

Mill Lane, Rustington

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Preliminary Ecological Appraisal

Planning Issues Ltd

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EXECUTIVE SUMMARY

Contents	Summary
Site Location	The site is located on Mill Lane, Rustington and is centred at Ordnance Survey National Grid Reference TQ 0563 0298. The site lies towards the north of the village of Rustington, between Littlehampton and Worthing.
Proposals	The proposals comprise the redevelopment of the site into a combination of 28 apartments for retirement living including 19 one-bed and nine two-bed apartments, and three dormered retirement bungalows with associated infrastructure, parking and open greenspace. The plan has been reconfigured since 2024 to allow for an alternative drainage strategy to include permeable block paving and a swale.
Scope of this Survey(s)	To carry out a Preliminary Ecological Appraisal (PEA) to assess the site for potential for protected species and habitats and advise on ongoing surveys. To undertake Preliminary Roost Assessments (PRAs) of the buildings and trees on site to determine potential for roosting bats.
Results and Evaluation	The surveys in 2024 and 2026 found that: • The site is 7.8km to the east of the Solent and Dorset Coast SPA. • Habitats recorded include buildings, urban developed land sealed surface, modified grassland, scattered trees and introduced shrub. The scattered trees are of local importance. • Two of the buildings on site provide potential roosting features for bats. • The scattered trees and introduced shrub provide suitable nesting habitat for common bird species.
Recommendations	The following additional surveys and assessments have been recommended: • Completion of a Biodiversity Net Gain metric and accompanying report. • Further bat emergence surveys on buildings on site. The Windmill Inn (B1) was assessed as having high potential for roosting bats and will require three bat emergence surveys. The bungalow at 34 Mill Lane (B6) was assessed as having low potential for roosting bats and will require one bat emergence survey during the peak bat survey period. Should bats be identified roosting within B1 and B6 during the surveys a full suite of surveys and a European Protected Species Licence (EPSL) may be required. • Removal of trees and introduced shrubs to be undertaken outside of nesting bird season (March to September inclusive). • Continued management of modified grassland lawns on site to ensure the site remains unsuitable for reptiles prior to works commencing. • In line with national and local planning policy the site will be enhanced for biodiversity. Measures include bat and bird boxes, insect boxes/bricks and native species planting.

Conclusion	Provided the measures within this report for further survey, assessment and mitigation can be adopted, a design can be brought forward for this site that would be compliant with current local and national biodiversity planning policy.
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1.0 INTRODUCTION

1.1 BACKGROUND

Tetra Tech was commissioned by Planning Issues Ltd on 15th April 2024 and 1st April 2026 to undertake a Preliminary Ecological Appraisal (PEA) of their site at Mill Lane, Rustington, hereafter referred to as “the site”.

This report has been prepared by Senior Ecologist Callum Bees BSc (Hons) ACIEEM MEnvSc and updated by Project Ecologist Chloe Mockridge-Smith BSc (Hons) MSc. The conditions pertinent to it are in Appendix A.

1.2 SITE DESCRIPTION

The site is located on the east of Mill Lane, Rustington, BN16 3JN and is centred at Ordnance Survey National Grid Reference TQ 0563 0298. The site lies towards the north of the village of Rustington, between Littlehampton and Worthing.

The site consists of a pub with hardstanding carpark, with an area of amenity grassland forming a beer garden and a residential house to the south with a driveway, rear garden of hardstanding and amenity grassland.

The site is immediately bounded by residential areas within Rustington, with houses to the north, east and south and Mill Lane to the west. Residential housing continues in all directions merging with East Preston to the east and Littlehampton to the west. Large areas of open space are present to the north with the closest being Ham Manor Golf Club (c.330m north) which is separated from the South Downs National Park (c.2.7km north) by agricultural fields. The river Arun is approximately 3.2km to the west of the site and the Solent and Dorset Coast Special Protection Area (SPA) is c.7.8km west of the site.

1.3 DEVELOPMENT PROPOSALS

The proposals comprise the redevelopment of the site into a combination of 28 apartments for retirement living including 19 one-bed and nine two-bed apartments, and three dormered retirement bungalows with associated infrastructure, parking and open greenspace. The plan has been reconfigured since 2024 to allow for an alternative drainage strategy to include permeable block paving and a swale (current plan: JBA 24 212 SK02 rev D Landscape Strategy).

1.4 PURPOSE OF REPORT

The purpose of this report is to:

- Undertake a desk study to obtain existing information on statutory and non-statutory sites of nature conservation interest and relevant records of protected/notable species within the site and its zone of influence (Zoi);
- Present the results of an extended Phase 1 Habitat Survey, involving a walkover of the site to record habitat types and dominant vegetation, including any invasive species, and evidence of protected fauna or habitats capable of supporting such species;

- Evaluate potential ecological receptors on site and within the zone of influence; identify any constraints to the sites development and make any recommendations for further surveys, mitigation or enhancement; and
- Identify buildings and trees within the site that have potential to be used by bats as part of the Potential Roost Assessment (PRA).

The details of this report will remain valid for a period of eighteen months from the date of the survey (i.e. October 2027) (CIEEM, 2019), after which the validity of this assessment should be reviewed to determine whether further updates are necessary. The recommendations within this report should be reviewed (and reassessed if necessary) should there be any changes to the red line boundary or development proposals which this report was based on.

Scientific names are provided at the first mention of each species and common names (where appropriate) are then used throughout the rest of the report for ease of reading.

2.0 METHODOLOGY

2.1 DESK STUDY

The desktop study comprised two elements:

- A data search obtained from Sussex Biodiversity Record Centre (SxBRC) on 16th May 2024.
- Online element including a search using Multi Agency Geographic Information for the Countryside (MAGIC) (<https://magic.defra.gov.uk>) website and Ordnance Survey (OS) and Aerial Imagery (<https://www.bing.com/maps>).

The geographical extent of the search area was related to the significance of sites and species and potential zones of influence. For this site the following search areas were considered appropriate:

- 10km for sites of International Importance (e.g. Special Areas of Conservation (SAC), Special Protection Area (SPA), Ramsar sites);
- 2km for sites of National or Regional Importance (e.g. Sites of Special Scientific Interest (SSSI), protected or otherwise notable species and non-statutory designated sites of County Importance (e.g. Local Wildlife Sites (LWS));
- 2km for biological records, and
- 1km for ancient woodland and mapped priority habitats.

The data search did not cover Tree Preservation Orders (TPOs); or Conservation Areas designated for their special architectural and historic interest.

2.2 FIELD SURVEYS

The following methodologies have been used to identify the ecological receptors present on or near the site and which are relevant to the proposed development. Survey extended beyond the site to a distance of 50m where accessible.

2.2.1 Habitats

A habitat classification survey (referred to herewith as 'UKHab' classification) was undertaken on the site on 23rd April 2024 by Tetra Tech Principal Ecologist Alex Coggins BSc (Hons) in accordance with the UK Habitat Classification Professional Edition v2 (UKHab Ltd, 2023). Due to the lapse in time, an update survey was undertaken on the 8th April 2026 by Alex Coggins. The weather conditions for the surveys are detailed in Table 1 below.

Table 1. PEA Weather Conditions

Date of survey	Temperature (in °C)	Rain	Wind speed	Cloud cover (%)
23/04/2024	11	0	1	80
08/04/2026	18	0	2	0

The vegetation and broad habitat types within the site were recorded in accordance with the UK Habitat Classification Professional Edition v2.0 (UKHab Ltd, 2023), with the site's suitability to support notable flora assessed according to the Chartered Institute of Ecology and Environmental Management guidelines (CIEEM, 2017). Dominant plant species were recorded for each habitat present using standard nomenclature (Stace, 2019).

2.2.2 Protected and Notable Species

The site was inspected for evidence of, and its potential to support, protected or notable species, especially those listed under the Schedule 2 of the Habitat Regulations 2017 (as amended), Schedule 5 of the Wildlife and Countryside Act (W&CA) 1981 (as amended), the Countryside Rights of Way (CROW) Act 2000, those given extra protection under the Natural Environment and Rural Communities (NERC) Act 2006, and species included in the Sussex Biodiversity Action Plan – Sussex Biodiversity Partnership.

The presence of some species was determined using standard best practice guidance and are listed below.

Bats

Roosting Bats – Buildings / Structures / Trees

Any suitable buildings, structures or trees on site were assessed from the ground for their suitability to support breeding, resting and hibernating bats using survey methods based on the BCT *Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th Edition* (Collins, 2023) – hereafter referred to as the 'BCT Guidelines'.

Foraging / Commuting Bats

Potential habitat for foraging and commuting bats were assessed on site according to the BCT Guidelines.

Birds

Bird Species identified at the time of survey were noted and nesting birds recorded as seen. An assessment of habitats was undertaken to determine the likely value to breeding and foraging birds.

Reptiles

The site was appraised for its suitability to support reptiles using guidance outlined in the Herpetofauna Workers' Manual (Gent & Gibson, 2003).

Invertebrates

The site habitats were appraised for suitability to support assemblages of invertebrates and commented on in the report as appropriate.

Other Species

The site was also appraised for its suitability to support other protected or notable fauna with regard to the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and BS42020:2013 Biodiversity – Code of

Practice for Planning and Development (BSI, 2013). Evidence of any current or historical presence of such species was recorded.

Invasive Species

Evidence of species listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended, were recorded as seen.

Scoped Out

Amphibians, including great crested newt *Triturus cristatus*, (GCN) have been scoped out and are not discussed further in the report due to the distance of waterbodies from the site. The nearest watercourse is located approximately 175m north of the site but fragmented in connectivity by the active train line and the B2140 Mill Lane. The nearest ponds which could be suitable for GCN and other amphibians are located 680m north in the Ham Manor Golf Club, which is outside of the typical migration distance for GCN. The site is separated from these ponds by urban sprawl, industrial sites and the A259 main road, and the ponds are over 500m from the site. As per GCN guidance, these ponds do not need to be considered for the application.

Water vole *Arvicola amphibius* and otter *Lutra lutra* have been scoped out and are not discussed further in the report due to the lack of suitable commuting, foraging or resting habitats within 250m of the site. The nearest drain is located approximately 175m north of the site albeit fragmented due to road and rail infrastructure. Beyond that the nearest network of suitable ditches (Black Ditch) are located at least 1km north-west of the site.

Hazel dormice *Muscardinus avellanarius* have been scoped out and are not discussed further in the report due to the lack of suitable well-connected habitats within or adjacent to the scheme. There is no presence of linear habitats such as hedgerows or hedgerows with trees to provide suitable movement corridors or nesting and foraging habitats for dormice.

2.2.3 Preliminary Roost Assessment

A Preliminary Roost Assessment (PRA) was also undertaken on 23rd April 2024 by Tetra Tech Principal Ecologist Alex Coggins BSc (Hons) (Natural England Class 1 bat licence surveyor: 2019-39837-CLS-CLS). An update PRA was undertaken on the 8th April 2026 by Alex Coggins (Natural England Class 1 bat licence surveyor: 2025-85639-CL17-BAT). The weather conditions were as per Table 1 (above).

Buildings

The roost assessment was completed to assess the likelihood of bats using the buildings within the site for summer roosting and winter hibernation.

The buildings were systematically inspected during daylight, and any features suitable for bats were noted such as weatherboarding, hanging tiles, soffit boxes, gaps in brickwork, cracks, crevices, lifted lead flashing slipped or broken tiles and missing mortar below ridge tiles. Features located at height were viewed from the ground using binoculars. Any potential bat access points were inspected for signs of bat presence such as:

- Bat droppings on the ground outside, on the floor inside or stuck to walls;
- Other evidence of bats such as feeding remains;

- Suitable entry and exit points around cladding, eaves, flashing, under tiles or gaps in mortar;
- Live bats, bat corpses or skeletons; and
- Oily marks (from fur) or localised clean spots around possible access points and roost areas.

Full internal access of buildings was not permitted at time of the PRA due to the lack of an asbestos report.

All buildings were then categorised using the table below (refer to **Table 2**).

Table 2. Categories of Bat Roost Suitability (BCT 2023 Guidelines)

Suitability	Typical Roosting Features
None	No habitat features likely to be used by roosting bats at any time of year (i.e. a complete absence of crevices/ suitable shelter at all ground/ underground levels.)
Negligible	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain potential roost features but with none seen from the ground or features seen with only very limited roosting potential.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis & potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/ stable hibernation site.

Trees

All trees were inspected from the ground using binoculars and high-powered torches during daylight hours, and any features suitable for bats were noted, such as tear outs, knot holes, transverse snaps, basal cavities and lifting bark. Any potential bat access points or roost areas were identified and inspected for signs of bats such as:

- Bat droppings on the ground outside the feature or stuck to the tree;

- Other evidence of bats such as feeding remains; and
- Oily marks (from fur) or localised clean spots around possible access points and roost areas.

All trees were then categorised using the table below (refer to **Table 3**).

Table 3: Suitability of trees for bats (BCT 2023 Guidelines)

Suitability	Description
NONE	Either no Potential Roosting Features (PRFs) in the tree or highly unlikely to be any.
FAR	Further assessment required to establish if PRFs are present in the tree.
PRF	A tree with at least one PRF present.

Any trees assessed as having PRF suitability, were further assessed for its potential suitability for individual or multiple bats (refer to **Table 4**).

Table 4: Suitability of PRFs for bats

Suitability	Description
PRF-I	PRF is only for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats.
PRF-M	PRF is suitable for multiple bats and may therefore be used by a maternity colony.

2.3 LIMITATIONS

The optimal period to undertake an extended UKHab survey is April-September, inclusive. The 2024 and 2026 surveys were both undertaken in April, which is within the optimal period for identifying plant species and most protected and notable species. Therefore, there are not considered to be any limitations to the survey effort as a result of the timing of the visits.

Any absence of desk study records cannot be relied upon to infer absence of a species/habitat as the absence of records may be a result of under-recording within the given search area.

Internal access of the buildings was not permitted at the time of surveys in 2024 or 2026 due to health and safety concerns, due to the lack of an asbestos register. This is not perceived as a significant limitation as there were PRFs on the exterior of the buildings, and the buildings were still able to be classified for their overall suitability for hosting roosting bats.

A 50m buffer zone of publicly accessible land was surveyed for presence of badger but there were areas within the buffer zone that were located within private property (which the surveyor did not have permission to access in 2024 or 2026). This is not perceived as a significant limitation as the adjacent landscape were predominately urban/residential and presented limited sett building opportunities.

To determine presence or likely absence of protected species usually requires multiple visits at suitable times of the year. This survey focuses on assessing the potential of the site to support species of note, which are considered to be of principal importance for the conservation of biodiversity with reference to those given protection under UK or European wildlife legislation, from only a single visit. This report cannot, therefore, be considered a comprehensive assessment of the ecological interest of the site. However, it does provide an assessment of the ecological interest present on the day the site was visited and highlights areas where further survey work may be recommended.

3.0 RESULTS & EVALUATION

3.1 PROTECTED SITES

Habitats sites identified within 10km of the proposed development are presented in Table 5 with the designation, qualifying features and proximity from the development site also indicated. A figure illustrating the location of these sites is provided in Figure 2.

There are no National designated sites, including SSSIs, within 2km of the site, and no records of any local non-designated sites within 2km of the site obtained from SxBRC.

Table 5. Statutory and non-statutory designated sites identified during the desk study

Site Name	Designation	Distance and direction from Site	Reasons for designation
Solent and Dorset Coast	SPA (Marine)	7.8km west	The Solent and Dorset Coast SPA is located along the coasts of Dorset, Hampshire, Isle of Wight and West Sussex and adjacent areas offshore. The site is designated for internationally important breeding populations of: • Common tern <i>Sterna hirundo</i> (4.77% of national breeding population) • Sandwich tern <i>Sterna sandvicensis</i> (4.01% of national breeding population) • Little tern <i>Sternula albifrons</i> (3.31% of national breeding population)

Ancient Woodland and Priority Habitats

There are no ancient woodlands or priority habitats identified via MAGIC within 1km of the site with significant connectivity to the site. Isolated blocks of deciduous woodland are present 900m north of the site and grazing marsh is present 1km north-west. These habitats lack any connectivity to the site through significant infrastructure barriers including the railway, the A259, the golf course and large residential areas.

3.2 HABITATS

The following habitats have been identified through our assessment. A UKHab habitat map can be found in Figure 3, with detailed Target Notes and Photographic Plates included in Appendix B, as appropriate. Since the 2024 surveys, the update survey has found no significant changes with the habitats on site. Update Target Notes (using the same numbering as previously) and Photographic Plates are included in Appendix C.

Table 6. Habitats

Habitat	Result	Importance assessment
Developed land, sealed surface (u1b)	A tarmacked car park and through-route was present in the centre of the site (TN1). The front and rear gardens of the pub also had other recreational hardstanding areas including decking along the eastern boundary. There was no vegetation assemblage associated with this habitat type. Patios were also present in the rear gardens of Mill Lane Pub and the bungalow (TN2).	The habitat is of negligible ecological importance .
Modified grassland; scattered trees (g4; 32)	Parcels of amenity lawn or modified grassland were present at roadside of the pub, in the pub garden, and the rear garden of 34 Mill Lane (TN3). These areas of grassland are regularly managed and mown very short. The grasses and broadleaf species present included dominant perennial rye-grass <i>Lolium perenne</i> , frequent red fescue <i>Festuca rubra</i> and white clover <i>Trifolium repens</i> , occasional daisy <i>Bellis perennis</i> , and rare annual meadow grass <i>Poa annua</i> , cat's-ear <i>Hypochaeris radicata</i> , chickweed <i>Stellaria media</i> , cock's-foot <i>Dactylis glomerata</i> , creeping buttercup <i>Ranunculus repens</i> , dandelion (<i>Taraxacum</i> sp.) and lesser hop-trefoil <i>Trifolium dubium</i> .	The modified grassland habitat is of negligible ecological importance .
Introduced shrubs (secondary code 847) (associated primary code: u1b)	Introduced shrubs (TN4) are contained within a border along the pub garden boundary, and scattered in other areas of the garden, and consists of ornamental species such as Japanese laurel <i>Aucuba japonica</i> , Japanese spindle <i>Euonymus japonicus</i> , oleaster species <i>Elaeagnus</i> sp., dogbane species <i>Apocynum</i> sp. and a holly species <i>Ilex</i> sp.	The habitat is of negligible ecological importance but does have potential to support protected species as discussed in section 3.3.
Scattered trees (secondary code 32) (associated primary codes: u1b, g4)	Scattered trees (TN5) were present within the modified grassland of the pub rear garden and consist of four hornbeam <i>Carpinus betulus</i> and one ash <i>Fraxinus excelsior</i> . The trees did not have any features deemed suitable for roosting bats, and all trees were therefore assessed as providing negligible suitability for roosting bats .	The scattered trees are of local ecological importance and have the potential to support notable and protected species as discussed in section 3.3.
Buildings (u1b5)	There are two primary buildings within the footprint of the site: The Windmill Inn (TN6) and residential bungalow 34 Mill Lane (TN7). No birds' nests or evidence of birds were observed in any of the buildings. The buildings and their associated outhouses/storage sheds were also assessed for their suitability to support roosting bats as part of the PRA: B1 The Windmill Inn (TN6) is a two-storey occupied public house with a pitched roof with clay tiles. The building has characterful wooden door frames and	The habitat is of negligible ecological importance but does have potential to support protected species as discussed in section 3.3. B3,4,5 and 7 provide negligible suitability for roosting bats and no further action is required at this time. B6 provides low suitability for roosting bats, and

Habitat	Result	Importance assessment
	window frames as well as timber barge boards. The external walls are pebble dash on the ground floor and clad with clay hanging tiles on the second floor. The building was assessed as providing high suitability for roosting bats, largely due to lifting or missing tiles on the pitched roof and second storey clay hanging tiles on all four aspects of the building. The pub has a more modern single storey brick extension on its eastern elevation, with uPVC windows and doors and timber barge boards and soffits. This part of the building was assessed as providing negligible suitability for roosting bats due to a lack of suitable roosting features. B3 Shed 1 (TN8) was a wooden shed with pitched roof. The outbuilding was assessed as providing negligible suitability for roosting bats during the 2024 surveys. However, during the 2026 survey, it was noted that this building is no longer on site. B4 Shed 2 (TN9) was a wooden shed with pitched roof. The outbuilding was assessed as providing negligible suitability for roosting bats. B5 Shed 3 (TN10) was a wooden shed with pitched roof. The outbuilding was assessed as providing negligible suitability for roosting bats. B6 34 Mill Lane Bungalow (TN7) was a single storey brick building, with pitched tile roof and modern UPVC windows, doors, soffits and barge boards. The building was assessed as providing low suitability for roosting bats due to the presence of lifting tiles on the east and west elevations of the roof. B7 34 Mill Lane Summerhouse (TN11) was a single storey wooden summerhouse with bitumen roof lining. The outbuilding was assessed as providing negligible suitability for roosting bats.	recommendations for further survey are provided in section 4.1. B1 provides high suitability for roosting bats, and recommendations for further survey are provided in section 4.1.
Bare ground (secondary code 510) (associated primary code: u1b)	Two small areas of bare ground (TN12 and TN13) were present. TN8 was located next to Shed 3 comprised an area with gravel and has a complete absence of vegetation. TN9 is a small, contained area of unvegetated bark chippings in the rear garden of the bungalow. However, since the 2024 survey a small amount of vegetation has started to grow through covering about 5% of the area. Species growing through include cleavers <i>Galium aparine</i>, common ragwort <i>Jacobaea vulgaris</i> and dandelion.	The habitat is of negligible ecological importance.

3.3 PROTECTED AND NOTABLE SPECIES

Data purchased from SxBRC confirmed the presence of a number of protected and notable species within 2km of the site. Relevant data are discussed in Table 7 below.

Protected and notable species identified as a receptor for the site are detailed in Table 7. For species with legal protection arising from persecution, such as badgers, some details are purposefully omitted, but can be provided on request to inform the masterplan.

Table 7. Species

Species	Legal protection	Result	Importance assessment
Bats	Conservation of Habitats and Species Regulations 2017 Schedule 2; Wildlife and Countryside Act 1981 (as amended) Schedules 5 & 6; Natural Environment and Rural Communities 2006 Section 41.	<u>Desk study</u> One European protected species licence (EPSL) (2015-10184-EPS-MIT) was found within 2km of the site within the last 10 years. The location of this licence is approximately 1.7km north-west of the site and concerns the destruction of a known resting place for common pipistrelles <i>Pipistrellus pipistrellus</i>. SxBRC returned 18 records of bats with five species identified including soprano pipistrelle <i>Pipistrellus pygmaeus</i>, common pipistrelle, serotine <i>Eptesicus serotinus</i>, barbastelle <i>Barbastella barbastellus</i> and noctule <i>Nyctalus noctula</i>. <u>Results</u> From the external inspections of the seven buildings on site, The Windmill Inn (B1) and the bungalow (B6) were assessed as having high and low suitability for	TBC: further survey required.

Species	Legal protection	Result	Importance assessment
		roosting bats respectively. The 2026 update PRA has confirmed that these buildings still host the same suitability for roosting bats. The remaining buildings and outhouses B2,3,4,5 and 7 were assessed as being of negligible suitability for bats. No evidence of bats (e.g. urine stains, droppings or bats) were discovered on the outside of the buildings during the walkover. The only changes noted during the update PRA is that B2 has since been demolished, the remaining B3,4,5 and 7 still host negligible suitability for roosting bats. Emergence surveys were undertaken on B1 and B6 in 2024 (Tetra Tech, 2024). These surveys noted a likely absence of roosting bats within the building. However, these surveys are now out of date in accordance with CIEEM (CIEEM, 2019) The scattered trees on site were surveyed for PRFs and were all assessed as NONE, meaning either there were no PRFs or there are unlikely to be any. This was due to the trees having a lack of cracks and crevices that could support roosting bats. The updated 2026 survey has found no changes to the suitability of the trees on site for roosting bats with the trees still assessed as NONE. The site largely consists of buildings and hardstanding with only small and fragmented parcels of vegetation. Whilst the site may be used for occasional foraging for a low number of common species such as common pipistrelle, given its size and location it was not considered likely to provide a particularly important foraging area or commuting route for bats.	
Birds	Wildlife and Countryside Act 1981 (as amended).	<u>Desk study</u> SxBRC returned 365 records, containing 1820 individuals, of notable bird species recorded within 2km of the site within the last 10 years. Most records were associated with Littlehampton West Beach, Rustington Golf Course, and Mewsbrook. This included 132 recorded Schedule 1 species, 11 red-listed species and 104 amber listed species. <u>Results</u> The buildings, scattered trees and ornamental shrubs on site provide suitable nesting habitat for common species of birds. No nesting birds were observed in	Local importance , the site likely supports common species. Habitats within the site and immediate local area are of limited quality to support notable species.

Species	Legal protection	Result	Importance assessment
		any of these habitats during the site walkover, although this does not confirm their absence. No significant change found during the 2026 update survey, with the site still hosting suitable nesting habitat for common species.	
Reptiles	<i>Smooth snake and sand lizard</i> : Conservation of Habitats and Species Regulations 2017 Schedule 2; Wildlife and Countryside Act 1981 (as amended) Schedules 5; Natural Environment and Rural Communities 2006 Section 41. <i>Adder, grass snake, slow worm and common lizard</i> : Wildlife and Countryside Act 1981 (as amended) Schedules 5; Natural Environment and Rural Communities 2006 Section 41.	<u>Desk study</u> SxBRC returned 18 records containing approximately 33 individual reptiles within 2km of the site within the last 10 years. Of the 18 total records 15 accounted for slow worms <i>Anguis fragilis</i> , while the remaining 3 records were for grass snake <i>Natrix helvetica</i> and common lizard <i>Zootoca vivipara</i> . The nearest record to the site was for slow worm and grass snake within a small and fragmented patch of woodland 675m north-west. <u>Results</u> The developed habitats on site provide negligible suitable habitat for reptiles and are routinely disturbed by people and vehicles which is likely to deter reptiles. The regularly maintained modified grassland does not offer suitable foraging habitat for reptiles. The scattered trees and introduced shrub offer hibernation habitats for reptiles. However, the site is situated in a very urban environment with limited links to suitable offsite habitat with a network of roads and residential development acting as significant barriers to dispersal. No significant change found during the 2026 update survey.	Negligible importance , reptiles are considered to be absent from the application area.
Invertebrates	Some invertebrates are protected under Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981 (as amended). Many invertebrates are also listed as rare and most	<u>Desk study</u> SxBRC returned 109 records consisting of 152 individual invertebrate species recorded within 2km of the proposed site within the last 10 years. The closest record is for stag beetle <i>Lucanus cervus</i> recorded 2km south-west of the site. All of the records for moths are located outside of the 2km site buffer within close proximity to the sea. <u>Results</u> No protected or priority invertebrates recorded during walkover. The site is a small and urban site with limited suitable habitat for invertebrates.	Negligible importance , limited foraging and breeding habitat present.

Mill Lane, Rustington
Preliminary Ecological Appraisal

Species	Legal protection	Result	Importance assessment
	threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006).	No significant change found during the 2026 update survey.	
Invasive species	Wildlife and Countryside Act 1981 (as amended) Schedule 9; Environmental Protection Act 1990.	No invasive species were recorded during the survey in 2024 or 2026.	Negligible importance , no invasive species were present.

4.0 RECOMMENDATIONS

4.1 MITIGATION AND FURTHER SURVEY

All of the works outlined below in Table 8 should be assumed as likely requirements for the pre-planning stage to inform a planning application, unless otherwise stated.

Table 8. Mitigation and Further Survey / Assessment

Ecological Receptor	Further survey / Assessment	Mitigation required	Opportunity for enhancement
Designated sites	The site lies 7.8km to the east of the Solent and Dorset Coast SPA. This site was designated in January 2020 and prior to this date it was a proposed SPA (pSPA). There is no information within the Adopted Arun Local Plan 2011 – 2031 about potential mitigation to protect the site from residential development. The qualifying features of the site including breeding sandwich tern, common tern and little tern, with likely threats including outdoor sports and leisure activities, fishing and harvesting of aquatic resources and shipping traffic. Residential development close to the SPA may cause an increase in recreational pressure, however the proposed development at Mill Lane is considered distant enough to not result in any Likely Significant Effects on the qualifying species of this SPA. Therefore, no further action is required.	No mitigation is required.	N/A

Habitats	The site is largely developed and artificial with non-native ornamental species and modified grassland. The habitats within the site are common in the local landscape and are not representative of any priority habitats. The scattered trees are considered to be of local importance and it is proposed that two hornbeam are removed to facilitate the proposals. No further detailed habitat surveys are recommended. A Biodiversity Net Gain (BNG) assessment is required to quantify the change in biodiversity in the site, to demonstrate 10% net gain for biodiversity which will help inform the appropriate ecological enhancements for the site.	It is proposed that the loss of modified grassland on site can be mitigated for with the addition of species-rich grassland planting within the landscape plan. The removal of the two hornbeam trees will likely need to be mitigated for with the planting of further trees in order to comply with Policy ENV DM4 Protection of Trees of the Adopted Arun Local Plan 2011-2031 and meet BNG trading rules.	As per the Environment Act 2021 and local planning policy, a 10% net gain in habitats is required. This may be achieved by enhancing the existing grassland habitats, establishing wildflower areas, planting trees, native hedges, and possibly include a green roof. These would also provide beneficial resources for invertebrates and in turn bats. More detailed habitat enhancement measures can be provided at detailed design stage.
Bats	<u>Foraging and commuting</u> The site was dominated by buildings and hardstanding with only small parcels of vegetation. Furthermore, the site is located within an urban area with limited connectivity to the wider landscape. The site was noted to have streetlights and lighting due to the nature of the site use (pub and residential) and as such lighting levels may further reduce bat activity within the site.	<u>Foraging and commuting</u> In line with BCT guidelines, for sites that are of low suitability it is of the ecologist discretion to determine if surveys are required. Given the defunct nature and limited connectivity of the tree line habitat coupled with the internal site itself having limited vegetation features and the wider urbanised nature of the area, it is not	Bats would benefit from the inclusion of native species being included within any planting schemes. Inclusion of at least 3 bat boxes should be sited 3-4 m high within the trees on the new development. In addition, 4 bat bricks south be integrated into the wall of the new main retirement block and should be sited 4-6 m high. All boxes should be high enough to avoid direct illumination, placed

	The line of trees does offer suitable foraging and commuting habitats for bats. As a result, the site has been assessed as having very low potential to support commuting or foraging bats. <u>Buildings</u> Seven buildings/outhouses were present on site. B1 has been assessed as having high potential to support roosting bats and B6 as low potential. As buildings B1 and B6 are to be impacted by proposed works, update bat emergence surveys are required to determine the presence or likely absence of roosting bats, and if bats are identified the roost status of these buildings as per current guidance (Collins, 2023). Three emergence surveys are recommended for B1 and one emergence survey on B6 between May and September (inclusive). Surveys on B1 must be spaced a minimum of three weeks apart and will be conducted during suitable weather conditions.	considered that further bat activity surveys are required. <u>Buildings</u> Surveys were previously done in 2024, which noted a likely absence of bats in both B1 and B6 (Tetra Tech, 2024). However, these surveys are now out of date and would need to be updated during the bat survey season. TBC: the results of the emergence surveys will fully determine suitable mitigation methods. If a bat roost is identified during the emergence surveys Natural England will be consulted and a European Protected Species Licence (EPSL) will be required before works can continue.	out of the way of strong winds and positioned south-east to south-west where they can get sun for part of the day. Once installed, any disturbance including maintenance of a bat box must be done under supervision of a licenced ecologist.
Birds	The trees, introduced shrubs and grassland on site are likely to support foraging and nesting birds. The buildings on site may provide suitable nesting habitat for some nesting bird species. The site is unlikely, however, to provide suitable breeding habitat for any specially protected bird species and does not support habitat which	Two trees, areas of introduced shrub and the buildings will be removed to facilitate the proposals. Any clearance of suitable nesting habitat, including buildings, should be undertaken outside of bird nesting season (March to September inclusive). If clearance is to be undertaken during this period, nesting habitat should first be checked for nests by a suitably experienced	To ensure enhancements in line with NPPF Policy 180 and Core Policy ENV DM5, integrated swift bricks are to be installed within suitable elevations as advised by the ecologist. To comply with Policy ENV DM5 Protection of Trees of the Adopted Arun Local Plan 2011-2031, bird nest boxes will be erected on the northern and eastern

	is underrepresented within the local landscape. No further surveys are recommended.	Ecological Clerk of Work (ECoW) in the 24 hours prior to commencement of vegetation clearance. If a nest is discovered it should be left undisturbed, with a minimum of a 5 m stand-off buffer, however, a large buffer may be required for some species (buffer areas will be advised by the ECoW), until it can be determined that any young have fledged. It is recommended that additional replacement habitat will be provided in the landscape plan to mitigate for the loss of suitable nesting bird habitat on the site.	elevations of the built development as to not cause the boxes to overheat.
Reptiles	No evidence of reptiles was recorded on site and this group of species is considered to be absent from the application area. No further surveys are required.	It is recommended that the modified grassland on site continues to be mown short in order to prevent suitable reptile habitat from forming on site.	N/A
Invertebrates	The site was dominated by buildings and hardstanding with only small parcels of vegetation and as such did not provide significant suitable habitat for any protected invertebrates. No further survey required species assemblage considered likely to be common and widespread.	N/A	The landscape plan will include provisions to encourage invertebrates to the site such as bee bricks (one per unit), and two insect nest/houses in suitable locations adjacent to vegetation. Landscape plan will need to include suitable native pollinator species to attract invertebrates to the site.
Invasive species	The site walkover did not identify any invasive species on site. No further surveys are recommended.	If invasive species are found during subsequent visits to the site, a biosecurity plan must be drawn up to treat and prevent the spread of the species outside of the site.	N/A

5.0 CONCLUSIONS

The development proposals are considered to have a negligible impact on any statutory designated sites within 10km of the site due to the proximity, limited scope and duration of works.

The site has the potential to support a number of protected species including roosting bats and nesting and foraging birds. Key recommendations of the report are as follows:

- A Biodiversity Net Gain report to show a 10% gain in biodiversity on site.
- Bat emergence surveys of buildings: B1 (high – three surveys), B6 (low – one survey).
- Removal of two hornbeams, introduced shrubs and demolition of buildings to be undertaken outside of nesting bird season (March to September inclusive). If clearance to be undertaken within nesting bird season, vegetation must be checked for nests 24 hours prior to clearance, with suitable buffer zones if a nest is found.
- Continued management of modified grassland lawns on site to ensure the site remains unsuitable for reptiles prior to works commencing.
- Other species such as dormouse, badger, otter, water vole and invasive non-native species (INNS) are considered absent from the site but if discovered at any point, an ecologist must be contacted for further advice.

In line with national and local planning policy, Policy ENV DM5, the site will require enhancements for biodiversity. Opportunities for enhancement include the provision of bird and bat boxes and invertebrate boxes/bricks, along with native species planting. The results of the bat emergence surveys will determine the requirement or additional mitigation and enhancement measures for bats.

Provided the measures within this report for further survey and mitigation can be adopted, it is anticipated that a design could be brought forward for this site that would be compliant with current local and national biodiversity planning policy.

REFERENCES

- Arun District Council. (2018). *Adoption Arun Local Plan 2011-2031*. Arun District Council.
- BSI. (2013). *BS 42020 – a code of practice for biodiversity in planning and development*. London: BSI Group.
Retrieved from <https://www.bsigroup.com/LocalFiles/en-GB/biodiversity/BS-42020-Smart-Guide.pdf>
- CIEEM. (2017). *Guidelines for Preliminary Ecological Appraisal* (2nd ed.). Winchester: CIEEM.
- CIEEM. (2019). Advice note on the lifespan of ecological reports & surveys. Romsey: Chartered Institute of Ecology and Environmental Management, Winchester.
- Collins. (2023). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd ed.). London: The Bat Conservation Trust.
- Gent, & Gibson. (2003). *Herpetofauna Workers' Manual*. Peterborough: JNCC.
- Harris, Cresswell, & Jefferies. (1989). *Surveying badgers. An occasional publication of the mammal society – No. 9*. London: Mammal Society.
- Stace. (2019). *New Flora of the British Isles* (4th ed.). Suffolk: C&M Floristics Middlewood Green.
- Tetra Tech. (2024). *Mill Lane, Rustington: Bat Emergence Report. Report on behalf of Planning Issues Ltd*. Southampton: Tetra Tech.
- UKHab Ltd. (2023). *The UK Habitat Classification Version 2.0*. Retrieved from <https://ukhab.org/>

FIGURES

Figure 1 – Site Location Plan

Figure 2 – Designated Sites within 10km

Figure 3 – UKHab Classification Map



Site Location Plan

Mill Lane, Rustington

Planning Issues Ltd



Legend

Site boundary

Notes:

Drawn by: M.COLLISHAWLOCK

Checked by: Alex Coggins

Figure No. 1

Revision No. A

26 June 2024

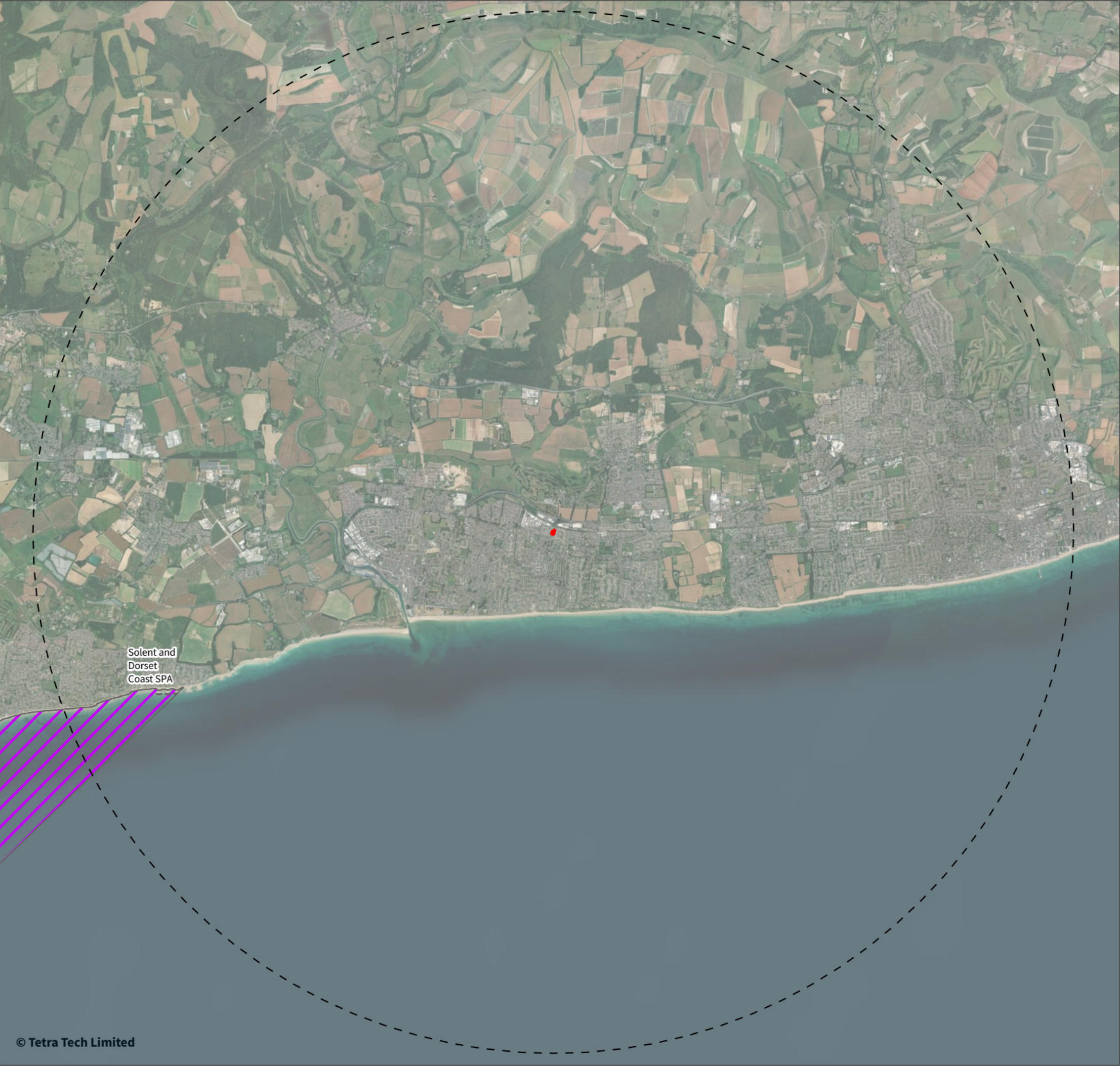
0 10 20 30 40 50 Meters
Scale 1:1,000 @A3

British National Grid
NGR: 505633E 102973N

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3 Sovereign Square
Sovereign Street
Leeds
United Kingdom
LS1 4ER



International within 10km

Mill Lane, Rustington

Planning Issues Ltd



Legend

-  Site boundary
-  Site boundary buffer (10km)
-  Special Protection Areas (SPA)

Notes:
Symbology similar to that used within the MAGIC Application

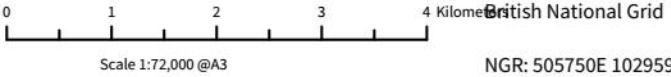
Drawn by: M.COLLISHAWLOCK

Checked by: Alex Coggins

Figure No. 2

Revision No. A

26 June 2024

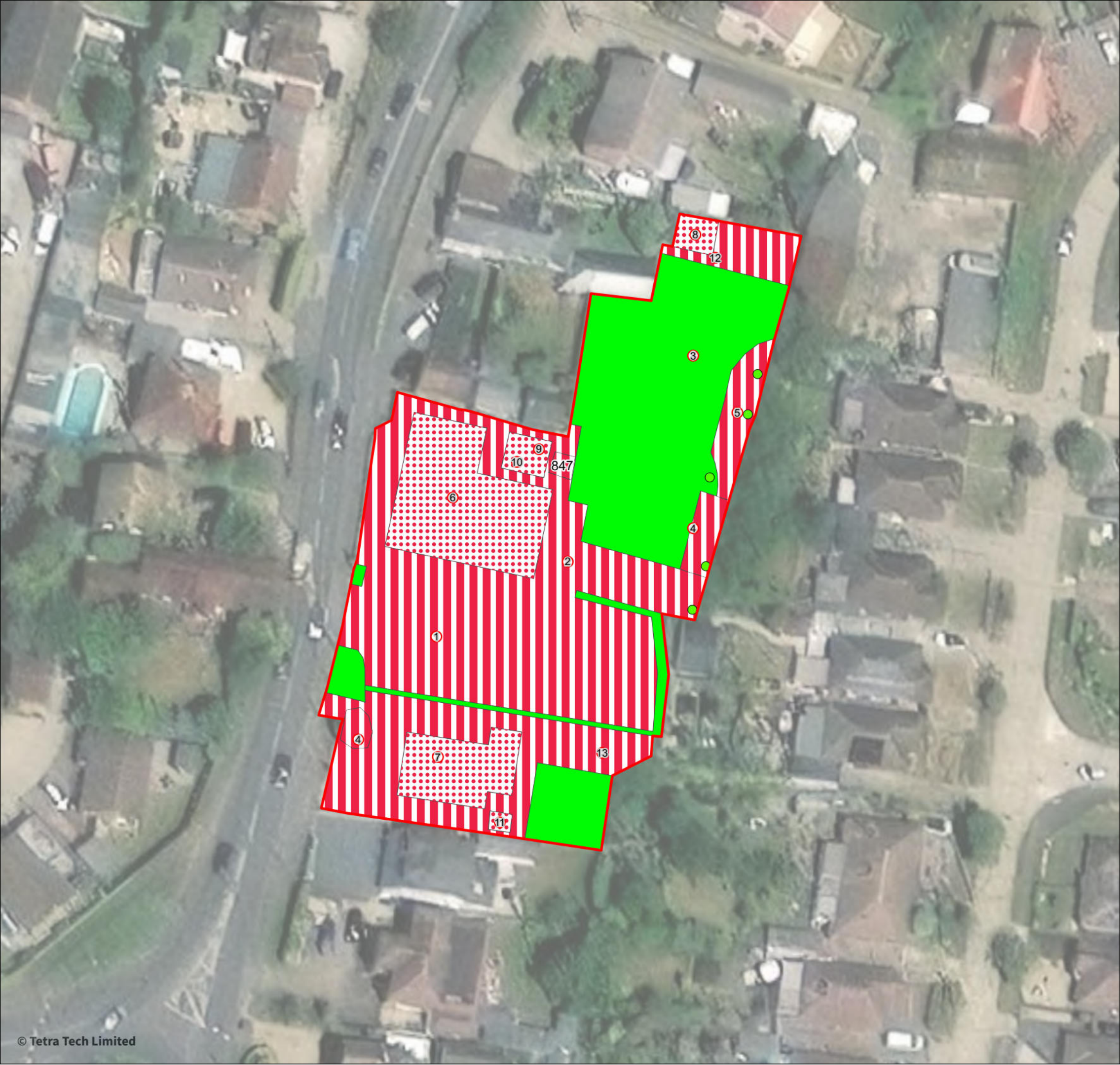


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TETRA TECH

Botleigh Grange
Office Campus
Hedge End
Southampton
Hampshire, SO30 2AF



UK Hab Habitat Plan
Mill Lane, Rustington

Planning Issues Ltd

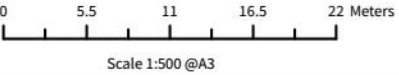
Legend

-  Site boundary
-  g4 - Modified grassland
-  u1b - Developed land, sealed surface
-  u1b5 - Buildings
-  Urban Tree
-  Target Notes

Notes:

Drawn by: M.COLLISHAWLOCK
Checked by: Alex Coggins

Figure No. 3
Revision No. A
26 June 2024



British National Grid
NGR: 505633E 102973N

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APPENDICES

APPENDIX A: REPORT CONDITIONS

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The report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections'. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times. No investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather-related conditions. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions. The “shelf life” of the Report will be determined by a number of factors including; its original purpose, the Client’s instructions, passage of time, advances in technology and techniques, changes in legislation etc. and therefore may require future re-assessment.

The whole of the report must be read as other sections of the report may contain information which puts into context the findings in any executive summary.

Tetra Tech reserves the right to share this Report and any related materials, surveys, drawings and/or documents at any time with the relevant Local Ecological Records Centre (LERC), any relevant statutory body or any equivalent organisation as Tetra Tech may reasonably require from time-to-time.

The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Tetra Tech accept no liability for issues with performance arising from such factors.

APPENDIX B: TARGET NOTES & SURVEY DATA FROM 2024

Target Notes

Target Note	Description	Photographic Plates
TN1	<u>Hardstanding - car park</u>	
TN2	<u>Hardstanding – patios</u>	
TN3	<u>Modified grassland</u> Perennial rye-grass <i>Lolium perenne</i> (D) Red fescue <i>Festuca rubra</i> (F) Cock's-foot <i>Dactylis glomerata</i> (R) Annual meadow-grass <i>Poa annua</i> (R) White clover <i>Trifolium repens</i> (F) Daisy <i>Bellis perennis</i> (O) Cat's-ear <i>Hypochaeris radicata</i> (R) Chickweed <i>Stellaria media</i> (R) Creeping buttercup <i>Ranunculus repens</i> (R) Dandelion <i>Taraxacum</i> agg. (R) Lesser hop-trefoil <i>Trifolium dubium</i> (R)	

TN4	<u>Introduced shrubs</u>	
TN5	<u>Scattered trees</u> Including four hornbeam <i>Carpinus betulus</i> and one ash <i>Fraxinus excelsior</i>.	
TN6	<u>The Windmill Pub</u> A two-storey occupied public house with a pitched roof with clay tiles. The building has characterful wooden door frames and window frames as well as timber barge boards. The external walls are pebble dash on the ground floor and clad with clay hanging tiles on the second floor. Many of the roof tiles and clay hanging tiles were slipped or missing which provided potential access points for bats. The main pub building was considered to have high potential for roosting bats. The pub has a modern, single-storey extension of brick construction on its eastern elevation. The roof of the extension has both hipped and flat elevations. The extension was considered to have negligible potential for roosting bats.	<u>The Windmill Pub</u>  <u>Modern single-storey extension</u> 

TN7	<u>34 Mill Lane – Bungalow</u> A single-storey building of brick construction. The roof was hipped and comprised concrete roof tiles. A small number of roof riles at the edges of the roof on the front and rear elevations were raised. The bungalow was considered to have low potential for roosting bats.	
TN8	<u>Shed 1</u> A single-storey shed of wooden construction with a pitched roof comprising bitumen roofing felt. No potential roosting features for bats were present. The building was considered to have negligible potential for roosting bats.	
TN9	<u>Shed 2</u> A single-storey shed of wooden construction. The shed had a roof with pitched and flat elevations comprising corrugated metal. No potential roosting features for bats were present. The building was considered to have negligible potential for roosting bats.	
TN10	<u>Shed 3</u> A single-storey shed of wooden construction with a flat roof comprising bitumen roofing felt. No potential roosting features for bats were present. The building was considered to have negligible potential for roosting bats.	
TN11	<u>Summerhouse</u> A single-storey summerhouse of wooden construction in the garden of the bungalow. The roof was pitched and comprised bitumen roofing felt. No potential roosting features for bats were present. The building was considered to have negligible potential for roosting bats.	

TN12	<u>Bare ground</u>	
TN13	<u>Bare ground</u>	

APPENDIX C: TARGET NOTES & SURVEY DATA FROM 2026

Target Notes

Target Note	Description	Photographic Plates
TN1	<u>Hardstanding - car park</u>	
TN2	<u>Hardstanding – patios</u>	
TN3	<u>Modified grassland</u> Perennial rye-grass <i>Lolium perenne</i> (D) Red fescue <i>Festuca rubra</i> (F) White clover <i>Trifolium repens</i> (F) Daisy <i>Bellis perennis</i> (O) Annual meadow-grass <i>Poa annua</i> (R) Cat's-ear <i>Hypochaeris radicata</i> (R) Chickweed <i>Stellaria media</i> (R) Cock's-foot <i>Dactylis glomerata</i> (R) Creeping buttercup <i>Ranunculus repens</i> (R) Dandelion <i>Taraxacum</i> agg. (R) Lesser hop-trefoil <i>Trifolium dubium</i> (R)	
TN4	<u>Introduced shrubs</u>	

TN5	<u>Scattered trees</u> Including four hornbeam <i>Carpinus betulus</i> and one ash <i>Fraxinus excelsior</i>.	
TN6	<u>The Windmill Pub</u> A two-storey vacant public house with a pitched roof with clay tiles. The building has characterful wooden door frames and window frames as well as timber barge boards. The external walls are pebble dash on the ground floor and clad with clay hanging tiles on the second floor. Many of the roof tiles and clay hanging tiles were slipped or missing which provided potential access points for bats. The main pub building was considered to have high potential for roosting bats. The pub has a modern, single-storey extension of brick construction on its eastern elevation. The roof of the extension has both hipped and flat elevations. The extension was considered to have negligible potential for roosting bats.	<u>The Windmill Pub</u> 
TN7	<u>34 Mill Lane – Bungalow</u> A single-storey building of brick construction. The roof was hipped and comprised concrete roof tiles. A small number of roof tiles at the edges of the roof on the front and rear elevations were raised. The bungalow was considered to have low potential for roosting bats.	
TN8	<u>Shed 1 – Absent during 2026 survey</u>	

TN9	<u>Shed 2</u> A single-storey shed of wooden construction. The shed had a roof with pitched and flat elevations comprising corrugated metal. No potential roosting features for bats were present. The building was considered to have negligible potential for roosting bats.	
TN10	<u>Shed 3</u> A single-storey shed of wooden construction with a flat roof comprising bitumen roofing felt. No potential roosting features for bats were present. The building was considered to have negligible potential for roosting bats.	
TN11	<u>Summerhouse</u> A single-storey summerhouse of wooden construction in the garden of the bungalow. The roof was pitched and comprised bitumen roofing felt. No potential roosting features for bats were present. The building was considered to have negligible potential for roosting bats.	
TN12	<u>Bare ground</u>	
TN13	<u>Bare ground</u> Vegetation starting to grow through the chipped bark in 2026 covering about 5% of the ground. Cleavers <i>Galium aparine</i> (R) Common ragwort <i>Jacobaea vulgaris</i> (R) Dandelion <i>Taraxacum</i> agg. (R)	

APPENDIX D: KEY LEGISLATION

Habitats Directive

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, or the 'Habitats Directive', is a European Union directive adopted in 1992 in response to the Bern Convention. Its aims are to protect approximately 220 habitats and 1,000 species listed in its several Annexes.

In the UK, the Habitats Directive is transposed into national law via the Conservation of Habitats and Species Regulations 2017 (as amended) in England and Wales, and via the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) in Northern Ireland.

Birds Directive

The EC Directive on the Conservation of Wild Birds (79/409/EEC) or 'Birds Directive' was introduced to achieve favourable conservation status of all wild bird species across their distribution range. In this context, the most important provision is the identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex 1 of the Directive, as well as for all regularly occurring migratory species, paying particular attention to the protection of wetlands of international importance.

Conservation of Habitats and Species Regulations 2017 (as amended)

Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I or II of the Habitats Directive respectively) to the European Commission. These sites, if ratified by Ministers, are then designated as Special Protection Areas (SPAs) within six years. Public bodies must also help preserve, maintain and re-establish habitats for wild birds.

The 2018 amendments mainly related to the impact of the *People Over Wind* decision and some implications arising for neighbourhood plan development and a range of other planning tools including Local Development Orders and Permission in Principle – see here for full details:

<https://www.legislation.gov.uk/uksi/2018/1307/note/made>

The 2019 amendments related to the EU exit. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change – see here for full details:

<https://www.legislation.gov.uk/ukdsi/2019/9780111176573>

The Regulations make it an offence to deliberately capture, kill, disturb or trade in the animals listed in Schedule 2, or pick, uproot, destroy, or trade in the plants listed in Schedule 5.

Wildlife & Countryside Act 1981 (as amended)

This is the principal mechanism for the legislative protection of wildlife in the UK. This legislation is the chief means by which the 'Bern Convention' and the Birds Directive are implemented in the UK. Since it was first introduced, the Act has been amended several times.

The Act makes it an offence to (with exception to species listed in Schedule 2) intentionally:

- kill, injure, or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use; or
- take or destroy an egg of any wild bird.

Or to intentionally do the following to a wild bird listed in Schedule 1:

- disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird.

In addition, the Act makes it an offence (subject to exceptions) to:

- intentionally or recklessly kill, injure or take any wild animal listed on Schedule 5;
- interfere with places used for shelter or protection, or intentionally disturbing animals occupying such places; and
- The Act also prohibits certain methods of killing, injuring, or taking wild animals.

Finally, the Act also makes it an offence (subject to exceptions) to: intentionally pick, uproot or destroy any wild plant listed in Schedule 8, or any seed or spore attached to any such wild plant; unless an authorised person, intentionally uproot any wild plant not included in Schedule 8; or sell, offer or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

Following all amendments to the Act, Schedule 5 'Animals which are Protected' contains a total of 154 species of animal, including several mammals, reptiles, amphibians, fish and invertebrates. Schedule 8 'Plants which are Protected' of the Act, contains 185 species, including higher plants, bryophytes and fungi and lichens. A comprehensive and up-to-date list of these species can be obtained from the JNCC website.

Part 14 of the Act makes unlawful to plant or otherwise cause to grow in the wild any plant which is listed in Part II of Schedule 9.

It is recommended that plant material of these species is disposed of as bio-hazardous waste, and these plants should not be used in planting schemes.

Environment Protection Act 1990

The Act imposes a classification of soil and other waste containing viable propagules of invasive non-native plant species as controlled waste. This has been applied to Japanese Knotweed *Reynoutria japonica*, with the result that waste containing this species must be disposed of in accordance with the duty of care set out in section 34 of the Act.

Protection of Badgers Act 1992

The main legislation protecting badgers in England and Wales is the Protection of Badgers Act 1992 (the 1992 Act). Under the 1992 Act it is an offence to: wilfully kill, injure, take or attempt to kill, injure or take a badger; dig for a badger; interfere with a badger sett by, damaging a sett or any part thereof, destroying a sett, obstructing access to a sett, causing a dog to enter a sett or disturbing a badger while occupying a sett. The 1992 Act defines a badger sett as: "any structure or place which displays signs indicating current use by a badger".

Natural Environment and Rural Communities Act 2006

Section 41 (S41) of this Act requires the Secretary of State to publish a list (in consultation with Natural England) of Habitats and Species which are of Principal Importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as public bodies including local and regional authorities, in implementing their duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal (e.g. planning) functions. The S41 list includes 65 Habitats of Principal Importance and 1,150 Species of Principal Importance.

Hedgerow Regulations 1997

The Hedgerow Regulations were made under Section 97 of the Environment Act 1995 and came into force in 1997. They introduced new arrangements for local planning authorities in England and Wales to protect important hedgerows in the countryside, by controlling their removal through a system of notification. Important hedgerows are defined by complex assessment criteria, which draw on biodiversity features, historical context and the landscape value of the hedgerow.

Birds of Conservation Concern

This is a review of the status of all birds occurring regularly in the United Kingdom. It is regularly updated and is prepared by leading bird conservation organisations, including the British Trust for Ornithology (BTO), Joint Nature Conservation Committee (JNCC) and The Royal Society for the Protection of Birds (RSPB).

The latest report was produced in 2021 (Eaton *et al*, 2021) and identified 70 red list species, 103 amber species, and 72 green species. The criteria are complex, but generally:

Red list species are those that have shown a decline of the breeding population, non-breeding population or breeding range of more than 50% in the last 25 years.

Amber list species are those that have shown a decline of the breeding population, non-breeding population or breeding range of between 25% and 50% in the last 25 years. Species that have a UK breeding population of less than 300 or a non-breeding population of less than 900 individuals are also included, together with those whose 50% of the population is localised in 10 sites or fewer and those whose 20% of the European population is found in the UK.

Green list species are all regularly occurring species that do not qualify under any of the red or amber criteria are green listed.

Global IUCN Red List

The International Union for Conservation of Nature (IUCN) Threatened Species was devised to provide a list of those species that are most at risk of becoming extinct globally. It provides taxonomic, conservation status and distribution information about threatened taxa around the globe.

The system catalogues threatened species into groups of varying levels of threat, which are: Extinct (EX), Extinct in the Wild (EW), Critically Endangered (CE), Endangered (EN), Vulnerable (VU), Near Threatened (NT), Least Concern (LC), Data Deficient (DD), Not Evaluated (NE). Criteria for designation into each of the categories is complex, and consider several principles.

Local Biodiversity Action Plan (LBAP)

Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level), and are usually drawn up by a consortium of local Government organisations and conservation charities.

Some LBAP's may also include Habitat Action Plans (HAP) and/or Species Action Plans (SAP), which are used to guide and inform the local decision making process.

Wild Mammals (Protection) Act 1996

This Act offers protection to all wild species of mammals, irrespective of other legislation, and focussed on animal welfare, rather than conservation.

Unless covered by one of the exceptions, a person is guilty of an offence if he mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, drags or asphyxiates any wild mammal with intent to inflict unnecessary suffering.

Its application is typically restricted to preventing deliberate harm to wildlife (in general) during construction works etc.

National Planning Policy Framework

National Planning Policy Framework (NPPF) is the top tier of planning policy. The Framework provides guidance to local authorities and other agencies on planning policy and the operation of the planning system. Section 15 relates to 'Conserving and enhancing the natural environment'.

Relevant policies in relation to planning application include Paragraphs:

"180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) 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; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) 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 f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

185. To protect and enhance biodiversity and geodiversity, plans should: a) 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 b) 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.

186. When determining planning applications, local planning authorities should apply the following principles: a) 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; b) 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; c) 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 d) 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." – see here for full details:

<https://www.gov.uk/guidance/national-planning-policy-framework>

Adoption Arun Local Plan 2011 – 2031 (Arun District Council, 2018)

Local Plan - Policy SD SP1: Sustainable Development	When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland). This presumption will not be applicable where development requires an Appropriate Assessment or where consideration of the need for one is being undertaken.
Local Plan - Policy ENV SP1: Natural Environment	Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. In relation to designated sites, development will be permitted where it protects sites listed in Tables 17.1-17.7 that are recognised for the species and habitats contained within them.
Local Plan - Policy ENV DM1: Designated Sites of	a) Proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance as listed in Tables 17.1 - 17.7 or any subsequently designated sites (either individually or in combination with other developments), will not normally be permitted.

Biodiversity or Geological Importance	Consideration will be given to the exact designated features present on the site, their scarcity/rarity and recognition of the protection offered by their existing status. Development on wildlife sites with the highest value will only be permitted exceptionally where the following can be demonstrated: - There is no alternative solution (which shall be adequately demonstrated by the developer). - There are reasons of public health or public safety or Adoption Arun Local Plan 2011-2031 (July 2018) Arun District Council 209 17 Natural Environment. - There are benefits of primary importance to the environment or - There are imperative reasons of overriding public interest. Notwithstanding the above however, the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. b) In determining any planning application affecting Sites of Biodiversity or Geological Importance the Council will ensure that the intrinsic natural features of particular interest are safeguarded or enhanced having regard to; - The European, National or Local status and designation of the site; - The nature and quality of the site's features, including its rarity value; - The extent of any adverse impacts on the notified features of interest; - The need for compensatory measures in order to re-create remaining features of habitats on or off the site. Where appropriate the Council will ensure the effective management of designated sites through the imposition of planning conditions or Section 106 agreements as appropriate.
Local Plan – Policy ENV DM4: Protection of trees	Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity, unless development: - Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or - Would enhance the survival and growth prospects of other protected trees; - The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland. Where planning permission is granted in any of the above instances, conditions shall be used to ensure that, for any trees which are removed as part of a development, at least an equivalent number of a similar species and age (where practical) are planted on the proposed development site. Sufficient space for replacement trees to mature without causing future nuisance or damage shall be provided. The planting of new trees shall form an integral part of the design of any development scheme. Proper provision must be made for the protection and management of trees or areas of woodland on-site when undertaking development. A management plan shall be provided as part of a planning application in accordance with BS 5837 (2012) in order to ensure that trees are adequately protected during development and appropriately maintained in the future. Conditions for the continued protection of trees on sites shall be included in any planning permission given. Where there are existing trees on or adjacent to a development site, developers shall be required to provide: - Land and tree surveys - A tree constraints plan - An arboricultural impact assessment to include a tree protection plan and arboricultural method statement These will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.
Local Plan - Policy ENV DM5: Development and Biodiversity	Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement. Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be

	indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where appropriate, suitably licensed person. All developments shall have regard to Natural England's standing advice for protected species.
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