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PRELIMINARY ECOLOGICAL APPRAISAL

MS BUTTON

LAND AT HOUNDS COTTAGE
WALL HILL ROAD
ASHURST WOOD
RH19 3TQ

11TH DECEMBER 2025

REF: 25103

[redacted]

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EXECUTIVE SUMMARY

A Preliminary Ecological Appraisal (PEA) was carried out within land at Hounds Cottage, within the Mid Sussex District of West Sussex on the 24th October 2025. The assessment was required in order to ascertain whether any ecological constraints could affect proposed development at the site. Proposals are for the construction of a residential dwelling within land adjacent to Hounds Cottage. To facilitate the new dwelling, a single garage together with a small number of trees and a small section of hedgerow will require removal to facilitate the development. Site boundaries will be retained. The application site covers approximately 0.1 hectares (ha).

The main findings of the survey are as follows:

* Hounds Cottage is within a semi-rural environment adjacent to the built-up area boundary of Ashurst Wood. Wall Hill Road is located to the north and east of the site, detached residential properties are located either side to the east and west and adjacent to Wall Hill Road to the north. John Pears field recreation ground is also adjacent to the east of Wall Hill Road. Residential land-use together with woodland is to the west and south of the site. The surrounding area comprises a mix of residential development, woodland and agricultural fields.
* The survey area is dominated by scrub together with trees, areas of grassland, a single building, hardstanding and boundary hedgerows. The site is in constant use with the outbuilding/garage being used to store garden equipment which is accessed regularly by vehicles.
* The site falls wholly within the High Weald National Landscape. Based on the current scope of works, it is not considered that the proposals to replace an existing garage with a residential house will serve to negatively impact the overall landscape value associated with the High Weald.
* The survey area has been assessed as being of value within the immediate vicinity based on the current baseline conditions supported. Features associated with the site provide potential to support nesting birds, hazel dormouse and roosting and foraging bats however populations of these are unlikely to be of value at a local level. Based on the features supported, the site is unlikely to qualify as a Local Wildlife Site.
* Although the site has limited potential to support great crested newt, due to the site falling within red/amber impact risk zones, precautionary measures should be implemented in order to fully safeguard this species.
* All potentially suitable hazel dormouse habitat and bat roosting habitat will be retained as part of the proposals and on this basis, no further targeted protected species surveys are considered necessary to inform the works.
* Adopting a precautionary approach for different elements of the works in relation to breeding birds and bats is considered sufficient to fully safeguard these species groups and in turn, avoid any significant harm to the identified ecological receptors.

* The scheme will require a Biodiversity Net Gain Assessment, in line with current regulations. Landscaping should be integrated into the post development design in order to maximise biodiversity enhancements within the site in the long-term.
* Details regarding mitigation to include precautionary working practices and habitat enhancement measures are provided in the Recommendations section of the report.

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1. INTRODUCTION

Background

1.1 CT Ecology Limited was commissioned by Stephen MacBean (Architect) on behalf of Ms Button to undertake a Preliminary Ecological Appraisal, to inform the potential ecological constraints of proposed development within land at Hounds Cottage in Ashurst Wood, in the Mid Sussex District of West Sussex (hereafter referred to as "the site").

1.2 This report has been compiled in accordance with current guidelines (British Standard 42020:2013 Biodiversity. Code of Practice for Planning and Development, 2013 and CIEEM, 2013 & 2016).

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.

Development Proposals

1.4 Proposals are for the construction of a residential dwelling within land adjacent to Hounds Cottage. To facilitate the new dwelling, a single garage together with areas of hardstanding, scrub and grassland in addition to a small number of trees and a 3m section of hedgerow (H1) will require removal. The site boundaries will be retained. The application site covers approximately 0.1 hectares (ha).

Site Description

1.5 The site is within a semi-rural location, adjacent to a settlement boundary, within the southern extent of Ashurst Wood, approximately 2km to the south-east of East Grinstead. The site is located at British National Grid TQ4196 3650. The site is dominated by scrub together with trees, areas of grassland, a garage/store building, hardstanding and boundary hedgerows. The site is in constant use with the garage being used for storage and accessed regularly. Up to the late 1960s, the land was used as a plant nursery. The survey area is shown on the survey map in Appendix B.

1.6 The site is considered to be contiguous with the built-up area boundary of Ashurst Wood. Wall Hill Road is located to the north and east of the site, a residential property is located to the south-east. Residential land-use together with woodland is to the west and south of the site. John Pears Field recreation area is beyond Wall Hill Road to the east The surrounding area is semi-rural in its nature with sporadic residential development, woodland and scattered agricultural fields.

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 2025); Multi-Agency Geographical Information for the Countryside (MAGIC, 2025); Ordnance Survey mapping; and aerial photography.

Field Survey and Assessment

2.2 An ecological survey of the site was undertaken on 24th October 2025 by Carly Teague, a suitably qualified ecologist with over 18 years' experience as a professional ecologist. The weather conditions during the survey were clear and dry, with a gentle breeze and a temperature of 10.5°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 the UK Habitat Classification System (Ver 2.0) (UK Habitats, 2023) and covered all accessible parts of the site, including boundary features. Habitats were assigned to either Level 3 or to Level 4 where applicable, the minimum mapping unit used was 25m^2 and Secondary Codes were utilised where possible. 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;
* presence of 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.

Caveat

Data Search

2.10 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

2.11 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.

2.12 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.

2.13 It is considered that the survey was sufficiently rigorous to assess the ecological value of the site.

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3. BASELINE CONDITIONS

Aerial Photography and OS Maps

3.1 The site is within a semi-rural environment in the southern extent of Ashurst Wood in the Mid Sussex District of West Sussex. Located adjacent to a settlement boundary, land-use in the immediate vicinity is dominated by woodland together with scattered agricultural fields and residential properties.

3.2 There are no ponds within the survey boundary and no ponds within 250m. There are two ponds within 500m; located approximately 385m to the south-west and 420m to the south-east. Reviewing on-line resources, a drainage channel is located approximately 30m to the south of the site although no evidence of this channel was found during the site survey.

3.3 Large woodland blocks are to the south of the site, the closest of which is High Wood 2; located approximately 60m to the south. Woodland to the south-west of the site connects to High Wood 2 which in turn is connected to High Wood, further south.

Protected Species Mitigation Licences (PSML)

3.4 No PSML's or associated licence returns were returned within 1km of the survey area.

Statutory and Non-Statutory Designated Sites

Statutory Sites

3.5 The site falls wholly within the High Weald National Landscape (NL); designated for its rich mosaic of ancient woodland, species-rich hedgerows, rolling hills, sandstone outcrops and small irregular fields, supporting a high diversity of flora and fauna typical of traditional lowland English countryside.

3.6 There are three other statutory designated sites located within a 2km radius. The closest of which is Mills Rocks Site of Special Scientific Interest (SSSI), approximately 600m to the north-west. Mills Rocks contains one of the few outcrops of Tunbridge Wells Sandstone in the county with a community of 'Atlantic' plants. This community is unusual and contains several plants with a restricted distribution. The rock outcrops support a number of rare plants and particularly notable is reed fescue grass (*Festuca altissima*) which has only one other southern English locality and occurs sparsely elsewhere in Britain. The hay-scented buckler fern (*Dryopteris aemula*) also grows on the rocks and the rich bryophyte flora includes *Odontoschisma denudatum*, *Cephalozia connivens* and *Calypogeia neesiana* var *meylanii*.

3.7 Forest Way Country Park is situated approximately 845m to the south. The Forest Way runs along an old railway line and is an important habitat for wildlife as a 'green corridor'. Supporting ponds, grassland and woodland.

3.8 Wier Wood Reservoir SSSI is approximately 1.8km to the south-west. The SSSI supports one of the largest areas of open water in Sussex and supports a rich community of breeding birds. The diversity and numbers of wintering and passage birds are also of note.

Non-Statutory Sites

3.9 The site is not subject to any non-statutory designations. There are three non-statutory designated sites located within a 2km radius, comprising two Local Wildlife Sites (LWS) and a Designated Road Verge (DRV). The closest of which is the A22, High Wood DRV, located approximately 450m to the south. No specific details have been provided by the data search on this site however DRV's support a range of native wildflower species, providing valuable habitat for pollinators and contributing to ecological connectivity across the wider landscape.

3.10 Herries Pasture LWS is located approximately 620m to the east. The LWS comprises two gently sloping fields of grassland, one of which contains lowland meadow habitat. Spring lines mean that the lower slopes are wetter and the vegetation dominated by rushes and wet woodland.

3.11 Berry Wood LWS is located approximately 890m to the north-west. This ancient semi-natural woodland lies adjacent to Mills Rocks SSSI. It has a well-developed shrub layer and a rich ground flora. Many trees were windthrown in the storm of October 1987. Long-term monitoring plots have been established to study the ecological effects of the storm.

Other Habitat Classifications

3.12 The site is not subject to any priority habitat classifications.

Ancient Semi-Natural/Ancient Replanted/Deciduous Woodland

3.13 Over 30 blocks of ancient semi-natural woodland (ASNW) and ancient replanted woodland are present within 2km of the site. These are located in all directions, the closest of which is a block of ASNW, located approximately 180m to the south.

Habitats

Site Summary

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

Table 3.1: Habitat Descriptions

Habitat Type	UK Habitats Code (secondary codes in brackets)	Description	Area (ha)
Developed Land; Sealed Surface. Building	u1b5	B1: A single garage with adjoining store was within the southern site extent. This was in use for garden storage. The building was of concrete block construction with a metal framework and flat corrugated sheet metal roof.	0.003
Developed Land; Sealed Surface. Hardstanding	u1b6	Concrete slab areas were adjacent to the garage and within the north-west corner of the site, remaining from a former garage building which has since been removed.	0.004
Bramble scrub	h3d	Bramble (*Rubus fruticosus* agg.) scrub dominated the eastern and southern site extents.	0.07
Mixed scrub	h3h	A discrete area of scrub comprising a mix of species including elder (*Sambucus nigra*), bramble, dog-rose (*Rosa canina*), holly (*Ilex aquifolium*) and cherry laurel (*Prunus laurocerasus*) scrub had developed within the western site extent.	0.01
Invasive (cherry laurel) scrub	h3g	Cherry laurel had colonised the western site extent and was the dominant species throughout this part of the site.	0.04
Other neutral grassland	g3c	Discrete areas of grassland had developed along the managed access route through the site. The sward was managed at ground level through strimming. Grassland comprised perennial rye grass (*Lolium perenne*), cock's-foot (*Dactylis glomerata*), fescues (*Festuca* spp.), false oat grass	0.01

Habitat Type	UK Habitats Code (secondary codes in brackets)	Description	Area (ha)
	(510 bare ground)	(*Arrhenatherum elatius*) barren brome (*Anisantha sterilis*) and meadow grass (*Poa* sp.). Forbs continued to approximately 50% of the sward and included a range of species including those indicative of more shaded grassland. Species included meadow buttercup (*Ranunculus acris*), wood avens (*Geum urbanum*), wood dock (*Rumex sanguineus*), chickweed (*Stellaria media*), fat-hen (*Chenopodium album*) and white clover (*Trifolium repens*). An area of bare ground had developed between the grassland areas, due in part to heavy shading by adjacent trees.	
Modified grassland	g4	Managed grassland formed a verge area between the existing driveway (off-site) and the main section of the site. Grassland species included sheep's fescue (*Festuca ovina*), perennial rye-grass and cocks-foot (*Dactylis glomerata*). Forbs continued to approximately 40% of the sward but a limited diversity of forb species were recorded at the time of the survey. Species included white clover, meadow buttercup, daisy (*Bellis perennis*), dandelion (*Taraxacum* sp.) and yarrow (*Achillea millefolium*).	0.005
Tree	(200)	Young self-seeded, semi-mature and mature trees were scattered throughout the site. The dominant species was cherry laurel where larger specimens had matured from the scrub along the western margins of the site. Other species included holly, ash (*Fraxinus excelsior*), sycamore (*Acer pseudoplatanus*), pedunculate oak, (*Quercus robur*), hawthorn (*Crataegus monogyna*), elder and field maple (*Acer campestre*).	N/A

Habitat Type	UK Habitats Code (secondary codes in brackets)	Description	Area (ha)
Non-native hedgerow	h2b	H1. A well-developed Leyland cypress (*Cupressocyparis leylandii*) hedge; 15m (l) x 1m (w) x 4-5m (h) was within the northern site extent. Cherry laurel was occasional. Ivy (*Hedera helix*) had developed along some of the base of hedge.	N/A
Native hedgerow	h2a	H2. A well-developed native hedgerow 22m (l) x 1m (w) x 2.5m (h) extended along some of the eastern site boundary. The hedge was dominated by yew (*Taxus baccata*) and beech (*Fagus sylvatica*) together with occasional sycamore, cherry laurel and ivy. Common nettle (*Urtica dioica*) had colonised along the base of the hedge.	N/A

Protected Species

Legislation

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

3.16 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.

Breeding Birds (excluding barn owl)

3.17 A total of nine Red and four Amber listed Birds of Conservation Concern (BoCC) were identified from the data search as likely to utilise habitats within the site, which comprises grassland, trees and scrub; located within 20 meters of woodland. These include song thrush (*Turdus philomelos*), house sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*), tree sparrow (*Passer montanus*), skylark (*Alauda arvensis*), yellowhammer (*Emberiza citrinella*), linnet (*Linaria cannabina*), spotted flycatcher (*Muscicapa striata*), merlin (*Falco columbarius*), dunnock (*Prunella modularis*), whitethroat (*Curruca communis*), meadow pipit (*Anthus pratensis*), and tawny owl (*Strix aluco*). These species are well-suited to the site's grassland, boundary trees, and nearby farmland pasture for nesting, foraging, or perching (Refer to Target Note 1 on the survey map in Appendix B), with the adjacent woodland providing additional nesting and foraging opportunities, particularly for the Tawny Owl, which may use the site for hunting from woodland edges.

3.18 The garage is well sealed with limited opportunities for use by nesting birds. Trees and areas of dense scrub, together with mature boundary hedgerows provide numerous opportunities for a range of widespread nesting birds including woodland specialists (Refer to Target Note 1 on the survey map in Appendix B).

3.19 Overall, the site was considered to provide **high** potential for widespread nesting birds.

Barn Owl

3.20 The data search returned 16 recent records (post-2011) for this species although all were over 500m from the site. No records were identified from within the site boundary itself.

3.21 The on-site building was well sealed and is kept locked shut for storage of materials. The building does not provide any suitable features for use by nesting barn owl in the form of ingress opportunities, recessed ledges or perching areas. The trees did not support any suitable features for use by this species for nesting. Overall, the site was considered to provide **negligible** potential for barn owl.

Bats

3.22 The data search returned at least 10 species of bat within a 2km radius of the application site boundary. Species included pipistrelle species (*Pipistrellus* sp.); common pipistrelle (*Pipistrellus pipistrellus*); soprano pipistrelle (*Pipistrellus pygmaeus*); noctule (*Nyctalus noctula*); serotine (*Eptesicus serotinus*); myotis species (*Myotis sp.*); Daubenton's bat (Myotis daubentonii); Whiskered bat (*Myotis mystacinus*); long-eared species (*Plecotus sp.*); and brown long-eared (*Plecotus auritus*).

3.23 No records were returned from within the site. A total of 112 bat records have been returned within a 2km radius. The most frequently recorded bat species is common pipistrelle, with a total of 35 records and a combined abundance count of 85 individuals.

3.24 The closest roost records are approximately 500m from the site. This are from the same site from 2015, pertaining to two unspecified bat roosts. The closes record of foraging is from 2016, where a natterer's bat was recorded foraging approximately 170m to the north-east.

3.25 No PSML records were returned within a 1km radius.

3.26 The on-site building is well-sealed and does not support any potential roosting features. The store room section of the building supported a double flat roof, with an approximate 250mm gap present between the inner and outer flat roof sections however this feature was too large/open/wide for use by crevice dwelling bats and too small for void loving bats. This feature was also exposed and could be fully viewed externally during the survey. There were no crevices present within the flat roof section of the building.

3.27 The site supports scrub, trees and hedgerows which provide suitability for foraging and commuting bats with connectivity to woodland to the immediate south-west (refer to Target Note 2 on the survey map in Appendix B).

3.28 Knot holes and slit limbs associated with a mature oak located along the eastern site boundary provided potential for roosting bats. This tree will be retained as part of the proposals (refer to Target Note 3 on the survey map in Appendix B). A number of trees within the centre of the site will require removal to facilitate construction. These are young or semi-mature and do not support any potential roosting features. These can be felled without any constraints posed by bats.

3.29 Overall, the survey site was considered to provide **moderate** potential for roosting and foraging bats.

Reptiles

3.30 The data search returned a small number of recent (post-2011) records for reptiles within a 2km radius. These were in relation to slow worm (*Anguis fragilis*), grass snake (*Natrix helvetica*) and common lizard (*Zootoca vivipara*).

3.31 The site is dominated by dense scrub with discrete areas of managed grassland. Overall, the structural diversity required by this species is absent with the majority of the site subject to shading by trees. The site is isolated by hardstanding and buildings to the north and east. In addition, the absence of a network of ponds in proximity to the site reduces the potential for grass snake to pass through the site.

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

Great Crested Newt (and other amphibians)

3.33 The data search returned five recent (post 2011) record for great crested newt (*Triturus cristatus*) within a 2km radius, the closest of which was located approximately 470m to the north-east from 2019, with the remainder located over 1km to the north- east and south-east (from between 2018 and 2024).

3.34 The data search returned a small number of recent (post 2011) records for common frog *(Rana temporaria);* common toad *(Bufo bufo);* smooth newt (*Lissotriton vulgaris*) and palmate newt *(Lissotriton helveticus)* however all records were over 500m from the site.

3.35 No PSML's pertaining to great crested newt were returned within 1km of the site

3.36 The development area is located within red/amber impact risk zones for great crested newt as part of Mid Sussex District Council's District Level Licencing (DLL) Scheme. This risk category indicates that there is high habitat suitability within the locality based on land-use and survey data held for the area.

3.37 There are no ponds within the survey boundary and no ponds within 250m. There are two ponds within 500m; located approximately 385m to the south-west and 420m to the south-east. Reviewing on-line resources, a drainage channel is located approximately 30m to the south of the site although no evidence of this channel was found during the site survey.

3.38 The application site is small however areas of scrub and boundary hedgerows provide suitable foraging and sheltering opportunities for great crested newt with connectivity to woodland to the west. Areas of on-site grassland receive regular management which serves to reduce their suitability for great crested newts to some degree. In the immediate environs of the survey site buildings and hardstanding to the immediate north and east together with extensive area of managed garden habitat to the south serve to isolate the site to some degree in these directions. The record within 500m is separated from the site by an expanse of developed land including Warr Hill Road which supports large volumes of traffic, serving to provide a barrier to dispersal to the north of the site.

3.39 Overall, the survey site was assessed as having **low** potential to support great crested newt.

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Hazel Dormouse

3.43 The data search returned four recent (post-2011) records for Hazel Dormouse (*Muscardinus avellanarius*) within a 2km radius. All of which were between 450m and 950m to the north-west and north-east. All records were associated with blocks of woodland in the wider landscape.

3.44 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.

3.45 The site supported hedgerows together with areas of scrub however the majority of features were considered sub-optimal; areas of scrub were species-poor and throughout most of the site and dominated by bramble or cherry laurel which offered limited food sources for hazel dormice. Overall, the structural diversity required by this species was absent. H2 supported a greater diversity of floral species which in turn provided greater suitability for use by hazel dormouse proposals (refer to Target Note 4 on the survey map in Appendix B) however this hedgerow discrete in nature and isolated from off-site woodland/scrub. This hedgerow will be retained as part of the proposals.

3.46 Overall, the site was considered to provide **low** potential for this species.

Other Species

3.47 A small number of records for West European hedgehog (*Erinaceus europaeus*) have been returned within 2km of the site and this species may pass through habitats within the survey area on occasion.

Invasive Non-Native Species (INNS)

3.48 Cherry laurel, a species listed within the Sussex Invasive Non-Native Species Report[1] was **present** on-site during the survey, some of which is located within the proposed working footprint (refer to Target Note 5 on the survey map in Appendix B).

[1] The Sussex invasive non-native species (INNS) report is produced in order to help minimise the threat posed by invasive species in Sussex. An invasive non-native species is defined as a species whose introduction and/or spread threatens biological diversity.

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 SPA and SAC, located approximately 2km to the south-east at its closest point.

4.6 Ashdown Forest is designated for its range of bog, heath and woodland habitats with associated breeding bird, great crested newt, floral and invertebrate assemblages. The application site is dominated by a building, together with hardstanding and managed garden habitats which do not provide a supporting function for Ashdown Forest.

4.7 Based on the small scale of the proposals and distance from the designated site, the proposals to construct a single dwelling between existing dwellings are considered unlikely to have any significant negative indirect or direct impacts on Ashdown Forest.

Features of National Importance

4.8 Features of national importance include SSSIs which are designated under the Wildlife and Countryside Act 1981 (as amended).

4.9 The site is within the High Weald National Landscape; designated for its landscape value, with its diverse mix of wooded, rolling hills, sandstone outcrops; small and irregular-shaped fields and scattered farmsteads. The proposals are to replace an existing garage within a previously managed site with a residential property situated between existing residential properties; works will not serve to negatively impact the overall landscape value associated with the High Weald.

4.10 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[2].

Features of Regional Importance

4.11 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

4.12 The habitats supported 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

4.13 The site is dominated by scrub and scattered trees together with discrete areas of managed grassland which are common and widespread in the locality. The site does not support any features that are considered to be of value at this level.

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

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

4.14 The site provides connectivity between gardens and woodland in the immediate area, with potential for breeding birds, hazel dormouse and bats to utilise features within the site. Although there is a reduced likelihood based on the absence of a network of ponds within 250m, the potential for great crested newt to pass through the grassland/scrub/hedgerow habitat within the site, on occasion, cannot be completely ruled out based on the location of the site. The site is assessed as being of value at this level.

Summary

4.15 Overall based on the survey results and the above criteria, habitats are largely considered to be of value within the immediate vicinity, providing potential to support small numbers of protected species.

Local Plan Evaluation

4.16 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. The full text of the relevant policies is contained in the Legislation section in Appendix C.

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5. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

5.1 Land at Hounds Cottage is within a semi-rural environment, adjacent to a settlement boundary, in the southern extent of Ashurst Wood, approximately 2km to the south-east of East Grinstead. Land-use in the immediate vicinity comprises residential properties, together with woodland and scattered agricultural fields.

5.2 The survey area is dominated by scrub together with trees, areas of grassland, a single building, hardstanding and boundary hedgerows. The site is in constant use with the outbuilding/garage being used to store garden equipment which is accessed regularly by vehicles.

5.3 Proposals are for the construction of a residential dwelling. To facilitate the new dwelling, a single garage together with areas of hardstanding, scrub and grassland in addition to a small number of trees and a 3m section of hedgerow (H1) will require removal. The site boundaries will be retained. The application site covers approximately 0.1ha.

5.4 The site is within the High Weald National Landscape. Based on the current scope of works, it is not considered that the proposals to replace an existing garage with a residential house will serve to negatively impact the overall landscape value associated with the High Weald.

5.5 The survey area has been assessed as being largely of value within the immediate vicinity based on the current baseline conditions supported. Features associated with the site provide potential to support nesting birds, hazel dormouse and roosting and foraging bats.

5.6 Although the site has limited potential to support great crested newt due to an absence of a network of ponds within 250m of the site, due to the site falling within red/amber impact risk zones, precautionary measures should be implemented in order to fully safeguard this species and to further reduce the likelihood of encountering newts. Based on the current scope of works which will serve to retain boundary features, it is not considered necessary to register the application on the Mid Sussex District Council 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.

5.7 All potentially suitable hazel dormouse habitat and bat roosting habitat will be retained as part of the proposals and on this basis, no further targeted protected species surveys are considered necessary to inform the works.

5.8 Instead, adopting a precautionary approach for different elements of the works in relation to breeding birds and bats is considered sufficient to fully safeguard these species groups.

5.9 It is understood that the scheme will require a Biodiversity Net Gain Assessment, in line with current regulations. Landscaping should be integrated into the post development design in order to maximise biodiversity enhancements within the site in the long-term. There is an opportunity at the site to reduce the cover of cherry laurel throughout the retained western site boundary and through planting of a mix of native woody species, improve the structural diversity of this boundary in the long-term.

5.10 Details regarding mitigation to include precautionary working practices and habitat enhancement measures are provided below.

Recommendations

Bats

5.11 Bats receive protection under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended), which affords protection to bats and the places they use for shelter and breeding.

5.12 The current trees scheduled for removal to do not support any potential roosting features and can therefore be felled without constraints posed by this species. The mature oak tree on the eastern boundary which supports roosting features will be fully retained and protected.

5.13 If any additional trees require pruning/felling as part the works, these may need to be subject to a targeted ground level assessment (GLTA) in respect to bats in order to identify the presence of any potential roosting features on the tree(s). The results of this assessment can then be used to identify the need for further targeted bat surveys and to inform specific mitigation and enhancement measures for this species group. The ecologist should be consulted if any trees subsequently require felling in order to ascertain the need for targeted GLTA's. If a bat roost is identified within any trees and where impacts on the roost(s) cannot be avoided, it may be necessary to obtain a Protected Species Mitigation Licence before the works can proceed and to complete any necessary mitigation.

Great Crested Newt

5.14 Great crested newts receive protection under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended), which affords protection to individuals and the places they use for shelter and breeding.

5.15 Due to small working footprint, together with the retention of boundary features, adopting a series of precautionary working measures will be sufficient to fully safeguard great crested newts that may pass through the area. These measures should include the following:

Site Storage

* All materials and machinery will be stored on existing areas of hardstanding adjacent to the entrance to the site. Migration by great crested newts is considered to be reduced through this area which is already subject to regular disturbance and is isolated by hardstanding and buildings to the north, east and south;
* 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 Phase

* all vegetation in the working area must be subject to phased habitat clearance prior to construction. In the first phase all vegetation must be reduced in height to 250mm above ground level using hand-held tools and under guidance from a suitably licenced ecologist. The arising s must be removed from site. The second phase, reducing the vegetation to ground level must then be carried out the following day using the same process. Prior to the phased vegetation removal the ecologist will carry out a fingertip search of the working area to check for sheltering newts;
* The site will then be subject to a destructive search whereby the top soil is removed throughout the working area using a machine with a toothed bucket; overseen by the ecologist;
* any rubble piles uncovered during the works will be dismantled by hand/carefully by the excavator and relocated outside the working area;
* vegetation clearance and destructive search phases must be undertaken when newts are active; taken to fall between mid-March and October inclusive;
* the site must be fenced to restrict machinery movement beyond the working area;

- during construction, any trenches/excavations etc. 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 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 an appropriate 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 retained vegetation cover in the wider site.

Widespread Breeding Birds

5.16 All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

5.17 Scrub, trees and sections of hedgerow requiring removal must be undertaken outside of the bird nesting period (with clearance possible between September and February inclusive). Where this is not possible, for example where this conflicts with mitigation for great crested newts, then an ecologist would need to check the habitats for active nests and signs of bird breeding activity prior to works commencing. 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.

[redacted]

Cherry Laurel

5.19 This species is listed on the Sussex Invasive Non-Native Species Register and therefore precautions must be taken to avoid spreading this species off-site. This species spreads by seeds and the plant also produces cyanide compounds. It is recommended that the removal of this species, as required from the working area, is undertaken through cutting in autumn and winter months. The arisings should be stacked on-site and left to mulch down.

Habitat Retention/Protection

5.20 Suitable fencing should be installed around the perimeter of the working area to ensure materials and machinery do not encroach into adjacent retained habitats including boundary features/retained trees.

Habitat Enhancement

5.21 Development at the site offers the opportunity for ecological enhancement and recommendations are detailed below.

Bats and Lighting

5.22 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).

5.23 Currently the site is not illuminated at night. Any new external lighting required as part of the new scheme should seek to minimise light spill in order to avoid any additional levels of illumination on the boundary habitats and the retained mature oak tree (T5) 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 boundary trees and hedgerows/scrub;
* 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

* boundary features 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 lighting is required, this should be installed with the light directed down onto the access/driveway areas and lighting should be controlled through the use of PIR and/or timers; and
* lighting should be avoided on the eastern elevation of the new dwelling and on the south-east corner of the garage due to the proximity of T5. If lighting is necessary on these elevations the light(s) should be directed down, at a low angle and controlled through the use of PIR and/or timers.

Bird Boxes

5.24 Additional bird nesting provision could be incorporated into new design proposals. This could comprise an external bird box attached to the new house or a suitable retained tree in the wider site. There are a range of bird boxes on the market and various types are suitable for the site. The model(s) selected should be suited for use by a range of garden/woodland birds. These should be located at a height of at least 3m on trees or ideally, directly under the eaves of the new building, ideally with a south-east or south-west facing aspect. A house sparrow terrace could also be fitted onto the building post works. This should be fitted at the eaves with an east or west aspect.

Bat Boxes

5.25 A single bat box could also be incorporated into the scheme. This could be an external bat box installed on a suitable mature or semi-mature tree in the wider site. There are a range of boxes on the market and various types are suitable for the site however a Greenwoods Ecostyrocrete single crevice bat box is recommended. The bat box must be located on a different tree/building elevation to the bird box(es).

Post Development Landscaping

5.26 Post development landscaping should be carefully designed with biodiversity in mind. Wildlife planting should be integral to the soft landscape plans and should include native species and/or species of recognised wildlife value[3]. The use of nectar-rich and berry producing plants will attract a wider range of insects, birds and mammals. Species should be carefully selected to ensure they are suitable for the area. Some species of known wildlife value are listed in Appendix E.

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[3] 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

5.27 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).

5.28 New shrub planting, to include night flowering species, should be incorporated throughout the garden. Additional planting will serve to improve connectivity between the site and the wider landscape for more mobile species including great crested newt, bats and badger and provide a more diverse foraging resource for a range of species.

5.29 Cherry laurel could be controlled and reduced through thinning. Supplementary planting with native scrub species could then be carried out throughout these areas. This will serve to improve the floral diversity throughout the retained western site boundary.

Other

5.30 It is recommended that an update habitat survey is undertaken if more than 18 months have elapsed between the survey and the point at which any development decisions have been made at the site.

CT

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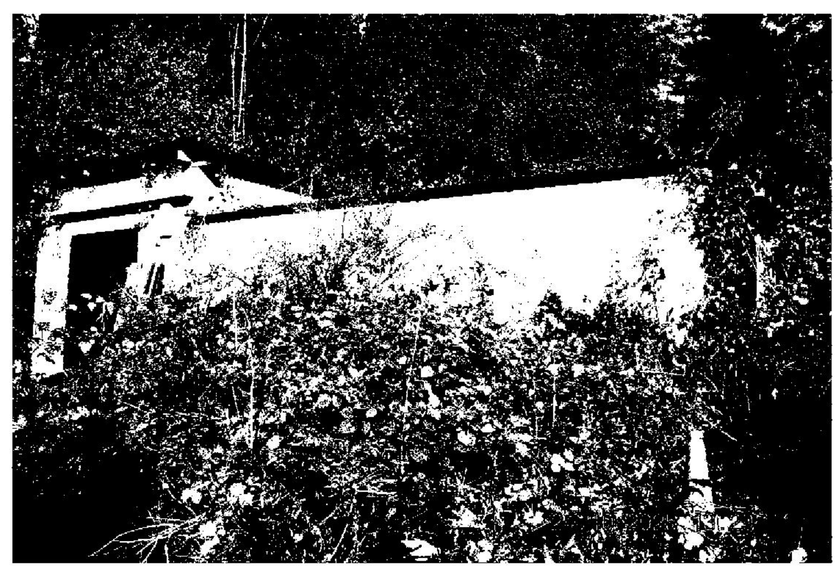
Appendix A
Target Notes and Photographs

Target Note (TN)	Feature	Photograph of Feature
1, 2, 3, 4	**Photograph 1:** A view south from the entrance of the site towards T5 and H2 (both to be retained) Hedgerows and trees provide potential to support nesting birds and roosting bats. H2 provides some, albeit limited, potential to support hazel dormouse.	
1, 2	**Photograph 2:** Looking north towards the entrance of the site. Areas of bramble scrub dominate the central site extent.	
N/A	**Photograph 3:** A view south towards the garage/store building in the south of the site.	

Target Note (TN)	Feature	Photograph of Feature
1, 2	**Photograph 4:** Looking south across the site. Scrub dominated the site.	
1, 2, 5	**Photograph 5:** A view along the existing driveway to the north of the application site. Access will be required through the Leyland cypress hedge visible in the photograph, with the new driveway connected to the existing driveway. Cherry laurel dominates the western site extent, visible in the rear of the photograph.	
1	**Photograph 6:** Looking towards the southern site boundary comprising scrub habitat. Mature Leyland cypress trees are immediately adjacent to the south of the site, located within the rear garden of Hounds Cottage.	

Appendix B
Habitat Survey Map

Figure 1: Hounds Cottage Habitat Survey Map

Drawn by: CT
Date: 08/12/2025
Scale: 1:250 @ A4

CT

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. 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

[redacted]

[redacted]

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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[1] 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

[2] 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, Natural England (2009) Interpretation of 'Disturbance' in relation to badgers occupying a sett 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 and Countryside Council for Wales (undated) Badgers: A Guide for Developers. 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;
* ≥50% of UK breeding population in 10 or fewer sites.
* ≥50% of UK non-breeding population in 10 or fewer sites;
* ≥20% of European breeding population in UK; and
* ≥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 to enable appropriate mitigation measures to be put in place and monitored.

<u>Herpetofauna (Reptiles and Amphibians)</u>

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*).

<u>Water Vole</u>

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 is 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 (2024) 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 and a series of Local Nature Recovery Strategies are also being devised for different counties/regions which will supersede the (LBAP). Local Nature Recovery Strategies (LNRS) are a statutory requirement from the Environment Act 2021. Their aim is to identify and protect the important places for nature that are left, and identify the opportunities to restore or create habitats, where this can have the most benefit for wildlife and people. The strategies will help to target future effort and funding.

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. 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
Ash	*Fraxinus excelsior*	R	T
Bamboo	*Bambusodeae*	R	C
Barren brome	*Anisantha sterilis*	O	
Beech	*Fagus sylvatica*	O	H
Bramble	*Rubus fruticosus agg.*	A	LD
Bristly oxtongue	*Helminthotheca echioides*	R	
Cherry laurel	*Prunus laurocerasus*	A	LD
Cock's-foot	*Dactylis glomerata*	F	
Common chickweed	*Stellaria media*	O	
Common nettle	*Urtica dioica*	O	LA, H
Daisy	*Bellis perennis*	O	LF
Dandelion	*Taraxacum sp.*	O	LF
Dog-rose	*Rosa canina*	O	
Elder	*Sambucus nigra*	O	T
False oat-grass	*Arrhenatherum elatius*	F	
Fat-hen	*Chenopodium album*	R	
Feather moss	*Brachythecium rutabulum*	O	C
Fescues	*Festuca spp.*	F	

COMMON NAME	SCIENTIFIC NAME	ABUNDANCE	QUALIFIER
Field maple	*Acer campestre*	O	T
Germander speedwell	*Veronica chamaedrys*	O	
Green alkanet	*Pentaglottis sempervirens*	R	
Ground-ivy	*Glechoma hederacea*	O	
Hard-fern	*Blechnum spicant*	R	
Hawthorn	*Crataegus monogyna*	O	T
Hazel	*Corylus avellana*	O	T
Holly	*Ilex aquifolium*	O	LF, T, H
Hornbeam	*Carpinus betulus*	R	T
Ivy	*Hedera helix*	O	LA, H
Lawson's cypress	*Chamaecyparis lawsoniana*	R	T
Leyland cypress	*Cupressocyparis leylandii*	O	T
Meadow buttercup	*Ranunculus acris*	O	
Meadow grass	*Poa sp.*	O	
Pedunculate oak	*Quercus robur*	R	T
Pendulous sedge	*Carex pendula*	O	
Perennial rye-grass	*Lolium perenne*	A	
Scaly male-fern	*Dryopteris affinis*	O	
Sheep's-fescue	*Festuca ovina*	F	
Springy turf moss	*Rhytidiadelphus squarrosus*	O	C
Sycamore	*Acer pseudoplatanus*	O	T
Toothed medick	*Medicago polymorpha*	R	
White clover	*Trifolium repens*	F	LA, C
Wood avens	*Geum urbanum*	R	
Wood dock	*Rumex sanguineus*	R	

COMMON NAME	SCIENTIFIC NAME	ABUNDANCE	QUALIFIER
Yarrow	*Achillea millefolium*	O	
Yew	*Taxus baccata*	R	H

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

Ash (*Fraxinus excelsior*) N

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