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NATURAL PROGRESSION

Hemsley Meadows and Finches Field, Pease Pottage, West Sussex

Biodiversity Mitigation and Enhancement Plan

January 2025

Hemsley Meadows and Finches Field, Pease Pottage, West Sussex

Biodiversity Mitigation and Enhancement Plan

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Abbreviations

BMEP	Biodiversity Mitigation and Enhancement Plan
CEZ	Construction Exclusion Zone
CHS	Conservation of Habitats and Species Regulations 2017 (as amended)
ECOW	Ecological Clerk of Works
HPI	Habitat of Principal Importance
LPA	Local Planning Authority
NERC	Natural Environment and Rural Communities Act 2006
PEA	Preliminary Ecological Appraisal

0 Executive Summary

0.1 Introduction

0.1.1 This Biodiversity Mitigation and Enhancement Plan has been prepared for the site of proposed enhancements / improvements at Hemsley Meadows and Finches Field, Pease Pottage, West Sussex. The purpose of the Biodiversity Mitigation and Enhancement Plan is to set out methods for wildlife protection and habitat creation during, and as part of, the construction of the development.

0.1.2 The Application Site lies in the village of Pease Pottage in the Mid Sussex District of West Sussex. It comprises c.3.84ha of recreational land, currently dominated by two open fields, with patches of plantation woodland, dense scrub, bracken, hedgerows and a building. The wider landscape is characterised by arable fields and pasture to the south and west, with a patchwork of hedgerow and woodland blocks. The residential areas of Pease Pottage are located to the north, beyond which lies Cottesmore Golf club. The A23 dual carriageway, commercial development and further agricultural land lie east of the survey area. Six ponds lie within 500m of the Application Site.

0.2 Construction Activities

0.2.1 Improvements to public green space including new paths, tree planting, play spaces and improved drainage.

0.3 Existing Site Conditions

0.3.1 The following documents have been reviewed during the preparation of this Biodiversity Mitigation and Enhancement Plan:

- ▶ UEEC (2023): *Hemsley Meadows and Finches Field, Pease Pottage, West Sussex: Preliminary Ecological Appraisal Report*
- ▶ UEEC (2024): *Hemsley Meadows and Finches Field, Pease Pottage, West Sussex: Reptile Survey*

0.3.2 The main ecological features of interest associated with the Application Site are as follows:

- ▶ **Habitats of Principal Importance:** Off-site Ancient Woodland to the south and hedgerows at the Application Site boundaries are Habitats of Principal Importance. These are of intrinsically high ecological value and have the potential to support a range of notable and protected species.
- ▶ **Breeding birds:** The scrub, introduced shrub, hedgerows and scattered trees provided suitable opportunities for nesting birds.

- ▶ **Badger:** The Application Site provides a large area of suitable foraging and limited sett creation habitat for badger in the form of grassland, scrub and hedgerows.
- ▶ **Foraging and commuting bats:** The Application Site contains a relatively large area of moderate quality habitat for foraging and commuting bats, in the form of hedgerow, scrub and scattered trees.
- ▶ **Hazel dormouse:** The Application Site contains areas of good quality habitat for hazel dormouse in the form of native boundary hedgerows and scrub.
- ▶ **Reptiles:** The Application Site contains a relatively large area of good quality habitat for reptiles in the form of semi-improved neutral grassland, scrub and hedgerow bases. A low population of slow worm was recorded in 2023.
- ▶ **Hedgehog:** The Application Site contains habitats suitable for hedgehog, including grassland, hedgerow and scrub.
- ▶ **Invasive non-native species:** Rhododendron was recorded within the areas of introduced shrub (listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)).

0.4 Working Methods to Achieve Objectives: Avoidance and Mitigation

0.4.1 Measures in relation to the following features, set out in section 2, will be implemented in order to protect wildlife and habitats on site:

- ▶ Habitats of Principal Importance;
- ▶ Nesting birds;
- ▶ Badger;
- ▶ Foraging and commuting bats;
- ▶ Hazel dormouse;
- ▶ Reptiles and amphibians (excl. great crested newt);
- ▶ Hedgehogs, small mammals and other fauna; and
- ▶ Invasive non-native species.

0.5 Measures to Achieve Objectives: Enhancement and Compensation

0.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on public bodies to have regard to biodiversity conservation when carrying out their functions. Section 102 of the Environment Act 2021 expands this duty to include biodiversity enhancement as well conservation. In addition, the National Planning Policy Framework and policy DP38 (Biodiversity) of the *Mid Sussex District Plan 2014-2031* require ecological enhancements to be integrated into development projects in order to achieve an overall net-gain in biodiversity. Section 3 of the Biodiversity Mitigation and Enhancement Plan includes the following habitat creation and enhancements:

- ▶ Native shrub mix planting;

- ▶ Grassland creation;
- ▶ Tree planting;
- ▶ Hibernacula and Log piles;
- ▶ Bird boxes; and
- ▶ Bat boxes.

0.6 Implementation of Site Enhancement Works

- 0.6.1 Section 4 sets out an implementation timetable of measures and timings to avoid, mitigate and / or compensate for predicted impacts, together with enhancement measures.

1 Introduction

1.1 Purpose of this Report

1.1.1 Urban Edge Environmental Consulting (UEEC) has been commissioned by Mid Sussex District Council to produce a Biodiversity Mitigation and Enhancement Plan (BMEP) for the site of proposed enhancements / improvements at Hemsley Meadows and Finches Field, Pease Pottage, West Sussex (Grid Reference: TQ 25749 32761 (hereafter referred to as 'the Application Site')).

1.1.2 Conditions for the planning application (DM/24/0114) have been received from the Local Planning Authority (LPA). The BMEP has been prepared to assist in discharging the following conditions:

"7. No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of [the watercourse/pond/trees or other relevant thing that needs protection] shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and*
- b) The position and details of warning signs and protective fencing to be erected.*

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

10. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Reptile Survey (Urban Edge Environmental Consulting, January 2024) and Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, May 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for reptiles in Section 5.2 of the Reptile Survey (Urban Edge Environmental Consulting, January 2024) which avoids impacts on protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

11. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Reptile Survey (Urban Edge Environmental Consulting, January

2024) and Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, May 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for reptiles in Section 5.2 of the Reptile Survey (Urban Edge Environmental Consulting, January 2024) which avoids impacts on protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

12. Prior to the commencement of any development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This should include reference to the Bat Mitigation Strategy and Hazel Dormice Non-Licensed Method Statement (Surrey Wildlife Trust, March 2023)).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority."

1.2 Site Description and Context

- 1.2.1 The Application Site lies in the village of Pease Pottage in the Mid Sussex District of West Sussex. It comprises c.3.84ha of recreational land, currently dominated by two open fields, with patches of plantation woodland, dense scrub, bracken, hedgerows and a building.

1.2.2 The Application Site is bound to the north by residential dwellings; to the east by the Old Brighton Road; and to the south and west by a combination of deciduous woodland, playing fields and Woodhurst Farm. The extent of the Application Site is outlined in red on Figure 1.1.

1.2.3 The wider landscape is characterised by arable fields and pasture to the south and west, with a patchwork of hedgerow and woodland blocks. The residential areas of Pease Pottage are located to the north, beyond which lies Cottesmore Golf club. The A23 dual carriageway, commercial development and further agricultural land lie east of the survey area. Six ponds lie within 500m of the Application Site.

1.3 Construction Activities

1.3.1 Improvements to public green space including new paths, tree planting, play spaces and improved drainage. General Arrangement plans are shown at Figure 1.2 and Figure 1.3.

1.4 Existing Site Conditions

1.4.1 The following documents have been reviewed during the preparation of this BMEP:

- ▶ UEEC (2023): *Hemsley Meadows and Finches Field, Pease Pottage, West Sussex: Preliminary Ecological Appraisal Report*
- ▶ UEEC (2024): *Hemsley Meadows and Finches Field, Pease Pottage, West Sussex: Reptile Survey*

1.4.2 The main ecological features of interest associated with the Application Site are as follows:

- ▶ **Habitats of Principal Importance:** Off-site Ancient Woodland to the south and hedgerows at the Application Site boundaries are Habitats of Principal Importance (HPI). These are of intrinsically high ecological value and have the potential to support a range of notable and protected species.
- ▶ **Breeding birds:** The scrub, introduced shrub, hedgerows and scattered trees provided suitable opportunities for nesting birds.
- ▶ **Badger:** The Application Site provides a large area of suitable foraging and limited sett creation habitat for badger *Meles meles* in the form of grassland, scrub and hedgerows.
- ▶ **Foraging and commuting bats:** The Application Site contains a relatively large area of moderate quality habitat for foraging and commuting bats, in the form of hedgerow, scrub and scattered trees.
- ▶ **Hazel dormouse:** The Application Site contains areas of good quality habitat for hazel dormouse *Muscardinus avellanarius* in the form of native boundary hedgerows, scrub and plantation woodland.
- ▶ **Reptiles:** The Application Site contains a relatively large area of good quality habitat for reptiles in the form of semi-improved neutral grassland, scrub and hedgerow bases. A low population of slow worm was recorded in 2023.

- ▶ **Hedgehog:** The Application Site contains habitats suitable for hedgehog *Erinaceus europaeus*, including grassland, hedgerow and scrub.
- ▶ **Invasive non-native species:** Rhododendron *Rhododendron ponticum* was recorded within the areas of introduced shrub (listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended; WCA)).

1.5 Objectives

1.5.1 The BMEP has been produced in order to:

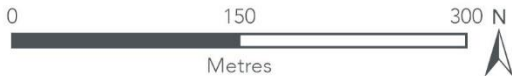
- ▶ Avoid and mitigate impacts of the development on existing biodiversity, particularly in regard to protected species; and
- ▶ Enhance the site for biodiversity following development.

Hemsley Meadows and Finches Field,
MSDC Park Masterplans,
Haywards Heath,
West Sussex

 Application site



Figure 1.1: Site location plan



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Ordnance Survey AC0000808122

Scale (at A4): 1:5,000 Created by: EM

Date: Dec 2024 Reviewed by: NP

Drawing number:

UE0574ECO-MSDCParkMasterplans_FF

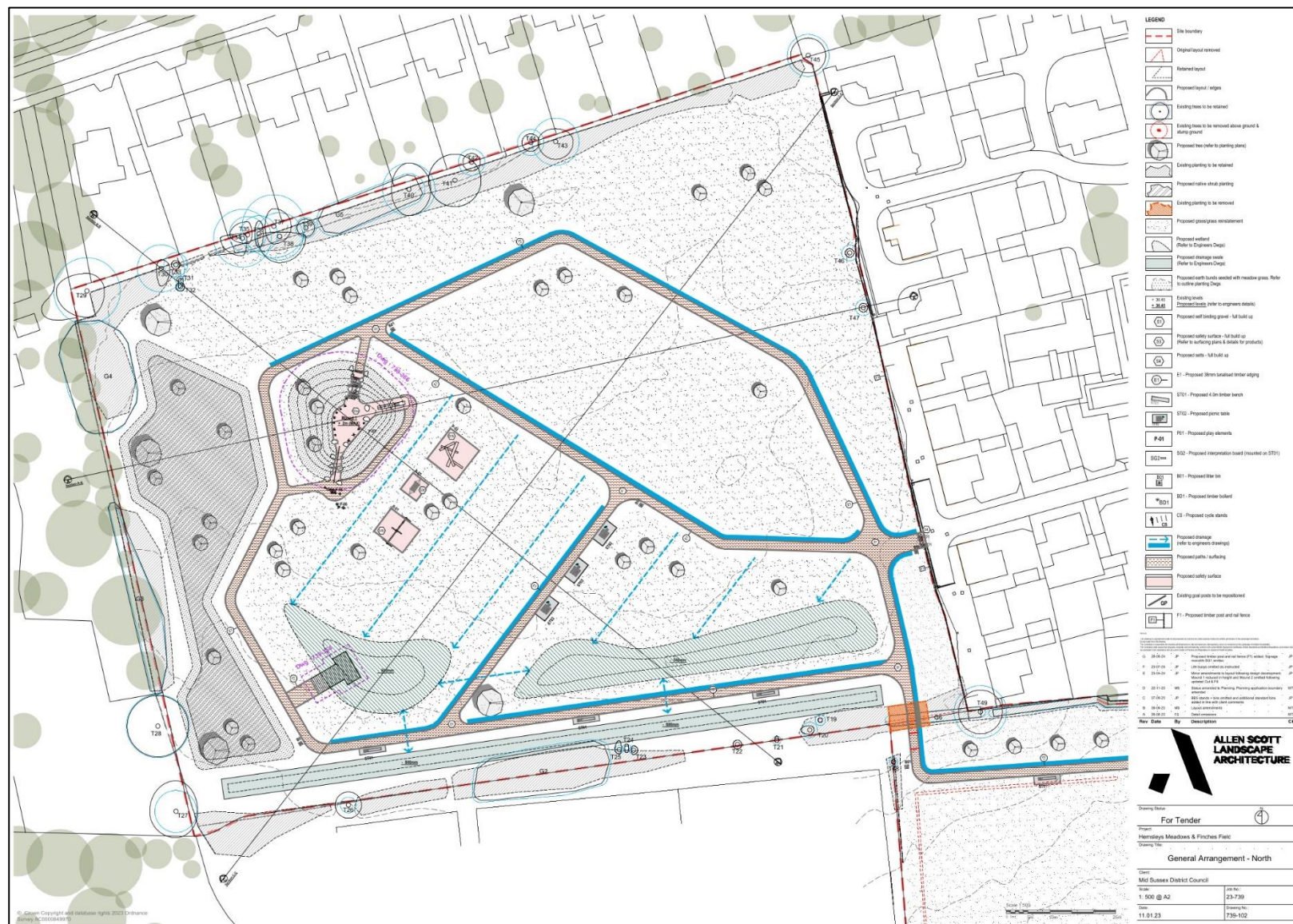


Figure 1.2: General Arrangement - North

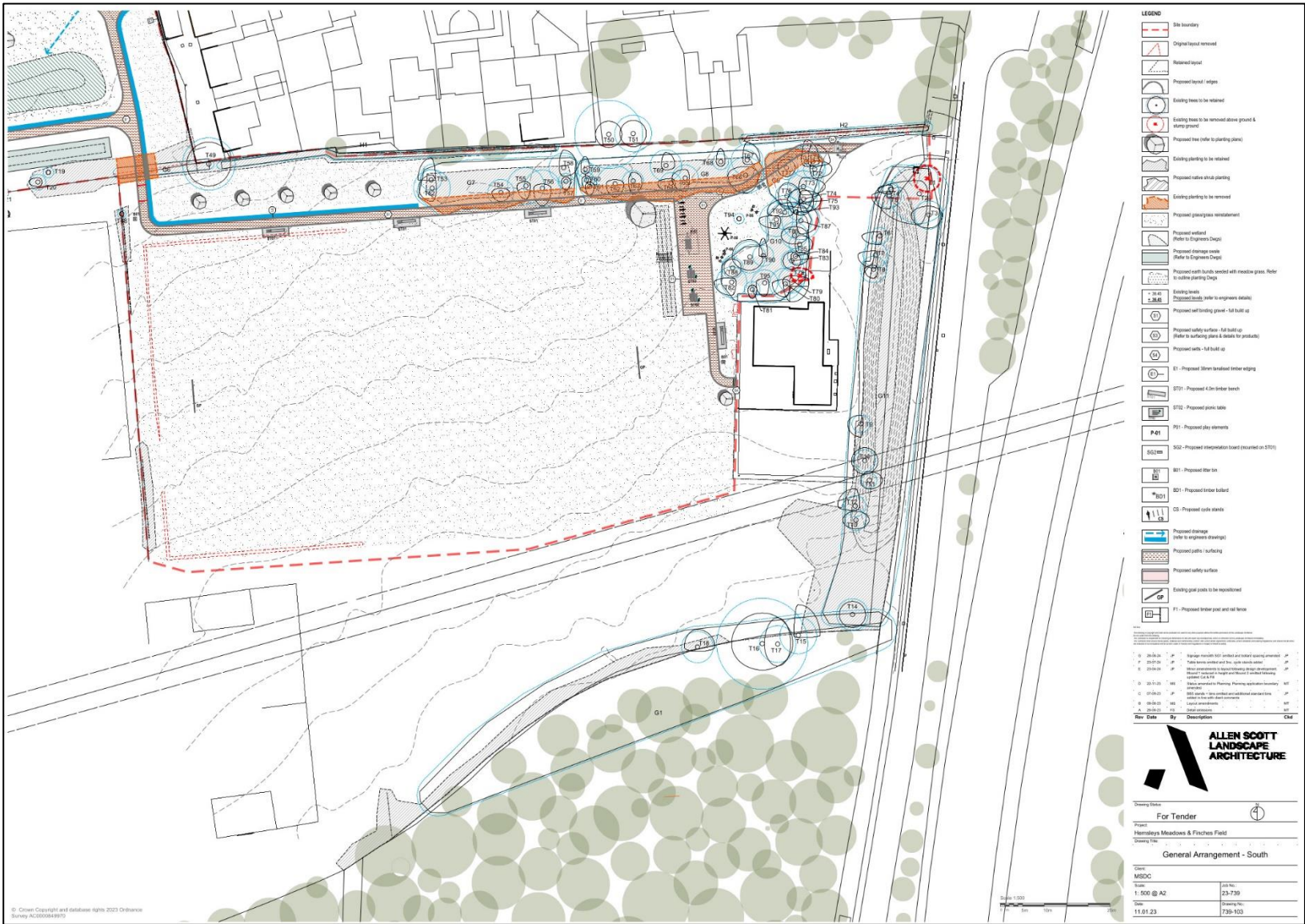


Figure 1.3: General Arrangement - South

2 Working Methods to Achieve Objectives: Avoidance and Mitigation

2.1 Introduction

- 2.1.1 Details of measures and working methods to avoid and mitigate the effects of the Proposed Development on habitats and species are set out below. The locations of relevant features are shown on the Biodiversity Mitigation Plan at Appendix I.

2.2 Ecological Clerk of Works

- 2.2.1 An Ecological Clerk of Works (ECoW) will be appointed to oversee the implementation of the BMEP.

2.3 Retained Habitats of Principal Importance

- 2.3.1 The Ancient Woodland recorded in the south-west of the survey area during the Preliminary Ecological Appraisal (UEEC, 2023) is located c.33m from the Application Site boundary. Accordingly, impacts upon this HPI will be avoided due to its distance from the Application Site.
- 2.3.2 British Standard BS 5837:2012 will be followed at all times during construction when working in close proximity to trees or shrubs (including within Hedgerows HPI) which are to be retained. According to BS 5837:2012 the root protection area is 12x diameter of the trunk (diameter is measured around the trunk at a height of 1.5m above ground level), which will constitute the construction exclusion zone (CEZ). The distance is measured from the centre of the trunk to the nearest part of any excavation or other work.
- 2.3.3 Construction works will be carried out in accordance with the Tree Protection measures detailed in the Tree Constraints Plan (Appendix II)) and shall be implemented and fully adhered to for the duration of the construction works.

2.4 Nesting Birds

- 2.4.1 Removal of suitable habitats for nesting birds (introduced shrub, hedgerows and scattered trees) will be undertaken outside the bird nesting season, i.e. it will be carried out between October and February. These reasonable avoidance measures are required to ensure there are no offences in relation to the protection of birds under the WCA.
- 2.4.2 However, where vegetation removal is necessary in suitable reptile habitat, vegetation clearance may be required during the breeding season (March to September inclusive). Where this occurs, the area will be checked for evidence of nesting birds by a suitably qualified ecologist. This will

take place no more than 48 hours prior to works commencing. This is to ensure that no disturbance to active bird nests occurs. If a nest is found it must be cordoned off and works adjacent to the nest must be delayed until such time that the chicks have fledged from the nest. This will be supervised by a suitably qualified ecologist.

2.5 Badger

- 2.5.1 Infrequent signs of potential badger foraging were observed during the PEA survey at the southern and northern boundaries, including push throughs in fencing and possible snuffle holes (TN6, TN8, TN9, TN10), but these were limited in extent and difficult to determine which mammal created them (UEEC, 2024). Badger is not considered to present a constraint to the development proposals, but their use of the landscape is dynamic and can change rapidly. A repeat badger survey should be undertaken prior to commencement of development works in order to determine if any new badger setts have established within the survey area. The survey area should include the construction zone plus a 30m buffer to ensure that disturbance to badgers occupying a sett does not occur during the works.
- 2.5.2 All excavations left overnight will either be covered over or provided with a ramp to enable easy escape of badgers, hedgehogs, small mammals, amphibians and other fauna, and inspected each morning prior to recommencement. Open pipework greater than 150mm outside diameter should be blanked off at the end of each working day.

2.6 Foraging and Commuting Bats

- 2.6.1 The boundary hedgerows within the survey area may serve as a navigation route or foraging feature for bats, but these will be retained and protected during the works. The Ancient Woodland south of the Application Site is unlikely to be impacted by the Proposed Development.
- 2.6.2 The following measures relating to sensitive lighting will minimise the impact of the Proposed Development of suitable retained and newly created habitats for foraging and commuting bats:
- ▶ Lighting will not be directed towards retained habitat of particular value to foraging and commuting bats, including woodland and hedgerows.
 - ▶ All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used.
 - ▶ LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
 - ▶ A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce blue light component.
 - ▶ Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2013).
 - ▶ Internal luminaires can be recessed where installed in proximity to windows to reduce glare and light spill.

- ▶ The use of specialist bollard or low-level downward directional luminaires to retain darkness above should be considered. However, this often comes at a cost of unacceptable glare, poor illumination efficiency, a high upward light component and poor facial recognition, and their use should only be as directed by the lighting professional.
- ▶ Column heights should be carefully considered to minimise light spill.
- ▶ Only luminaires with an upward light ratio of 0% and with good optical control should be used (refer to Institute of Lighting of Professionals guidance (2023) for the reduction of obtrusive light).
- ▶ Luminaires should always be mounted on the horizontal, i.e. no upward tilt.
- ▶ Any external security lighting should be set on motion-sensors and short (1min) timers.
- ▶ As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed.

2.7 Hazel Dormouse

2.7.1 The Application Site's boundary hedgerows are relatively dense and largely intact, providing potential habitat for dormouse. The smaller areas of scrub and plantation woodland provide further suitability. Small sections of hedgerow H1 (arboriculture reference G6), scrub and plantation woodland will be removed to make way for a new paved area. Where small areas of hedgerow, scrub and woodland habitats will be lost there is a risk of killing, injury or disturbance to hazel dormouse if present during the works. Given the small area of suitable habitat to be lost and the retention of connectivity to surrounding suitable habitats, the PEA concluded that vegetation removal should be undertaken under the supervision of an ecologist to prevent killing / injury / disturbance and protect the local conservation status of hazel dormouse.

2.7.2 In order to avoid harm to dormice, and drawing on advice provided in the Dormouse Conservation Handbook (Bright et al., 2006), suitable habitat which is scheduled for removal as part of construction, comprising hedgerow, scrub and woodland (Appendix I), will be removed in accordance with the following Non-licenced Method Statement. These reasonable avoidance measures are required to ensure there are no offences in relation to the protection of hazel dormouse under the WCA and Conservation of Habitats and Species Regulations 2017 (as amended; CHS).

- ▶ **Appointment of Ecological Clerk of Works:** An ECoW will be appointed to oversee operations which could negatively affect dormice and other ecological features of value.
- ▶ **Toolbox talks:** Prior to commencement of site clearance works, all site operatives will receive a briefing from the ECoW to explain the legal protection for hazel dormouse, the precautionary methods to be followed, tips on identifying hazel dormouse, and the procedure to be followed should a dormouse be found at any stage during the works.
- ▶ **Procedure if dormice are encountered:** If a dormouse is found within the construction zone during site clearance works, site operatives will be advised to cease activity in its vicinity while advice from the ECoW is sought. The ECoW will review the situation with an

appropriately licenced ecologist to advise of the most appropriate course of action, which may include consideration of the need for a mitigation licence.

- ▶ **Timing of the work:** Clearance of dormouse habitat will be scheduled to take place in April to May or late September to October in order to avoid the maternity season (when dependent young may be present) and hibernation season (when dormice will be highly vulnerable to disturbance or injury). Vegetation below 1m will remain in place until April after which time the progressive reduction in height of vegetation described below will be followed.
- ▶ **Progressive reduction in height of vegetation:** Areas of vegetation potentially suitable for dormice will be progressively reduced in height following the approach detailed below, working from south to north to ensure continuous connectivity with suitable habitats off-site which will be unaffected, and to persuade any dormice present to move into adjacent habitat of their own volition:
 - Prior to each stage of vegetation removal, the ECoW will hand search areas of dense and tall vegetation to check for the presence of dormice or their nests, or other protected species including nesting birds;
 - Once the ECoW is satisfied that the work area is clear of dormice, tall vegetation (including shrubs / trees) within the work area will be progressively cut to a height of 15-20cm above ground level under the direction of the ECoW. Cutting will be directional, undertaken from south to north to encourage any animals present to move out of the construction zone into suitable adjacent habitats;
 - Cutting will be undertaken using hand tools (e.g. strimmer, brush cutter or chainsaw) rather than by tractor-drawn or tracked vehicles, to minimise the risk of dormouse casualties;
 - Once initial cutting is completed, arisings will be searched, removed by hand and be responsibly disposed of off-site prior to the end of the same working day, to ensure that it is not used as a refuge(s) by reptiles or other species;
 - At least 24 hours after initial cutting, a secondary phase of directional vegetation clearance will then be carried out in the work area (preceded by further hand searches), cutting vegetation to ground level in order to ensure that no suitable dormouse habitat remains within the work area. Materials arising will be responsibly disposed of off-site prior to the end of the same working day;
 - Once the secondary phase is complete, stumps will be removed under ECoW supervision.
- ▶ **Commencement of construction works:** Once the construction zone is clear of potentially suitable dormouse habitat it is unlikely that any dormice will attempt to re-colonise and the construction programme can commence.

2.8 Reptiles

- 2.8.1 The visual encounter and artificial refuge surveys carried out in 2023 recorded a peak count of three adult slow worm (UEEC, 2024). The majority of records occurred along the northern and

eastern boundaries, with one record in the west of the survey area. A juvenile common toad *Bufo bufo* was also identified on one occasion.

2.8.2 The northern grassland compartment will be subject to site clearance and construction works. Therefore, in order to minimise the risk of harming reptiles and amphibians, site clearance works will be preceded by a destructive search of vegetated areas during the reptile active season (broadly March to October) in accordance with the following precautionary method statement:

- ▶ **Appointment of ECoW:** All mitigation works will take place under the direct supervision of a suitably qualified ECoW. A watching brief should be maintained throughout the works, in the event that reptiles are present in the area to be cleared;
- ▶ **Erection of reptile exclusion fencing:** Prior to the start of the destructive search, the construction zone will be fenced-off from surrounding habitats using reptile exclusion fencing. This will be left in-situ following the completion of the works, to ensure that reptiles do not re-colonise the Application Site during construction.
- ▶ **Toolbox talks:** Prior to commencement of site clearance works, all site operatives will receive a briefing from the ECoW to explain the legal protection for reptiles and amphibians, the precautionary methods to be followed, tips on identifying reptiles and amphibians, and the procedure to be followed should a reptile or amphibian be found at any stage during the works. Site operatives will also be briefed of possible presence of amphibians.
- ▶ **Timing of Works:** Vegetation clearance and site preparation will be undertaken during the reptile active season and in suitable weather conditions, i.e. under predominantly dry conditions, with air temperatures ideally of 9°C or above, between March and October;
- ▶ **Removal of refuges and egg-laying habitats:** Sites of potential refuge or egg-laying (e.g. compost heaps, log / rubble piles etc.) within the construction zone will be searched for reptiles or amphibians by the ECoW. Any reptiles or amphibians found will be relocated to suitable retained habitat in the north of the Application Site. Refuges will then be deconstructed by hand, overseen by the ECoW, and removed from the site before the end of the same working day, or stored in containers raised on pallets to prevent them being used for refuge;
- ▶ **Fingertip searches:** A suitably qualified ecologist will then undertake a fingertip search of suitable vegetation to be removed, working ahead of site staff clearing the vegetation. The ecologist will carefully check the grassland sward, scrub and any cracks in the ground for individual reptiles or amphibians. Where reptiles or amphibians are located, these will be captured and translocated to the receptor area in the north of the Application Site (see Appendix I);
- ▶ **Sequential strimming:** Following the dismantling of refuges and fingertip searches, vegetation will be progressively removed in a sequence of stages as follows:
 - Vegetation will be strimmed down to 20cm above ground level under the supervision of the suitably qualified ECoW, and arisings will be searched and removed by hand / hand tools;

- The working area will then be left for a minimum period of 24hrs to allow any reptiles present to disperse; and
- The vegetation will then be searched again before strimming down to ground level under the supervision of the suitably qualified ECoW, and arisings removed by hand / hand tools.

2.8.3 Following the destructive search, suitable habitat will have been removed and reptiles / amphibians will no longer present a constraint to the permitted construction works. Accordingly, construction works can commence in these areas. However, in order to ensure that suitable habitat for reptiles does not develop again within cleared areas, these areas will either be scraped back to bare earth or will be subject to regular mowing.

2.9 Invasive Non-native Species

2.9.1 The areas of rhododendron (TN2, TN5 and TN7) now fall outside of the Application Site boundary and will not be impacted by the Proposed Development. Accordingly, no further action is required in relation to invasive species.

3 Measures to Achieve Objectives: Enhancement and Compensation

3.1 Introduction

- 3.1.1 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) places a duty on public bodies to have regard to biodiversity conservation when carrying out their functions. Section 102 of the Environment Act 2021 expands this duty to include biodiversity enhancement as well conservation. In addition, the National Planning Policy Framework and policy DP38 (Biodiversity) of the *Mid Sussex District Plan 2014-2031* (Mid Sussex District Council, 2018) require ecological enhancements to be integrated into development projects in order to achieve an overall net-gain in biodiversity.
- 3.1.2 The locations of the measures detailed below for the Proposed Development are shown on the Planting Plans (Appendix III) and Biodiversity Features Plan (Appendix IV).
- 3.1.3 Small areas of existing amenity grassland which will be disturbed and subsequently restored, are shown on the Planting Plans as hydroseeded with Germinal A16 mix. These areas do not provide an enhancement to existing conditions, so are not itemised below.
- 3.1.4 Narrow strips of asphalt will be removed and replaced with Germinal A24 mix. This hardwearing amenity mix will provide negligible improvement to the existing conditions, and given the small quantities, was not considered sufficient to itemise below.

3.2 Native Shrub Mix Planting

- 3.2.1 A large area of native shrub mix planting will be created in the north-west of the Application Site totalling c.0.14ha. Planting will comprise a range of fruit, seed, nut and nectar-bearing species, providing a food source for a wide range of wildlife species throughout most of the year. The shrub will also provide a refuge for mammals, reptiles and amphibians. Plant stock will be sourced from a local supplier to ensure it is of local provenance. Table 3.1 provides the proposed species list for the native shrub mix.

Table 3.1: Native shrub mix species

Taxon	Common name
<i>Acer campestre</i>	Field maple
<i>Alnus glutinosa</i>	Alder
<i>Cornus sanguinea</i>	Dogwood
<i>Corylus avellana</i>	Hazel
<i>Fagus sylvatica</i>	Beech

Taxon	Common name
<i>Ilex aquifolium</i>	Holly
<i>Prunus avium</i>	Wild cherry
<i>Rosa canina</i>	Dog-rose
<i>Viburnum opulus</i>	Guelder rose

3.3 Grassland

- 3.3.1 Approximately c.0.25ha grassland habitats will be created in the north-western extent of the Proposed Development. These areas will be sown with a native wildflower and grass seed mix and appropriately managed to develop species and flower rich grassland, which will benefit, for example, a range of invertebrate species. The area surrounding the newly created native shrub (3.2.1) will be sown with Emorsgate EW1 Woodland Mixture¹ (c.0.05ha). Areas within the wetland basins and swale will be sown with Emorsgate Meadow Mixture for Wetlands EM8² (c.0.20ha) to better cope with inundation events.
- 3.3.2 To create the meadow areas the EW1 and EM8 seed mixes will be sown on bare earth and guidance from the supplier should be adhered to in terms of timing. The bare earth can be created by rotavating current areas of grassland. Table 3.2 and Table 3.3 provide the composition for each seed mix.

Table 3.2: Emorsgate EW1 wildflower and grass content and percentages

%	Taxon	Common name
2.40%	<i>Agrostis capillaris</i>	Common Bent
2.00%	<i>Alliaria petiolata</i>	Garlic mustard
1.00%	<i>Allium ursinum</i>	Ramsons
0.50%	<i>Angelica sylvestris</i>	Wild angelica
1.60%	<i>Anthoxanthum odoratum</i>	Sweet vernal-grass
1.40%	<i>Anthriscus sylvestris</i>	Cow parsley
0.20%	<i>Arum maculatum</i>	Lords and ladies
0.80%	<i>Brachypodium sylvaticum</i>	False brome
48.00%	<i>Cynosurus cristatus</i>	Crested Dog's-tail
1.60%	<i>Deschampsia cespitosa</i>	Tufted Hair-grass
4.00%	<i>Digitalis purpurea</i>	Foxglove
0.10%	<i>Eupatorium cannabinum</i>	Hemp agrimony
19.20%	<i>Festuca rubra</i>	Red Fescue
0.90%	<i>Filipendula ulmaria</i>	Meadowsweet
1.50%	<i>Galium album</i>	Hedge Bedstraw

¹ <https://wildseed.co.uk/product/mixtures/complete-mixtures/special-habitat-mixtures/woodland-mixture/>

² <https://wildseed.co.uk/product/mixtures/complete-mixtures/meadow-mixtures-for-specific-soils/meadow-mixture-for-wetlands/>

%	Taxon	Common name
0.10%	<i>Geum urbanum</i>	Wood avens
1.60%	<i>Hyacinthoides non-scripta</i>	Bluebell
6.40%	<i>Poa nemoralis</i>	Wood meadow-grass
0.10%	<i>Primula vulgaris</i>	Primrose
1.00%	<i>Prunella vulgaris</i>	Selfheal
0.40%	<i>Ranunculus acris</i>	Meadow Buttercup
3.00%	<i>Silene dioica</i>	Red Campion
0.20%	<i>Teucrium scorodonia</i>	Wood sage

Table 3.3: Emorsgate EM8 wildflower and grass content and percentages

%	Taxon	Common name
0.70%	<i>Achillea millefolium</i>	Yarrow
0.60%	<i>Agrimonia eupatoria</i>	Agrimony
4.00%	<i>Agrostis capillaris</i>	Common Bent
0.10%	<i>Angelica sylvestris</i>	Wild angelica
4.00%	<i>Anthoxanthum odoratum</i>	Sweet vernal-grass
0.20%	<i>Betonica officinalis</i>	Betony
0.80%	<i>Carex divulsa</i> subsp. <i>divulsa</i>	Grey sedge
3.20%	<i>Centaurea nigra</i>	Common Knapweed
33.60%	<i>Cynosurus cristatus</i>	Crested Dog's-tail
1.60%	<i>Deschampsia cespitosa</i>	Tufted Hair-grass
20.00%	<i>Festuca rubra</i>	Red Fescue
1.40%	<i>Filipendula ulmaria</i>	Meadowsweet
0.40%	<i>Galium album</i>	Hedge Bedstraw
2.00%	<i>Galium verum</i>	Lady's Bedstraw
3.20%	<i>Hordeum secalinum</i>	Meadow barley
0.80%	<i>Lathyrus pratensis</i>	Meadow Vetchling
0.60%	<i>Leontodon hispidus</i>	Rough hawkbit
1.20%	<i>Leucanthemum vulgare</i>	Oxeye Daisy
0.60%	<i>Lotus corniculatus</i>	Bird's-foot Trefoil
0.10%	<i>Lotus pedunculatus</i>	Greater bird's-foot Trefoil
1.00%	<i>Medicago lupulina</i>	Black medick
5.60%	<i>Phleum bertolonii</i>	Smaller cat's-tail
2.00%	<i>Plantago lanceolata</i>	Ribwort Plantain
1.00%	<i>Plantago media</i>	Hoary Plantain
5.60%	<i>Poa trivialis</i>	Rough-stalked meadow-grass

%	Taxon	Common name
0.40%	<i>Primula veris</i>	Cowslip
0.80%	<i>Prunella vulgaris</i>	Selfheal
1.20%	<i>Ranunculus acris</i>	Meadow Buttercup
0.80%	<i>Rhinanthus minor</i>	Yellow rattle
0.60%	<i>Rumex acetosa</i>	Common sorrel
0.30%	<i>Sanguisorba officinalis</i>	Great burnet
1.60%	<i>Schedonorus arundinaceus</i>	Tall fescue
0.50%	<i>Silene flos-cuculi</i>	Ragged Robin
0.20%	<i>Taraxacum officinale</i>	Dandelion
0.30%	<i>Vicia cracca</i>	Tufted vetch

3.4 Tree Planting

- 3.4.1 A total of 44 trees will be planted, comprising a mix of native and non-native species. Trees provide nesting and perching opportunities for birds and a resource for invertebrates. Planting notes for the landscape plan should state that all plant stock will originate from the UK. It is best practice to use British native stock for tree planting and follow guidance given in the *Forestry Commission Practice Note 8a*³ where possible, which provides a geographical guide for appropriate species. In the interest of biosecurity and to limit the introduction of new potential tree pests and diseases, only nurseries accredited by the Plant Healthy Certification Scheme may be used to procure tree stock. Table 3.4 provides the proposed species for tree planting.

Table 3.4: Tree species

Taxon	Common name
<i>Acer campestre</i>	Field Maple
<i>Alnus glutinosa</i>	Alder
<i>Betula nigra</i>	River birch
<i>Betula pubescens</i>	Downy birch
<i>Corylus avellana</i>	Hazel
<i>Quercus robur</i>	Pedunculate oak

3.5 Created Biodiversity Features

Hibernacula and Log piles

- 3.5.1 To provide additional hibernation, shelter and egg-laying resources for amphibians and reptiles, and a range of other wildlife, two hibernaculum and five log piles will be created. The hibernacula

³ Herbert et al (1999). Using Local Stock for Planting Native Trees and Shrubs. Forestry Commission, Edinburgh. [On-line]. Available from: <https://cdn.forestryresearch.gov.uk/2022/02/fcpn8-1.pdf>

will be located within the reptile / amphibian receptor area and the log piles will be located within areas of scrub, woodland and hedgerow at the site boundaries.

Hibernacula

- 3.5.2 The hibernacula will be constructed from unevenly shaped, inert fill materials such as hardcore, brick rubble, rocks, logs, brash, etc, loosely filled with topsoil, and capped with topsoil and turf (see Figure 3.1). These structures provide stable temperatures at which amphibians and reptiles can hibernate while also providing shelter habitat for a range of species. They will be located on a gentle slope to prevent flooding. They will either be piled on top of the ground (as depicted in Figure 3.1) or dug into the ground, but in both cases will have exposed margins to allow access. They will be surrounded by rough, infrequently managed vegetation, and placed in out-of-the-way locations.
- 3.5.3 Grass snakes need access to decomposing material in which they lay their eggs, where the heat of decomposition incubates the eggs. Egg-laying sites include manure heaps, compost heaps, grass clippings, sawdust, cut reed and, in coastal areas, seaweed heaps (Edgar et. Al., 2010). These could be sourced from land management activities on site or in the local area. The key to a successful grass snake egg-laying heap is to ensure the material provides the necessary heat and humidity to incubate the eggs. Larger heaps of vegetation are more likely to be successful than small heaps. Heaps should be at least 1m³, but ideally much larger. It is also necessary to position them in out-of-the-way locations, and to replenish existing sites with fresh material or to regularly create new egg-laying sites.

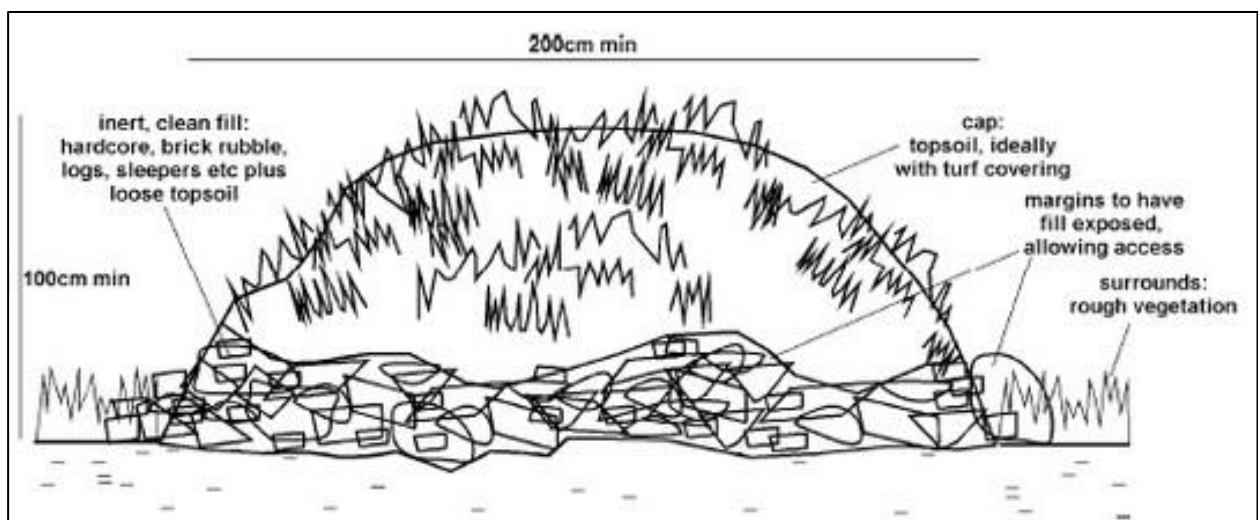


Figure 3.1: Design of hibernacula

Log piles

- 3.5.4 The log piles will be made of stacked logs of varying sizes and overlain with smaller branches. This work can be done using materials found on site, using hard wood logs as they last longer and do not contain resins that may reduce the likelihood of use.

Bird boxes

- 3.5.5 The value of the site for birds will be enhanced by installing a range of artificial nest boxes. The following nest boxes will be mounted on the northern aspect of retained trees, hedgerows / woodland along the Application Site boundaries. The diversity in entrance hole provides conditions suitable for a range of bird species including tit species, spotted flycatcher *Muscicapa striata* song thrush *Turdus philomelos*, or treecreeper *Certhia familiaris*:
- ▶ 3no Schwegler 1B Nest Box (or other manufacturer's equivalent);
 - ▶ 3no Schwegler 2HW Nest Box (or other manufacturer's equivalent); and
 - ▶ 3no Schwegler 3S Starling Box (or other manufacturer's equivalent).

Bat Boxes

- 3.5.6 The value of the site for bats will be enhanced by installing artificial roost boxes. Five Schwegler 2F General Purpose Bat Box or 2FN Woodland Bat Box (or other manufacturer's equivalent) will be installed more than 4m above ground level in south-facing (between south-east and south-west) positions on semi-mature / mature trees within the retained woodland and hedgerows at the Application Site.
- 3.5.7 As far as possible all bat boxes will be installed with a clear line of flight for bats entering or leaving the roost, and away from sources of artificial light.

4 Implementation Timetable

4.1.1 Table 4.1 summarises the measures to avoid and mitigate impacts on wildlife, the biodiversity enhancements, as well as their timings and the parties responsible for implementing them. Refer to sections 2 and 3 for full details, and to the Biodiversity Mitigation Plan (Appendix I), Planting Plans (Appendix III) and Biodiversity Features Plan (Appendix IV) for their locations.

Table 4.1: Timetable for biodiversity avoidance/mitigation and enhancement measures

Feature	Potential impact	Avoidance / mitigation	Enhancement	Timing	Implemented by
Habitats of Principal Importance	Damage or loss of Habitats of Principal Importance	BS 5837:2012 will be followed at all times during construction when working in close proximity to the hedgerows or any retained trees on site (2.3.2)	n/a	During construction.	Mid Sussex District Council and Principal Contractors
Nesting birds	Disturbance to nesting birds and /or damage or destruction of their active nests	Removal of nesting bird habitats will be undertaken outside the bird nesting season (1 March to 31 August), i.e. it will be carried out between September and February. The timing of removal of bird nesting habitat will have regard to the precautionary working method in relation to hazel dormouse, reptiles and amphibians (2.7.2 and 2.8.2).	Creation of native shrub (3.2.1), grassland (3.3.1) and scattered trees (3.4.1) will provide additional breeding and foraging habitat. Bird boxes will be installed on retained semi-mature / mature trees (3.5.5).	During site clearance. Creation of new habitats during and post construction. Installation of nest boxes during construction.	Mid Sussex District Council and Principal Contractors

Feature	Potential impact	Avoidance / mitigation	Enhancement	Timing	Implemented by
Badger	Killing or injuring badgers or damaging or destroying their sett(s)	A repeat badger survey should be undertaken prior to commencement of development works in order to determine if any new badger setts have established within the survey area (2.5.1). At the end of each working day excavations will be covered over and open pipework capped to prevent entrapment of badger (2.5.2).	Creation of native shrub (3.2.1) and grassland (3.3.1) will provide additional commuting and foraging habitat.	Survey before site clearance. Protection measures during and post construction.	Mid Sussex District Council and Principal Contractors
Foraging, commuting and roosting bats (and other nocturnal species)	Includes disturbance to commuting and foraging bats using retained and created habitats	Minimise use of external lighting. Low-level, directional lighting with minimal spill and glare. Narrow-spectrum bulbs and light sources that emit minimal UV light and use of glass lantern covers instead of plastic to filter UV light (2.6.2).	Creation of native shrub (3.2.1), grassland (3.3.1) and scattered trees (3.4.1) will provide additional commuting and foraging habitat. Bat boxes will be installed on retained semi-mature / mature trees (3.5.6).	Lighting – during construction and operation. Creation of new habitats during and post construction. Installation of nest boxes during construction.	Mid Sussex District Council and Principal Contractors
Hazel dormouse	Killing / injury / displacement of dormouse. Habitat loss and fragmentation	Removal of suitable habitat for hazel dormouse will be implemented in accordance with the Non-licenced Method Statement and under supervision of an ECoW (2.7.2).	Creation of native shrub (3.2.1) will provide additional breeding and foraging habitat.	Prior to site clearance. Creation of new habitats during and post construction.	Mid Sussex District Council and Principal Contractors
Reptiles and amphibians	Killing or injuring reptiles and amphibians	Removal of suitable habitat for reptiles and amphibians will be implemented in accordance with the Method Statement and under supervision of an ECoW (2.8.2).	Creation of native shrub (3.2.1) and grassland (3.3.1) will provide additional refuge and foraging habitat. Creation of hibernacula and log piles will provide additional refuge and egg-laying habitat (3.5.2 and 3.5.4)	Precautionary measures during site clearance Creation of new habitats during and post construction	Mid Sussex District Council and Principal Contractors

Feature	Potential impact	Avoidance / mitigation	Enhancement	Timing	Implemented by
Hedgehogs and small mammals (excluding bats) and other fauna	Harm to hedgehogs small mammals and other fauna	At the end of each working day excavations will be covered over and open pipework capped to prevent entrapment of badger (2.5.2).	Creation of native shrub (3.2.1) and grassland (3.3.1) will provide additional refuge and foraging habitat. Creation of log piles will provide additional refuge (3.5.4).	During and post construction. Creation of new habitats during and post construction.	Mid Sussex District Council and Principal Contractors
Native shrub mix planting	n/a	n/a	0.14ha of native shrub mix planting (3.2.1).	During and post construction.	Mid Sussex District Council and Principal Contractors
Grassland	n/a	n/a	0.25ha of grassland creation (3.3.1).	During and post construction.	Mid Sussex District Council and Principal Contractors
Tree planting	n/a	n/a	44 trees will be planted (3.4.1)	During and post construction.	Mid Sussex District Council and Principal Contractors

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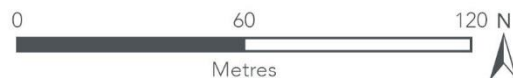
UEEC (2024): *Hemsley Meadows and Finches Field, Pease Pottage, West Sussex: Reptile Survey*.

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Appendix I: Biodiversity Mitigation Plan

Hemsley Meadows and Finches Field, MSDC Park Masterplans, Haywards Heath, West Sussex

- Application site
- Broadleaved woodland - plantation
- Scrub - dense/continuous
- Neutral grassland - semi-improved
- Bracken - scattered
- Amenity grassland
- Hardstanding
- Broadleaved woodland - plantation to be removed
- Reptile receptor area
- Reptile mitigation area
- Hedge to be removed
- Native hedge
- Non-native hedge
- Reptile fencing
- Scattered tree
- Tree to be removed
- × Scattered scrub



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Appendix II: Tree Constraints Plan



Root Protection Area
Tree number as recorded
on Survey Schedule
Tree canopy
Coloured symbol indicating
BS category as shown
below

Underlined tree tags denote tree located by eye

 Category A tree
BS5837 2012

 Category B tree
BS5837 2012

 Category C tree
BS5837 2012

 Category U tree
BS5837 2012

 G1/H1 Group of Trees/Hedge
Colours same as BS5837 2012
categories for trees (above)

The above BS categories are judgements of quality and value based on the contribution each tree would be expected to make over a given period of time, categories A, B and C being high, moderate and low respectively. Category U represents trees that, in their current context, should be removed for sound arboricultural reasons. For exact definition of BS categories refer to notes accompanying schedule.



Drawing Reference : J21265_Arb_TCP

Project Title
Hemsey's and Finches Field, Pease Pottage

Drawing Title
Tree Constraints Plan

Date : 20-03-23 Checked : GN

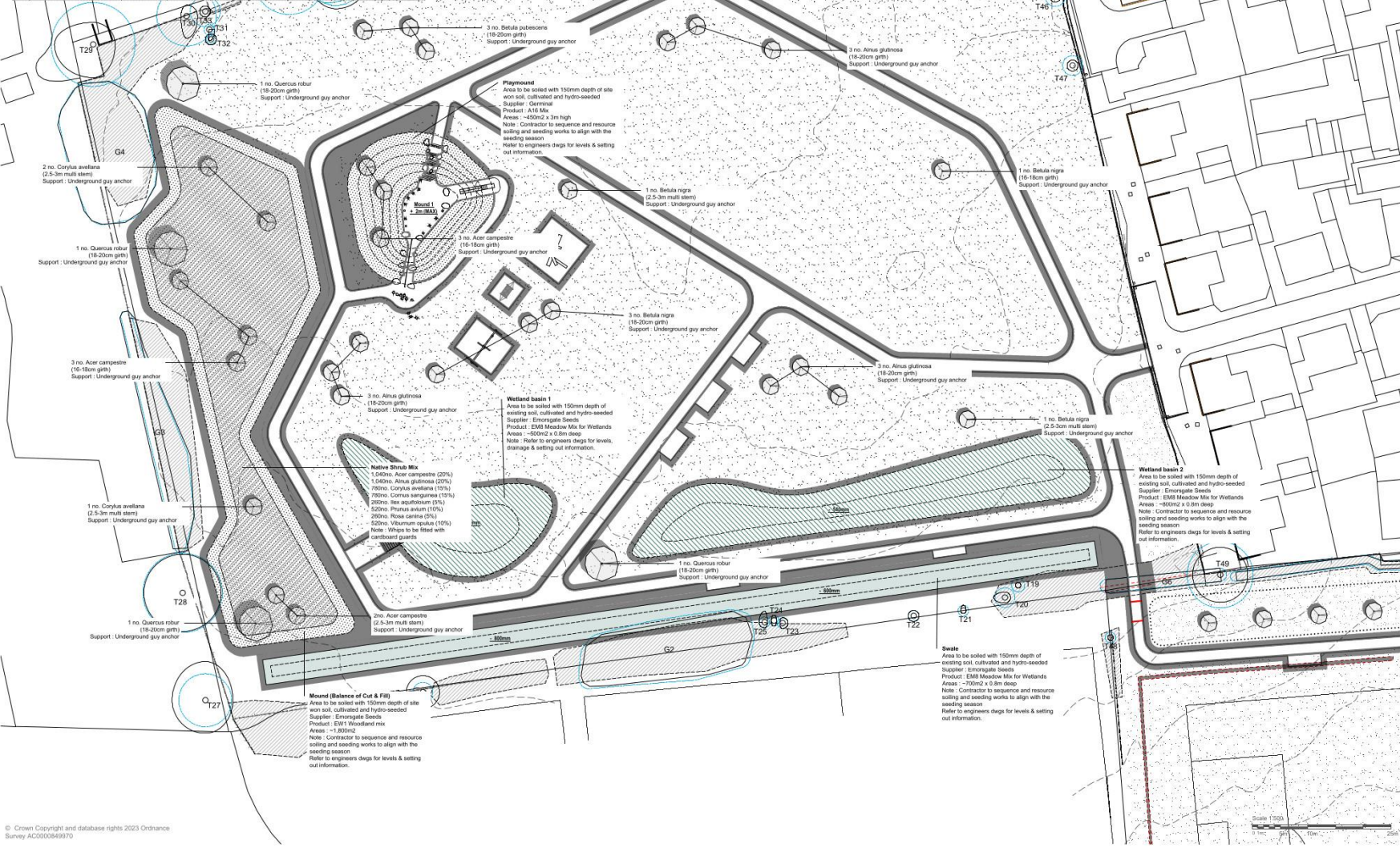
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Appendix III: Planting Plans

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Qty	Botanical Name	Form	Age/ Times Trans	Girth (cm)	Overall Height	Clear Stem	Root Condition
TREES							
3	<i>Betula pubescens</i>	Multi stem	40r	-	2.5-3m	-	WRB
4	<i>Acer campestre</i>	Semi mature	40r	18-20	5.7m	2	WRB
2	<i>Acer campestre</i>	Multi stem	40r	-	2.5-3m	-	WRB
6	<i>Alnus glutinosa</i>	Semi mature	40r	15-20	5.7m	2	WRB
4	<i>Betula nigra</i>	Semi mature	40r	15-20	5.7m	2	WRB
2	<i>Betula nigra</i>	Multi stem	40r	-	2.5-3m	-	WRB
3	<i>Betula pubescens</i>	Semi mature	40r	18-20	5.7m	2	WRB
3	<i>Corylus avellana</i>	Multi stem	40r	-	2.5-3m	-	WRB
0	<i>Quercus robur</i>	Semi mature	40r	15-20	5.7m	2	WRB
Qty	Species	Overall height/spread	Root Condition	Pot Size	Habitat	Minimum number of trees	Density/m ²
NATIVE MIXED HEDGING @ 4 per sq m							
1500	<i>Acer campestre</i>	90-120	BR	1+2 trans	Bushy	-	20%
1500	<i>Alnus glutinosa</i>	90-120	BR	1+2 trans	Bushy	-	20%
750	<i>Cornus sanguinea</i>	90-120	BR	1+2 trans	Bushy	-	15%
750	<i>Corylus avellana</i>	90-120	BR	1+2 trans	Bushy	-	15%
250	<i>Ilex aquifolium</i>	40-60	C	3L	Bushy	-	5%
500	<i>Prunus spinosa</i>	90-120	BR	1+2 trans	Bushy	-	10%
250	<i>Rosa canina</i>	90-120	BR	1+2 trans	Bushy	-	5%
500	<i>Viburnum opulus</i>	90-120	BR	1+2 trans	Bushy	-	10%



LEGEND

- Site boundary
- Original layout removed
- Retained layout
- Proposed layout / edges
- Existing trees to be retained
- Existing trees to be removed above ground & stump ground
- Proposed tree (refer to planting plan)
- Existing planting to be retained
- Proposed native shrub planting and hydroseeded with Emorgate EW1 Woodland mix
- Existing planting to be removed
- Existing areas of grass to be retained and managed as grassland meadow
- Proposed wetland (Refer to Engineers Dwg) to be hydroseeded with Emorgate EMB Mix
- Proposed vegetated swale (Refer to Engineers Dwg) to be hydroseeded with Emorgate EMB Mix
- Proposed earth bunds to be hydroseeded
- Verger / existing areas of grass to be reinstated and hydroseeded with General A16 mix
- Existing levels
- Proposed levels (refer to engineers details)

NOTE:

Refer to Topsoiling, Detailed Planting Dwg Series and Plant Schedules for location and plant species.

- Soiling levels to be reduced / brought up to levels required to achieve the planting depths specified.
- Final tree positions to be marked out on site by the landscape architect / CA.
- Tree pits to have base and sides broken up / scarified by hand forking.
- Pits to be water tested to ensure that they are free draining. Contractor to photograph each exposed pit and video water test.
- Backfill topsoil in layers not exceeding 100mm and lightly 'settled' rather than compacted between layers.
- All imported topsoil to be of good quality, with a light texture and conform to BS 3882 'Multi Purpose' category.
- Trees to be matched with 50mm depth of Mulcourt 'Ornamental Grade Bark Mulch'.
- All pits shall be at least twice the spread of the rootball and with a minimum size of 1200x1200mm and where necessary the depth shall be increased to accommodate the depth of the roots, obtaining the correct planting level and appropriate planting conditions.
- All works to be in strict accordance with Allen Scott Specification for Landscape Works.
- Any areas of soft damaged by works to be de-compacted and re-turfed by contractor.
- All services to be identified on site before excavations occur.
- All planting to be derived from the nominated nursery.
- All planting to be set out with LA on site prior to planting.
- Give min 1 weeks notice prior to plant stock arriving on site.
- All plants must be well watered in directly after planting and mulched.
- Contractor must monitor soil moisture & plant conditions closely after planting & during maintenance to ensure that a watering regime is established quickly & diligently as soon as soil plants show signs of drying out / stress.
- All planting to be maintained by contractor for a min of 12 months post practical completion.
- IF IN DOUBT ASK

NOTES

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The Contractor is responsible for checking dimensions on site and report any discrepancies, errors or omissions to the Landscape Architect immediately.

The Contractor shall ensure that all plants, materials and ornamental features conform with current British Standard BS 5831, BS 5832 and BS 5833, and that all plants are sourced from suppliers with all relevant Certificates of Provenance and Registration in respect of Health & Safety.

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Rev Date By Description Cld

ALLEN SCOTT LANDSCAPE ARCHITECTURE

Drawing Status

For Tender

Project: Hemleys Meadows & Finches Field

Drawing Title: Planting Plan - North

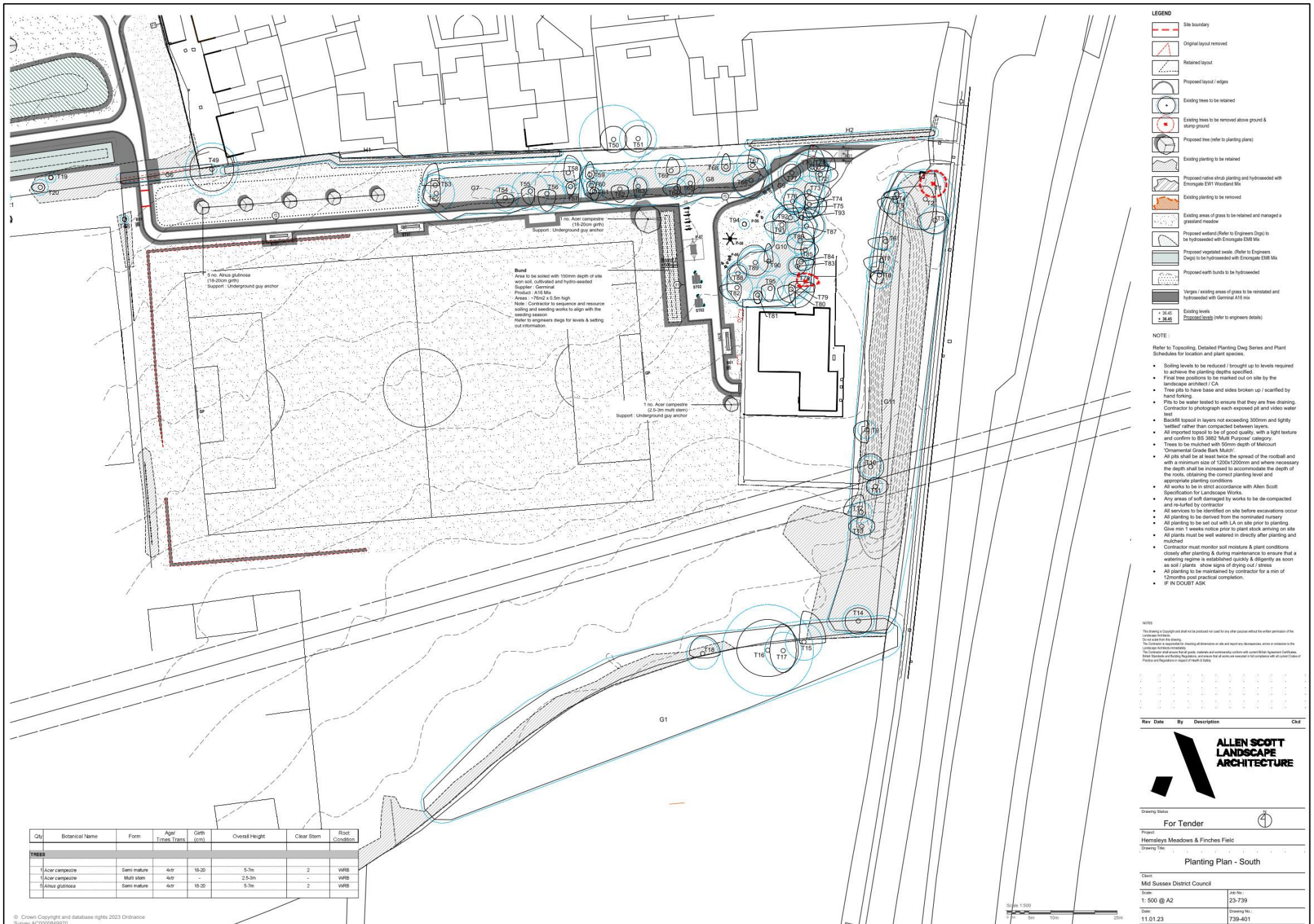
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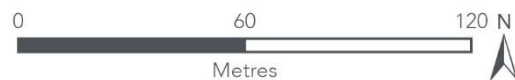
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Appendix IV: Biodiversity Features Plan

Hemsley Meadows and Finches Field, MSDC Park Masterplans, Haywards Heath, West Sussex

- Application site
- 1B Schwegler Nest Box
- 3S Schwegler Nest Box
- 2HW Schwegler Nest Box
- Log Pile
- Hibernacula
- Bat box



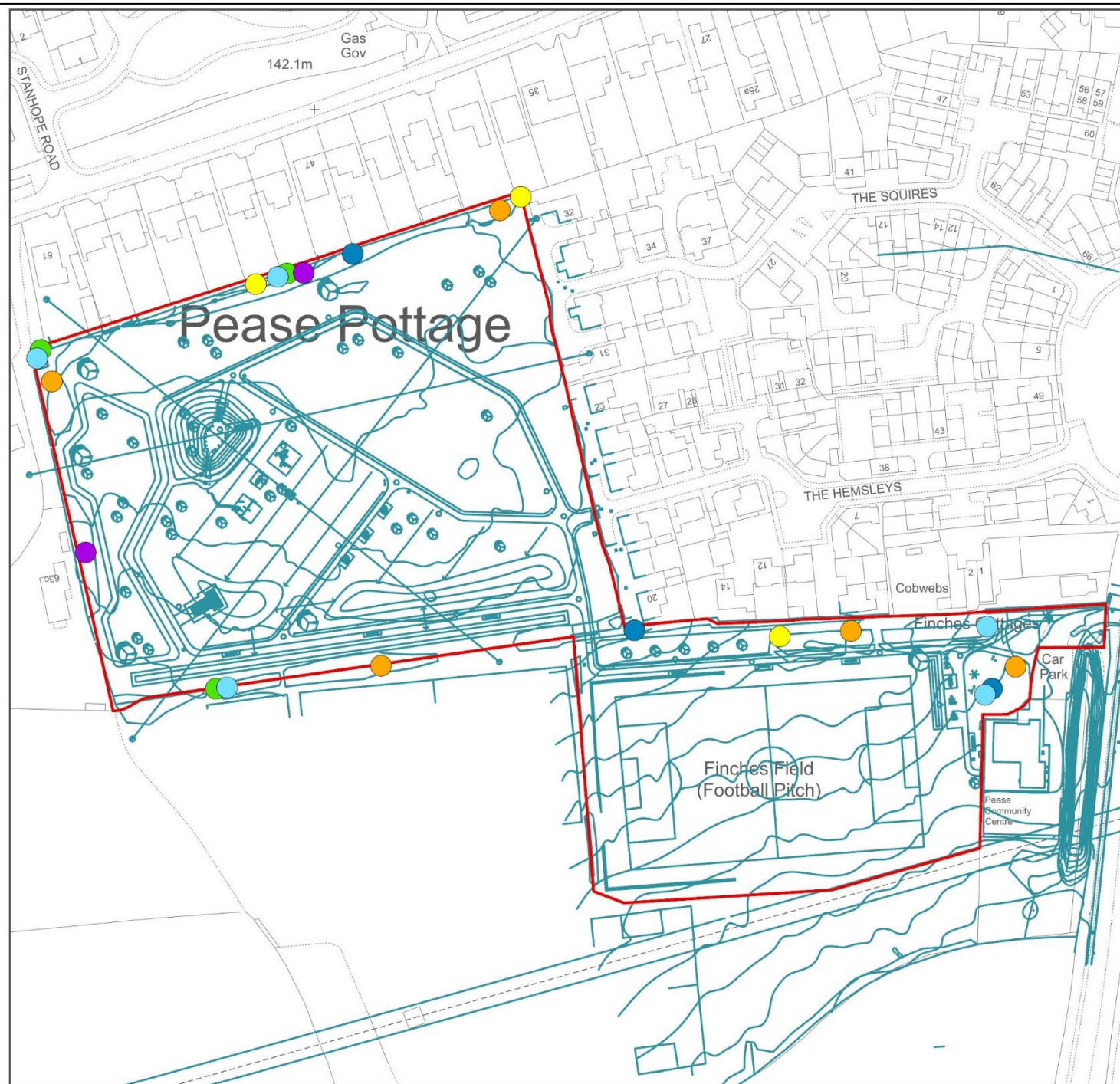
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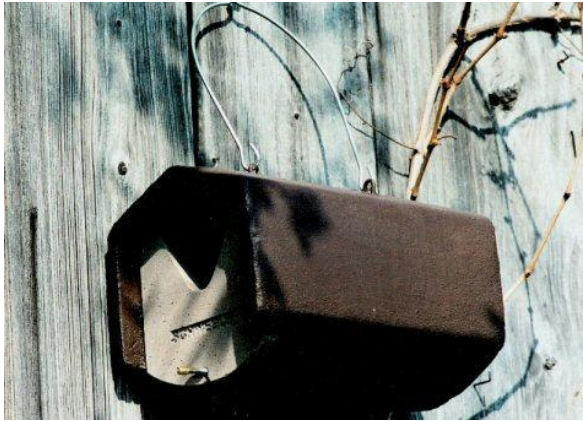
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Appendix V: Habitat Features & Specifications

Schwegler 1B Nest Box (26mm and 32mm): Material: Air-permeable and long lasting SCHWEGLER wood-concrete Siting: On trees, at a minimum height of 2m above the ground facing north or east. Dimensions: External: H 23 x D 16 cm Weight: 3.6kg approx.	 A cylindrical nest box with a dark brown wooden frame and a light-colored wood-concrete body. It has a circular entrance hole on the front and is suspended by a metal wire loop at the top.
Schwegler 2HW Nest Box: Material: Air-permeable and long lasting SCHWEGLER wood-concrete Siting: On trees, at a minimum height of 2m above the ground facing north or east. Dimensions: H 20 x W 20 x D 30cm Weight: 5.1kg approx.	 A dark brown, rectangular nest box with a light-colored wood-concrete body. It has a circular entrance hole on the front and is suspended by a metal wire loop at the top. It is shown hanging from a tree branch.
Schwegler 3S Nest Box: Material: Air-permeable and long lasting SCHWEGLER wood-concrete Siting: On trees, at a minimum height of 2m above the ground facing north or east. Dimensions: H 28 x W 19 x D 20 cm Weight: 4.4kg approx.	 A dark brown, rectangular nest box with a light-colored wood-concrete body. It has a circular entrance hole on the front and is suspended by a metal wire loop at the top.

Schwegler 2F Bat Box: Material: Air-permeable and long lasting SCHWEGLER wood-concrete Siting: On trees, at a height of between 4m and 6m above the ground facing south (between south-east and south-west). Dimensions: H 33 x D 16cm Weight: 3.8kg approx.	
Schwegler 2F Bat Box with Double Front Panel: Material: Air-permeable and long lasting SCHWEGLER wood-concrete Siting: On trees, at a height of between 4m and 6m above the ground facing south (between south-east and south-west). Dimensions: Height: 33cm Diameter: 16cm Weight: 4.1kg approx.	
Schwegler 2FN Bat Box: Material: Air-permeable and long lasting SCHWEGLER wood-concrete Siting: On trees, at a height of between 4m and 6m above the ground facing south (between south-east and south-west). Dimensions: H 36 x D 16cm Weight: 4.9kg approx.	

Appendix VI: Legislation and Planning Context

Legislation

General

The main legislative instruments for ecological protection in England and Wales are: the Wildlife and Countryside Act 1981 (WCA; as amended); Countryside and Rights of Way Act 2000 (CRoW; as amended); Natural Environment and Rural Communities Act 2006 (NERC; as amended); the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations; as amended); and the Environment Act 2021.

WCA 1981 consolidated and amended pre-existing national wildlife legislation in order to implement the Bern Convention and the European Union Wild Birds Directive (Council Directive 2009/147/EC). It complements the Habitats Regulations, offering protection to a wider range of species than the latter. The Act also provided for the designation and protection of nationally important conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSI). Schedules of the act list protected species of flora and fauna, as well as invasive species, and detail the possible offences that apply to these species.

The CROW Act 2000 amended and strengthened existing wildlife legislation detailed in the WCA. It placed a duty on government departments & the National Assembly for Wales to have regard for biodiversity, provided increased powers for the protection and maintenance of SSSI, and created a right of access to parts of the countryside. The Act contained lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The NERC Act 2006 consolidated and replaced aspects of earlier legislation. Section 40 of the Act places a duty upon all local authorities and public bodies in England and Wales to have regard to the purpose of conserving biodiversity in exercising all of their functions, including by restoring or enhancing habitats and species populations. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity (otherwise known as Priority Habitats/species as listed in the now superseded UK Biodiversity Action Plan). These lists supersede Section 74 of the CRoW Act 2000. These species and habitats are a material consideration in the planning process.

The Habitats Regulations 2017 are the principal means by the European Union Habitats Directive (Council Directive 92/43/EEC) was transposed into English and Welsh law, and place a duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria in Europe are designated as Sites of Community Importance by the European Commission, and subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. Since the UK's departure from the European Union the European Commission no longer has a role in designating SACs in the UK. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 establish a single stage designation process, where the appropriate authority is the decision maker. The selection and designation of SACs is based on the criteria set out in Annex III of the Habitats Directive insofar as it applies to the UK, and having regard to the advice of the appropriate nature conservation body.

The 2019 Amendment Regulations have created a new national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes existing SACs, existing Special

Protection Areas (SPA) originally designated as a result of Council Directive 2009/147/EC on the Conservation of Wild Birds, and any new SACs and SPAs designated under the 2019 Regulations. SACs and SPAs in the UK therefore no longer form part of the EU's Natura 2000 ecological network.

The Habitats Regulations also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively (European Protected Species (EPS)). Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade in these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations. Under the Habitats Regulations disturbance includes any activity which is likely to: impair the ability of a EPS to survive, breed, reproduce, or rear/nurture its young; impair the ability of a EPS to migrate or hibernate; or significantly affect the local distribution or abundance of the species.

The Environment Act 2021, among other things: established an Office for Environmental Protection; introduced a mandatory requirement for all new development requiring planning permission to achieve a net gain for biodiversity of at least 10% (although implementation of this is transitional); amended the NERC Act duty to conserve biodiversity by explicitly adding a duty to enhance; and requires local authorities to produce local nature recovery strategies.

Birds

Birds are protected by the Wildlife and Countryside Act, 1981 (as amended). This legislation makes it an offence to intentionally kill, injure or take away any wild bird. It is also an offence to take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. In addition, certain species are listed on Schedule 1 of the WCA (such as kingfisher *Alcedo atthis*). This makes it an additional offence to intentionally or recklessly disturb the adults while they are in and around their nest or intentionally or recklessly disturb their dependent young. Such species are considered to be in greater need of legal protection or of high nature conservation priority.

Birds of Conservation Concern ("BoCC4) are included on Red and Amber lists (Eaton *et al.*, 2015). Birds on the Red list are those of highest conservation priority due significant and sustained population decreases and/or range contractions (e.g. house sparrow *Passer domesticus* and starling *Sturnus vulgaris*). Birds on the Amber list are the next most critical group and include species whose population/range have shown moderate declines, or which have recovered to some extent from historical decline, such as dunnoek *Prunella modularis*.

Badger (*Meles meles*)

Badgers are listed under Schedule 6 of the Wildlife and Countryside Act which grants them partial protection. This protection is extended by the Protection of Badgers Act 1992 (Badger Act) which makes it an offence to take, injure or kill a badger, interfere with a sett, sell or possess a live badger, or mark or ring a badger without a licence. Under the Act disturbance is illegal without a licence. Natural England has published guidelines to be adopted when determining whether an activity is 'disturbing' i.e. a licence is required when, for example, using heavy machinery (generally tracked vehicles) within 30m of any entrance to an active sett. Licences are not normally issued during the badger breeding season (December – June inclusive).

Bats (*Chiroptera*)

Bats and their roosts are fully protected by protected by the WCA and the Habitats Regulations, and seven species of bats are species of principal importance. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a bat.

- ▶ Possess or control a live or dead bat, any part of a bat, or anything derived from a bat.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- ▶ Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection.
- ▶ Make a false statement in order to obtain a licence for bat work.

Hazel dormouse (*Muscardinus avellanarius*)

Dormouse is fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*:

- ▶ Intentionally kill, injure or take a dormouse.
- ▶ Possess or control a live or dead dormouse, any part of, or anything derived from a dormouse.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a dormouse uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a dormouse while it is occupying a structure or place that it uses for shelter or protection.

Reptiles

The four common species (slow-worm *Anguis fragilis*, common lizard *Zootoca vivipara*, adder *Vipera berus* and grass snake *Natrix helvetica*) are partially protected under the WCA. They are protected, *inter alia*, against intentional killing and injuring. The handling and translocation of these reptiles does not require a licence.

Smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* are fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a smooth snake or sand lizard.
- ▶ Possess or control a live or dead smooth snake or sand lizard, any part of, or anything derived from a smooth snake or sand lizard.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a smooth snake or sand lizard uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a smooth snake or sand lizard while it is occupying a structure or place that it uses for shelter or protection.

Weeds Act 1959 / Ragwort Control Act 2003

This legislation provides for orders to be made for control where notifiable weed species such as ragwort are said to be a problem. The act does not make it illegal to have ragwort (or other weed species) on your land, make it illegal to allow ragwort to spread, or force landowners automatically to control it. However, if DEFRA is satisfied that there are injurious weeds to which this Act applies growing upon any land it may serve upon the occupier of the land a notice in writing requiring them, within the time specified in the notice, to take such action as may be necessary to prevent the weeds from spreading.

Planning context

National Planning Policy Framework (Section 15: Conserving and enhancing the natural environment)

The National Planning Policy Framework (NPPF), published in December 2024, outlines the Government's commitment to the conservation of wildlife and natural features. It is concerned with:

- ▶ *Protecting and enhancing valued landscapes, sites of biodiversity or geological conservation value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- ▶ *Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- ▶ *Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- ▶ *Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current & future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- ▶ *Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- ▶ *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

The NPPF requires that local plans should “distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value...; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”.

To protect and enhance biodiversity and geodiversity, the NPPF states that planning policies should:

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

When determining planning applications, local planning authorities should aim to protect and enhance biodiversity by applying the following principles:

- ▶ *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- ▶ *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- ▶ *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

- ▶ *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

The following wildlife sites should be given the same protection as habitats sites:

- ▶ *potential Special Protection Areas and possible Special Areas of Conservation;*
- ▶ *listed or proposed Ramsar sites; and*
- ▶ *sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. The policies within the NPPF (and additional guidance contained within Circular 06/2005) are a material planning consideration.

UK/Local Biodiversity Action Plan Designations and Birds of Conservation Concern and Red Data Book Listings

Note that BAP designations and status as RSPB Birds of Conservation Concern or Red Data Book species does not offer any further legal protection, but planning authorities are required to prevent these species from being adversely affected by development in accordance with National Planning Policy and the CROW and NERC Acts. The United Kingdom Biodiversity Action Plan (UKBAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UKBAP contained a list of priority habitats and species of conservation concern in the UK, and outlined biodiversity initiatives designed to enhance their conservation status.

However, as a result of devolution, and new country-level and international drivers and requirements, much of the work previously carried out by the UK BAP is now focussed at a country-level rather than a UK-level, and the UK BAP was succeeded by the 'UK Post-2010 Biodiversity Framework' in July 2012. The UK lists of priority habitats and species nonetheless remain an important reference source and were used to draw up statutory lists of priority habitats and species in England, Northern Ireland, Scotland and Wales. The priority habitats and species correlate with those listed on Section 41 and 42 of the NERC Act.

The UKBAP required that conservation of biodiversity be addressed at a County level through the production of Local BAPs. These are targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs. Where they exist, Local BAP targets with regard to species and habitats are a material consideration in the planning process.

Local Planning Policy

The following policies relating to wildlife and biodiversity are contained within the adopted *Mid Sussex District Plan 2014-2031* (Mid Sussex District Council, 2018):

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

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.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.

Appendix VII: Legal and Technical Limitations

- This report has been prepared by Urban Edge Environmental Consulting Ltd (UEEC Ltd) with all reasonable skill, care and diligence within the terms of the contract made with the Client to undertake this work, and taking into account the information made available by the Client. No other warranty, expressed or implied, is made as to the professional advice included in this report or any other services provided by us.
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- Where this report presents or relies upon the findings of ecological field surveys (including habitat, botanical or protected/notable species surveys), its conclusions should not be relied upon for longer than a maximum period of two years from the date of the original field surveys. Ecological change (e.g. colonisation of a site by a protected species) can occur rapidly and this limitation is not intended to imply that a likely absence of, for instance, a protected species will persist for any period of time;
- This report has been prepared using factual information contained in maps and documents prepared by others. No responsibility can be accepted by UEEC Ltd for the accuracy of such information;
- Every effort has been made to accurately represent the location of mapped features, however, the precise locations of features should not be relied upon;
- Populations of animals and plants are often transient in nature and a single survey visit can only provide a general indication of species present on site. Time of year when the survey was carried out, weather conditions and other variables will influence the results of an ecological survey (e.g. it is possible that some flowering plant species which flower at other times of the year were not observed). Every effort has been made to accurately note indicators of presence of protected, rare and notable species within and adjacent to the site but the possibility nonetheless exists for other species to be present which were not recorded or otherwise indicated by the survey;
- Any works undertaken as a consequence of the recommendations provided within this report should be subjected to the necessary health & safety checks and full risk assessments.

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