

Preliminary Ecological Appraisal and Preliminary Roost Assessment

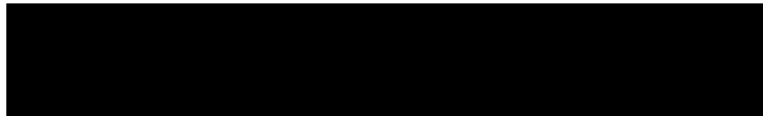
Ferring Country Centre, Rife Way, Ferring, Worthing BN12 5JZ

Ferring Country Centre

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Ferring Country Centre to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Ferring Country Centre, Rife Way, Ferring, Worthing BN12 5JZ (hereafter referred to as “the site”). The survey was required to inform a planning application for a single storey yoga studio (hereafter referred to as “the proposed development”).

The following is work you will need to commission to obtain planning permission and to comply with legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 7 of this report.

Feature	Foreseen impacts	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>
Habitats and flora	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers. The proposed development will result in the loss of approximately 100m² of tall ruderal vegetation. This is likely to have a minimal impact on biodiversity due to the low ecological value of these habitats.	Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.
Roosting bats	Bats are very unlikely to be roosting within the site and no buildings or trees will be impacted by the proposed development, and as such there are not anticipated to be any impacts on roosting bats as a result of the proposed development.	In the unlikely event that a bat or evidence of bats is discovered during the development (pertaining to B1) all work must stop and a bat licensed ecologist contacted for further advice.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Ferring Country Centre to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Ferring Country Centre, Rife Way, Ferring, Worthing BN12 5JZ (hereafter referred to as “the site”). The survey was required to inform a planning application for the erection of a single storey fitness studio (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting.

No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

1.2 Site Context

The site is located at National Grid Reference TQ 08903 02965 and has an area of approximately 120m² comprising bare ground and tall ruderal vegetation. The site is bordered by a metal fence to the west, which then extends into a large amenity grass playing field, and an access road directly adjacent west, which runs north-south and is formed of hard standing. Adjacent north of the site sits a single storey workshop, and to the south there is a metal shipping container.

A site location plan is provided in Appendix 2.

1.3 Scope of the Report

The PEA element of this report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

The PRA element of this report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A desk study has been carried out.

- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a 2km radius review of statutory designated sites and notable habitats as well as a 2km radius review of granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps.

2.2 Field Survey

The survey was undertaken by Charlie Vaughan-Jones (Accredited Agent on Natural England Bat Licence Number: 2016-22119-CLS-CLS) on Wednesday 1st June 2022.

Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in *Phase 1 Habitat Survey Methodology* (JNCC, 2010). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

Ponds on and adjacent to the site were assessed for their suitability to support great crested newts using the *Habitat Suitability Index (HSI) Assessment Methodology* (Oldham et al, 2000).

Preliminary Roost Assessment

The PRA focussed on one built structure, which is not part of the development, but surveyed in order to provide an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows.

Suitability Assessment

Built structures were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 for buildings below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats

Classification	Feature of building and its context
Moderate to high	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A small number of possible roost sites or features, used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but isolated in the landscape. Or an isolated site not connected by prominent linear features. Few features suitable for roosting, minor foraging or commuting.
Negligible	Unsuitable for use by bats.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

Specific limitations were the lack of access to building B1 as it was locked on arrival. The building is not subject to any development plans; however, the building was inspected due to the proximity of the proposed building (5m south). No suitable roosting features or roost entry points were identified during the survey, as such an internal inspection was not necessary as the presence of void dwelling bats (and crevice dwelling) was discounted.

3.0 Results and Evaluation

3.1 Desk Study Results

A summary of desk study results is provided below.

Designated Sites

No statutory designated sites were identified within 2km of the site.

Landscape

A review of aerial photographs (Google Earth) the magic.gov.uk database and OS maps has been undertaken. Collated together, the value of the landscape in terms of biodiversity is described below:

The site is in an urban area of West Sussex, 5.7km west of Worthing. The site is surrounded by arable fields to the north and west, which do contain some marginal vegetation in the form of low hedgerows, which could be of value to commuting wildlife in the area. The east is dominated by residential housing and a network of roads with little vegetation offering support for commuting wildlife. There is a rail line to the north of the site, which runs east to west. The rail line does not appear to be significantly vegetated; however, low scrub vegetation can be seen on ariel imagery which may provide cover for certain species and act as a wildlife corridor, aiding their dispersal across the landscape. There are ponds and streams in the area (Ferring Rife 120m west of the site) which will attract an abundance of invertebrates to the area for bats and birds to forage.

Notable Habitats

Notable habitats within 2km are listed in Table 2.

Table 2: Notable habitats within 2km of the site

Habitat	Closest distance from site (approx.)
Good quality semi-improved grassland	800m northwest
Coastal and floodplain grazing marsh	900m south
Deciduous woodland	1km southeast
Coastal vegetated shingle	1.5km south
Intertidal substrate foreshore	1.5km south
Ancient woodland	1.6km northeast
Lowland calcareous grassland	1.7km north

3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 3.

Table 3: Weather conditions during the survey

Date: 01/06/2022	
Temperature	15°C
Humidity	71%
Cloud Cover	40%
Wind	6.8mph
Rain	None

Habitats and Flora

A description and photograph of each habitat is provided in Table 4. No protected or non-native invasive plant species were identified on the site.

Table 4: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
Tall ruderal (Figure 1)	The site is comprised mainly of tall ruderal vegetation, covering approximately 100m². The southeast section of the site is restricted to bare ground. The dominant species consist of barren brome, common nettle, and bristly ox tongue. The following species were noted to be frequent in presence, garlic mustard, ribwort plantain, hedge mustard, bent grass, spear thistle, creeping buttercup, white clover, scarlet pimpernel, germander speedwell and Yorkshire fog, which were all fairly consistent throughout the stand. Giant burdock was noted to be rare in occurrence, populating a small area against the perimeter fence (east).	 Figure 1

Bare ground (Figure 2)	An area of bare ground, approximately 60m² covers the southwest section of the plot. This appears to be where emergency tree felling had been previously undertaken due to a tree falling into the access road adjacent west of the site and has resultantly disturbed the ground.	 Figure 2
Scattered trees (Figure 3)	There are scattered deciduous trees to the north and south of the site. The species consist of elder, sycamore, poplar, copper beach and aspen. The most mature tree stands at a canopy height of approximately 15m.	 Figure 3

Hard standing (Figure 4)	A concrete access road runs in a north to south direction, adjacent west of the site and is approximately 2.5m wide.	
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Figure 4

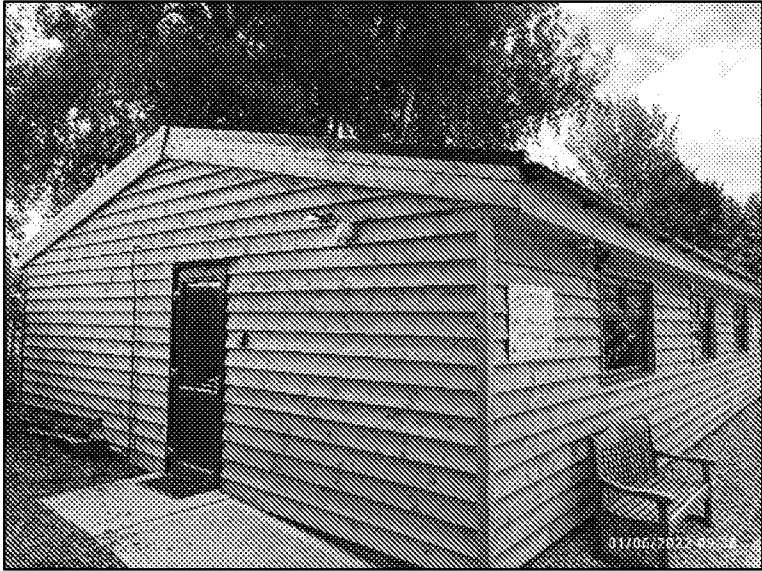
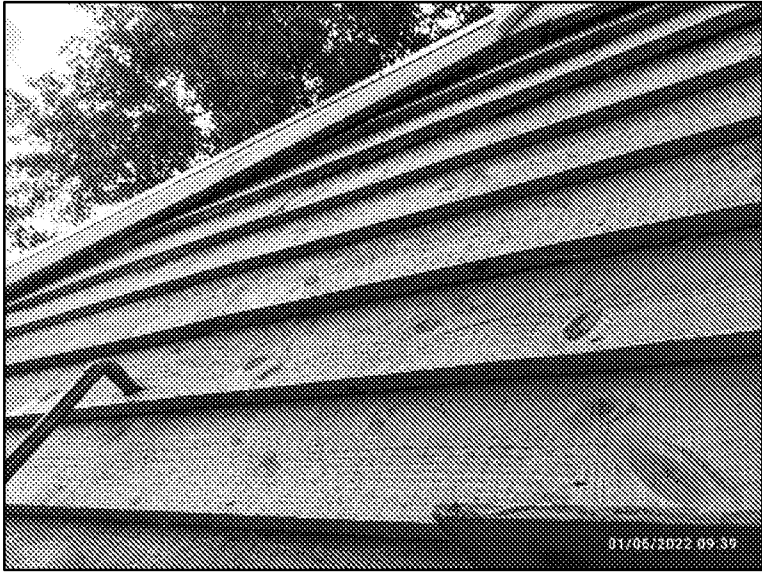
Fauna

Bats

There are two granted EPSL licenses for bats with 2km of the site. The closest being 600m southeast of the site for the destruction of a resting place of a brown long-eared and common pipistrelle roost.

The results of the PRA are provided in Table 5. No evidence of roosting bats was identified during the survey. The trees on site have negligible value for roosting bats due to a lack of roost features.

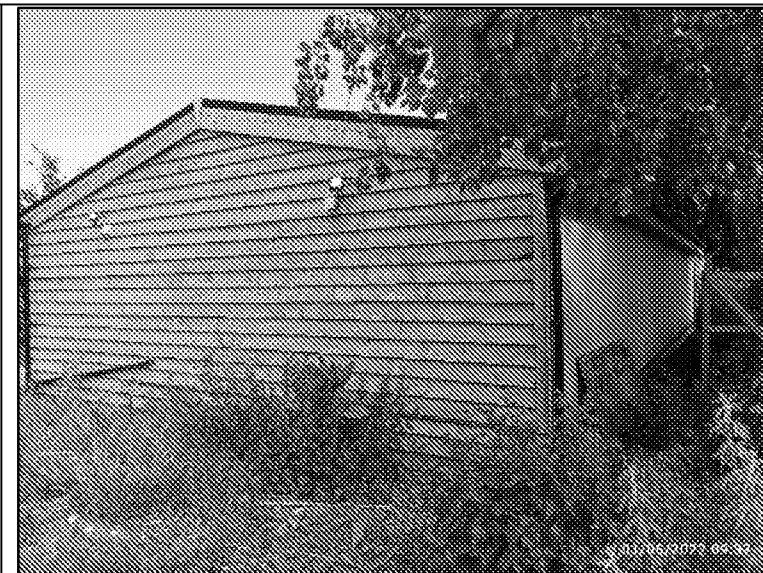
Table 5: Assessment of the suitability of the site for bats

Building B1 B1 – north and west elevation (Figure 5) B1 is a single storey, wooden cabin which is used as a workshop. The building is constructed of timber frame, with wooden cladding on the exterior. The wooden cladding is flush on both elevations and does not contain any suitable roosting features that crevice dwelling bats could use for roosting (Figure 6). The fascia boards do have gaps behind them; however, the gaps are too large for crevice dwelling bats to roost in the gaps were also covered with thick cobwebs, restricting access to the gaps. The gaps were also able to be closely inspected using a torch, and the gaps did not progress any further into the roof structure, nor did they contain any evidence of roosting bats. The roof is covered with a bitumen sheet, which contains no lifts or gaps that could be used by roosting bats.	 Figure 5  Figure 6
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B1 – northern and western elevations (Figure 7)

The timber cladding on the north and west elevations is also flush and contains no suitable gaps that could be used by crevice dwelling bats to roost. Of which small unsuitable gaps that are present, are also covered with cobwebs and restrict access further (Figure 8).

The fascia boards do have gaps behind them; however, the gaps are too large for crevice dwelling bats to roost in the gaps were also covered with thick cobwebs, restricting access to the gaps (Figure 9). The gaps were also able to be closely inspected using a torch, and the gaps did not progress any further into the roof structure, nor did they contain any evidence of roosting bats.

*Figure 7**Figure 8*

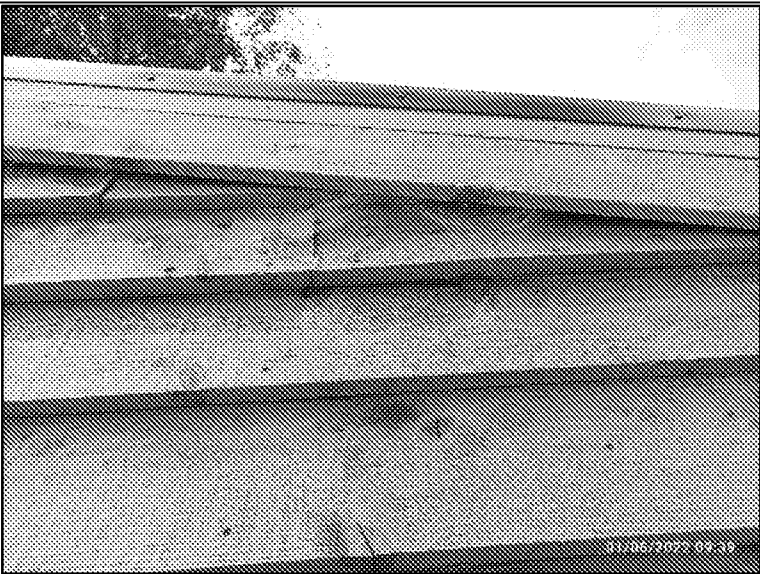
	
B1 Interior B1 – open plan room (Figure 10) B1 does not have any roof voids, and the ceilings are completely vaulted and sealed with plasterboard. The building contains windows along the western elevation which allow a large amount of light to enter the building, making unsuitable as a roosting location. The building is also regularly disturbed as it is a workshop and would discourage any void dwelling bats from using the building as a roost.	

Figure 9

Figure 10

Foraging and Commuting Habitat

There is a small line of mature trees (Figure 11) that continue northwards of the site, which provides suitable cover for any bats dispersing from nearby roosts.

The surrounding commuting habitat is sub-optimal, where there are a few disconnected tree lines and discontinuous hedgerows at the margins of the surrounding fields. The foraging habitat is of good quality, with numerous ponds and streams in the locality, which will attract invertebrates for bats to forage.

The Ferring Rife is also in close proximity to the site (120m west) and will attract an abundance of invertebrates for bats to forage (Figure 12).

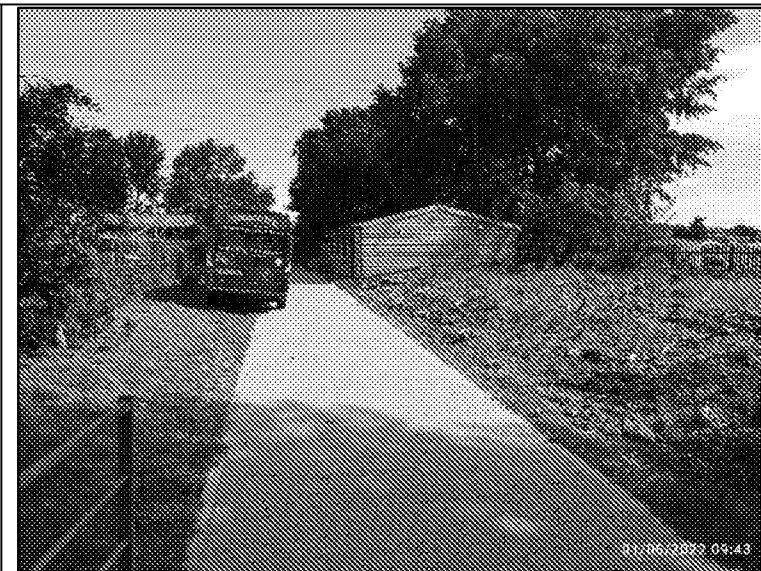


Figure 11



Figure 12

Other Species

A review of the Magic database revealed one great crested newt (GCN) class license return 1.9km northwest of the site. No further EPSLs were identified (other than the two bat EPSLs aforementioned) within 2km of the site.

An assessment of the suitability of the site for protected or notable species is provided in Table 6.

Table 6: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability
Amphibians	A review of the MAGIC database returned no granted EPSL records for great crested newts within 2km of the site. However, the MAGIC database did return a record of a GCN class licence return from 2014, located 1.9km northwest of the site. Great crested newts exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton <i>et al.</i> 2001). As such, the great crested newt metapopulation known to be present 1.9km northwest is not suitably connected to the site. There are two ponds within 500m of the site, as identified by ariel imagery on the Magic database and OS Maps. One of the ponds which is 212m south is isolated from the site by the presence of extensive buildings and hard standing, which are unsuitable to support the dispersal of amphibians as it offers no refugia opportunity and the buildings acts as a physical barrier to their dispersal. The second pond is 240m southwest of the site and is connected by marginal vegetation within the fields to the west of the site and lead north and east from the pond. These however do no connect to the site. The vegetation on the site is sparse, with open areas and limited refugia opportunity, and thus is sub-optimal habitat for amphibians. There are a few tree stumps on the site that do offer some habitat for resting/hibernating amphibians, however due to the disconnected nature of the site, this is unlikely. The playing field to the east is managed to short level and does not offer any refugia opportunity for amphibians to commute across, forage or find a resting place. The hardstanding adjacent west also offers no refugia opportunity and is unsuitable for amphibians. The buildings in the vicinity of the site act as a further barrier to the dispersal of amphibians, and therefore their presence on site is unlikely.

Reptiles	No reptile EPSLs were identified during a review of the Magic database. The site does contain some suitable habitat for reptiles; however, this is restricted to the slightly denser area of tall ruderal vegetation along the perimeter fence of the site to the east which may provide some foraging and commuting value. The small strip connects to the rail line 65m north, which contains excellent substrate for basking reptiles. However, the site is surrounded by managed amenity grassland to the east, as well as hard standing and buildings, which restricts the dispersal of reptiles in the area from entering the site, and their presence is unlikely.
Badgers	No evidence of badgers was identified on the site, including snuffle holes, latrines, commuter paths or setts. The site is suitable for sett creation, specifically where the site drops towards the east and creates a slight bank, which is a more optimal terrain for sett building. The site offers little foraging value due to the vegetation being composed of tall ruderal, with a large area of bare ground. The lack of vegetation on the site also offers no refugia for badgers commuting through the site. The site is surrounded by hardstanding, buildings, a metal fence to the east and managed amenity grassland, which significantly reduces the sites connectivity to the wider landscape. The presence of badgers on site is unlikely.
Hazel Dormouse	The site does not contain suitable vegetation to support a dormouse population, taking into account the lack of structured vegetation required for dormice to manoeuvre and commute across the habitat, as well as the lack of suitable dietary sources and nest building materials. The site does not have any suitable connecting habitats that dormice could use to enter the site in the form of converging canopies and continuous hedgerows.
Hedgehog	The site is unsuitable for hedgehogs due to the absence of structured vegetation and sparse nature of the habitats onsite and offers no refugia opportunity for hedgehogs. The site does not have any suitable connecting habitat for hedgehogs and is further restricted by a metal fence to the east, and surrounding buildings and hardstanding which act as a barrier to dispersal.

Otter	No otter or water vole EPSLs were identified within 2km of the site. The Ferring Rife is located 100m west of the site, which could be suitable habitat for otters and water vole for holt creation and foraging. The surrounding habitat is sub-optimal for otters and water vole, due to the urban nature of the landscape, being surrounded by residential housing, a caravan site and managed amenity grassland. These features act as a barrier to the dispersal of otter and water vole and significantly reduce foraging territory.
Birds	The site is unsuitable for birds due to the absence of dense vegetation and trees. Of what vegetation there is on site, it does not provide suitable dietary sources for birds and so the foraging value of the site is negligible. There are trees adjacent to the site which could be of value to nesting birds, however, no nests were recorded on site.
Invertebrates	The site may support common invertebrates through the provision of the ruderal vegetation on site. The tree stumps and any grounded dead wood will also serve as a suitable resting space for invertebrates. The connectivity to the site is limited as the only suitable connecting vegetation is the defunct treeline that extends north of the site. This significantly limits the ability of ground invertebrates to move onto the site, however, flying invertebrates will be more prevalent.

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

Likelihood of the Presence of Protected Species

Where physical evidence of the presence of protected species is indeterminate during the survey, the habitats on site are evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Where this report supports a planning application, the ecological interest of the study area (i.e. the area covered by the desk study and field survey) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity.

4.2 Evaluation

Taking the desk study and field survey results into account, Table 7 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the erection of a single storey yoga studio.

Table 7: Evaluation of the site and any ecological constraints

Ref	Summary of Survey Findings	Foreseen Impacts	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>	Biodiversity Enhancements <i>The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021)</i>
Designated sites	The site is not subject to any statutory or non-statutory designation and no statutory designated sites are present within 2km. The presence of non-statutory designated sites within 2km of the site cannot be established without data from Sussex Biodiversity Records Centre (SxBRC).	No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known) as well as the urban location of the site with surrounding physical barriers. The impacts to non-statutory sites cannot be established without biological records from SxBRC, but given the scale of the proposed development, no impacts are anticipated.	None.	None.

Habitats and flora	There are no notable habitats within the site, but seven habitats are present within 2km of the site, the closest being good quality semi-improved grassland located 800m northwest from the site. Other habitats within the site are common and widespread and have low ecological value. No protected or notable plant species were recorded during the survey.	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers. The proposed development will result in the loss of approximately 100m² of tall ruderal vegetation. This is likely to have a minimal impact on biodiversity due to the low ecological value of these habitats.	Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development: • Native tree, hedgerow and shrub planting. • Creation of wildflower grassland. • The creation of a wildlife pond to include native plant species and no fish. • A green roof on new buildings. Species-specific enhancement opportunities are detailed later in this table.
Amphibians	No granted EPSLs were identified within 2km of the site. There is one GCN class licence return 1.9km northwest of the site. There are no ponds on the site, but there are two within 500m, with the closest being 210m south. Both ponds are not connected to the site by suitable habitat that could support commuting amphibians. The site is further isolated by the surrounding amenity grassland to the east, which is sub-optimal terrain, as well as the presence of urban barriers such as buildings and hard standing roads with high curbs and regular drainage points. The presence of amphibians on site, including GCN, is unlikely.	No impacts are anticipated on amphibians, including great crested newt, as a result of the proposed development. The development does not include the loss of ponds, and of what habitat is being removed is low value for amphibians and is isolated from the surrounding landscape.	None.	None.

Reptiles	No reptile EPSLs were recorded within 2km of the site. The vegetation on site is sub-optimal for reptiles, due to its sparse nature and small area of approximately 200m² which is unsuitable to support an isolated population of reptiles. The site's connectivity is poor, with only a defunct treeline extending north which is suitable for reptiles to commute across. The remaining habitats consist of managed amenity grassland, buildings and hard standing, all of which offer no refugia to reptiles and also act as a physical barrier to their dispersal onto the site. The presence of reptiles on site is unlikely.	No impacts are anticipated on reptiles as a result of the proposed development. The habitat being removed is of low value to reptiles and is isolated from the wide landscape.	None.	None.
Roosting bats	Two granted bat EPSLs were identified within 2km of the site, with the closest being 600m southeast of the site for the destruction of a resting place of a brown long ear and common pipistrelle roost. Building B1 has negligible value for roosting bats due to a lack of potential roost features. The buildings cladding is flush with no suitable roosting features that could be used by crevice dwelling bats. The fascia boards on the north and south elevations do have gaps but are not suitable for roosting bats and the gaps are covered with thick cobwebs. The gaps were also inspected with a torch and the absence of roosting bats was confirmed. The trees on site have negligible value for roosting bats.	Bats are very unlikely to be roosting within the site and no buildings or trees will be impacted by the proposed development, and as such there are not anticipated to be any impacts on roosting bats as a result of the proposed development.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	The installation of a minimum of two bat boxes on mature trees around the site boundaries will provide additional roosting habitat for bats e.g. • 2F Schwegler Bat Box • 1FF Schwegler Bat Box • 2FN Schwegler Bat Box Or a similar alternative brand. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light.

Foraging and commuting bats	The defunct treeline extending north from the site could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats nor the use of additional lighting.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: • The creation of a wildlife pond. • Planting of native tree, shrub and hedgerows to increase foraging opportunities.
Badger	No evidence of badgers was recorded on site. The site does have some suitability for sett creation due the presence of an embankment on the eastern side of the site along the perimeter fence, however, no evidence of sett creation was recorded. The site does not provide suitable foraging or commuting territory for badgers. The site's connectivity is limited by the surrounding buildings, hardstanding, metal fence and amenity grassland, which are all restrictive to the dispersal of badgers as well as acting as physical barriers preventing badgers from entering the site, particular to the east. Badgers are unlikely to be present on site.	No impacts are anticipated on badgers as a result of the proposed development due to their absence from the site.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for badgers: • Planting fruit bearing trees and species-rich grassland to increase foraging opportunities.

Hazel dormouse	No dormouse EPSLs were identified within 2km of the site. The site is unsuitable for dormice due to the absence of varied and structured vegetation on or surrounding the site. There are no suitable connecting treelines or hedgerows that could be used by dormice to commute across the landscape. Dormice are unlikely to be present on site.	No impacts are anticipated on hazel dormice as a result of the proposed development due to the unsuitability of the site for this species.	None.	None.
Hedgehog	No evidence of hedgehog activity was recorded on site. The site is unsuitable for hedgehogs due to the lack of provision the vegetation offers in terms of foraging territory and cover from predation, as well as no structures to be used as hibernacula. The presence of hedgehogs on site is unlikely.	No impacts are anticipated on hedgehogs as a result of the proposed development, as there is no suitable habitat on site for hedgehogs.	None.	None.
Otter and water vole	No otter or water vole EPSLs were identified within 2km of the site. The site is unsuitable for otters and water vole due to the absence of permanent and established watercourses. The Ferring Rife which is located 120m east of the site may be suitable for otter and water vole, however the surrounding terrestrial habitat is limited and is fragmented by urban barriers such as buildings and roads. The presence of otters and water vole on site is unlikely.	No impacts are anticipated on otters or water vole as a result of the proposed development, as there are no watercourses on or adjacent to the site. The Ferring Rife is sufficient distance (100m east) from the development.	None.	None.

Birds	No active bird nests were recorded on site or within the surrounding trees. The vegetation on site is unsuitable for supporting nesting birds due to the sparse nature and lack of foraging value. The sites connectivity is limited in all directions barring the defunct treeline extending north, which may provide some aid to the dispersal of birds. Nesting birds are unlikely to be present on site.	No impacts are anticipated on nesting birds as a result of the proposed development, as only tall ruderal vegetation is being removed and all surrounding trees retained.	None.	None.
Invertebrates	No invertebrate EPSLs were identified within 2km of the site. The site is suitable to support common invertebrates through the onsite vegetation and grounded dead wood. The connectivity of the site is limited, with only the defunct treeline extending north providing a suitable means of dispersal for invertebrates. Common invertebrates are likely to be present on site.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	None.

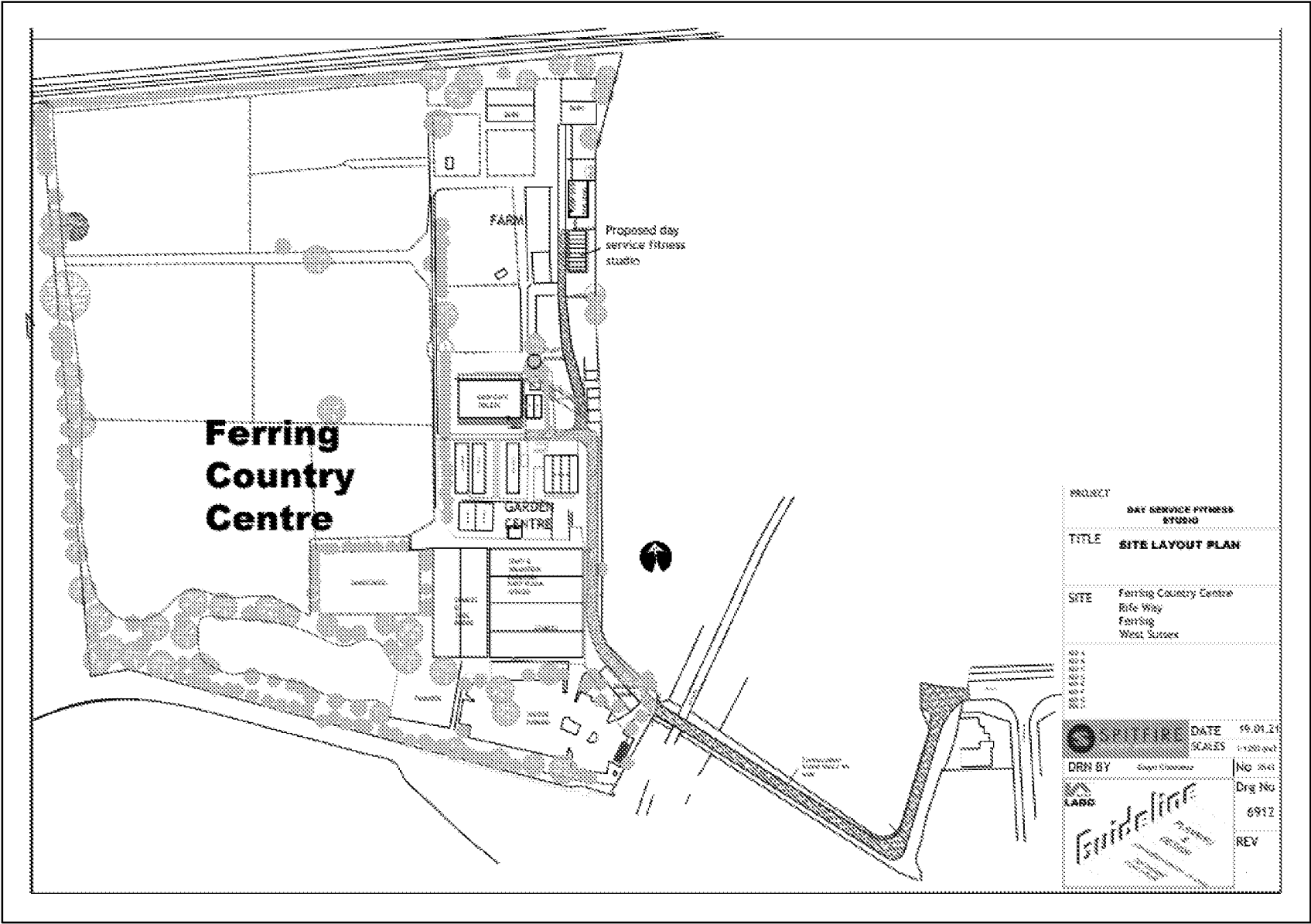
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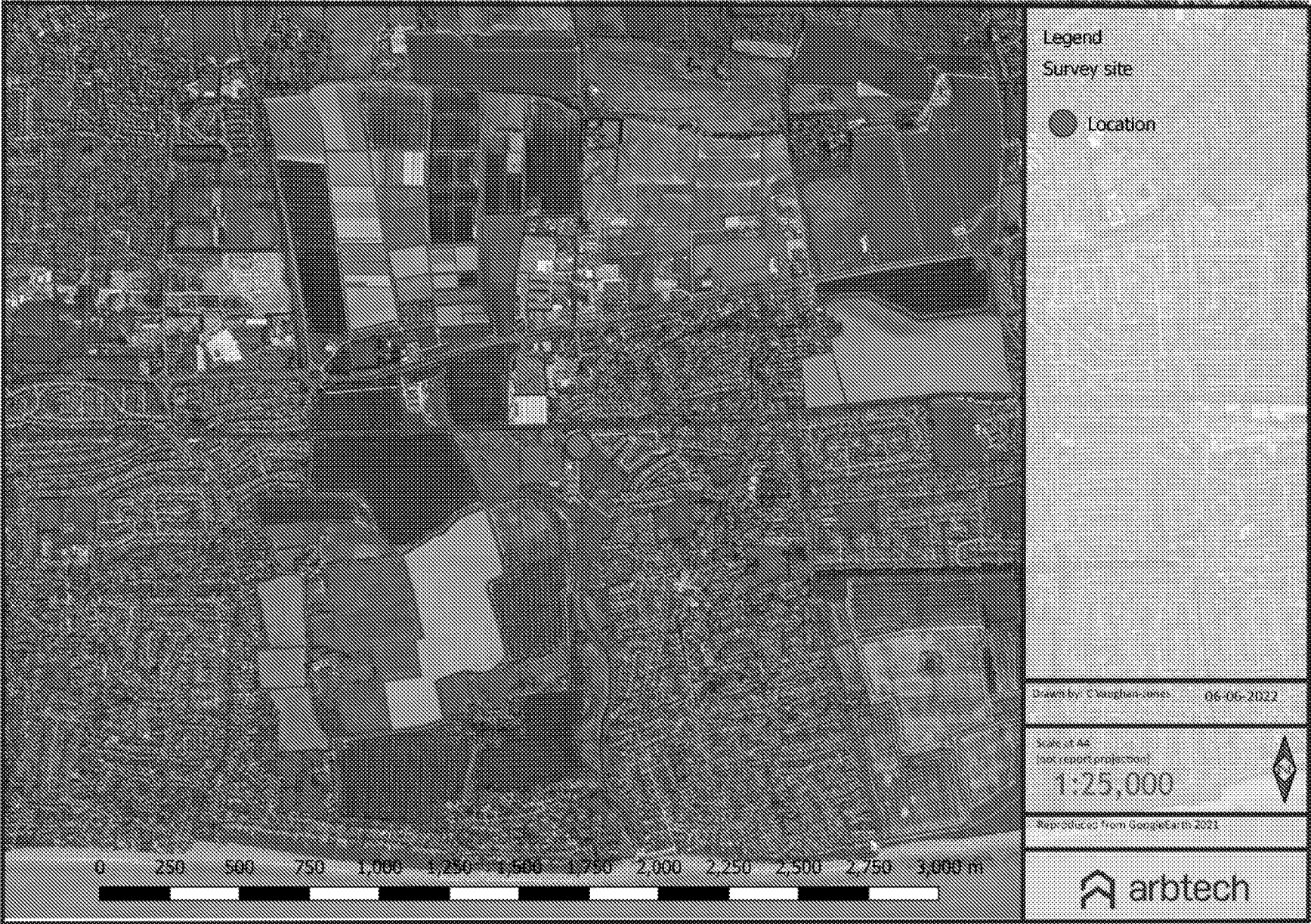
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Appendix 1: Proposed Development Plan



Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”. However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (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 hedgerows on or adjacent to common land, village greens, 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 without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CROW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works:

A development licence will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is not possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence 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 an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds.

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
- In Scotland only, intentional or reckless harassment

Effects on development works:

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and 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
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- 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

Effects on development works:

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency 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. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA 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

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA 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

Effects on development works:

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales (NB: Hazel Dormouse are entirely absent from Scotland)). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

It is also classified as Endangered in the IUCN Red List of Endangered Species. As a result of this and other relevant crayfish legislation such as the Prohibition of Keeping of Live Fish (Crayfish) Order 1996, a series of licences are needed for working with White-clawed and non-native crayfish. These are:

- A licence to handle crayfish (therefore survey work) in England
- A licence for the keeping of crayfish in England and Wales with an exemption for Signal crayfish (England).
- People in the post-code areas listed with crayfish present prior to 1996 do not need to apply for consent for crayfish already established. It does not, however, allow any new stocking of non-native crayfish into waterbodies. Consent for trapping of non-native crayfish for control or consumption is most likely to be granted in Thames and Anglian regions in the areas with "go area" postcodes.
- Harvesting of crayfish is prohibited in much of England and in any part of Scotland and Wales.

Effects on development works:

The relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it 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, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This 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.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- 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)
- 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 part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
 - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
 - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

Effects on development works:

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

Effects on development works:

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

Effects on development works:

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY (ENGLAND)***Environment Act 2021***

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed 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 harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; 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.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

LOCAL PLANNING POLICY

Worthing and Adur Draft Local Plan (2020)

The local plan can be viewed here: <https://www.adur-worthing.gov.uk/media/Media,159076,smxx.pdf>

The following planning policies have implications in relation to biodiversity and the proposed development:

DM18 - BIODIVERSITY

- a) Planning applications should be supported by relevant environmental information, which is informed by appropriate up-to-date ecological information, prior to determination.
- b) All development should ensure the protection, conservation, and enhancement of biodiversity. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts or through design), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then as a last resort such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused. This process is known as the mitigation hierarchy.
- c) Developments which would adversely affect a Site of Special Scientific Interest (SSSI) (individually or cumulatively) will not normally be permitted. Exceptions will only be made where the benefits of the development on the particular site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts. Where an exception is considered the mitigation hierarchy will apply.
- d) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists
- e) Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Wildlife Site, wildlife corridors, stepping stones or Local Geological Site will not be permitted unless it can be demonstrated the benefits of the proposal outweigh the need to safeguard the nature conservation value of the site/feature. Where an exception is considered the mitigation hierarchy will apply

Biodiversity and Planning in Sussex

The local BAP can be viewed here: <https://assets.sussexwildlifetrust.org.uk/Files/swt-planning-guidance-2014.pdf>

The following habitats have been identified on or surrounding the site (based on the site survey and a review of the magic.gov.uk database) and are included in the plan:

- Good quality semi-improved grassland.
- Coastal and floodplain grazing marsh.
- Deciduous woodland.
- Coastal vegetated shingle.
- Intertidal substrate foreshore.
- Ancient woodland.
- Lowland calcareous grassland.
- Ponds.

The following species could be present on the site or in the surrounding area (based on the site survey and a review of the magic.gov.uk database) and are included in the plan:

- Brown hairstreak butterfly.
- All bat species.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.