

## **Rampion 2 windfarm proposal EN010117**

**Janine Creaye IP no 20045132**

### **Response to Deadline 3 submissions from the Applicant Particularly scrub and hedgerow retention plans at the end of REP3-025**

**Following on from ISH2 session 4 15/5/2024 [which I was unable to attend but have watched on recording], and following on from the Accompanied Site Visit of 14/5/2024 which I did attend**

I will ask again a point from the applicant that I have asked in two previous submissions and again during the site visit at Cratemans Farm in Cowfold and it still gets no answer:

How can the scrub HS5800/HS688 remain intact [as on retention plan 7.2.3k] when it is marked for tree loss and is directly in the middle of open trench cable construction as well as the haul road, and is specifically where the DCO limits narrow in? This is very important habitat and central to this part of the Farm.

To further comment on the Planning Inspectorate question about the hedge clearance to 30m of HS1389 and HS558 (figure 7.2.3k Scrub Retention Plan) that surround and screen Cratemans Farm: How can this be justified? This destroys the setting of one of the oldest properties in Cowfold (parts date from 1400s) destroys the privacy of the landowner, destroys habitat for wildlife including snakes (adjacent) and also impacts the pleasure of the people who walk on the footpaths through this land (particularly PROW 1776/1). I will make further comment on our new evidence of the importance of the habitat below.

A further point on the disproportionate vegetation loss at Cratemans Farm: at the Accompanied Site Visit the landowner asked why the hedge HS1388b has to be cut through for the haul road? As witnessed, this is over 3m thick scrub and contains mature trees, is full of nesting birds and insects and there is perfectly clear tractor access already at the corner of the field. What is the justification of more destruction? The hearing the following day brought up what sounded like a similar issue near the substation under the name Cleggan in session 4. It was also about a pre-existing access being ignored in favour of cutting through more established hedge and scrub. That point was taken away for consideration. This should be reconsidered too.

I appreciate that the Green Lane W110 was brought up by the Planning Inspectorate as a special point for Applicant response by the next deadline, and note again that it does not even feature as scrub, hedge or woodland on the retention plans. It is just passed over. Yet on 7.2.2h (B) the more simple hedge/tree boundaries W5863 and W689 are clearly marked (for retention).

We are currently working on further evidence of the significance of this boundary and an independent assessment of the quality of its trees, which will be submitted for the next deadline.

### **QUALITY OF FIELD SURVEYS – NEW EVIDENCE OF SERIOUS INACCURACIES**

**REP3 – 052 the applicant states once again with no acknowledgement that this has been questioned by multiple landowners and Interested Parties:**

‘The Applicant is satisfied that the level of field survey undertaken is proportionate to the type of activity proposed and allows a robust ecological impact assessment to be carried out. The Applicant notes that neither Natural England nor Horsham District Council (HDC) have highlighted a lack of survey information in general as an issue.’

The Applicant has just repeated what they wrote in REP2 – 029 Table 2-15

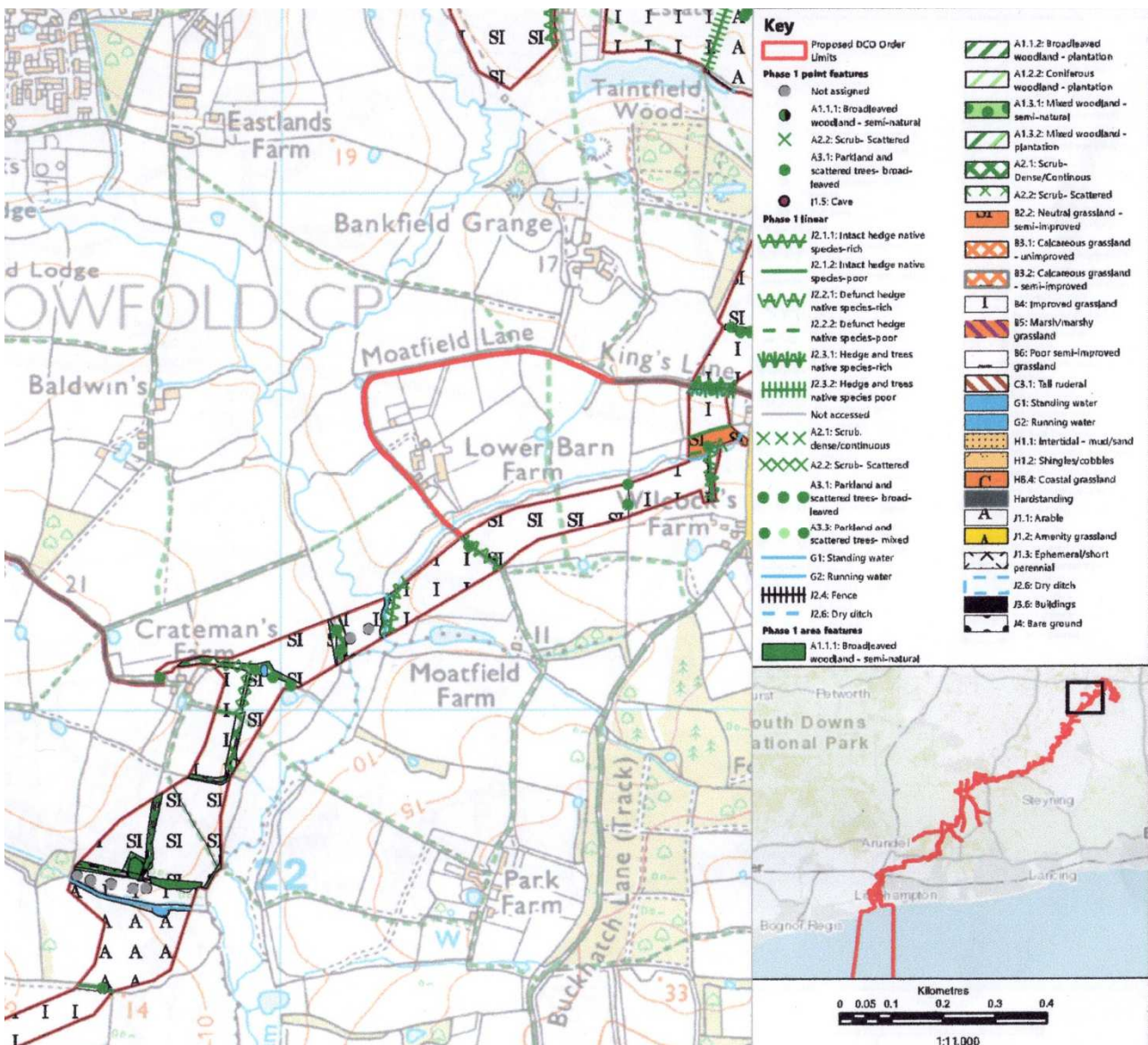
Please refer to my response from deadline 3 [REP3-112] which deals with most of the points made here by the applicant again in reply to my deadline 2 comments ie there was no desk study available so that is

why the authorities didn't question the quality of the surveys. Once again the applicant has ignored all evidence supplied by Interested Parties during this process and simply defaults back to their own original documents.

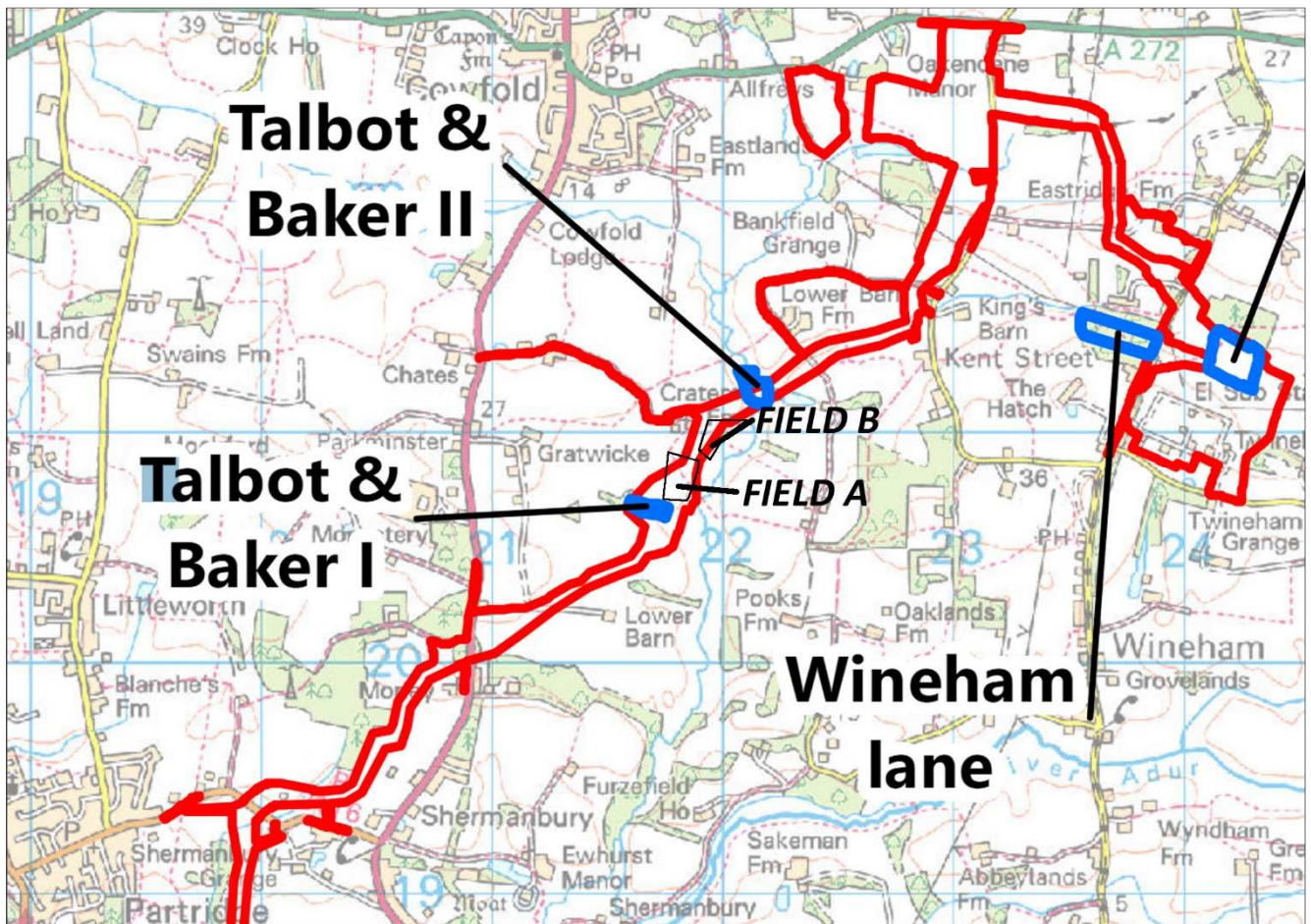
**NEW EVIDENCE**

Please find submitted here separately a new independent survey from ecologist [redacted] of Arborweald for the two fields at Cratemans Farm, which I have called A and B in my report [REP1- 106]. This categorically endorses that these fields are 'unimproved lowland meadows' and as such should qualify as BAP Priority Habitat. Phase 1 habitat studies in APP-063 (Figure 22.3.1k) have labelled these fields 'poor semi-improved' and the adjacent field 'Improved' (see below). The field marked as 'improved' has been treated the same as fields A and B by the landowner and shares most of the same meadow plants. Underplaying the quality of these fields is a serious error especially as they are so badly impacted by the construction process and they support so much biodiversity.

I have included photographic evidence and plant species lists to date for these fields, at the end of this section.



The applicant keeps referring back to their phase 1 habitat studies which clearly failed to survey Cratemans Fields but as I have pointed out Talbot & Baker I is newly grass planted grazing fields in Gratwicke Stud Farm and Talbot and Baker II is marked right in the Cowfold Stream. It is also sad that the map presented in APP - 182 (shown below) is difficult to find in the documentation, does not show the farm boundaries to make any sense of it and is very crudely marked to identify the locations. I have added Field A and B for context – right in the middle of the open trench construction work.



The comment by the Applicant in REP3-51 'the list of species is not dissimilar to that submitted by Ms Creaye' is completely incorrect and at cross purposes because they are recording very different locations with far less flower density. The only reason that Arborweald's earlier survey report and my species lists were incomplete was because they were made after we found out that no surveys had been done (when the Proposal was submitted), which was obviously too late in the year to identify many of the meadow plants. The value of these fields is particularly endorsed because we still found evidence of so much wildflower density at such an inappropriate time. Now that the meadows are building to their peak in June, it is absolutely obvious that particularly Field A with its scrub hedges, and which suffers the most destruction in this process, is very special and this should have influenced how the route was chosen. I will continue to enter species records as plants come into flower, but categorically this is 'unimproved' meadow which is rare and so valuable to the biodiversity which is in crisis in this country.

The ecologist [REDACTED] also said that he followed the Crateman's site visit with a visit to the SSSI designated Sapperton Meadows in East Sussex and said that 'it was nowhere near as impressive' and that it was currently 'much worse quality in terms of sward height and diversity' than Crateman's fields.

The Arborweald conclusion is: 'It is the author's professional opinion that the fields surveyed at Cratemans Farm comprise unimproved grassland bounded by species rich hedgerows that are 'important' as per the Hedgerow Regulations Act 1997. Both fields are identified as 'unimproved' grassland under the BAP, DEFRA and Natural England framework for assessing grasslands.'

'The most environmentally favourable option for the development is for the cable route to cross land of less ecological value and to avoid sensitive features in their entirety. This would also deliver savings in ecological surveys and the associated works required'

This further evidence undermines the quality of other grassland classification surveys submitted by the Applicant for this area if not potentially for the whole onshore cable route. As I pointed out in my previous submission [REP3-112]. There are other landowners noting the same issues. Further to this, Wilcocks Farm where the cable construction turns to run parallel with Kent Street is marked as 'improved' in the Phase 1 habitat study Figure 22.3.1k (see above) and has also not been farmed or treated with pesticides or herbicides for decades. It is now visibly full of meadow flowers.

Weirdly one strip is recognised as neutral semi-improved which is inconsistent and inexplicable. I will look into the species status of those fields by the next deadline, but without doubt they are at worst species rich 'semi improved' as the fields are not by any means 'improved' and despite the landowners written comments have also been classified incorrectly.

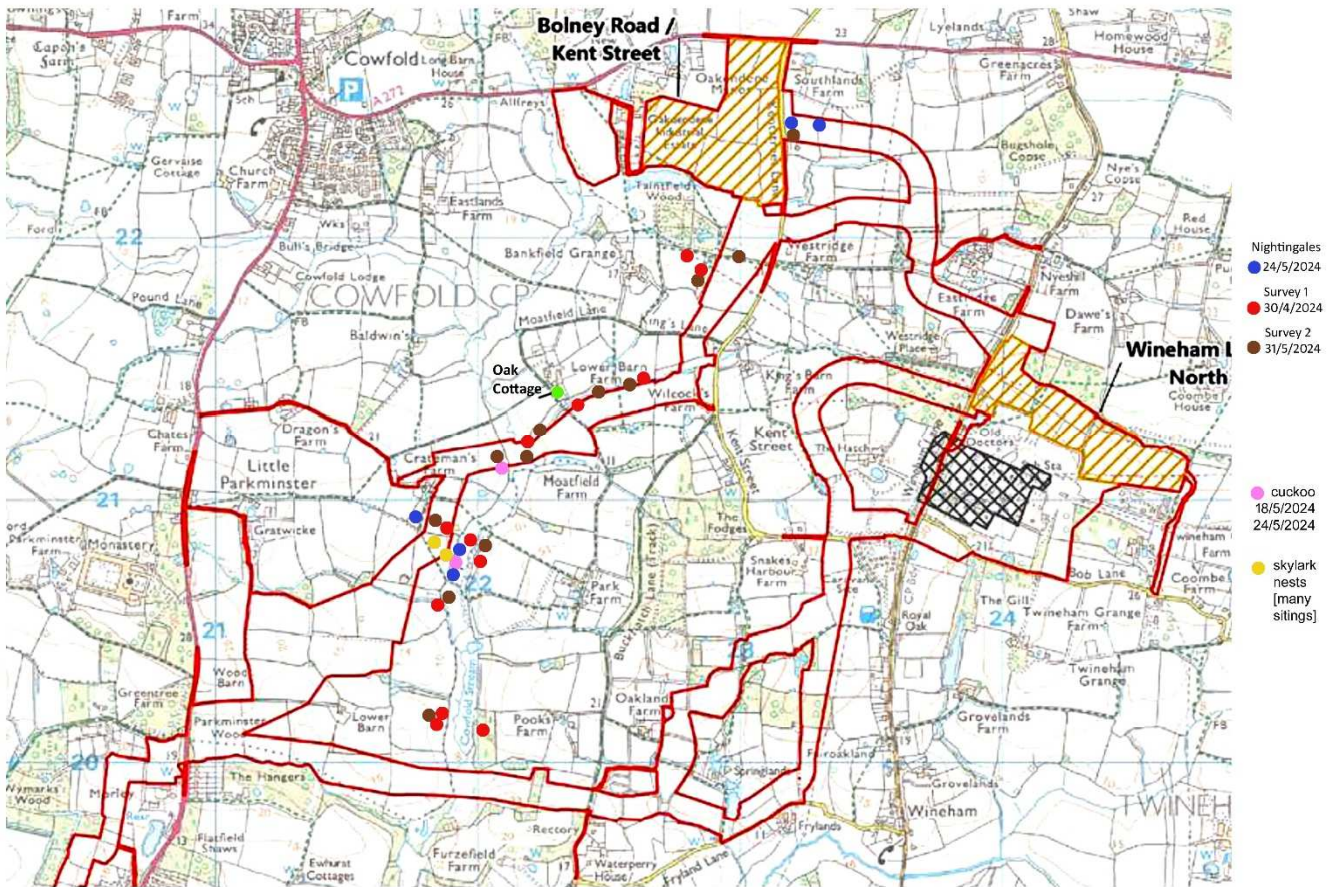
The applicant says again:

**'The impact of the Proposed Development on breeding birds, including nightingale, has been assessed in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the Environmental Statement (ES) [APP-063]. The assessment concludes that the impact on breeding birds from reduction in habitat connectivity, disturbance and displacement will not be significant.'**

Again the applicant refers back to their initial greatly underplayed assessments in APP-063, ignores my quotes from ██████████ on of habitat requirements for nightingales, ignores our survey maps and territories records given in REP1-106 only vaguely referring to cowfoldvrampion's summaries (which I presume is deliberate) and makes no acknowledgement that the construction goes right through nesting territories ie HS5800, HS1388b, HS1388c and there is also a nesting site at the Cratemans HSDD compound (see 2024 map below). As I have said before the issue is it is not just nightingales but other red list bird species like skylarks which nest here for many more months of the year on the field edge at HS1388c where scrub is to be removed (also included on map). This is my initial survey map for 2024, I have not yet completed territories maps, and it is clear that the cluster at Cratemans spreads right across the construction route and East of Kent Street is also territory which is being used again this year. The scrub conditions required cannot be recreated in the lifetime of the turbines so I don't understand how the **'reduction in habitat connectivity, disturbance and displacement will not be significant'**. It is just untrue, and denying the reality precludes any mitigation by reviewing alternatives like the other substation site.

**Nightingale iRecord entries in the Rampion 2 cable route Approach to Oakendene area, Cowfold/Shermanbury 2024**

Coloured spots mark locations of nightingale and other red list bird entries in iRecord and some sound recordings April - mid June 2024, added to Sussex Biodiversity Records Office data



Rampion 2 proposed cable routes in red

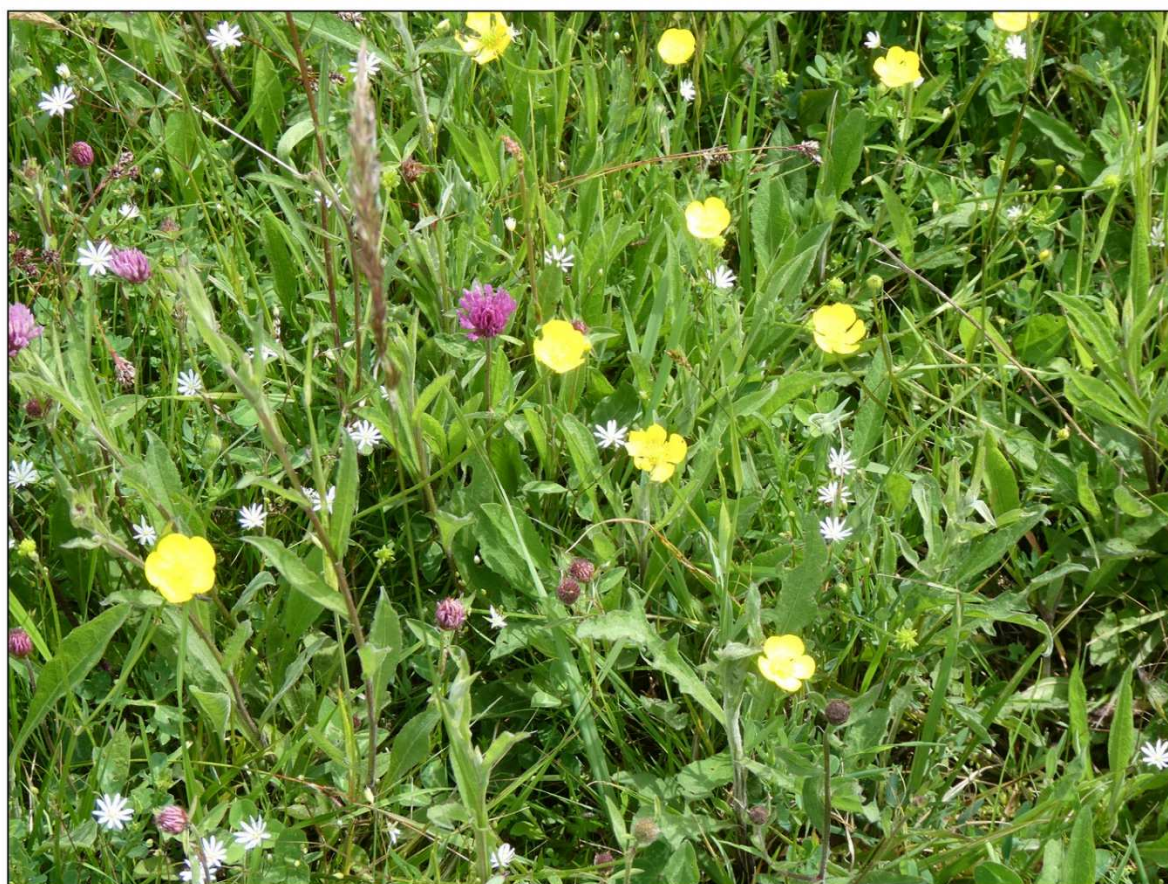
Janine Creaye

The applicant cannot just keep blanking out evidence provided just because it was not in desk study at the outset in 2021.

DATA AND EVIDENCE GATHERED THIS YEAR SO FAR

Meadow A plantlist 24 <sup>th</sup> May				Meadow B plantlist 30 <sup>th</sup> May entered as TQ21942094			
Plant common name		comment		30th May	comment		
Meadow fox-tail grass	x			x			
Yorkshire fog grass	x			x			
sweet vernal grass	x	abundant		x			
crested dog's-tail grass		Not seen yet this year					
Cocks foot grass	x			x	abundant		
Timothy grass				x			
Tufted vetch	x			x			
Bird's-foot-trefoil	x	abundant		x	abundant		
Common spotted orchid	x	Patch in SE corner					
Common knapweed	x	abundant		x			
creeping thistle				x			
meadow buttercup	x	abundant		x			
red clover	x	abundant		x	widespread		
yarrow				x	Abundant throughout		
black medick	x			x			
pignut	x			x			
cinquefoil	x	widespread		x	widespread		
self-heal	x			x			
Ground ivy	x	Field edge only		x	Field edge only		
Meadow vetchling		Present last year			Not obvious yet		
common mouse-ear	x			x			
Ribwort plantain	x			x			
Common sorrel	x			x			
Lesser stitchwort	x	Abundant throughout		x	Patches throughout		
Cuckooflower	x						
common fleabane	x	Leaves present					
soft rush	x	Patches throughout					
field woodrush	x	Only abundant this year		x			
Glaucous sedge	x			x			
Oval sedge	x			x			
Cut leaved cranesbill	x			x			
Grass vetchling	x			x	Abundant west side		
Creeping thistle				x			
Oxeye daisy				x	Large patch		
silverweed				x			
Red bartsia					Not seen yet		
spindle tree	x	Cowfold stream edge					
Yellow sedge				x			

No white clover found in field A, little in field B and no dandelions in flower. Broad leaved dock only at extreme field edge



*Photos: J.Creaye*

Extended Phase 1 surveys designated 'poor semi-improved'

Field A [Bottom Eight], Crateman's Farm, Dragons Lane, Cowfold. Survey 24th May 2024

cuckoo flower



tufted vetchling



common mouse-ear



common spotted orchid



with grid reference



common knapweed



Meadow buttercup



ribwort plantain



red clover



agrimony



lesser stitchwort/bird-foot trefoil



grass vetchling



cut-leaved cranesbill



creeping cinquefoil



black medick



Field A [Bottom Eight], Crateman's Farm, Dragons Lane, Cowfold. Survey 24th May 2024

meadow foxtail grass



sweet vernal grass



Yorkshire fog grass



soft rush



glaucous sedge



oval sedge



crested dogs tail grass



common sorrel



woodrush [photo 6th April 2024]



not in flower but leaves seen 24 May, pignut meadow vetchling, common Fleabane (photos from this field 2023)



insects seen here May 2024 - beautiful demoiselle, cantharis pellucida beetle, burnet companion moth





## **RESPONSE TO TRAFFIC MANAGEMENT PLAN – KENT STREET**

**Issue Specific Hearing 2, session 7**

**16/5/2024**

As a resident of Moatfield Lane, off Kent Street it is impossible to understand why [REDACTED] for West Sussex County Council highways department actually stated that the use of Kent Street in the manner set out in the applicants updated Management Plan is 'workable'. I would question if he has been to this location or tried to turn right out of Kent Street onto the A272 in a car at any moderately busy time. There are times in the middle of the day when the traffic trickles constantly from both directions and after 10 minutes you give up, turn left and go to the Cowfold roundabouts to turn back round and go east.

I question whether he has assessed the dip that conceals fast moving cars to the right or assessed the current hold ups at school closing times that freeze traffic from Cowfold centre towards Kent Street, let alone rush hours? These issues are all within the hours of HGV movements. Has he thought through the danger to all the residents who will be trapped here in the case of an emergency, when Kent Street is blocked with lorries and Kings Lane/Moatfield Lane is blocked with two construction crossings? How do emergency vehicles get in?

The Applicant says in this hearing that the banksmen will not be used on the A272 (even though the Plan seems to imply otherwise). If not, how can lorries stop both carriageways of the A272 to turn out left when there is often no break in the flow either way? They will be stuck for some time and then the whole backlog of HGVs at the compound will be an issue. With the further Oakendene compound exits of A63 and the Industrial estate this will soon grid-lock the main road as well as this tiny lane. None of this plan makes sense.

I much appreciate the questions asked at the hearing by the Planning Inspectorate and will read the written responses as they come out with interest, particularly on the probability of Kent Street structural failure. I completely concur with the residents' representations made during this hearing that the channelling for fibre in previous years has left the lane structure very fragile, a constant cause of further sinking and a constant need for repair. I am sure that the only reason there is no weight restriction on the lane is that nobody has thought to make the designation, as use is generally so light. This doesn't seem much of an excuse for the Applicant not to assess the danger now.

This should all have been thought through when deciding on the substation location. If Wineham Lane had been chosen the traffic issues have been worked out during Rampion 1 and even can be improved on. If it goes ahead at Oakendene it will be a disaster to traffic flow in the area for all the construction years, however long that may in reality take.

### **The rural character of Kent Street and the further loss of trees and biodiversity**

In Landscape and Visual Impact REP3- 052 pg 151 the Applicant says that the: 'limited effects are due to the location of the onshore substation site within a well-established network of mature trees and woodland'

Yet there are more and more tree and scrub losses to make way for construction issues, so how is this a limited visual impact? There needs to be new visualisations presented following from the extensive tree and hedge loss proposed to make the visibility splay for HGVs to turn out of Kent Street. The mature tree loss at Oakendene is extensive as it is and this further guarantees that those travelling on the A272 will just view the power station while they are stuck in the traffic which is halted by turning HGVs. For residents of Wineham and the Lanes that use Kent Street for access, the visibility will be worse as they pass Access 61 and 64. This plan is so destructive, and the statements so disingenuous.

The biggest permanent loss for Kent Street is its rural character and biodiversity. It is not temporary if mature trees are cut down and the road is widened with passing places made strong enough for HGVs, including the cable low loaders. There is no returning it to its former character. Even the Kent Street

operational access south of Kings Lane has no vehicular gateway so more hedgerow will be lost without acknowledgement.

### **The current character of Kent Street**

As you turn into Kent Street off the A272 the vegetation closes round you. There is often fog on this lane when there is none elsewhere, in winter the temperature drops a few degrees as you leave the main road and you are immediately in a different and very rural world. In the last few weeks, a nightingale has been singing so loudly in the hedge at the layby which is right in the construction path on the East side and right by Access 64. I stop and listen to its territorial call and answer with another further to the East. This vegetation will be removed for the access. Many people have heard it, day or night without even opening their car windows. There was also a nightingale here last year. This means many other declining bird species, that need this type of scrub cover, will also be nesting in these hedges.

A little further down the lane, at night there are often roe deer crossing and dithering in front of the car so you have to wait. This happens so often that I don't bother to put it in the records but sometimes take a photo on the phone. This is by Access 61 and more vegetation is lost and the whole area is industrialised with new heavy duty passing places so the dense cover to run into will be lost. Also at this location you start to see badgers. They have a nighttime route on the east side which runs alongside the lane. I have three sightings entered into the records for here of 17<sup>th</sup> April 2023, 22<sup>nd</sup> May 2023 and 3<sup>rd</sup> April 2024, but I also often forget to make records. There are likely to be badger setts near the ponds marked at Access 61. There are badger setts in the banks just at the side of Kent Street just further down.

When you arrive just south of Access 61 owls are often in the trees above or swoop low over the car as you go past. They come from Taintfield wood and often hunt in the lane edges where they can hear the small rodents move about. I have entered records of a barn owl 17<sup>th</sup> April and tawney owls here 25<sup>th</sup> September last year and many more records for Moatfield Lane. All this is diminished away with industrialisation, loss of roadside vegetation and loss of trees. How many places still have this level of wildlife any more in this built-up county? The noise and vibration of HGVs, the activity of banksmen walking about, talking and waving, the constant repairs to the failing lane structure will all destroy this place for wildlife, residents, walkers, horse riders and cyclists.



And the saddest part of this story is that the substation does not have to be here and these accesses really do not need to destroy Kent Street purely for engineering convenience. The access at worst should remain on the main road. You cannot put the character of these lanes back when the continuity is lost for years, mature trees are lost and the wildlife corridors are disconnected by scrub and hedgerow loss. Other alternatives must still be an option.



## Landscape, Arboriculture and Ecology

Surveys – Plans – Assessments - Mitigation – Solutions – Methodology

[www.Arborweald.co.uk](http://www.Arborweald.co.uk)

### Preliminary Ecological Appraisal

**Cratemans Farm**

Dragons Lane

Cowfold

West Sussex

RH13 8DX

TQ 21837 20771



#### **FAO. Janine Creaye**

On behalf of Cowfold Vs. Rampion

Oak Cottage,

Moatfield Lane

Cowfold

West Sussex

RH13 8BF

#### **Arborweald Environmental Planning Consultancy**

Woodland Enterprise Centre

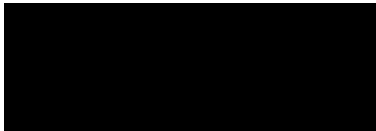
Hastings Road

Flimwell

East Sussex

TN5 7PR

**Document information**

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<b>Client:</b>	Cowfold Vs. Rampion; c/o Janine Creaye		
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<b>Author / Surveyor:</b>	Perry Hockin BSc (Hons.), FDS, CIEEM – Principal Ecologist		
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<b>Approved By:</b>	Alex Livingstone BA (Hons), ND, NC Forestry		
<b>Report date:</b>	29 <sup>th</sup> May 2024		
<b>Updated:</b>		<b>Initials:</b>	<b>Update:</b>
<b>Declaration:</b> The information which I have prepared and provided for this report is true and has been prepared and provided in accordance with the CIEEM's Code of Professional Conduct; I confirm that the opinions expressed are my true and professional bona fide opinions.			
Printed: Perry Hockin BSc (Hons.), FDS, ACIEEM – Principal Ecologist			
Signed: 			

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No investigative method can completely eliminate the possibility of obtaining partially imprecise or incomplete information. Thus, we cannot guarantee that the investigations completely defined the degree or extent of species abundances or habitat management efficacy described in the report.

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This report and all survey work have been prepared to British Standard 42020 and rely on information and methodology from the Joint Nature Conservation Committee and the Chartered Institute of Ecological and Environmental Management.

Additionally, this report relies on information from other third parties, some of which may include, but not be limited to; DEFRA's MAGIC database, local record centres, local wildlife spotter groups such as badger groups, and the NBN atlas.

## CONTENTS

1	INTRODUCTION .....	4
2	METHODS.....	7
3	RESULTS.....	9
4	EVALUATION .....	12
5	CONCLUSION.....	16
	REFERENCES .....	17
	FIGURES.....	19
	APPENDIX A Wildlife Legislation.....	21

## 1 INTRODUCTION

- 1.1 Arborweald Environmental Planning Consultancy (AEPC) were commissioned by Ms Janine Creaye on behalf of Cowfold Vs. Rampion, a local action group to undertake a Preliminary Ecological Appraisal (PEA) of land at Cratemans Farm, Dragons Lane, Cowfold, RH13 8DX to provide an ecological baseline to inform routing, and mitigation, compensation and enhancement measures provided as a part of the proposed Rampion 2 wind farm development.
- 1.2 The objectives of the PEA were to assess the potential of the site to support protected species and/or species of conservation importance by identifying potential habitat for protected species and/or species of conservation concern and by evaluating the constraints that the presence of any protected species or species of conservation concern may place on the proposed re-development of the site.
- 1.3 Survey work was undertaken with full permission of the landowner.

### Legislation and Policy

- 1.4 Certain habitats and species including nesting birds, bats, dormice, and great crested newts, are afforded protection under the Conservation of Habitats and Species Regulations 2017 and the Wildlife & Countryside Act 1981 (as amended). Further information on the legislation is included in Appendix A.
- 1.5 In general, the above legislation makes it an offence to:
  - Deliberately/intentionally or recklessly kill, injure or take a protected species;
  - Intentionally or recklessly damage, destroy or obstruct access to any place that a protected species uses for shelter or protection whether the species is present or not;
  - Intentionally or recklessly disturb a protected species while it is occupying a structure or place that it uses for shelter or protection;
  - Deliberately take or destroy the eggs of species protected by this legislation (such as nesting birds).
- 1.6 Section 41 of the Natural Environment and Rural Communities Act (2006) lists the species and habitats of principal importance for the conservation of biodiversity in England and acts as a guide to local authorities in implementing their duties under Section 40, to have regard to the conservation of biodiversity in England.
- 1.7 The Protection of Badgers Act (1992) prohibits reckless and/or intentional cruelty, injury or killing of badgers and the interference with badger setts.
- 1.8 Under The National Planning Policy Framework (NPPF, 2023) protected sites and species are a material consideration in determining planning applications in terms of minimising impacts on biodiversity.

- 1.9 National Planning Policy guidance uses a mitigation hierarchy, whereby potential impacts are first avoided through changes to design plans; then unavoidable impacts are mitigated against to reduce the negative effect of the impact; finally, residual impacts that remain after avoidance and mitigation measures are applied are compensated for (BS 42020, 2013, Section 5.2). Further to this, it is a requirement under National Planning Policy for developers to actively enhance the biodiversity value of development projects.
- 1.10 Schedule 14 of the Environment Act 2021 mandates the need for a minimum 10% net gain in biodiversity value for development sites.

### **Qualifications**

- 1.11 Arborweald are a professional environmental consultancy first established in 2012, renowned for high quality and holistic ecological, arboricultural and landscape surveys and assessments. Arborweald's portfolio includes production of the Horsham District Council (HDC) Tree Strategy, an important habitat management document informing HDC's policy and management practice, including the use of ecosystem services and reinforcing / creating climate change resilience.
- 1.12 Additionally, Arborweald specialise in environmental reporting, and have done so for dozens of multi-unit residential developments, and management of land for private companies and municipal bodies such as the High Weald Area of Outstanding Natural Beauty Partnership, as well as providing ecological, arboricultural and woodland specialist services including planning inquiries to a number of Local Planning Authorities such as Barnet, Brighton and Hove, Arun, and Wealden.
- 1.13 The author, ██████████ holds a BSc (hons.) in ecology, and a Foundation Degree (FDS) in countryside management, as well as being an Associate member of the Chartered Institute of Ecological and Environmental Management (CIEEM). He has over 6 years professional experience in ecological and arboricultural consultancy and has worked in the countryside sector in the fields of habitat management, tree surgery and environmental consultancy for 11 years.
- 1.14 ██████████ achievements include provision of expert witness documentation for planning inquiries including the recently refused development at Downlands Farm in Uckfield, East Sussex, as well as being the lead on the statistical analysis and ecosystem services elements as a part of production of the Horsham District Tree Strategy.
- 1.15 ██████████ work is often highly technical, and includes data management, analysis and AutoCAD and GIS mapping. He specialises in habitat classification and botanical surveys.

### **Site Description**

- 1.16 The site is located to the south-east of Cowfold, West Sussex, RH13 8DX (Ordnance Survey Grid Reference for the centre of the site: TQ 21837 20771). The area in question comprises Field A and Field B, both semi-improved meadows as a part of Cratemans Farm set on Dragons Lane.

### **Purpose of evidence**

- 1.17 The purpose of this written representation document is to analyse and where necessary contest the value of habitats stated in Rampion’s documentation and compare and contrast the different approaches taken by Rampion and Arborweald. This analysis will ensure that the facts of the case are delivered to the inspectorate, which will allow an impartial and fully informed decision to be achieved under the obligations imposed on the inspectorate by Section 40 of the NERC Act 2006 and Section 99 the Environment Act 2021.
- 1.18 This evidence shall be used to inform routing of the proposed Rampion 2 cable route across Cratemans Farm.
- 1.19 To gather evidence of biodiversity value, a Preliminary Ecological Appraisal (PEA), was undertaken in May 2024 to provide a holistic and complete view of habitats within Field A and Field B at Cratemans Farm. Data was also gathered to inform a future Biodiversity Metric assessment.
- 1.20 The objectives of the PEA were to:
- Assess the type of habitats on site, providing species lists where appropriate, and making condition assessments to the standards of the Natural England Biodiversity Metric.
  - Assess the potential of those habitats to support protected species and/or species of conservation importance by identifying and evaluating the constraints that the presence of any protected species or species of conservation concern may place on the proposed re-development of the site.

### **Appendices pertinent to this document**

- 1.21 The following documents should be appended to this document to give site context; they comprise:
- List of plant species recorded by Janine Creaye and Cowfold Vs. Rampion, including photographs
  - Contextual map of Fields A and B with regards to the Rampion 2 cable route (Figure 1.1)
  - Written representation for College Wood Farm ‘*DKS1003.6 College Wood Farm Wiston - Written Representation – Report*’



## 2 METHODS

### Desk Study

- 2.1 The Multi Agency Geographic Information for the Countryside (MAGIC) website provided by the Department for Environment, Food and Rural Affairs (DEFRA) was consulted for information with regard to protected habitats and species within 2 km of the proposed development (red line) boundary.
- 2.2 Aerial photos of the site (Google, 2020) were examined to determine habitats surrounding the site and hence species likely to be present in order to make appropriate recommendations in the wider landscape context.
- 2.3 Following guidance contained within sections 5.5 and 6.2.1 of BS 42020:2013, records from the local biodiversity record centre may be deemed necessary, in which case the results are screened for relevance. This involves an analysis (in conjunction with DEFRA's MAGIC map software) of connectivity between recorded instances and the site boundary. Records are also screened for age; records are prioritised from the last 10 years, with records from the past 20 and 40 years deemed as less accurate, but still included where possible.

### Field Survey

- 2.4 The survey was conducted in accordance with The Handbook for Phase 1 Habitat Survey (JNCC, 2016), and included searches for signs of protected species, as described in the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017).
- 2.5 A Preliminary Ecological Appraisal survey of the site was carried out by suitably qualified ecologist [REDACTED] on the 24<sup>th</sup> May 2024 in order to evaluate any habitat on the site with the potential to support protected species and/or other species of conservation concern that could be relevant in respect of planning policies.
- 2.6 In addition, the habitats within the survey area were assessed for their potential to support legally protected or otherwise notable flora and fauna. Where suitable habitat was identified on site, a search was conducted for signs indicating the presence of protected species such as droppings, burrows, tracks and evidence of feeding. Where species are not specifically evaluated, this indicates that no habitat of potential value for these species was identified during the survey.
- 2.7 Consideration was also given to habitats outside the site boundary, in order to evaluate the ecological context of the site within the wider landscape. Adjacent habitats were also considered with respect to their own ecological value and their potential to enhance the ecological value of habitats within the site.
- 2.8 Searches were made for invasive non-native plant species focussing on those species currently listed in the revised Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Species were listed split into non-natives and invasive non-natives with different advice for each.

- 2.9 The plant species nomenclature follows that of Stace (2019). Plant species observed within each habitat type were recorded using the DAFOR system which stands for Dominant, Abundant, Frequent, Occasional or Rare.
- 2.10 All references to relevant literature required to maintain industry best practice and compliance with legislation is listed in the References section of this report.

### **Survey Constraints**

- 2.11 Due to seasonal behaviour of animals and the seasonal growth patterns of plants, ecological surveys may be limited by the time of year in which they are undertaken.
- 2.12 The information gathered for this ecological survey has facilitated an evaluation of the habitats on site and the likely use of the site by legally protected and notable species. This survey has also given appropriate baseline data for the determination of the requirement for further surveys and/or mitigation and enhancement works.

### 3 RESULTS

#### **Desk Study**

- 3.1 Records of designated sites and European sites within 2 km of the site boundary were obtained from Multi Agency Geographic Information for the Countryside (MAGIC) website provided by the Department for Environment, Food and Rural Affairs (Defra).

#### ***Designated sites***

- 3.2 There are no international / European designated sites within 3km of the proposed site.
- 3.3 There are no statutory designated sites within 2km of the proposed site.

#### ***Designated habitats***

- 3.4 The habitats in the wider landscape comprise arable, semi-improved grassland, semi-natural deciduous woodland, and urban residential. Further to this, the wider landscape contains three Habitats of Principal Importance (HPIs) covered under Section 41 of the Natural Environment and Rural Communities Act, consisting of deciduous woodland including ancient woodland, traditional orchard, and wood pasture and parkland.

#### **Field Study**

##### ***Phase 1 Habitat Survey***

- 3.5 The site at Cratemans Farm comprises a pair of fields, Field A in the south and Field B in the north. The fields are separated by a mature species rich hedgerow with trees associated with ditch or bank, as well as a pocket of mixed scrub that bisects Field B.
- 3.6 The Rampion 2 cable route will bisect Fields A and B from south-west to north-east in a strip up to 50m wide with 'notching' through hedgerows – a process whereby a path no more than 6m will be cut through hedgerows.
- 3.7 The habitats within the site boundary comprise good quality unimproved grassland and hedgerows.

##### ***Unimproved grassland***

- 3.8 Field A comprises a meadow of unimproved grassland that is occasionally grazed as pasture by a small flock of sheep. At the time of survey Field A was highly diverse supporting a range of species and sward heights. Vegetation coverage is over 95% across the field, with herb coverage exceptionally high at a minimum of 60%, around 80% on average but up to 95% in places indicating no dominance of grasses. Sward heights are varied from a minimum 10cm up to an average of 50cm with taller areas up to 90cm in places.
- 3.9 Grass species include common species such as creeping bent *Agrostis stolonifera*, rough stalked meadow grass *Poa trivialis*, and red fescue *Festuca rubra*. There is almost a complete lack of perennial rye-grass *Lolium perenne*.

- 3.10 Other grass species include cocksfoot *Dactylis glomerata*, Yorkshire fog *Holcus lanatus*, crested dogs tail *Cynosurus cristatus*, meadow foxtail *Alopecurus pratensis*, sweet vernal grass *Anthoxanthum odoratum*, quaking grass *Briza media*, false oat grass *Arrhenatherum elatius*, and smooth meadow grass *Poa pratensis*.
- 3.11 In total, eleven (11) grass species were recorded on site.
- 3.12 Herb coverage was extensive with a mixture of common species and indicators of unimprovement. Species included (at the following levels of dominance):
- Abundant:** red clover *Trifolium pratense*, meadow buttercup *Ranunculus acris*, creeping buttercup *Ranunculus repens*, grass vetchling *Lathyrus nissolia*, tufted vetch *Vicia cracca*, and common knapweed *Centaurea nigra*.
- Frequent:** red bartsia *Odontites vernus*, black medick *Medicago lupulina*, common sorrel *Rumex acetosa*, birds foot trefoil *Lotus corniculatus*, rough hawkbit *Leontodon hispidus*, cutleaf cranesbill *Geranium dissectum*, cuckoo flower *Cardamine pratensis*, meadow vetchling *Lathyrus pratensis*, common vetch *Vicia sativa*, oxeye daisy *Leucanthemum vulgare*, lesser stitchwort *Stellaria graminea*, yarrow *Achillea millefolium*, soft rush *Juncus effusus*, field wood rush *Luzula campestris*, creeping cinquefoil *Potentilla reptans*, ribwort plantain *Plantago lanceolata*, common cats ear *Hypochaeris radicata* and wood dock *Rumex sanguineus*.
- Occasional** common spotted orchid *Dactylorhiza fuchsi*, fleabane *Pulicaria dysenterica*, ground ivy *Glechoma hederacea*, dandelion *Taraxacum officinale*, pignut *Conopodium majus*, agrimony *Agrimonia eupatoria*, and great burnet *Sanguisorba officinalis*.
- 3.13 In total, thirty-one (31) herbaceous species were recorded on site.

### **Hedgerow**

- 3.14 The entire site is bounded by mature hedgerows with Fields A and B separated by another. All the hedgerows are classified as native species-rich examples with mature trees associated with ditch / bank systems. They also contain veteran field maple *Acer campestre* trees.
- 3.15 Structurally the hedgerows are all over 1.5m tall and over 1.5m thick averaging 3m up to 6m tall in places and around 3m thick along their entire length.
- 3.16 Tree species include field maple, dog rose *Rosa canina*, hawthorn *Crataegus monogyna*, blackthorn *Prunus spinosa*, spindle *Euonymus europaeus*, English oak *Quercus robur*, hazel *Corylus avellana*, and dogwood *Cornus sanguineus*.
- 3.17 The field layer includes cow parsley *Anthriscus sylvestris*, bluebell *Hycainthoides non-scripta*, ground ivy, marsh woundwort *Stachys palustris*, and nettle *Urtica dioica*, in addition to the same species as the unimproved grassland.
- 3.18 All hedgerows on site have a minimum 8 woody species, with additional features comprising bank and ditch systems, gaps less than 10% of length, over 1 tree per 50m of length, and a minimum 3 woodland ground flora species.
- 3.19 Furthermore, all hedgerows on site have a minimum of 4 features of connectivity (other hedgerows or pockets of woodland / scrub), comprising a minimum of 2 other hedgerows.

3.20 As such, all hedgerows on site are classified as 'important' under the Hedgerow Regulations Act 1997.

**Protected and notable species**

3.21 The habitats present on site provide suitable potential to support a range of protected species including badgers, bats, breeding birds, dormice, great crested newts, and reptiles.

3.22 Of particular note were the bird and invertebrate communities present which were indicative of high-quality grassland.

3.23 An abundance of songbirds was recorded during the survey, with species being both heard and seen. Species recorded included blackbird *Turdus merula*, blue tit *Cyanistes caeruleus*, great tit *Parus major*, wren *Troglodytes troglodytes*, jackdaw *Corvus monedula*, house sparrow *Passer domestica*, and starling *Sturnus vulgaris*.

3.24 Other species recorded included grassland and scrub quality indicator species such as the red listed species nightingale *Luscinia megarhynchos*, cuckoo *Cuculus canorus* yellowhammer *Emberiza citrinella*, skylark *Alauda arvensis*, and linnet *Linaria cannabina*.

3.25 All of the habitats on site provide nesting opportunities for breeding birds, with further opportunities found within the wider landscape.

## 4 EVALUATION

### Habitats

#### *Unimproved grassland*

#### Importance of unimproved grasslands

- 4.1 Unimproved grasslands cover less than 6,000ha of the land surface of England, and since the late 1960's the habitat has sustained large losses due to drainage, ploughing and re-seeding and from the use of high rates of fertilisers.

#### *Natural England*

- 4.2 Natural England Technical Information Note TIN147 describes unimproved grassland NVC 'MG5' as:

*"The primary biological interest of MG5 grassland Cynosurus cristatus – Centaurea nigra or in English crested dog's-tail – common knapweed, is the rich assemblage of mostly widespread, unsown, native plants rather than the presence of rare species (Rodwell 1992)."*

*"...Herbaceous plants usually comprise a substantial proportion of the herbage and exceptionally may be as high as 95% cover (Cooper 1997). MG5 grasslands are species-rich ranging from around 12 to 38 plant species in a 4 m2 quadrat with an average of around 23/species/4 m2 (Rodwell 1992)"*

- 4.3 Characteristic herbs include:

Species	Present at Cratemans Farm?
Common knapweed <i>Centaurea nigra</i> ;	Yes
Ox-eye daisy <i>Leucanthemum vulgare</i> ;	Yes
Bird's-foot trefoil <i>Lotus corniculatus</i> ;	Yes
Lady's bedstraw <i>Galium verum</i> ;	No
Common sorrel <i>Rumex acetosa</i> ;	Yes
Yellow meadow vetchling <i>Lathyrus pratensis</i> ;	Yes
Meadow buttercup <i>Ranunculus acris</i> ;	Yes
Ribwort plantain <i>Plantago lanceolata</i> ;	Yes
Cowslip <i>Primula veris</i> ;	No
Common cat's-ear <i>Hypochaeris radicata</i> .	Yes

## 4.4 Characteristic grasses include:

Species	Present at Cratemans Farm?
sweet vernal grass <i>Anthoxanthum odoratum</i> ;	Yes
yellow oat-grass <i>Trisetum flavescens</i> ;	No
red fescue <i>Festuca rubra</i> ;	Yes
common bent <i>Agrostis capillaris</i> .	Yes
crested dog's-tail <i>Cynosurus cristatus</i> ;	Yes
quaking grass <i>Briza media</i> ;	Yes

4.5 On average, grassland diversity was over 30 species per 4m<sup>2</sup> quadrat, with herb coverage at a minimum of 60% averaging around 80%.

4.6 Some wetter areas of the site also contained great burnet with meadow foxtail found throughout the grassland indicating the conditions associated with MG4 grassland 'seasonally flooded unimproved neutral grassland' which would match the ground conditions in these areas.

4.7 The classification of Fields A and B as unimproved MG5 grassland with patches of MG4 towards the eastern side where the site bounds the Cowfold Stream is such that the site also qualifies for designation as a lowland meadow.

#### **DEFRA's ELS and HLS system**

4.8 The fields are also classified as unimproved grassland under the DEFRA definition which states that:

*To qualify as unimproved grassland, at least 2 of these need to apply:*

- *cover of both ryegrass and white clover is less than 10%*
- *the sward is species rich (more than 15 species per square metre, including grasses)*
- *there is a high cover (more than 30%) of wildflowers and sedges, excluding white clover, buttercup, and injurious weeds (no definition of injurious weeds is provided in the HLS FEP Manual, but the following examples are given in the Entry Level Stewardship: creeping thistle, spear thistle, curly dock, bitter dock).*

The grassland at Cratemans Farm achieves all three of these criteria.

#### **UK BAP**

4.9 Furthermore, the grassland on site meets United Kingdom Biodiversity Action Plan (UKBAP) criteria for unimproved grassland as

*'A wide-ranging approach is adopted in this plan to lowland grasslands treated as lowland meadows. They are taken to include most forms of unimproved neutral grassland across the enclosed lowland landscapes of the UK. In terms of National Vegetation Classification plant communities, they primarily embrace each type of Cynosurus cristatus-Centaurea nigra grassland, Alopecurus pratensis-Sanguisorba officinalis floodplain meadow and Cynosurus cristatus-Caltha palustris flood-pasture.'*

*'The plan is not restricted to grasslands cut for hay, but also takes into account unimproved neutral pastures where livestock grazing is the main land use. On many farms in different parts of the UK, use of particular fields for grazing pasture and hay cropping changes over time, but the characteristic plant community may persist with subtle changes in floristic composition.'*

4.10 This is in contrast to:

*'Improved grassland; This type includes species poor, grass dominated swards occurring on all soil types that have been either sown or created by modification of unimproved grassland by fertilisers and selective herbicides, for agricultural or recreational purposes. It includes grassland that has been reseeded for more than one year.'* This is not the case at Cratemans Farm which has been organically and holistically managed for 60 years.

4.11 Springy turf moss *Rhytidiadelphus squarrosus* was recorded throughout the site, indicating excellent grassland health and complex soil conditions.

### **Hedgerows**

4.12 Hedgerows on site are all considered to be of a high quality and value being large and dense. Although a full hedgerow assessment was not conducted as a part of this PEA, information can be gleaned from the survey results when put through the HRA framework.

4.13 All hedgerows on site are considered to be 'important' as they match the criteria below:

*An "important" hedgerow must have been in existence for at least 30 years and must fulfil more specific criteria pertaining to its archaeological and historical aspects, as well as its wildlife and landscape value. The relevant criteria for determining this, in addition to the requisite time period are as follows:*

a) *at least 7 woody species;*

**OR**

b) *at least 6 woody species, and has associated with it at least 3 of the features specified in sub-paragraph (4);*

c) *at least 6 woody species, including one of the following—*

- *black-poplar tree (Populus nigra ssp betulifolia);*
- *large-leaved lime (Tilia platyphyllos);*
- *small-leaved lime (Tilia cordata);*
- *wild service-tree (Sorbus torminalis); or*



d) *at least 5 woody species, and has associated with it at least 4 of the features specified in sub-paragraph – defined below*

- *a bank or wall for at least half the length;*
- *a ditch for at least half the length;*
- *gaps over no more than 10 percent of the length;*
- *at least one standard tree per 50m;*
- *at least three ground flora woodland species as defined in Schedule 2 of the Regulations within 1m of the hedgerow;*
- *connections scoring four or more points, where connection to a hedgerow counts as one, a broad-leaved woodland or pond counts as two; and*
- *a parallel hedge within 15m.*

4.14 All hedgerows on site have a minimum 8 woody species, and also match the other criteria by having standard trees every 50m, at least 3 woodland ground flora species within 1m, connections with other hedgerows and areas of woodland, and gaps of no more than 10% of their length.

#### ***Protected species***

4.15 The impact of the proposals on nesting and scarce bird populations is unacceptable in its current state. The presence of four red-listed bird species recorded during the survey undertaken by Arborweald is indicative of the fact that these species are regularly present on site, and this is further reinforced by the results gathered by the client and their representative from the Sussex Ornithological Society.

#### ***Rampion's approach***

4.16 Rampion's approach to surveying at Cratemans Farm has concluded that the grassland on site that separates Fields A and B is 'improved', and that both Fields A and B are 'poor quality semi-improved' grassland. It is the author's professional opinion that the independent surveys carried out by Arborweald strongly indicate that this is not the case.

4.17 Rampion have employed the same approach at Cratemans as elsewhere on the route. Arborweald have already provided a detailed written representation for another landowner at College Wood Farm in Wiston, '*DKS1003.6 College Wood Farm, Wiston - Written Representation – Report*' which summarises the main issues with Rampion's approach to biodiversity on the route.

4.18 It is the author's professional opinion that the issues highlighted in the above referenced written representation DKS/1003.6 are applicable to the site at Cratemans Farm.

## 5 CONCLUSION

- 5.1 The proposed development site is currently considered to have high ecological value within a local context as it comprises locally scarce habitats supporting locally abundant species typical of designated sites in the wider landscape.
- 5.2 The biodiversity value of the total site area is largely attributed to the following factors:
- The high plant diversity on the site when compared with the immediate surrounding fields, which are predominantly used for horse grazing.
  - The good vegetative structure and connectivity within the development boundary, and connectivity with higher quality habitat in the wider landscape; and
  - The ease with which the proposed scheme could avoid the site through HDD methodology, as the site is immediately adjacent to an area that will be utilised for HDD when crossing the Cowfold Stream.
- 5.3 It is the author's professional opinion that the fields surveyed at Cratemans Farm comprise unimproved grassland bounded by species rich hedgerows that are 'important' as per the Hedgerow Regulations Act 1997. Both fields are identified as 'unimproved' grassland under the BAP, DEFRA and Natural England framework for assessing grasslands.
- 5.4 Local planning authorities use a mitigation hierarchy to determine planning applications. Prior to the Environment Act 2021 this was comprised of three parts: avoid, mitigate, and compensate / enhance. This has been strengthened by Schedule 14 Section 99 of the Environment Act 2021 which has increased the importance of biodiversity net gain, legislated methods to measure biodiversity net gain (with the Natural England Biodiversity Metric) and put greater emphasis on enhancement.
- 5.5 The most environmentally favourable option for the development is for the cable route to cross land of less ecological value and to avoid sensitive features in their entirety. This would also deliver savings in ecological surveys and the associated works required.
- 5.6 The most desirable option would be for the impact of the development to be reduced by undertaking the cable laying with Horizontal Directional Drilling (HDD) or 'Thrust boring'. This method will have to be applied to other areas of the cable route and would reduce the environmental impact on Cratemans Farm, particularly with regard to disturbing the valuable soil layers which have formed over decades of grazing and no-improvement.
- 5.7 If this method was adopted on Cratemans Farm, then ecological mitigation, compensation and enhancement measures could be directed at smaller areas used as access points to the boring sites, and to smaller sections of open cut at each end.

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## FIGURES

Figure 1.1 Location of site

Rampion 2 Provisional cable route outlined in red - Gratwicke across to Kent Street, just south of proposed Oakendene Substation  
Surveys of two species rich, unimproved meadows on public footpaths which would be dug up by the cable construction. Marked as Field A and Field B



## APPENDIX A Wildlife Legislation

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

#### **Schedule 1**

Applies to all wild birds where it is an offence:

- to take, damage or destroy a nest whilst it is being built or in use
- to kill, injure or take any wild bird (subject to certain exceptions and / or licencing)
- to take or destroy the egg of any wild bird.

It is also an offence to disturb any wild bird listed on Schedule 1 of the Wildlife & Countryside Act 1981 (as amended):

- while it is nest building
- at a nest containing eggs or young
- to disturb the dependant young of any such bird.

#### **Schedule 5**

Other protected animals are listed in Schedule 5; a full list of protected species can be found on the Legislation.gov.uk website. Schedule 5 contains several advancing levels of protection outlined below:

Protected under section 9(5) of Schedule 5, it is an offence:

- to sell or advertise for sale, or participate in the sale of these species; many species of invertebrate are listed under this section including butterflies, moths and beetles as well as common frog, palmate and smooth newts

Protected under section 9(1) of Schedule 5, it is an offence:

- to intentionally kill or injure or take these species – this applies to adder, grass snake, common lizard and slow worm

For animals fully protected under Schedule 5 - which includes, the hazel dormouse, otter, water vole, pine marten, shrews, hedgehog, great crested newt, natterjack toad, sand lizard, smooth snake, red squirrel and all bats – all of the above apply, however it is also an offence:

- to intentionally or recklessly damage or destroy or obstruct access to any structure or place which a species uses for shelter or protection, at any time even if the animal is not present.
- to intentionally or recklessly disturb whilst it is occupying a place which it uses for shelter or protection.

#### **Schedule 8**

Specific species of plants listed in Schedule 8 are protected. It is an offence: to intentionally pick, uproot or destroy a wild plant listed in Schedule 8.

#### **Schedule 9**

Invasive non-native species are listed under Schedule 9. It is an offence:

- to plant or otherwise cause to grow in the wild.

- If soils are contaminated by invasive non-native plant species it becomes classified as '*controlled waste*' under the Environmental Protection Act 1990 (England, Wales & Scotland), and must be disposed of accordingly.

### **The Conservation of Habitat and Species Regulations 2017**

Schedule 2 applies to all European Protected Species (EPS) which includes all bat species, great crested newts, otter and dormice. The protection afforded is overlapping but separate from the Wildlife and Countryside Act 1981 (as amended)

### **The Protection of Badgers Act 1992**

Under this Act it is an offence:

- To intentionally or recklessly interfere by damaging, destroying, obstructing access to, or disturbing a badger whilst in a sett either directly or through causing a dog to enter a badger sett
- To wilfully kill, injure or take a badger, or to attempt to do so; in a case of attempt, if there is reasonable evidence to suggest an offence may have been committed, evidence would be required to prove innocence
- To possess or be under control of a dead badger, or part of, or anything derived from a dead badger which may have been killed in contravention of the above
- To sell, possess or attempt / offer to sell a live badger

Where interference with a badger sett cannot be avoided during development, a licence from Natural England must be applied for.