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Ecological Assessment

Site Name

Lancing Sea Scouts

Client

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Author

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About the Author

This report has been prepared by Lynn Spencer, a Senior Ecologist at The Ecology Co-op, with 11 years' experience. She has a Level 1 bat survey license and has prepared several 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 Owen Crawshaw, a Principal Ecologist with over 10 years' experience. He has a Level 2 bat survey licence and has prepared numerous European Protected Species licences for bats. As a Full member of the Chartered Institute for Ecology and Environmental Management (CIEEM), he is bound by their code of professional conduct.

Report Summary

Purpose	The Ecology Co-op was commissioned by Jamie Hull to undertake a Preliminary Ecological Appraisal at Lacing Sea Scouts, further to a proposal to demolish the existing buildings on the site and construct a new building to be used as a scout hall.
Context	This site is situated in an urban area. It comprises a scout hut and outbuildings set within an area of modified grassland and hardstanding. There are residential properties and arable fields within the wider area.
Key findings	The buildings were assessed as having negligible suitability to support roosting bats. Habitat within the zone of influence of the proposals was considered to be of potential value to bats for foraging/commuting/dispersal purposes. A separate confidential report detailing badger activity has been completed.
Recommendations	As no suitable features that might support roosting bats have been found, no further surveys or mitigation measures are considered necessary for this development proposal to proceed. A separate confidential report detailing badger activity has been completed. The footprint of the proposed development poses negligible risk to other protected/notable species.
Are further surveys required?	A separate confidential report detailing badger activity has been completed.

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1 INTRODUCTION

1.1 Purpose of the Report

The Ecology Co-op has been commissioned to undertake a Preliminary Ecological Appraisal (PEA) of land at Lancing Sea Scouts by The Jamie Hull. This report presents the findings of a walkover survey undertaken by Lynn Spencer, BSc (Hons), MSc, an associate member of the Chartered Institute of Ecology and Environmental Management (ACIEEM) and Natural England Level 1 bat survey class licence holder on 20th November 2024. 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 development.

Recommendations for further surveys that are likely to be required to inform a planning application and Ecological Impact Assessment (EcIA) 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, in addition to any requirement to achieve biodiversity net gain.

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. It is intended for submission in support of a planning application and can be used to inform a future Ecological Impact Assessment (EcIA) where required.

1.2 Background

The site is located at Lancing Sea Scouts, 79-81 Manor Road, Lancing BN15 0HG. The central grid reference for the site is TQ 18072 05520.

The site is located in an urban setting within the village of Lancing with residential properties to the north, east and west, and a cemetery to the south. There are arable fields within the wider area. It comprises a scout hut and outbuildings set within an area of modified grassland and hardstanding. Figure 1 shows the location of the site.

The proposed development comprises the demolition of the residential dwelling and construction of 2 residential developments within the site. The proposed plans are shown in Figure 2.



Figure 1. 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 ©2024 Google)

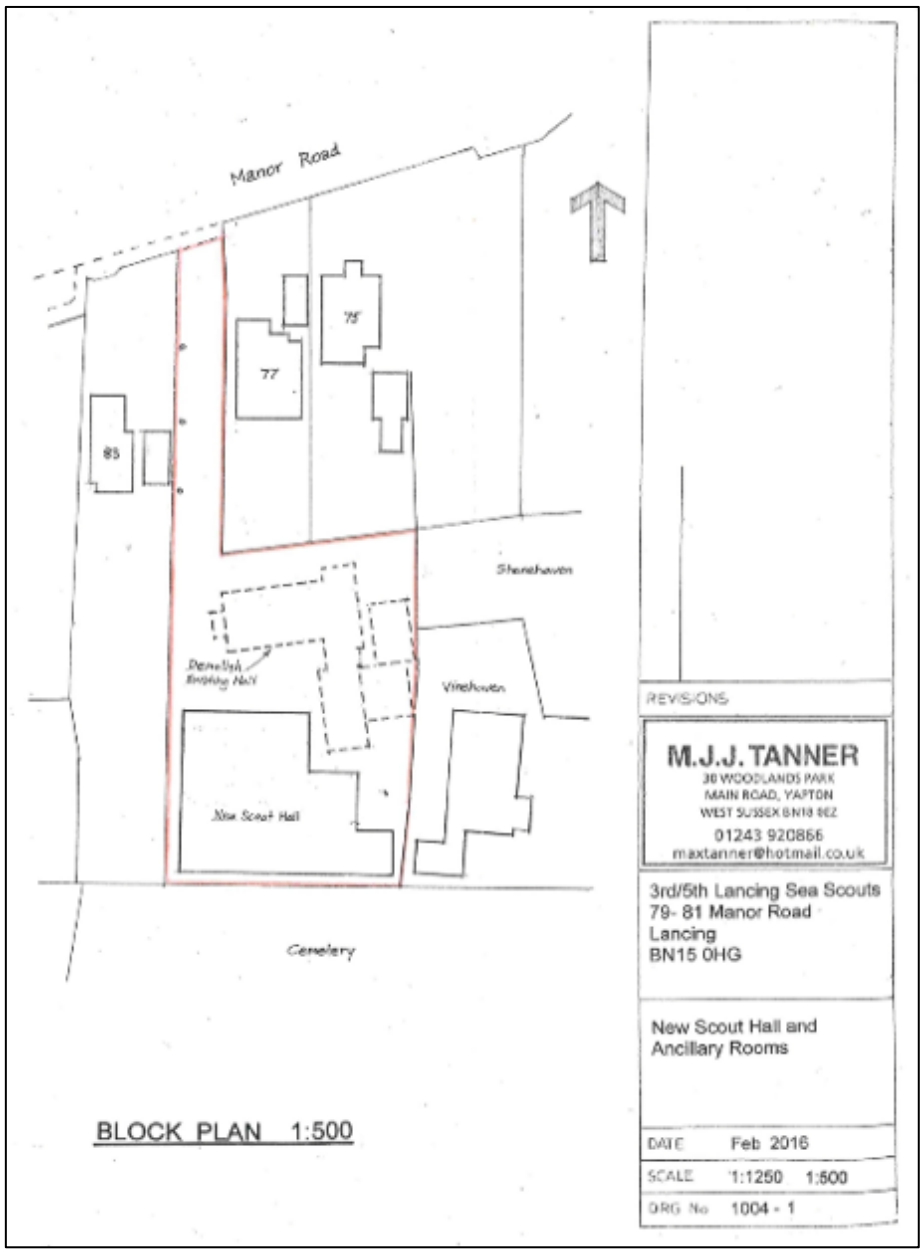


Figure 2. Proposed plans (courtesy of M.J.J. Tanner)

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 Adur 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[1], but also consider the Guidelines for Ecological Report Writing, Second Edition[2].

2.1 Desk Study

A search of on-line mapping resources was undertaken to identify the location of any features of potential 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) 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 20th November 2024, during which the habitats contained within the site were described and evaluated. 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 3.11.

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 30-150ha or more.

The walkover survey included a comprehensive search for evidence of badger activity, for example setts,

[1] CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal, 2nd edition.* Chartered Institute of Ecology and Environmental Management, Winchester.
[2] CIEEM (2017). *Guidelines for Ecological Report Writing, 2nd edition.* Chartered Institute of Ecology and Environmental Management, Winchester.

footprints, latrines, well-worn paths and foraging marks. Special attention was paid to boundary features, such as hedgerows, woodland edge, earth banks, and fence lines, where signs of badger activity is often concentrated. The methodology follows that published by the Mammal Society[3]. 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[4]; 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 buildings 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[5] 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.

[3] Harris, S, Cresswell, P. and Jefferies, D. (1989). *Surveying Badgers*. Mammal Society.
[4] Collins, J.(ed.) (2023*) Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edn). The Bat Conservation Trust, London.
[5] 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.

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.

Further surveys are recommended as appropriate in accordance with best practice guidance[6].

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)[7]. 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.

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.

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[6] Bright, P., Morris, P. and Mitchell-Jones, T. (2006). *The dormouse conservation handbook 2nd Ed.* English Nature, Peterborough.

[7] 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.

3 BASELINE CONDITIONS

3.1 Designated Sites and Granted EPS Licences

Lancing Ring Local Nature Reserve (LNR) lies 0.5km north of the site. There are no designated sites that include bats as a designated feature within the zone of influence of the site. Details of designated sites are provided in Table 1.

Table 1. Designated sites within 2km of the site

Site name	Designation	Features listed on citation	Proximity
Statutory designated sites			
Lancing Ring	Local Nature Reserve (LNR)	This chalk grassland site is notable for butterflies, adders, and common lizards. There is also deciduous woodland with wildflowers including early purple orchids and a dew pond, the habitat of dragonflies such as the broad-bodied chaser, *Libellula depressa*, and numerous newts.	0.5km north

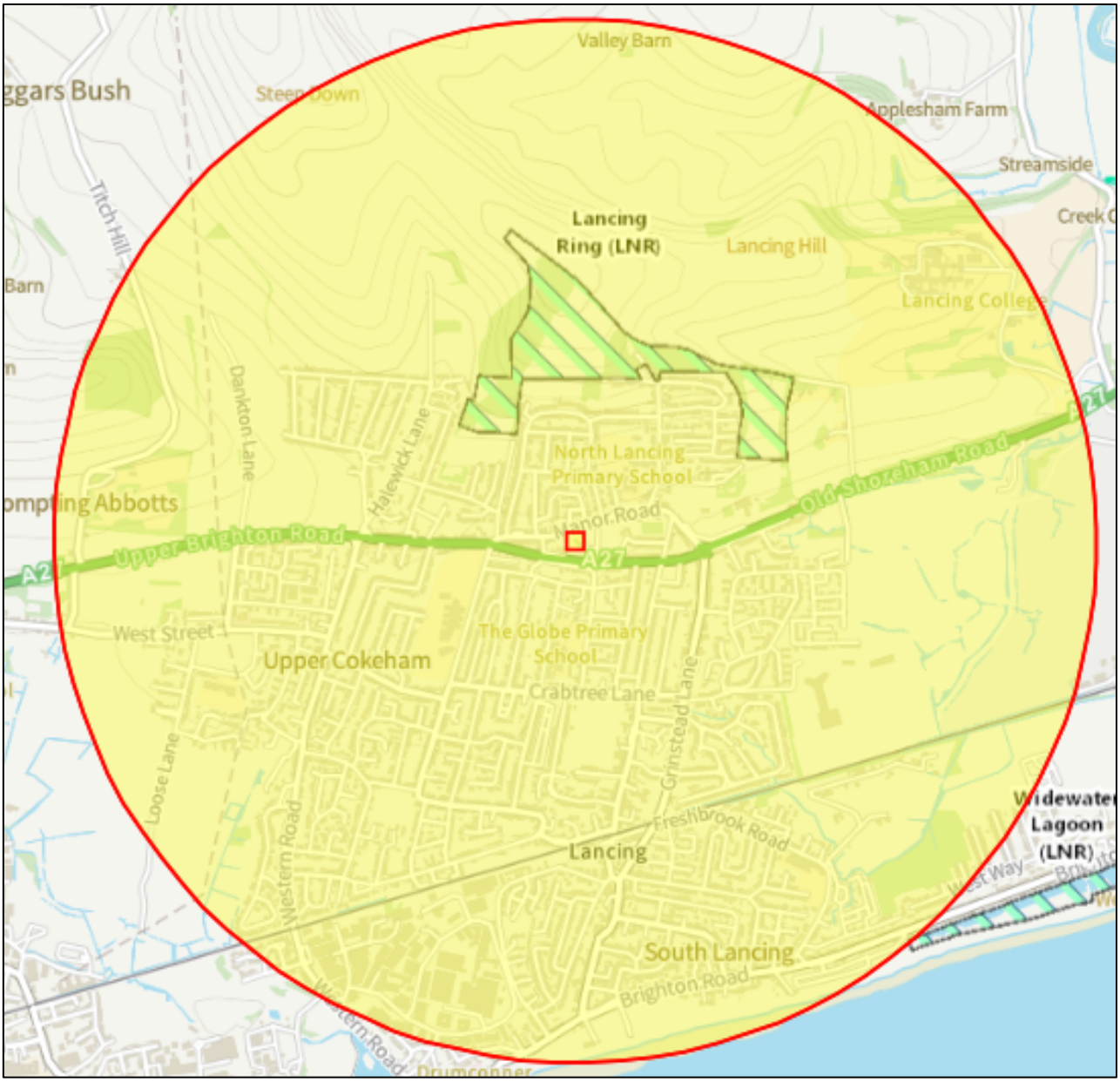


Figure 3. Designated sites within a radius of 2km of the application site. Image produced courtesy of Magic maps (http://www.magic.gov.uk/, contains public sector information licensed under the Open Government Licence v3.0).

There are no areas of ancient and semi-natural woodland, within 1km of the site.

There are no EPS licences granted for mitigation projects within 1km of the site boundary.

3.2 Habitats

The site comprises a scout hut and outbuildings set within an area of modified grassland and hardstanding (cement driveway and base of buildings). Some scattered trees lie within the site.

The southern section of the site contains an area of closely-mown modified grassland with a sward height of approximately 5-10cm. Species present included perennial rye-grass *Lolium perenne*, cock's-foot *Dactylis glomerata,* ribwort plantain *Plantago lanceolata,* dandelion *Taraxacum officinale,* and common nettle *Urtica dioica* with some scattered patches of bramble *Rubus fruticosus* around the site boundary. Several semi-

mature elder *Sambucus nigra* trees are present within the site.



Photograph 1. Modified grassland



Photograph 2. Semi-mature elder tree

3.3 Badgers

Information relating to badgers is provided in a separate confidential report which must not be released into the public domain.

3.4 Bats

The inspection revealed that the buildings on site are in generally good condition. The buildings are described further in Table 2 and illustrated in photographs below.
The location of buildings within the site are shown in Figure 4.

Table 2. An assessment of buildings at Lancing Sea Scouts and an assessment on their bat roost suitability.

Building	Description of features	Assessment of suitability
Scout hut	A wooden panelled building with a hipped corrugated aluminium roof. No void space. No cracks or crevices exist within the walls. No crevices suitable for roosting bats were observed and no evidence of bats identified.	Negligible bat roost suitability
Garage 1	A concrete structure with wooden fascias and flat felt roof. No void	Negligible

	space. No cracks or crevices exist within the walls. No crevices suitable for roosting bats were observed and no evidence of bats identified.	bat roost suitability
Outbuilding	A wooden panelled building with aluminium and felt siding and a hipped corrugated aluminium roof. No void space. No cracks or crevices exist within the walls. No crevices suitable for roosting bats were observed and no evidence of bats identified.	Negligible bat roost suitability
Garage 2	A concrete structure with wooden fascias and flat felt roof. No cracks or crevices exist within the walls. No void space. No cracks or crevices exist within the walls. No crevices suitable for roosting bats were observed and no evidence of bats identified.	Negligible bat roost suitability
Garage 3	A concrete structure with wooden fascias and flat felt roof. No cracks or crevices exist within the walls. No void space. No cracks or crevices exist within the walls. No crevices suitable for roosting bats were observed and no evidence of bats identified.	Negligible bat roost suitability

Overall, the bat roost suitability at this site is assessed as negligible considering the condition of the buildings and their context within low foraging habitat for bats.

The trees within the site had no suitability for roosting bats and tree roosting bats would therefore not be a constraint to development.

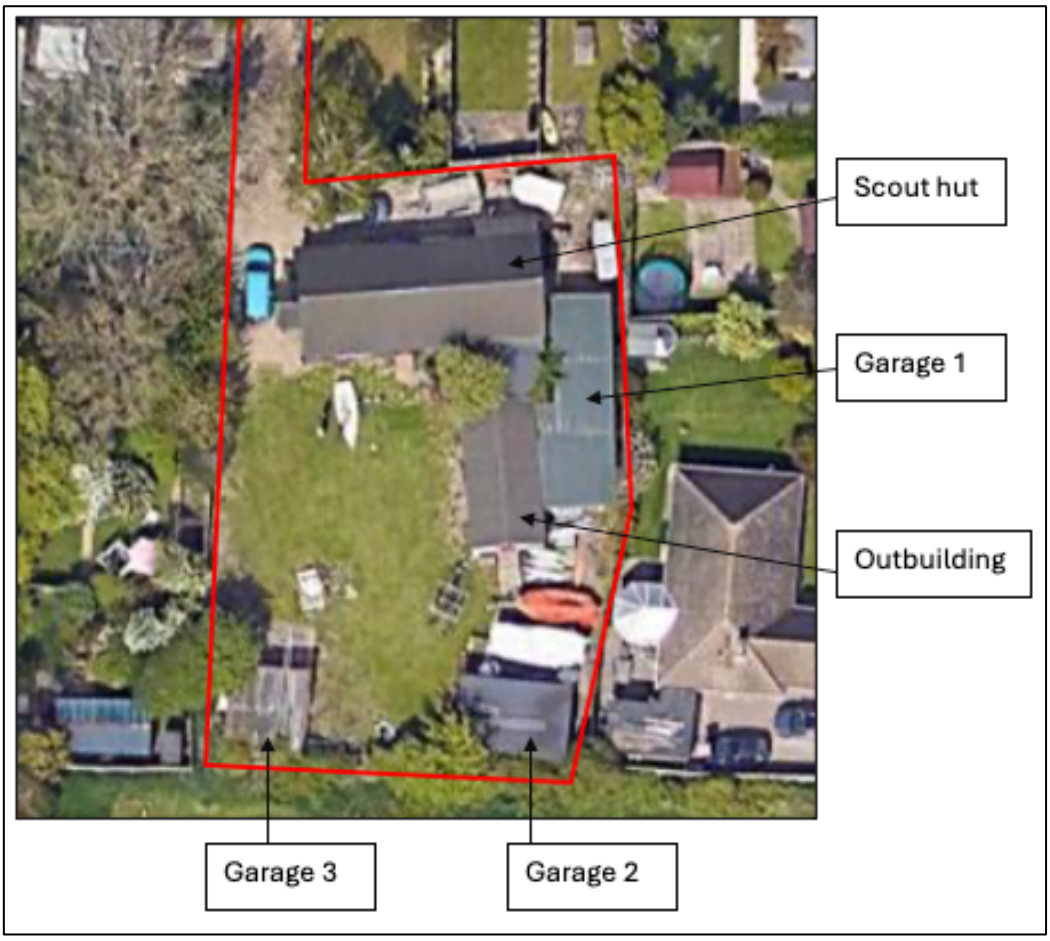


Figure 4. Location of buildings within the site.



Photograph 3. Scout hut



Photograph 4. Garage 1



Photograph 5. Outbuilding



Photograph 6. Garage 2



Photograph 7. Garage 3

Habitats within the site and surrounding areas are considered to be suitable for foraging and commuting by a variety of common bat species such as the pipistrelle species. Scattered trees within the site and arable fields in the wider area 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 low value for foraging and commuting bats.

3.5 Breeding Birds

The semi-mature trees and buildings have the potential to support a variety of common nesting birds.

3.6 Dormice

The site contains no woodland, scrub or hedgerows suitable for dormice and the species is highly unlikely to be present.

3.7 Great Crested Newts and other Amphibians

There were no waterbodies within the site. Aerial photography and Ordnance Survey maps show one garden pond and a swimming pool within 500m, approximately 280m and 305m respectively north-east of the site (Figure 4). These are separated from the site by several roads and residential properties, creating a barrier to amphibian dispersal to the site or its immediate vicinity.

The proposed zone of impact is comprised of buildings, hardstanding and closely mown modified grassland.

It was determined that overall, the site had negligible potential to support great crested newts *Triturus cristatus*

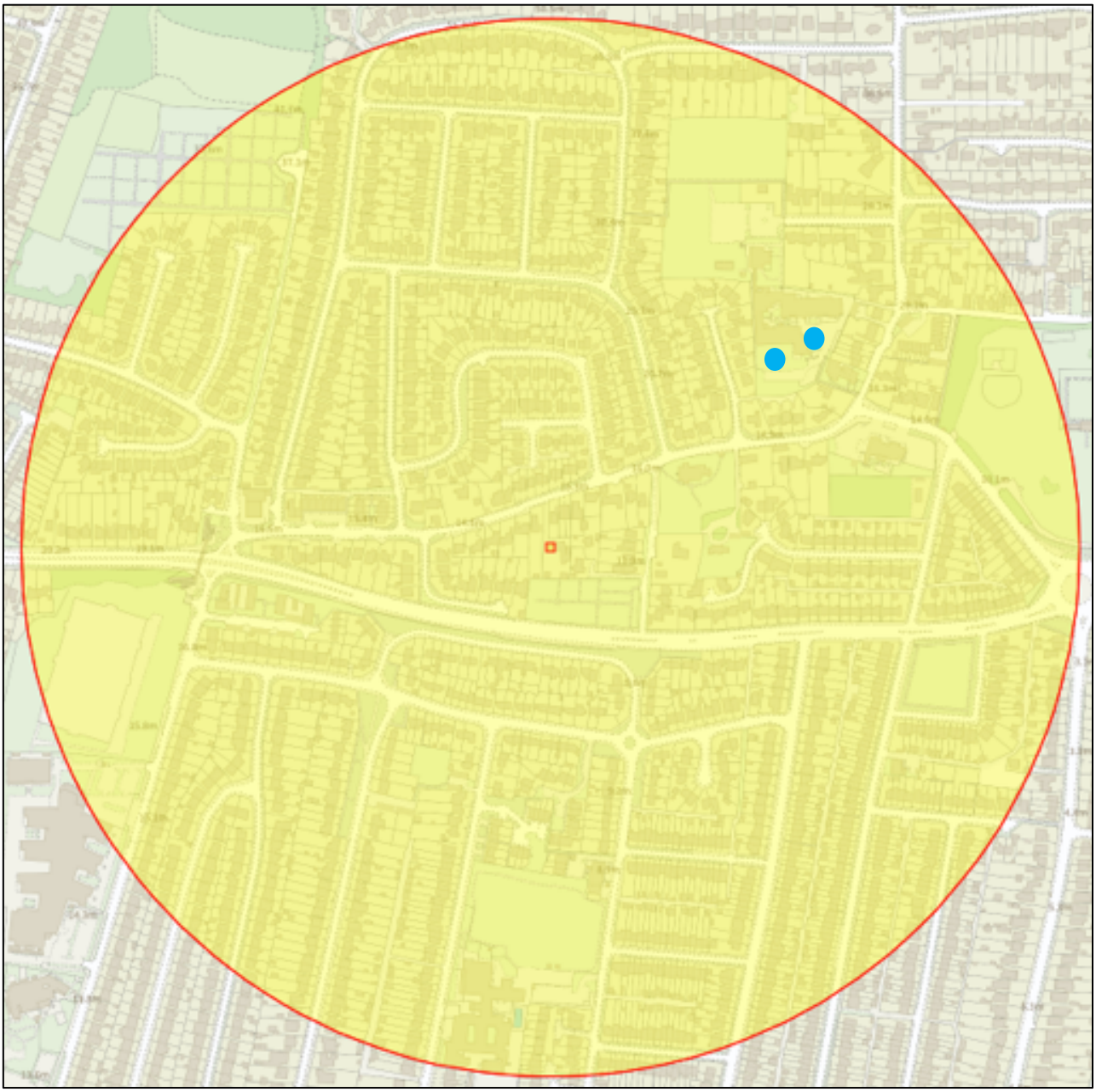


Figure 5. Waterbodies within 500m of the site (shown with blue dots). Image produced courtesy of Magic maps (http://www.magic.gov.uk/, contains public sector information licensed under the Open Government Licence v3.0).

3.8 Reptiles

The site does not contain any suitable habitat for reptiles and comprises almost exclusively hard standing and close-mown amenity grassland.

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 buildings have the potential to support nesting birds.

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

Lancing Ring LNR lies 0.5km north of the site. The usage of the application site is not changing and therefore there will be not see an increase in recreational pressure for the LNR. 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. Therefore, in relation to designated sites, the proposed development is considered to pose a 'negligible' impact risk.

4.2 Badgers

Information relating to badgers is provided in a separate confidential report which must not be released into the public domain.

4.3 Bats

In accordance with the Bat Conservation Trust guidelines, the overall suitability of the buildings for roosting bats is rated as 'negligible' and no further surveys are recommended.

Overall, the site is considered to be of low value for foraging and commuting bats.

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

4.4 Breeding Birds

Since the buildings have potential to support nesting birds, demolition and/or construction work upon the building should be timed outside of the nesting bird season (avoiding 1st March–31st August). If this is not

possible, the building should be subject to nesting bird checks by a suitably qualified ecologist as appropriate to the works. If an active nest is identified, a minimum exclusion zone for all works within 5m radius of the nest must be established to protect it from disturbance until the young have fledged.

4.5 Other Notable Species

Since the site comprises a building and hardstanding surrounded by an area of modified grassland, the risk of impacts upon reptiles or amphibians is considered negligible and no other surveys are considered necessary. A separate confidential report detailing badger activity has been completed.

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.

The developer is also encouraged to consider including integral bat roosting opportunities into the building fabric such as bat tiles and internal voids/access points for bats. For example, two Schwegler 2FR bat tube could be built into the south or west facing elevations. Alternatively, 2FE Schwegler Wall-Mounted bat shelters could be installed upon the external faces of the building close to the eaves of the building on the southern or western face.

Bird boxes and bat boxes should be implemented within the scheme to provide additional nesting and roosting opportunities.

6 CONCLUSIONS

The land at Lancing Sea Scouts is dominated by the presence of mown lawns and hardstanding. The demolition of existing and construction of new buildings, as set out in Figure 2 of this report, represents an impact that is likely to result in effects that are significant at a site level only, given the absence of any habitats of value. The precautionary mitigation set out in section 4.4, to avoid the removal of vegetation during the nesting bird season, must be followed to ensure that there is not a breach of the Wildlife and Countryside Act.

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.

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 *Satyrium 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 2023)[8] sets out the Government's view on how planners should balance nature conservation with development and helps ensure that Government meets its

[8] HM Government (2023). National Planning Policy Framework. Department for Communities and Local Government. Available online at: https://assets.publishing.service.gov.uk/media/64f991c99ee0f2000fb7c001/NPPF_Sept_23.pdf.

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 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) [9]. 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.

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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https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf

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APPENDIX 2 – Adur Local Plan 2017 (adopted 14th December 2017)

Policy number/title	Policy summary
Policy 31: Biodiversity	All development should ensure the protection, conservation, and where possible, enhancement of biodiversity, including nationally and locally designated sites, Biodiversity Opportunity Areas (BOAs), marine habitats and other Biodiversity Action Plan (BAP) habitat areas, wildlife corridors, and protected and priority species. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused. Nationally designated sites: Proposed developments which would adversely affect a Site of Special Scientific Interest (SSSIs) (individually or cumulatively) will not normally be permitted. Exceptions will only be made where the benefits of the development on the particular site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts. Local Designations: Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Nature Reserve, Local Wildlife Sites (including ancient woodlands or wildlife corridors) or Regionally Important Geological/Geomorphological Site will not be permitted unless it can be demonstrated that reasons for the proposal outweigh the need to safeguard the nature conservation value of the site/feature. Where appropriate, the Authority will use planning conditions or obligations to provide appropriate enhancement and site management measures, and where impacts are unavoidable, mitigation or compensatory measures. Where relevant, new development adjacent to the Adur Estuary or the coast will have to demonstrate how it is addressing the issue of coastal squeeze.

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[10] 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 cats 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

[10] Bat Conservation Trust and Institute for Lighting Professionals (2018) Guidance note 8. Bats and Artificial Lighting. https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/

lighting professional determine there is a likely significant effect upon key bat habitat and 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

Further reading:

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End.