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## Preliminary Ecological Appraisal

### Site Name

The Green Way, Walberton

### Issue Date

23rd February 2026

### Client

Jordan Devenish

### Author

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**Project No: P11078**

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## About the Author

This report has been prepared by Lynn Spencer, a Principal Ecologist at The Ecology Co-op, with 13 years' experience. She has a Level 1 bat survey licence and has prepared numerous European Protected Species licenses for bats. As an Associate member of the Chartered Institute for Ecology and Environmental Management (CIEEM) she is bound by their code of professional conduct.

## About the Reviewer

This report has been reviewed by Emma Baker, who is a Senior ecologist with eight years' experience. She holds Level 1 great crested newt and hazel dormice survey licences. As a Full member of the Chartered Institute for Ecology and Environmental Management (CIEEM), she is bound by their code of professional conduct.



## Report Summary

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Purpose</b>                       | The Ecology Co-op was commissioned by Jordan Devenish to undertake a Preliminary Ecological Appraisal of The Green Way, Walberton, further to a proposal to construct a two-storey residential dwelling with associated soft and hard landscaping.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Context</b>                       | The site is situated in a semi-rural area within the village of Walberton. It comprises an area of modified grassland and bare ground with scattered trees and scrub along the site boundaries. Arable fields are present to the north of the site with commercial buildings to the east and residential properties to the south and west.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Key findings</b>                  | The habitats being affected by the development are of low ecological value. The hedgerow, scrub and scattered trees have the potential to support nesting birds and foraging and commuting bats. The pile of brash present within the site has the potential to support reptiles, amphibians and hedgehog.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Recommendations</b>               | <p>The proposed development should include an 'ecologically sensitive lighting scheme' in accordance with guidance produced by the Bat Conservation Trust.</p> <p>Any removal or management of the bramble, hedgerow or scattered trees should be undertaken outside of the nesting bird season (typically 1<sup>st</sup> March to 31<sup>st</sup> August).</p> <p>The pile of brash should be removed by hand to ensure any reptiles, amphibians or hedgehogs are not harmed.</p> <p>Dormice may be present in adjacent woodland and precautionary measures must be used if trees or scrub are to be removed from site (see section 4.7)</p> <p>A Construction and Environment Management Plan (CEMP) should be provided to detail pollution prevention measures to avoid impacts on adjacent woodland.</p> |
| <b>Are further surveys required?</b> | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



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# 1 INTRODUCTION

## 1.1 Purpose of the Report

The Ecology Co-op has been commissioned by Jordan Devenish to undertake a Preliminary Ecological Appraisal (PEA) of The Green Way, Walberton. This report presents the findings of a walkover survey undertaken by Lynn Spencer, BSc (Hons), MSc, associate member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and Level 1 Bat Survey Class Licence holder, on 28th January 2026. It provides details on the potential for any protected/notable species and/or habitats to be present at the site and a simple assessment of the potential ecological constraints and opportunities in relation to the proposed construction of a two-storey residential property with associated soft and hard landscaping. Recommendations for further surveys that are likely to be required to inform a planning application and Ecological Impact Assessment (EclA) of the proposal are provided where necessary, and possible measures to avoid, mitigate and/or compensate for significant adverse effects are summarised. The potential to incorporate ecological enhancement measures as part of the scheme is discussed.

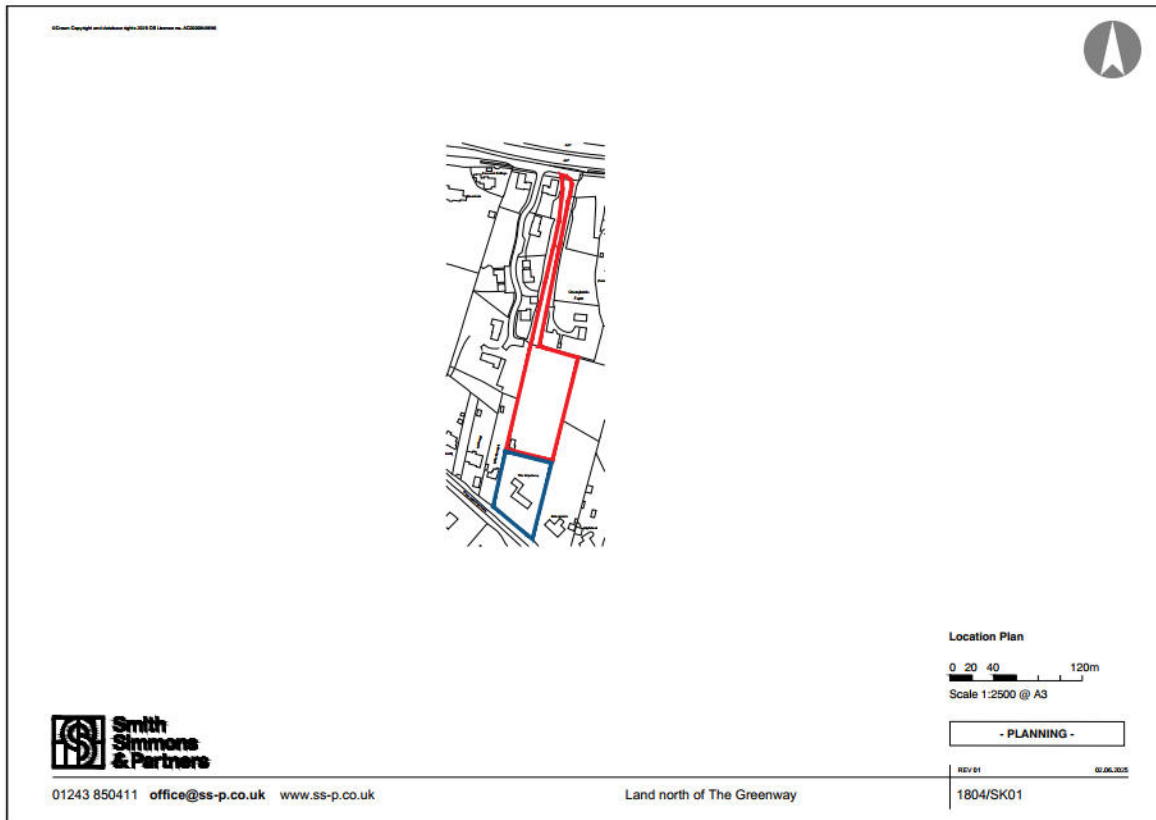
This PEA report is designed to inform the client and their team (as appropriate) about the initial findings of the site walkover and desk study research in relation to the site proposals, highlighting the key ecological constraints and opportunities, and any further survey requirements.

## 1.2 Background

The site is located at The Green Way, West Walberton Lane, Walberton, Arundel BN18 0QS. The central National Grid Reference for this site is SU 9608 0667.

The site is situated in a semi-rural area within the village of Walberton. It comprises an area of modified grassland and bare ground with scattered trees and scrub along the site boundaries. Arable fields are present to the north of the site with commercial buildings to the east and residential properties to the south and west.

The proposed development comprises the construction of a two-storey residential dwelling with associated soft and hard landscaping. The location of the site is shown in Figure 1 and the proposed layout is shown in Figure 2.





**Figure 1.** Top: Location Plan of the site. The approximate site boundary is outlined in red. Courtesy of Smith Simmons & Partners, 2025, Drawing ref: 1804/SK01. Bottom: An aerial image showing the location of the site. The approximate site boundary is outlined in red. Image produced courtesy of Google maps (map data ©2026 Google



**Figure 2.** Proposed plans. Courtesy of Smith Simmons & Partners, 2025, Drawing ref: 1804/SK03.

## 1.3 Policy and Legislation

Legal protection applying to relevant bird, mammal, herpetofauna, invertebrate species and flora, and current nature conservation planning policy is outlined in Appendix 1 of this report.

Where possible, this report provides guidance on how the proposal can be designed to meet the requirements of both local planning policy and the National Planning Policy Framework (NPPF). Details of the NPPF can be found in Appendix 1 and relevant local planning policy by Arun District Council is provided in Appendix 2.

## 2 METHODOLOGY

The methodologies used for this survey are in accordance with the Guidelines for Preliminary Ecological Appraisal<sup>1</sup>, but also consider the Guidelines for Ecological Report Writing, Second Edition<sup>2</sup>.

### 2.1 Desk Study

A search of on-line mapping resources was undertaken to identify the location of any features of potential

<sup>1</sup> CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal, 2nd edition*. Chartered Institute of Ecology and Environmental Management, Winchester.

<sup>2</sup> CIEEM (2017). *Guidelines for Ecological Report Writing, 2nd edition*. Chartered Institute of Ecology and Environmental Management, Winchester.



ecological interest including ponds within 500m (relevant to great crested newts *Triturus cristatus*), watercourses (relevant to riparian mammals and crayfish) and connectivity to woodland, scrub, and hedgerow networks (relevant to bats and dormice *Muscardinus avellanarius*) in the wider landscape around the site. The connectivity of the site to these features, buildings and other semi-natural habitats, such as grassland and heathland, are also relevant to great crested newts, reptiles and a wide variety of notable species of conservation concern.

The MAGIC website resource ([www.magic.gov.uk](http://www.magic.gov.uk)) was used to identify the location of designated sites for nature conservation and European Protected Species (EPS) licences granted in relation to the survey site.

## 2.2 Field Survey

A site walkover survey was undertaken on 28 January 2026, during which the habitats contained within the site were described and evaluated. Since this site is relatively small in scale and contains limited semi-natural habitat diversity, it was not considered necessary to undertake comprehensive UKHab mapping of the site. All habitat types contained within the site, together with the dominant botanical species and indicators of important habitat types, such as ancient woodland or unimproved grassland, have simply been listed and described where identified.

Habitats and features at the site were evaluated for their potential to support legally protected species and/or species of conservation interest. In addition, observations of any important plant communities, bird assemblages or other potentially valuable ecological features were recorded.

Details of the preliminary survey methods for each legally protected species are given below. Any site-specific limitations to the survey, e.g. access constraints or seasonal constraints, are set out in section 3.10.

## 2.3 Badgers

Badgers *Meles meles* exploit a range of habitats, including gardens, coniferous woodland, deciduous woodland, mixed woodland and arable land. They live in an underground system of tunnels and nesting chambers, known as a sett, with territories ranging from 30ha to 150ha or more.

Habitats within the site and surrounding area were broadly assessed for their potential to support badgers. Any signs of badger activity, for example setts, footprints, latrines, well-worn paths and foraging marks, were recorded. Further surveys were recommended as appropriate.

## 2.4 Bats

Bats can use a wide range of features for roosting purposes, including loft spaces, cavity walls, loose tiles, mortice joints and cracks/gaps in a variety of built structures. They can also be found in trees with holes, splits, cracks, cavities, ivy and loose bark.

A detailed building inspection was carried out in accordance with best practice guidance as set out by the Bat



Conservation Trust<sup>3</sup>; the inspection comprised identification of potential access points and 'Potential Roost Features' (PRFs) that bats could use and any evidence indicating the presence of bats using the building, such as rub marks, feeding remains, staining or droppings. The survey included a ground-based external inspection around the building and internal inspection of any enclosed loft spaces or roof voids, where safe access was possible.

The potential for roosting bats for each feature, or group of features was assessed as negligible, low, moderate, or high, in accordance with best practice. Any evidence confirming the presence of bats was clearly recorded including photos and samples taken (e.g. droppings), where appropriate.

The habitats surrounding the site and wider landscape were broadly assessed for their potential to support foraging and commuting bats.

## 2.5 Breeding Birds

Birds can use a wide range of natural and artificial habitats when breeding, including trees, hedgerows, fields, houses and garden sheds. The habitats contained within the site and adjacent areas were broadly assessed for their potential to support important bird species/assemblages, and breeding birds. Any birds identified during the site visit were recorded. Special attention was paid to notable species such as red-listed Birds of Conservation Concern<sup>4</sup> and those species afforded special protection on Schedule 1 of the Wildlife and Countryside Act (1981).

## 2.6 Dormice

Dormice are found in deciduous woodland and hedgerows, feeding on flowers, pollen, fruits, insects and nuts, favouring hazel *Corylus avellana* and honeysuckle *Lonicera periclymenum* for food and as bedding. The site was broadly assessed for its potential to support dormice. This included use of on-line mapping resources to assess the surrounding area for connectivity to large blocks of woodland, scrub and extensive hedgerow networks.

## 2.7 Great Crested Newt

Great crested newts breed in ponds during the spring and spend the rest of the year feeding on invertebrates primarily in semi-natural habitats including woodland, hedgerows, marshes and tussocky grassland. A desk study was undertaken to identify ponds and wet ditches within 500m of the site that might support breeding great crested newts. Where access permission was granted, or ponds could be viewed from public roads or footpaths, the ponds were assessed for their potential to support great crested newts using the Habitat Suitability Index (HSI) (Oldham et al 2000)<sup>5</sup>. The value of the site for terrestrially foraging great crested newts and any features that might be used by hibernating newts has also been assessed.

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<sup>3</sup> Collins, J.(ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4<sup>th</sup> edn). The Bat Conservation Trust, London.

<sup>4</sup> Stanbury, A., Eaton, M., Aebischer, N., Balmer, N., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. (2021). Birds of Conservation Concern 5: the status of bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man. *British Birds* 114, pp 723-747.

<sup>5</sup> Oldham, R.S., Keeble, J., Swan, M.J.S. and Jeffcote, M. (2000). Evaluating the suitability of habitat for the great crested newt (*Triturus cristatus*). *Herpetological Journal* 10, 143-155.



## 2.8 Reptiles

The common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, grass snake *Natrix helvetica* and adder *Vipera berus* are widespread species that can be found in any of these habitats, whereas smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* have much more restricted and isolated populations on lowland heathland and sand dunes.

Habitats on the site were broadly assessed for their potential to support reptiles. Particular attention was paid to those features that provide suitable basking areas (e.g. south-facing slopes), hibernation sites (e.g. banks, walls, piles of rotting vegetation) and opportunities for foraging (rough grassland and scrub).

## 2.9 Other Notable Species

The site's habitats were broadly assessed for their potential to support species of principal importance for nature conservation (Section 41 NERC Act 2006) and other notable species. This includes mammals such as harvest mouse *Micromys minutus*, hedgehog *Erinaceus europaeus*, brown hare *Lepus europaeus*, and many bird species. The site was broadly assessed for its potential to support important invertebrate assemblages with particular attention paid to features such as standing dead-wood, wet flushes, bare earth banks and botanically rich areas.

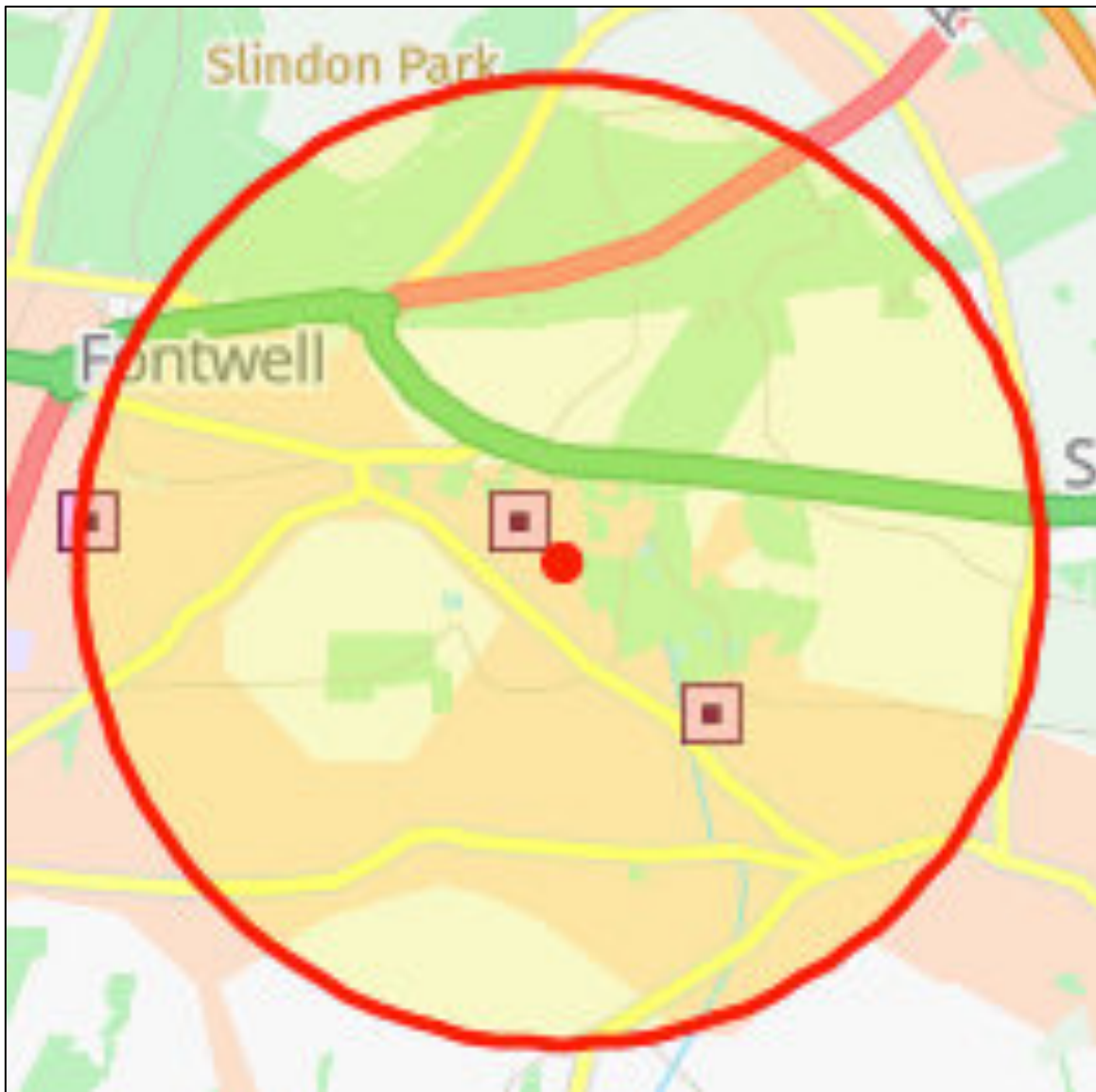
# 3 BASELINE CONDITIONS

## 3.1 Designated Sites and Granted EPS Licences

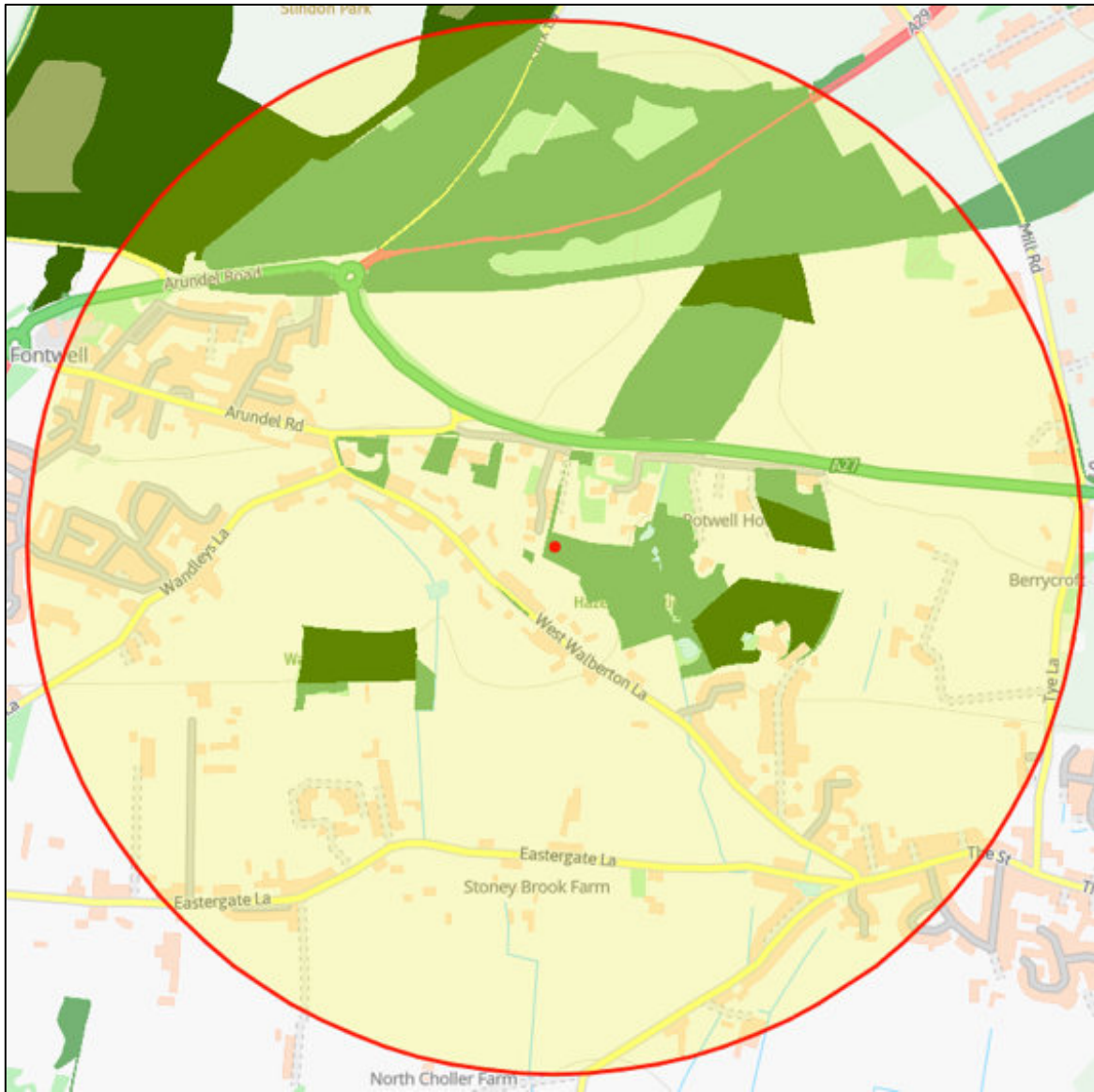
There are no designated sites within 2km of the site.

There are three granted EPS licences for mitigation projects for dormice within 1km of the site boundary (Figure 3). The closest is located approximately 100m north-west of the site. There are no granted EPS licences for bats within 1km of the site.

There are several patches of ancient woodland within 1km of the site, the nearest being approximately 290m south-east of the site. An area of priority habitat - deciduous woodland lies immediately adjacent to the east of the site. These are shown in Figure 4. Images from Google earth show that there were scattered trees present within the site up until 2023.



**Figure 3.** Granted EPS licences within 1km of the application site. Pink square = dormouse licences. Image produced courtesy of Magic maps (<http://www.magic.gov.uk/>, contains public sector information licensed under the Open Government Licence v3.0).



**Figure 4.** Habitats of importance for nature conservation (Ancient woodland & priority habitat - deciduous woodland). Image produced courtesy of Magic maps (<http://www.magic.gov.uk/>, contains public sector information licensed under the Open Government Licence v3.0).

## 3.2 Habitats

The site comprises an area of modified grassland and bare ground with scattered trees along the site boundaries and a patch of scrub in the east of the site.

The majority of the site includes an area of modified grassland with a sward height of approximately 5-15cm. Species present included perennial rye-grass *Lolium perenne*, cock's-foot *Dactylis glomerata*, red fescue *Festuca rubra*, bull/spear thistle *Cirsium vulgare*, common nettle *Urtica dioica*, cleavers *Galium aparine*, red dead-nettle *Lamium purpureum* and ribwort plantain *Plantago lanceolata*. There are patches of bare ground around the site.

Scattered semi-mature trees were present along the site boundaries. Species present include pedunculate oak *Quercus robur*, birch sp. *Betula sp.*, holly *Ilex aquifolium* and cherry laurel *Prunus laurocerasus*. A small patch of Bramble *Rubus fruticosus* agg. scrub was present along the eastern boundary. Some felled trees and a pile of



brash were present in the northern area of the site.



**Photograph 1.** Modified grassland with brash pile.



**Photograph 2.** Felled trees.



**Photograph 3.** Semi-mature oak trees along the western boundary.



**Photograph 4.** Bramble, holly and birch trees along eastern boundary.



**Photograph 5.** Cherry laurel along northern boundary.



**Photograph 6.** Track leading to the site consisting of modified grassland and bare ground.



### 3.3 Badgers

No signs of any badger activity were seen during the survey assessment, though there are habitats of value for this species within the site and surrounding landscape. It is likely that if any setts were situated within 30m of the site boundary, then evidence of badger activity would have been observed.

### 3.4 Bats

There were no buildings within the red line boundary.

No trees within the red line boundary of the site were identified to have potential roost features suitable for supporting roosting bats. All trees were assessed as having 'negligible' bat roost potential.

The scattered trees and scrub within the site are considered to be suitable for foraging and commuting by a variety of the more commonly recorded species of bat.

### 3.5 Breeding Birds

The trees and scrub across the site have the potential to support a variety of common nesting birds.

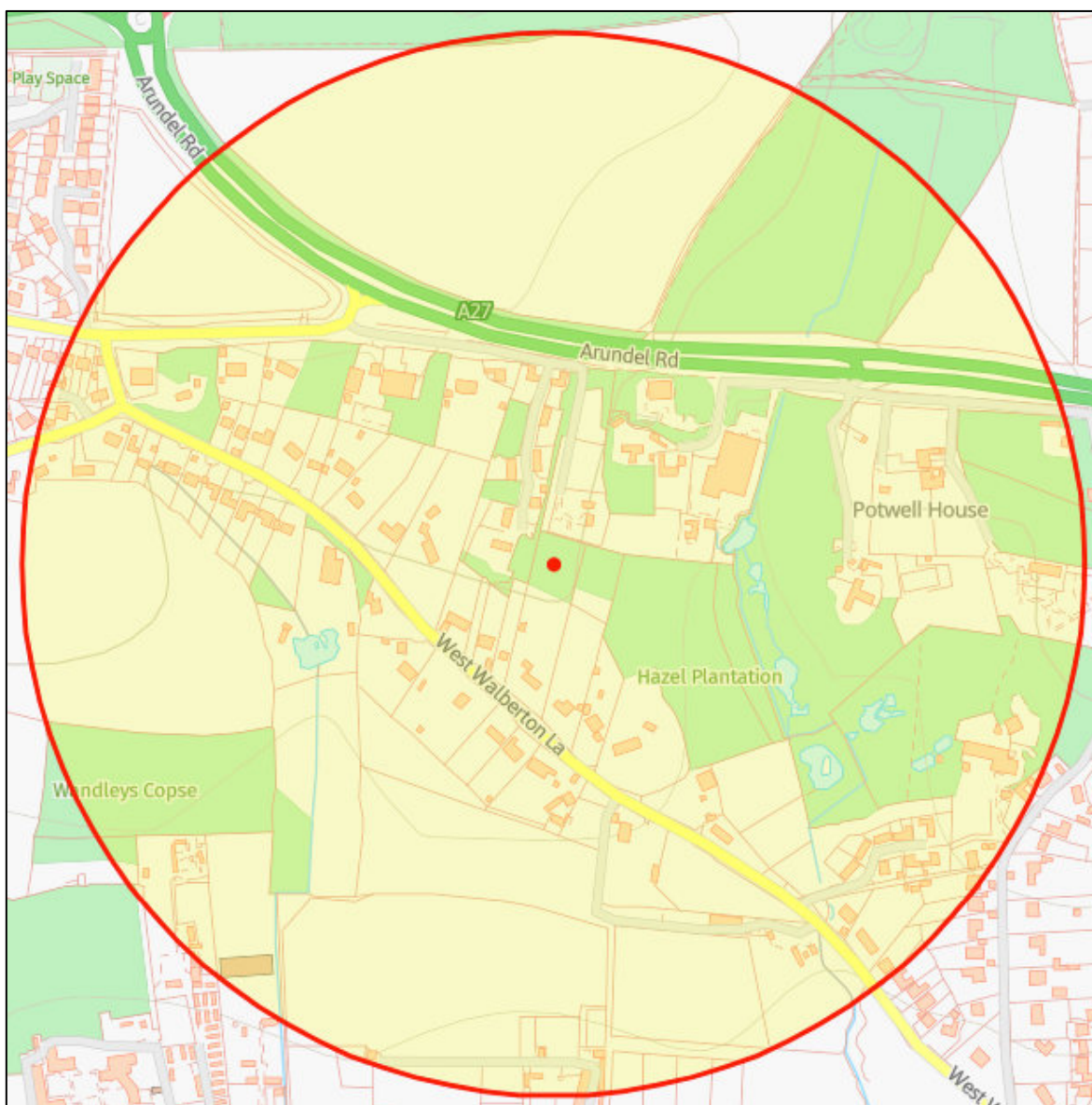
### 3.6 Dormice

There is suitable habitat within the wider area for dormice, and EPS licences confirm they are present in the wider area. The habitat on site is suboptimal for dormice, however, the bramble scrub and trees along the boundary connect to woodland in the wider area and there is potential for dormice to be present in the adjacent woodland.

### 3.7 Great Crested Newts and other Amphibians

There are no ponds within the site. Aerial photography and Ordnance Survey maps show ten waterbodies within 500m of the site (Figure 5), the nearest being approximately 145m east of the site.

Two of these waterbodies were separated from the site by major roads and residential properties, creating a barrier to species' dispersal to the site or its immediate vicinity. In addition, the habitat on the site has low suitability to support great crested newts due to the short sward, although there is some bramble scrub along the eastern boundary which could provide suitable terrestrial habitat for amphibians. The brash pile could also provide some suitable habitat. It was determined that overall, the site had low potential to support great crested newts.



**Figure 5.** Waterbodies within 500m of the site. Image produced courtesy of Magic maps (<http://www.magic.gov.uk/>, contains public sector information licensed under the Open Government Licence v3.0).

### 3.8 Reptiles

Overall the site does not contain any suitable habitat for reptiles and comprises a short sward of modified grassland. The brash pile could provide suitable habitat in the form of shelter for reptiles within the site.

### 3.9 Invasive Non-native Species

No evidence of invasive non-native species was found during the walkover survey.

### 3.10 Other Notable Species

The brash pile and bramble scrub could provide suitable habitat for hedgehog *Erinaceus europaeus*.



### 3.11 Survey Limitations

An initial site assessment such as this is only able to act like a 'snapshot' to record any flora or fauna that is present at the time of the survey. It is therefore possible that some species may not have been present during the survey but may be evident at other times of the year. For this reason, habitats are assessed for their potential to support some species, even where no direct evidence (such as droppings) has been found.

## 4 IMPACT APPRAISAL

### 4.1 Designated Sites

The site is outside the zone of influence of all designated sites and, based on this and the small scale of the development, there are no identified mechanisms of impact on designated sites as a result of the proposed development.

### 4.2 Habitats

The habitats which will be affected by the proposals are of low ecological value and of importance at the site level only. The proposed development will result in the partial loss of modified grassland. Ecological enhancement opportunities for native tree, shrub and hedgerow planting within the scheme are discussed below in section 5 below.

Priority habitat - deciduous woodland is located adjacent to the east of the site. Given the nature of the proposals, it is considered that impacts on this habitat are likely to be able to be avoided through appropriate avoidance measures such as pollution prevention measures. These measures should be detailed in a Construction and Environment Management Plan (CEMP).

### 4.3 Badgers

No signs of badger activity were identified during the assessment, and no badger setts are situated on or near to the proposed construction zone. No further surveys or mitigation for badgers is advised, however, if any signs of digging by large animals is identified on or near to the site in the future, prior to development or the submission of a planning application, further surveys would likely be required.

### 4.4 Bats

The scattered trees and scrub along the site boundaries are considered to be suitable for foraging and commuting by a variety of the more common species of bat, such as the pipistrelle species. Woodland and hedgerows within the wider landscape and along the boundary of the site are considered to be the features of greatest value to foraging/commuting bats within the context of the site. Overall, the site is considered to have moderate value for foraging and commuting bats.



As the site may be used by foraging and commuting bats, it is important that the potential for disturbance from artificial lights is considered. The proposed development is likely to require an 'ecologically sensitive lighting scheme' in accordance with guidance produced by the Bat Conservation Trust (summarised in Appendix 3).

## 4.5 Breeding Birds

The scattered trees and scrub within the site have the potential to support a variety of common nesting birds. It will be essential for any future development to consider the nesting bird season and any vegetation removal should be timed outside of the nesting bird season (typically 1<sup>st</sup> March to 31<sup>st</sup> August), unless features are first searched by a suitably qualified ecologist and no active nests are found. If an active nest is identified, a minimum exclusion zone for all works within a 5m radius of the nest must be established to protect it from disturbance until all the young have fledged.

## 4.6 Great Crested Newts and Other amphibians

The pile of brash within the site could provide suitable sheltering habitat for amphibians. This should be dismantled by hand carefully to ensure any amphibians present are not harmed. Should any Great Crested Newts be found works must stop immediately and a suitably qualified ecologist contacted for advice. The brash should then be stored off-site of the construction zone.

## 4.7 Dormice

There is potential for dormice to be present in the woodland adjacent to the site.

Trees and scrub along the site boundary should be retained where possible. Where areas of this habitat are to be removed reasonable avoidance measures will be employed. The measures will include a hand search by a suitably qualified ecologist to confirm the absence of any dormouse nests and supervision of the vegetation removal. As dormice are nocturnal, it is important that the potential for disturbance from artificial lights is considered, as for bats (see Appendix 3).

## 4.8 Reptiles

The pile of brash within the site could provide suitable sheltering habitat for reptiles. This should be dismantled by hand carefully to ensure any reptiles present are not harmed. The brash should then be stored off-site of the construction zone.

## 4.9 Other Notable Species

The pile of brash within the site could provide suitable sheltering habitat for hedgehog. This should be dismantled by hand carefully to ensure any hedgehogs present are not harmed. The brash should then be stored off-site of the construction zone.



## 5 OPPORTUNITIES FOR ENHANCEMENT

The proposed development represents an opportunity for habitat enhancement to benefit insects, birds, and bats. Any planting scheme must include native shrub species and flowering species known to encourage insect diversity. Such enhancement measures are in line with the recommendations of the NPPF and as such would be considered favourably when determining the planning application.

Bird boxes and bat boxes should be implemented within the scheme to provide additional nesting and roosting opportunities. As best practice, any lighting scheme should be designed to minimize light spill (see Bat Conservation Trust website), around these roosting features and potential commuting routes.

## 6 CONCLUSIONS

The site is dominated by the presence of modified grassland with some scattered trees and scrub. The precautionary mitigation set out in sections 4.5 to 4.9 in regard to bats, dormice, nesting birds, amphibians, hedgehog and reptiles, must be followed to ensure that there is not a breach of the Wildlife and Countryside Act 1981 (as amended).

As the site and adjacent woodland may be used by foraging and commuting bats as well as dormice, it is important that the potential for disturbance from artificial lights is considered. The proposed development is likely to require an 'ecologically sensitive lighting scheme' in accordance with guidance produced by the Bat Conservation Trust (summarised in Appendix 3).

The enhancement opportunities identified in section 5 of this document will result in new opportunities for nesting birds and roosting bats, and likely beneficial effects for biodiversity at the site should they all be implemented in full.

**It is important that no habitat clearance or other site preparation work should be undertaken until planning permission has been granted and all relevant protections for habitats of importance and protected species have been detailed and implemented. Please be advised that any work to remove or modify habitats outside of typical management may undermine a future planning application.**

Should you need any further advice on the information provided above, please do not hesitate to contact The Ecology Co-op, [REDACTED] [www.ecologyco-op.co.uk](http://www.ecologyco-op.co.uk) [REDACTED]



## APPENDIX 1 – Wildlife Legislation and National Planning Policy

### Introduction

The following text is intended for general guidance only and does not constitute comprehensive professional legal advice. It provides a summary of the current legal protection afforded to wildlife in general and certain species. It includes current national planning policy relevant to nature conservation.

### The ‘Birds Directive’, ‘Habitats Directive’ and ‘Natura 2000 Sites’

The Council Directive 79/409/EEC on the Conservation of Wild Birds (“the Birds Directive”) sets a framework for the protection of wild birds. Under the Directive, several provisions are made including the designation and protection of ‘Special Protection Areas’ (SPAs) – areas which support important bird populations, and the legal protection of rare or vulnerable species.

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the “Habitats Directive”) directs member states of the EU to take measures to maintain the favourable conservation status of important habitats and species. This requires the designation of a series of sites which contain important populations of species listed on Annex II of the Directive (for example Bechstein’s bat *Myotis bechsteinii*, Barbastelle bat *Barbastella barbastellus* and white-clawed crayfish *Austropotamobius pallipes*). Together with ‘Special Areas of Conservation’ (SACs), SPAs form a network across Europe of protected areas known as the ‘Natura 2000 sites’.

Annex IV lists species in need of more strict protection, these are known as “European Protected Species (EPS)”. All bat species, common dormice *Muscardinus avellana*, otter *Lutra lutra* and great crested newts *Triturus cristatus* are examples of EPS that are regularly encountered during development projects.

### The ‘Habitats Regulations’

The Conservation of Habitats and Species Regulations 2017, as amended (the “Habitats Regulations”) is the principle means of transposing the Habitats Directive and the Birds Directive, and updates the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 regulations”) in England and Wales.

‘Natura 2000’ sites, now known as National Site Network sites under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, receive the highest level of protection under the Regulations which requires that any activity within the zone of influence of these sites would be subject to a Habitats Regulations Assessment (HRA) by the competent authority (e.g. planning authority), leading to an Appropriate Assessment (AA) in cases where ‘likely significant effects’ to the conservation objectives are identified.

For European Protected Species, Regulation 41 makes it a criminal offence to:

- deliberately capture, injure or kill any such animal;
- deliberately disturb wild animals of such species;
- deliberately take or destroy their eggs (where relevant);
- damage or destroy a breeding or resting place of such an animal;
- possess, control, sell or exchange any live or dead animal or plant, of such species;
- deliberately pick, collect, cut, uproot or destroy a wild plant of such species.

The Habitats Directive and Habitats Regulations provide for the derogation from these prohibitions for specific



reasons provided certain conditions are met. An EPS licensing regime allows operations that would otherwise be unlawful acts to be carried out lawfully. Natural England is the licensing Authority and, in order to grant a license, ensures that three statutory conditions (sometimes referred to as the 'three derogation tests') are met:

- a licence can be granted for the purposes of “preserving public health or safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” (Regulation 53 (2) (e);
- a licence can be granted if “there are no satisfactory alternatives” to the proposed action;
- a licence shall not be granted unless the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

### **Wildlife and Countryside Act (1981) as amended.**

This remains one of the most important pieces of wildlife legislation in the UK. There are various schedules to the Act protecting birds (Schedule 1), other animals including insects (Schedule 5), plants (Schedule 8), and control of invasive non-native species (Schedule 9).

Under the Wildlife and Countryside Act (WCA) 1981, all wild birds (with the exception of those listed on Schedule 2), their eggs and nests are protected by law and it is an offence to:

- take, damage or destroy the nest of any wild bird while it is in use or being built
- take or destroy the egg of any wild bird
- disturb any bird listed on Schedule 1, while it is nest building, or at a nest with eggs or young, or disturb the dependant young of any such bird.

Schedule 5 lists all non-avian animals receiving protection to a varied degree. At its strongest, the Act makes it an offence to intentionally kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturb animals while occupying such places. Examples of species with *full protection* include all EPS, common reptile species, water vole *Arvicola amphibius*, white-clawed crayfish *Austropotamobius pallipes* and Roman snail *Helix pomatia*. Other species are protected from sale, barter or exchange only, such as white letter hairstreak *Satyrrium w-album*.

The Act makes it an offence to intentionally pick, uproot or destroy any plant or seed, and sell or possess any plant listed on Schedule 8. It is also an offence to intentionally uproot any wild plant not listed on Schedule 8 unless authorised [by the land owner]. Species on Schedules 5 and 8 are reviewed every 5 years when species can be added or removed.

Measures for the prevention of spreading non-native species which may be detrimental to native wildlife is included in the Act, which prohibits the release of animals or planting of plants into the wild of species listed on Schedule 9 (for example, Japanese knotweed *Fallopia japonica*, Himalayan balsam *Impatiens glandifera*, New Zealand Pygmyweed *Crassula helmsii*).

The Wildlife and Countryside Act 1981 (as amended) also prohibits certain inhumane methods of traps and devices for the capture or killing of wild animals and certain additional methods such as fixed trap, poisoning with gas or smoke, or spot-lighting with vehicles for killing species listed on Schedule 6 of the Act (this includes all bat species, badger, otter, polecat, dormice, hedgehog and red squirrel).

### **Natural Environment and Rural Communities (NERC) Act (2006)**

The NERC Act (2006) created the statutory nature conservation body Natural England, and places a statutory



duty on all public bodies, including planning authorities, under Section 40, to take, or promote the taking by others, steps to further the conservation of *habitats and species of principal importance for the conservation of biodiversity* in England (commonly referred to as the 'Biodiversity Duty'). This duty extends to all public bodies the biodiversity duty of Section 74 of the Countryside and Rights of Way (CROW) Act 2000, which placed a duty only on Government and Ministers. Section 41 of the NERC Act lists the habitats and species of principle importance. This includes a wide range of species from mosses, vascular plants, invertebrates through to mammals and birds. It originates from the priority species listed under the UK Biodiversity Action Plan (UK BAP) with some omissions and additions.

### **Environment Act (2021)**

The Environment Act sets a target of halting the decline in species through the inclusion of a legally binding 2030 species abundance target. Aiming to restore natural habitats and enhance biodiversity, the Act requires new developments to improve or create habitats for nature (through mechanisms such as mandatory Biodiversity Net Gain), and tackle deforestation. Going forwards, UK businesses will need to look closely at their supply chains as amongst other measures they will be prohibited from using commodities associated with wide-scale deforestation. Woodland protection measures are also strengthened through the Act.

The Act enables the reform of the Habitats Regulations and further improves protection for nature through the establishment of Local Nature Recovery Strategies that support national Nature Recovery Networks. In addition, the Act provides for the production of Protected Site Strategies and Species Conservation Strategies, aimed at supporting the design and delivery of strategic approaches to deliver better outcomes for nature.

### **Protection of Badgers Act (1992)**

The badger *Meles meles* is afforded specific legal protection in Britain under the Protection of Badgers Act (1992), and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) (see above).

Under this legislation, it is a criminal offence to:

- intentionally kill, injure, take, possess, or cruelly ill-treat, a badger, or to attempt to do so;
- interfere with a sett, by damaging or destroying it;
- to obstruct access to, or any entrance of, a badger sett; or
- to disturb a badger when it is occupying a sett.

A licence may be obtained from Natural England to permit certain prohibited actions for a number of defined reasons including interference of a sett for the purpose of development, provided that a certain number of conditions are met. Note that licenses are not normally granted for works affecting badgers between the end of November and the start of July.

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF 2024)<sup>6</sup> sets out the Government's view on how planners should balance nature conservation with development and helps ensure that Government meets its biodiversity commitments with regard to the operation of the planning system.

Paragraph 185b, states that council plans should “*promote the conservation, restoration and enhancement of*

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<sup>6</sup> HM Government (2023). National Planning Policy Framework. Department for Communities and Local Government. Available online at: [https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF\\_December\\_2024.pdf](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf)



*priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."*

The Office of the Deputy Prime Minister (ODPM) Circular 06/2005, 2005)<sup>7</sup>. In accordance with the NPPF, it is important that developments should contribute to and enhance the natural and local environment by:

- minimising impacts on existing biodiversity and habitats;
- providing net gains in biodiversity and habitats, wherever possible;
- establishing coherent ecological networks that are more resilient to current and future pressures.

## **UK Post-2010 Biodiversity Framework**

The UK Biodiversity Action Plan (UK BAP), first published in 1994, was the UK's response to the commitments of the Rio Convention on Biological Diversity (1992) until 2010, when the UK BAP was replaced by the UK Post-2010 Biodiversity Framework. This framework covers the period 2011 to 2020 and forms the UK government's response to the new strategic plan of the United Nations Convention on Biodiversity (CBD) published in 2010. This promotes a focus on individual countries delivering target for protection for biodiversity through their own strategies.

The most recent biodiversity strategy for England, 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' was published by Defra (2011), and a progress update was provided in July 2013 (Defra 2013).

'Biodiversity 2020' builds on the Natural Environment White Paper for England – 'The Natural Choice', published on 7 June 2011, and sets out the strategic direction for biodiversity policy for the next decade.

Biodiversity 2020 deliberately avoids setting specific targets and actions for local areas and species because the Government believes that local people and organisations are best placed to decide how to implement the strategy in the most appropriate way for their local area or situation.

## **Birds of Conservation Concern (BoCC)**

In 1996, the UK's leading non-governmental bird conservation organisations listed the conservation status of all bird species in the UK against a series of criteria relating to their population size, trends and relative importance to global conservation. The lists, known as the 'Red', 'Amber' and 'Green' lists (in order of decreasing concern) are used to inform key conservation policy and decisions. The lists are reviewed every five years and are a useful reference for determining the current importance of a particular site for birds. The most recent review was undertaken in 2021 (Stanbury et al, 2021), which provides an up to date assessment of the conservation status of birds in the UK.

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<sup>7</sup> HM Government (2005) ODPM Circular 06/05 Government Circular: *Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*. Available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7692/147570.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf).



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## APPENDIX 2 – Arun District Council - Adopted Local Plan 2011-2031

| Policy number/title                    | Policy summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| ENV DM4 (Protection of trees)          | <p>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:</p> <ul style="list-style-type: none"> <li>a. 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</li> <li>b. Would enhance the survival and growth prospects of other protected trees;</li> <li>c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland.</li> </ul> <p>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.</p> <p>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.</p> <p>Where there are existing trees on or adjacent to a development site, developers shall be required to provide:</p> <ul style="list-style-type: none"> <li>d. Land and tree surveys</li> <li>e. A tree constraints plan</li> <li>f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement</li> </ul> <p>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.</p> |
| ENV DM5 (Development and biodiversity) | <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



## APPENDIX 3 – Reducing Impacts of Artificial Light

Bright external lighting can have a detrimental impact upon foraging and commuting bat flight paths, but more importantly can also cause bats to remain in their roosts for longer. Artificial lighting can also cause significant impacts to other nocturnal species, most notably moths and other nocturnal insects. It can also result in disruption of the circadian rhythms of birds, reducing their fitness.

Guidelines issued by the Bat Conservation Trust<sup>8</sup> should be referred to when designing the lighting scheme. Note that lighting designs in very sensitive areas should be created with consultation from an ecologist and using up-to-date bat activity data where possible. The guidance contains techniques that can be used on all sites, whether a small domestic project or larger mixed-use, commercial or infrastructure development. This includes the following measures:

### **Avoid lighting key habitats and features altogether**

There is no legal duty requiring any place to be lit. British Standards and other policy documents allow for deviation from their own guidance where there are significant ecological/environmental reasons for doing so. It is acknowledged that in certain situations lighting is critical in maintaining safety, such as some industrial sites with 24-hour operation; however, in the public realm, while lighting can increase the perception of safety and security, measurable benefits can be subjective. Consequently, lighting design should be flexible and be able to fully consider the presence of protected species.

### **Apply mitigation methods to reduce lighting to agreed limits in other sensitive locations – lighting design considerations**

Where bat habitats and features are considered to be of lower importance or sensitivity to illumination, the need to provide lighting may outweigh the needs of bats. Consequently, a balance between a reduced lighting level appropriate to the ecological importance of each feature and species, and the lighting objectives for that area will need to be achieved. The following are techniques which have been successfully used on projects and are often used in combination for best results:

- dark buffers, illuminance limits and zonation;
- sensitive site configuration, whereby the location, orientation and height of newly built structures and hard standing can have a considerable impact on light spill;
- consideration of the design of the light and fittings, whereby the spread of light is minimised ensuring that only the task area is lit. Flat cut-off lanterns or accessories should be used to shield or direct light to where it is required. Consideration should be given to the height of lighting columns. It should be noted that a lower mounting height is not always better. A lower mounting height can create more light-spill or require more columns. Column height should be carefully considered to balance task and mitigation measures. Consider no lighting solutions where possible such as white lining, good signage, and LED cat's eyes. For example, light only high-risk stretches of roads, such as crossings and junctions, allowing headlights to provide any necessary illumination at other times;
- screening, whereby light spill can be successfully screened through soft landscaping and the installation of walls, fences and bunding;
- glazing treatments, whereby glazing should be restricted or redesigned wherever the ecologist and lighting professional determine there is a likely significant effect upon key bat habitat and

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<sup>8</sup> Bat Conservation Trust and Institute for Lighting Professionals (2023) Guidance note 8. Bats and Artificial Lighting. <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>



features;

- creation of alternative valuable bat habitat on site, whereby additional or alternative bat flightpaths, commuting habitat or foraging habitat could result in appropriate compensation for any such habitat being lost to the development;
- dimming and part-night lighting. Depending on the pattern of bat activity across the key features identified on site it may be appropriate for an element of on-site lighting to be controlled either diurnally, seasonally or according to human activity. A control management system can be used to dim (typically to 25% or less) or turn off groups of lights when not in use.

### **Demonstrate compliance with illuminance limits and buffers**

- *Design and pre-planning phase*; it may be necessary to demonstrate that the proposed lighting will comply with any agreed light-limitation or screening measures set as a result of your ecologist's recommendations and evaluation. This is especially likely to be requested if planning permission is required.
- *Baseline and post-completion light monitoring surveys*; baseline, pre-development lighting surveys may be useful where existing on or off-site lighting is suspected to be acting on key habitats and features and so may prevent the agreed or modelled illuminance limits being achieved.
- *Post-construction/operational phase compliance-checking*; as a condition of planning, post-completion lighting surveys by a suitably qualified person should be undertaken and a report produced for the local planning authority to confirm compliance. Any form of non-compliance must be clearly reported, and remedial measures outlined. Ongoing monitoring may be necessary, especially for systems with automated lighting/dimming or physical screening solutions.

### **Lighting Fixture Specifications**

The Bat Conservation Trust recommends the following specifications for lighting on developments to prevent disturbance:

- lighting spectra: peak wavelength >550nm
- colour temperature: <2700k (warm)
- reduction in light intensity
- minimal UV emitted
- upward light ratio of 0% and good optical control.

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