) N

### **Climbers**

Jasmine (*Jasminum* spp.), summer jasmine (*J. officinale*), winter jasmine (*J. nodiflorum*) NN  
Ivy (*Hedera helix*) N  
Climbing hydrangea (*Hydrangea anomala* ssp. *petiolaris*) NN  
Honeysuckle (*Lonicera* spp.) (*L. periclymenum*) N  
Clematis (*Clematis* spp.) NN  
Hop (*Humulus lupulus*) N  
Firethorn (*Pyracantha atalantioides*) NN  
Nasturtium (*Tropaeolum majus*) NN

### **Bulbs**

English bluebell (*Hyacinthoides non-scripta*) N  
Squill species (*Scilla* spp.) N/NN  
Snowdrop (*Galanthus nivalis*) N  
Winter aconite (*Eranthis hyemalis*) E  
Crocus species (*Crocus* spp.) NN  
Wild Daffodil (*Narcissus pseudonarcissus*) N  
Onion species (*Allium* spp.) N/NN. N.B. *Allium triquetrum* (three cornered leek) and *Allium paradoxum* (few-flowered leek) are Schedule 9 invasive plant species.  
Wood anemone (*Anemone nemorosa*) N  
Lesser celandine (*Ficaria verna*) N