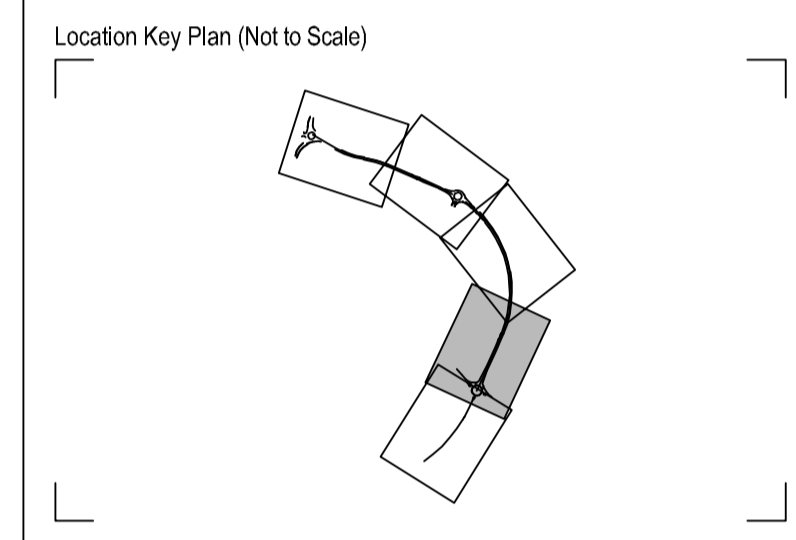


- NOTES:
1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.
  2. EARTHWORKS SIDE SLOPES ARE 1 IN 3 WHERE POSSIBLE. IN AREAS LIMITED BY LAND OR ENVIRONMENTAL RESTRICTIONS, STEEPER SLOPES HAVE BEEN GENERATED.



Rev	Drawn	Checked	App'd	Description	Date
P08	KS	KS	AB	VIEWPORT AMENDED	27.04.21
P07	KS	KS	AB	KEY UPDATED AND LABELS ADDED	23.04.21
P06	JD	KS	AB	REDLINE BOUNDARY UPDATED, LANDSCAPE AND FENCING DETAILS ADDED	30.03.21
P05	LR	KS	AB	LABELS AMENDED	21.10.20
P04	LR	KS	AB	HIGHWAY LAYOUT AND REDLINE BOUNDARY UPDATED	16.10.20
P03	PD	KS	AB	KEY UPDATED	03.09.20
P02	LR	KS	AB	LABELS ADDED / AMENDED	28.08.20
P01	PD	DAH	KS	FIRST ISSUE	12.06.20

Purpose of Issue  
**For Planning** **S0**

Classification  
**Public**



Project  
**A29 Realignment Scheme**

Drawing  
**Site Plan**  
**Sheet 4 of 5**

Scale @ A1	Drawn	Checked	Approved
1:500	PD	DAH	KS

Project No. **CS099505** Date **14.06.20**

Drawing Identifier **A29-CAP-HPN-00-DR-C-0135** revision **P08**



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 www.capitaproperty.co.uk  
 Capita Property and Infrastructure Ltd.

**LANDSCAPING KEY:**

- REDLINE BOUNDARY
- EXISTING VEGETATION - TO BE RETAINED AS MUCH AS POSSIBLE. EXTENTS OF CLEARANCE IN THESE AREAS IS TO BE AGREED ON SITE WITH OVERSEEING ORGANISATIONS SITE SUPERVISOR
- TEMPORARY USE LAND, TO BE REINSTATED LAND BACK TO EXISTING
- TEMPORARY USE LAND, TO BE LEFT IN A TIDY STATE. NO NEED TO REINSTATE
- WOODLAND EDGE SW1 TOPSOIL 300MM - 450MM
- SCRUB SW2 TOPSOIL 300MM - 450MM
- SPECIMEN TREE SW3
- WILDFLOWER MEADOW GRASS MIX EM3 TOPSOIL 150MM
- WETLAND GRASS MIX EM8 TOPSOIL 150MM
- SUBMERGED AND FLOATING PLANTS FOR PONDS
- MARGINAL PLANTS FOR PONDS TOPSOIL 150MM
- PUBLIC RIGHT OF WAY SELF BINDING PATH GRAVEL
- WILDLIFE CROSSING
- INDICATIVE LIGHTING COLUMN WITH REFERENCE LETTER FOR THE LIGHTING UNIT TYPE (INCLUDING HEIGHT) AS SHOWN IN THE LIGHTING PLANS INCLUDED IN APPENDIX 10.2 OF THE REVISED ES

**FENCING KEY:**

- PROPOSED POST AND THREE RAIL MCHW H15 AND HEDGE.
- 3.0m ACOUSTIC FENCING REFER TO DRG A29-CAP-HPN-00-DR-C-0183 AND 0184 FOR DETAILS. CLIMBING PLANTS ON WEST SIDE.
- GATE REFER TO MCHW H17 GATE NO.1 WIDTH 4.5M, HEIGHT 1.175M GATE NO.2 WIDTH 4.5M, HEIGHT 1.175M GATE NO.3 WIDTH 4.5M, HEIGHT 1.175M
- FT1 BADGER MESH FENCING, TO COMPLY TO MCHW H46 MESH TO BE BURIED 300MM DEEP AND RETURNED 300MM AND FIXED TO POST AND THREE RAIL FENCE. THE FENCING TO EXTEND AS SHOWN ON THE PLAN EITHER SIDE OF THE WILDLIFE CROSSING POINT
- PROPOSED POST AND THREE RAIL MCHW H15
- PROPOSED CLOSE BOARD FENCE PANELS TO MATCH EXISTING
- PROPOSED FENCING - HALO SITE CLOSE BOARD FENCE PANELS WITH GREEN MESH SECURITY FENCE TO MATCH EXISTING HALO FENCING.
- EXISTING FENCING - HALO SITE 1.8M CLOSE BOARD FENCE PANELS INC GRAVEL BOARD WITH 2.4M CENTRE OF CONCRETE POSTS 2.3M GREEN MESH SECURITY FENCE PANELS WITH 3.3M CENTRE OF GREEN METAL POST. SUPPLIER PROCTER - PRO-MESH PANEL FENCING SYSTEMS

**LANDSCAPING KEY (continued):**

- TXX TREE PRESERVATION ORDER - INDICATIVE LOCATION ONLY
- ROOT PROTECTION AREA - INDICATIVE LOCATION ONLY
- SHARED USE FOOTWAY/ CYCLEWAY BOUND SURFACE COURSE - ASPHALT CONCRETE
- FOOTWAY BOUND SURFACE COURSE - ASPHALT CONCRETE
- CARRIAGEWAY HRA SURFACE COURSE
- TRAFFIC ISLAND BOUND SURFACE COURSE - ASPHALT CONCRETE
- POND ACCESS TRACKS UNBOUND SUB BASE TYPE 1
- GRASSCRETE
- HEDGE
- CONSTRUCTION EXCLUSION ZONE - WHEREBY AVOID VEGETATION STRIP ALL TOGETHER AND CONSTRUCTION WORKS ACCESS IS EXCLUDED
- RESTRICTED WORKING ZONE - WHEREBY EXISTING VEGETATION IS ONLY STRIPPED WHERE ABSOLUTELY NECESSARY. WORKS WITHIN THESE AREAS TO BE SUBJECT TO TASK/ LOCATION SPECIFIC ARBORICULTURAL METHOD STATEMENT. THE AMS FOR EACH TO BE DEVELOPED DURING CONSTRUCTION PLANNING. THE WORK METHODOLOGY IS TO BE AGREED WITH THE Eco/W ARBORICULTURIST. TREE PROTECTION FENCING REQUIREMENTS TO THESE AREAS TO BE AGREED WITH ARBORICULTURIST AND EcoW on site.

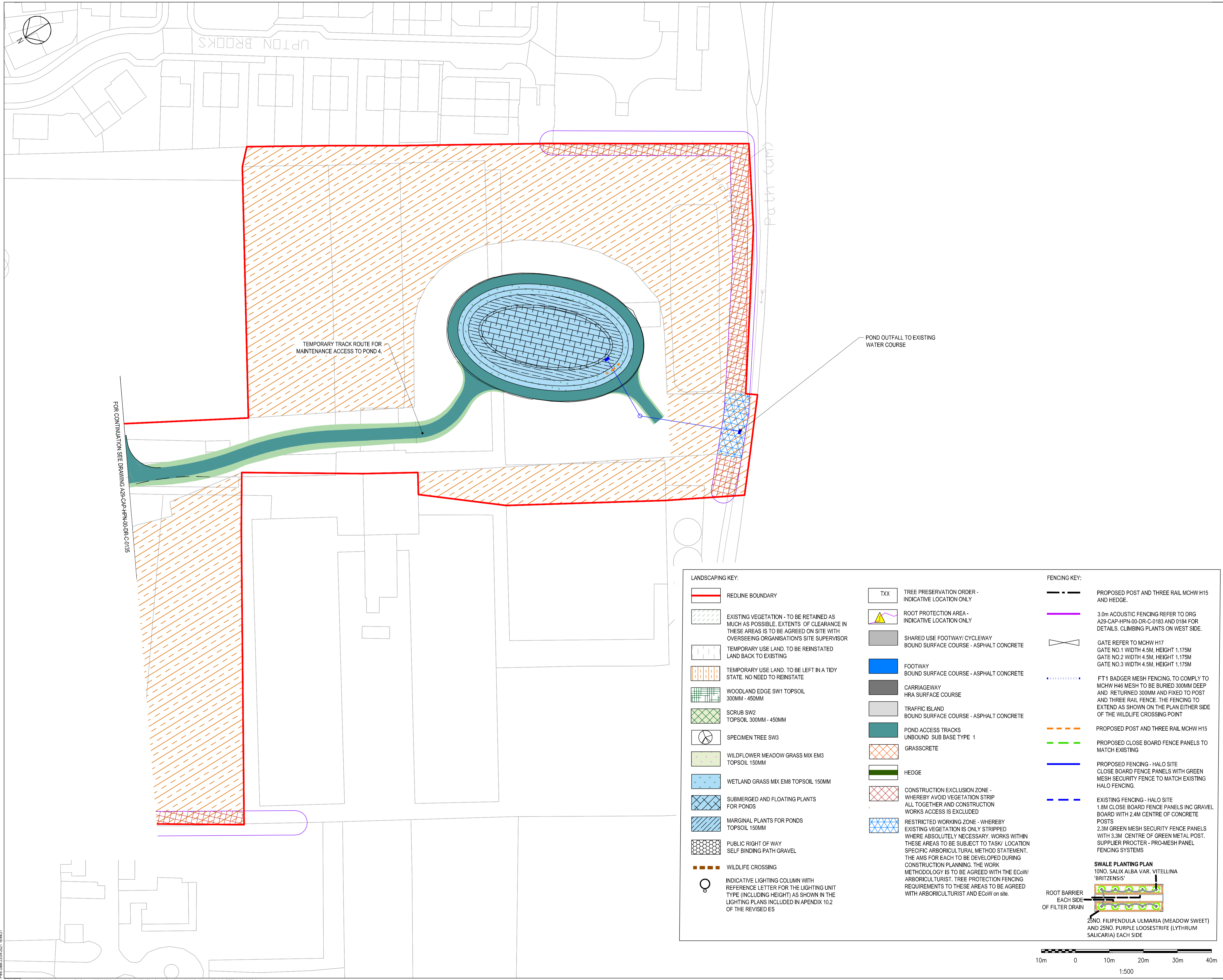
**SWALE PLANTING PLAN**

10NO. SALIX ALBA VAR. VITELLINA 'BRITZENSIS'

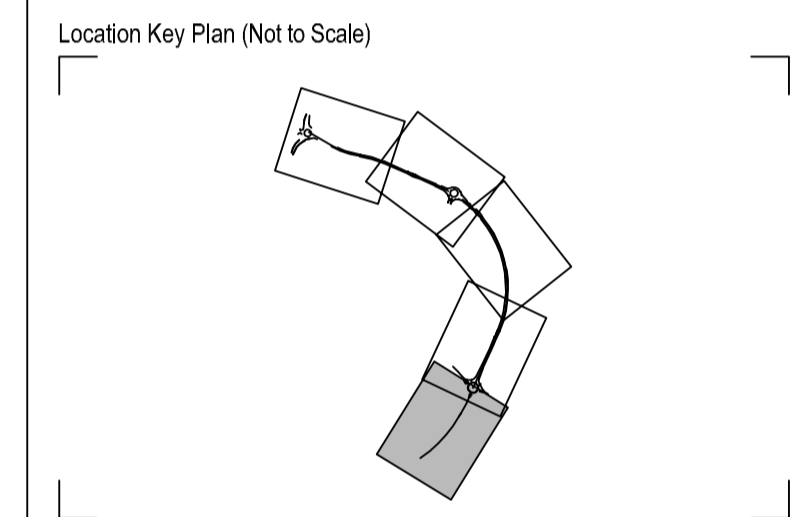
25NO. FILIPENDULA ULMARIA (MEADOW SWEET) AND 25NO. PURPLE LOOSESTRIFE (LYTHRUM SALICARIA) EACH SIDE

**FENCING KEY (continued):**

- ROOT BARRIER EACH SIDE OF FILTER DRAIN



- NOTES:
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  2. EARTHWORKS SIDE SLOPES ARE 1 IN 3 WHERE POSSIBLE. IN AREAS LIMITED BY LAND OR ENVIRONMENTAL RESTRICTIONS, STEEPER SLOPES HAVE BEEN GENERATED.



Rev	Drawn	Checked	App'd	Description	Date
P07	KS	KS	AB	KEY UPDATED AND LABELS ADDED	23.04.21
P06	JD	KS	AB	REDLINE BOUNDARY UPDATED, LANDSCAPE AND FENCING DETAILS ADDED, POND 4 LOCATION REVISED	30.03.21
P05	LR	KS	AB	LABELS AMENDED	21.10.20
P04	LR	KS	AB	HIGHWAY LAYOUT AND REDLINE BOUNDARY UPDATED	16.10.20
P03	PD	KS	AB	KEY UPDATED	03.09.20
P02	LR	KS	AB	LABELS ADDED / AMENDED	28.08.20
P01	PD	DAH	KS	FIRST ISSUE	12.06.20

Purpose of Issue  
**For Planning** **S0**

Classification  
**Public**



Project  
**A29 Realignment Scheme**

Drawing  
**Site Plan**  
**Sheet 5 of 5**

Scale @ A1	Drawn	Checked	Approved
1:500	PD	DAH	KS

Project No. CS099505 Date 12.06.20

Drawing Identifier 851192 Compliant  
 Project - Original - Draw - Level - File Type - Role - Number  
**A29-CAP-HPN-00-DR-C-0136** **P07**



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 Capita Property and Infrastructure Ltd.

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- EXISTING VEGETATION - TO BE RETAINED AS MUCH AS POSSIBLE. EXTENTS OF CLEARANCE IN THESE AREAS IS TO BE AGREED ON SITE WITH OVERSEEING ORGANISATION'S SITE SUPERVISOR
- TEMPORARY USE LAND, TO BE REINSTATED LAND BACK TO EXISTING
- TEMPORARY USE LAND, TO BE LEFT IN A TIDY STATE. NO NEED TO REINSTATE
- WOODLAND EDGE SW1 TOPSOIL 300MM - 450MM
- SCRUB SW2 TOPSOIL 300MM - 450MM
- SPECIMEN TREE SW3
- WILDFLOWER MEADOW GRASS MIX EM3 TOPSOIL 150MM
- WETLAND GRASS MIX EM8 TOPSOIL 150MM
- SUBMERGED AND FLOATING PLANTS FOR PONDS
- MARGINAL PLANTS FOR PONDS TOPSOIL 150MM
- PUBLIC RIGHT OF WAY SELF BINDING PATH GRAVEL
- WILDLIFE CROSSING
- INDICATIVE LIGHTING COLUMN WITH REFERENCE LETTER FOR THE LIGHTING UNIT TYPE (INCLUDING HEIGHT) AS SHOWN IN THE LIGHTING PLANS INCLUDED IN APPENDIX 10.2 OF THE REVISED ES

**FENCING KEY:**

- PROPOSED POST AND THREE RAIL MCHW H15 AND HEDGE.
- 3.0m ACOUSTIC FENCING REFER TO DRG A29-CAP-HPN-00-DR-C-0183 AND 0184 FOR DETAILS. CLIMBING PLANTS ON WEST SIDE.
- GATE REFER TO MCHW H17 GATE NO.1 WIDTH 4.5M, HEIGHT 1.175M GATE NO.2 WIDTH 4.5M, HEIGHT 1.175M GATE NO.3 WIDTH 4.5M, HEIGHT 1.175M
- FT1 BADGER MESH FENCING, TO COMPLY TO MCHW H46 MESH TO BE BURIED 300MM DEEP AND RETURNED 300MM AND FIXED TO POST AND THREE RAIL FENCE. THE FENCING TO EXTEND AS SHOWN ON THE PLAN EITHER SIDE OF THE WILDLIFE CROSSING POINT
- PROPOSED POST AND THREE RAIL MCHW H15
- PROPOSED CLOSE BOARD FENCE PANELS TO MATCH EXISTING
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**SWALE PLANTING PLAN**  
  
 10NO. SALIX ALBA VAR. VITELLINA 'BRITZENSIS'  
 25NO. FILIPENDULA ULMARIA (MEADOW SWEET) AND 25NO. PURPLE LOOSESTRIFE (LYTHRUM SALICARIA) EACH SIDE

**ROOT BARRIER**  
  
 EACH SIDE OF FILTER DRAIN

**RESTRICTED WORKING ZONE - WHEREBY EXISTING VEGETATION IS ONLY STRIPPED WHERE ABSOLUTELY NECESSARY. WORKS WITHIN THESE AREAS TO BE SUBJECT TO TASK/ LOCATION SPECIFIC ARBORICULTURAL METHOD STATEMENT. THE AMS FOR EACH TO BE DEVELOPED DURING CONSTRUCTION PLANNING. THE WORK METHODOLOGY IS TO BE AGREED WITH THE ECO/W/ ARBORICULTURIST. TREE PROTECTION FENCING REQUIREMENTS TO THESE AREAS TO BE AGREED WITH ARBORICULTURIST AND ECO/W on site.**

10m 0 10m 20m 30m 40m  
 1:500

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  3. THE WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE DFT MCHW, DMRB AND THE LOCAL REQUIREMENTS OF WEST SUSSEX COUNTY COUNCIL DESIGN GUIDE & SPECIFICATIONS.
  4. INDICATIVE LOCATIONS OF ARBORICULTURAL, ECOLOGICAL AND ACOUSTIC ELEMENTS.

- KEY:
- Extent of works
  - Extent of temporary land take
  - Temporary use land
  - Existing Vegetation
  - Specimen Tree
  - Shrub
  - Woodland Edge
  - Woodland Core
  - Amenity Grass Mix
  - Wildflower Meadow Grass Mix
  - Wetland Grass Mix
  - Areas to retain maximum feasible amount of existing vegetation where possible
  - Root Protection Area - indicative location only
  - Tree Preservation Order - indicative location only

REV	DATE	BY	DESCRIPTION	CHK	APP
G	02/10/2020	GG	UPDATE TO LATEST HIGHWAYS LAYOUT & REDLINE BOUNDARY	LG	KM
F	20/08/2020	GG	UPDATE IN LINE WITH NEW POND AND HIGHWAYS LAYOUTS AND REDUCED WILDFLOWER MEADOW	LG	KM
E	06/08/2020	GG	UPDATE TO NEW DRAINAGE LAYOUT	LG	KM
D	21/07/2020	GG	UPDATE TO HEDGE MAINTENANCE REQUIREMENTS	LG	KM
C	20/07/2020	GG	UPDATE TO ORCHARD MAINTENANCE REQUIREMENTS/WOODLAND	LG	KM
B	01/07/2020	GG	UPDATE TO POND LAYOUTS/SOUND BARRIER	LG	KM
A	01/05/2020	GG	FIRST ISSUE	LG	KM

DRAWING STATUS: S2 - FOR INFORMATION

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CLIENT: WSCC

ARCHTECT: -

SITE PROJECT: A29

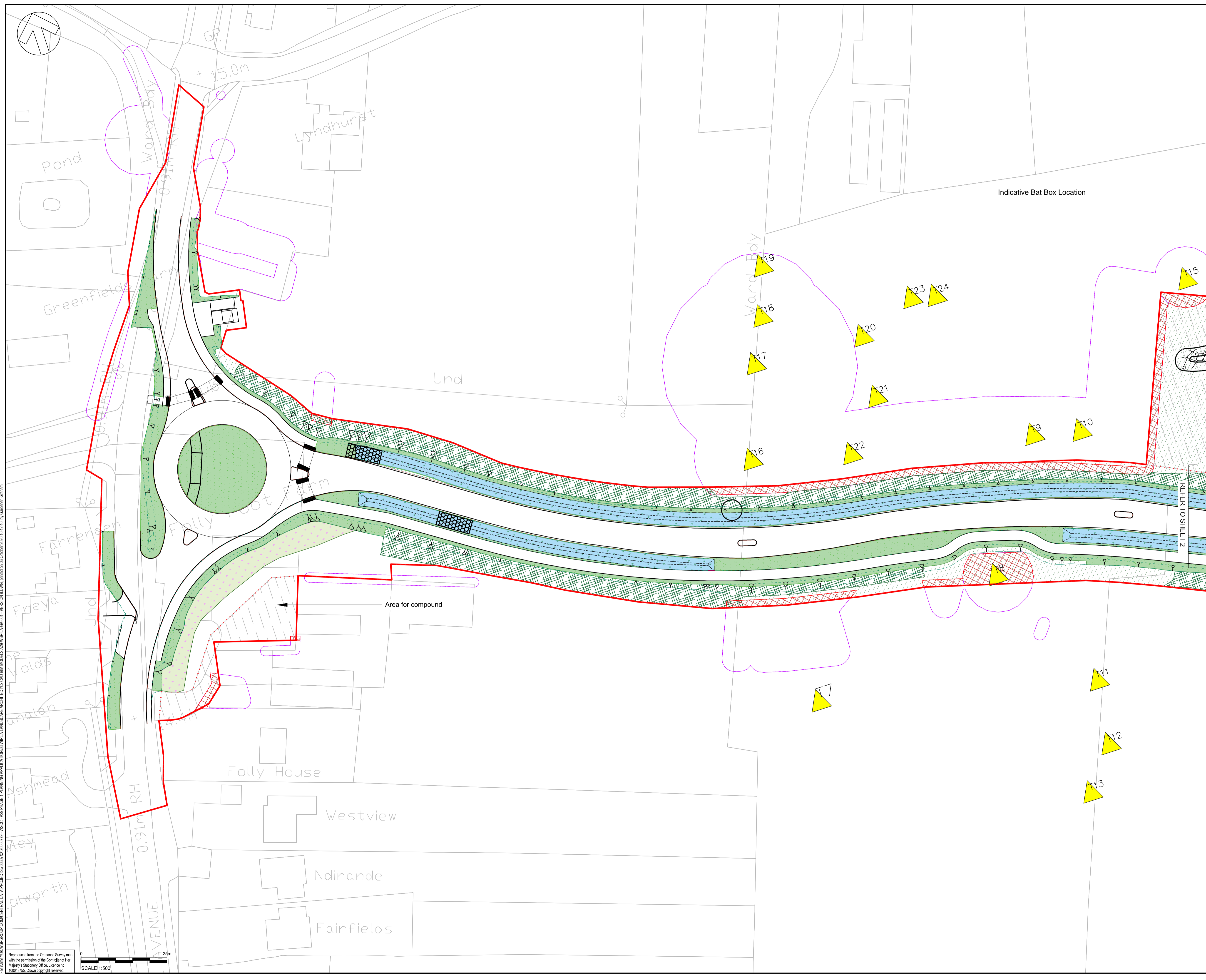
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SCALE @ A1: 1:500	CHECKED: LG	APPROVED: KM
PROJECT NO: 70060779	DESIGNED: GG	DRAWN: GG
		DATE: October 20

DRAWING No: A29-WSP-LA-GA-001

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  4. INDICATIVE LOCATIONS OF ARBORICULTURAL, ECOLOGICAL AND ACOUSTIC ELEMENTS.

KEY:

- Extent of works
- Extent of temporary land take
- Temporary use land
- Existing Vegetation
- Hedge
- Specimen Tree
- Shrub
- Woodland Edge
- Woodland Core
- Amenity Grass Mix
- Wildflower Meadow Grass Mix
- Wetland Grass Mix
- Areas to retain maximum feasible amount of existing vegetation where possible
- Root Protection Area - indicative location only
- Tree Preservation Order - indicative location only
- Proposed Bench

REV	DATE	BY	DESCRIPTION	CHK	APP
G	02/10/2020	GG	UPDATE TO LATEST HIGHWAYS LAYOUT & REDLINE BOUNDARY	LG	KM
F	20/08/2020	GG	UPDATE IN LINE WITH NEW POND AND HIGHWAYS LAYOUTS AND REDUCED WILDFLOWER MEADOW	LG	KM
E	06/08/2020	GG	UPDATE TO NEW DRAINAGE LAYOUT	LG	KM
D	21/07/2020	GG	UPDATE TO HEDGE MAINTENANCE REQUIREMENTS	LG	KM
C	20/07/2020	GG	UPDATE TO ORCHARD MAINTENANCE REQUIREMENTS/WOODLAND	LG	KM
B	01/07/2020	GG	UPDATE TO POND LAYOUTS/SOUND BARRIER	LG	KM
A	01/05/2020	GG	FIRST ISSUE	LG	KM

DRAWING STATUS: S2 - FOR INFORMATION

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ARCHITECT: -

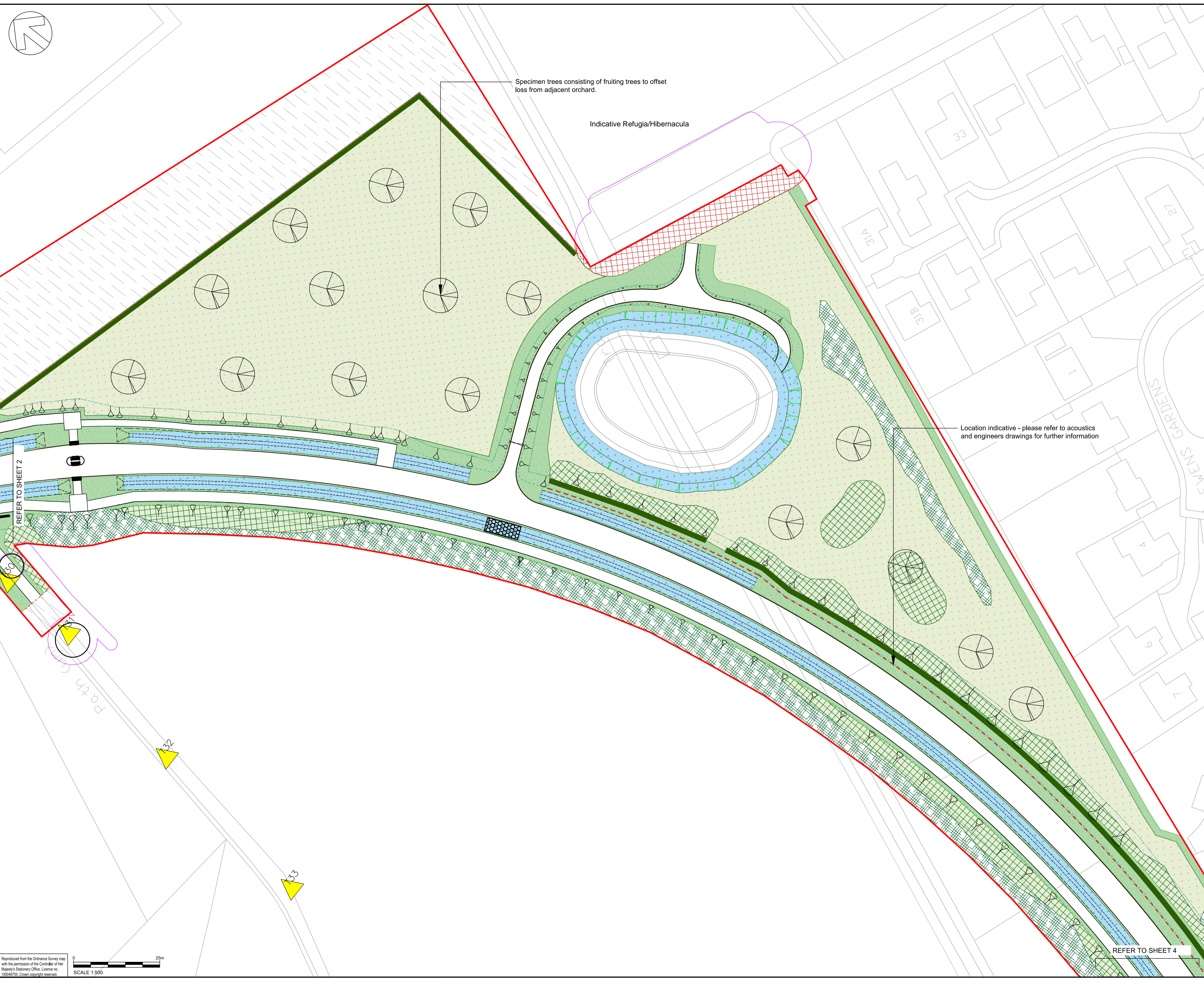
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TITLE: ECOLOGICAL MITIGATION PLAN SHEET 2 OF 5

SCALE @ A1: 1:500	CHECKED: LG	APPROVED: KM
PROJECT NO: 70060779	DESIGNED: GG	DRAWN: GG
		DATE: October 20

DRAWING No: A29-WSP-LA-GA-002  
REV: G  
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Specimen trees consisting of fruiting trees to offset loss from adjacent orchard.

Indicative Refugia/Hibernacula

Location indicative - please refer to acoustics and engineers drawings for further information

REFER TO SHEET 2

REFER TO SHEET 4

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  4. INDICATIVE LOCATIONS OF ARBORICULTURAL, ECOLOGICAL AND ACOUSTIC ELEMENTS.

KEY:

	Extent of works
	Extent of temporary land take
	Temporary use land
	Hedge
	Specimen Tree
	Shrub
	Woodland Edge
	Woodland Core
	Amenity Grass Mix
	Wildflower Meadow Grass Mix
	Wetland Grass Mix
	Areas to retain maximum feasible amount of existing vegetation where possible
	Root Protection Area - indicative location only
	Tree Preservation Order - indicative location only
	Acoustic Barrier - indicative location only

REV	DATE	BY	DESCRIPTION	CHK	APP
G	02/10/2020	GG	UPDATE TO LATEST HIGHWAYS LAYOUT & REDLINE BOUNDARY	LG	KM
F	20/08/2020	GG	UPDATE IN LINE WITH NEW POND AND HIGHWAYS LAYOUTS AND REDUCED WILDFLOWER MEADOW	LG	KM
E	06/08/2020	GG	UPDATE TO NEW DRAINAGE LAYOUT	LG	KM
D	21/07/2020	GG	UPDATE TO HEDGE MAINTENANCE REQUIREMENTS	LG	KM
C	20/07/2020	GG	UPDATE TO ORCHARD MAINTENANCE REQUIREMENTS/WOODLAND	LG	KM
B	01/07/2020	GG	UPDATE TO POND LAYOUTS/SOUND BARRIER	LG	KM
A	01/05/2020	GG	FIRST ISSUE	LG	KM

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ARCHITECT: -

SITE PROJECT: A29

TITLE: ECOLOGICAL MITIGATION PLAN SHEET 3 OF 5

SCALE @ A1: 1:500	CHECKED: LG	APPROVED: KM
PROJECT NO: 70060779	DESIGNED: GG	DRAWN: GG
		DATE: October 20

DRAWING No: A29-WSP-LA-GA-003

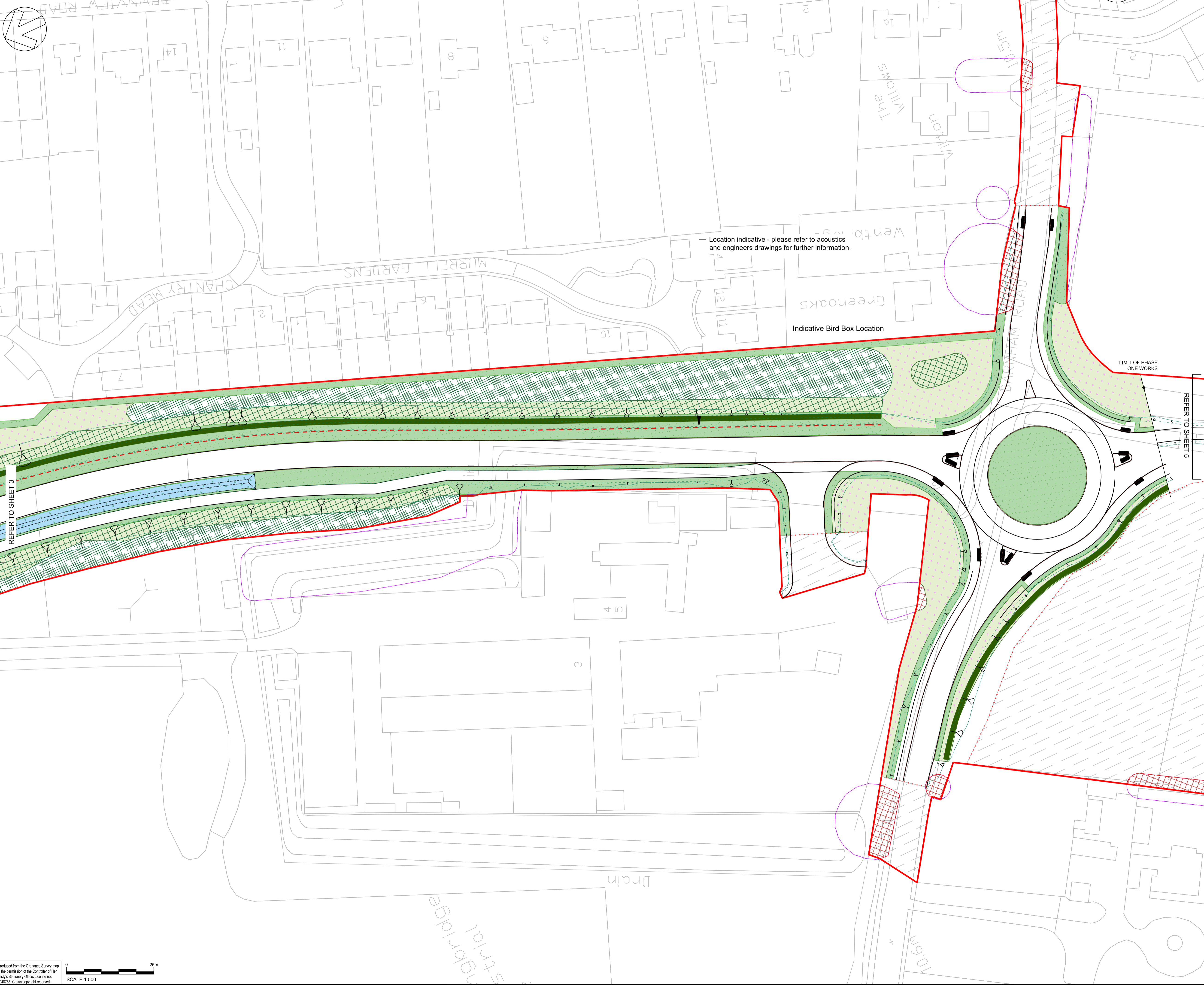
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  4. INDICATIVE LOCATIONS OF ARBORICULTURAL, ECOLOGICAL AND ACOUSTIC ELEMENTS.

KEY:

	Extent of works
	Extent of temporary land take
	Temporary use land
	Hedge
	Specimen Tree
	Shrub
	Woodland Edge
	Amenity Grass Mix
	Wildflower Meadow Grass Mix
	Wetland Grass Mix
	Areas to retain maximum feasible amount of existing vegetation where possible
	Root Protection Area - indicative location only
	Acoustic Barrier - indicative location only
	Tree Preservation Order - indicative location only

REV	DATE	BY	DESCRIPTION	CHK	APP
G	02/10/2020	GG	UPDATE TO LATEST HIGHWAYS LAYOUT & REDLINE BOUNDARY	LG	KM
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E	06/08/2020	GG	UPDATE TO NEW DRAINAGE LAYOUT	LG	KM
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B	01/07/2020	GG	UPDATE TO POND LAYOUTS/SOUND BARRIER	LG	KM
A	01/05/2020	GG	FIRST ISSUE	LG	KM

DRAWING STATUS: S2 - FOR INFORMATION

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TITLE: ECOLOGICAL MITIGATION PLAN SHEET 4 OF 5

SCALE @ A1: 1:500	CHECKED: LG	APPROVED: KM
PROJECT NO: 70060779	DESIGNED: GG	DRAWN: GG
		DATE: October 20

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  4. INDICATIVE LOCATIONS OF ARBORICULTURAL, ECOLOGICAL AND ACOUSTIC ELEMENTS.
  5. EXTENT AND PROPOSALS FOR FUTURE WORKS CURRENTLY UNKNOWN.
  6. AREA FOR COMPOUND INDICATIVE ONLY, CONTRACTOR TO DETAIL ALLOCATION, ACCESS AND ANY REMEDIAL GROUND WORKS

- KEY:
- Extent of works
  - Extent of temporary land take
  - Temporary use land
  - Hedge
  - Specimen Tree
  - Amenity Grass Mix
  - Wildflower Meadow Grass Mix
  - Wetland Grass Mix
  - Areas to retain maximum feasible amount of existing vegetation where possible
  - Root Protection Area - indicative location only

REV	DATE	BY	DESCRIPTION	CHK	APP
G	02/10/2020	GG	UPDATE TO LATEST HIGHWAYS LAYOUT & REDLINE BOUNDARY	LG	KM
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B	01/07/2020	GG	UPDATE TO POND LAYOUTS/SOUND BARRIER	LG	KM
A	01/05/2020	GG	FIRST ISSUE	LG	KM

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ARCHITECT: -

SITE PROJECT: A29

TITLE: ECOLOGICAL MITIGATION PLAN SHEET 5 OF 5

SCALE @ A1: 1:500	CHECKED: LG	APPROVED: --
PROJECT NO: 70060779	DESIGNED: GG	DRAWN: GG
		DATE: October 20

DRAWING No: A29-WSP-LA-GA-005

REV: G

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SCALE 1:500

# Appendix A

## RELEVANT LEGISLATION





## ENGLAND AND WALES LEGISLATION AND POLICY CONTEXT

This report has been compiled with reference to relevant wildlife legislation, planning policy and the UK Biodiversity Framework. An overview and context of relevant legislation is provided, with the relevant protection each species groups or species receives summarised in Table 1.

### **The Wildlife and Countryside Act 1981, (as amended) (WCA)**

Protected birds, animals and plants are listed under Schedules 1, 5, 8 and 9 respectively of the WCA, a description of these Schedules and their meaning is provided below.

Under the WCA (England and Wales) all birds, their nests and eggs (with exception of species listed under Schedule 2) are protected by the WCA. It is an offence to:

- Intentionally kill, injure, or take any wild bird,
- Take or destroy an egg of any wild bird.
- Damage or destroy the nest of any wild bird (whilst being built, or in use). Under the WCA the clearance of vegetation within the survey area boundary, or immediately adjacent to the survey area during the bird nesting season could result in an offence occurring by the disruption or destruction of nest sites. The bird breeding season can be taken to occur between March - August inclusive, although is subject to variations based on species, geographical and seasonal factors.

### **Schedule 1**

Birds listed under Schedule 1 of the WCA<sup>5</sup> are afforded additional protection with regard to intentional or reckless disturbance whilst nest-building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

### **Schedule 5**

Species listed in Schedule 5 can either be fully protected or be partially protected under Section 9, which makes it unlawful to intentionally:

- Part 1: kill, injure or take;
- Part 2: possess or control (live or dead animal, part or derivative);
- Part 4 (a): damage or destruct any structure used for shelter or protection;
- Part 4 (b): disturb them in a place of shelter or protection;
- Part 4 (c): obstruct access to place of shelter or protection;
- Part 5 (a): sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative);
- Part 5 (b): advertise for buying or selling.

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<sup>5</sup> To view the current list of Schedule 1 listed birds visit:  
<http://www.legislation.gov.uk/ukpga/1981/69/schedule/1> [Accessed 01.03.2017].

## **Schedule 8**

The Act makes it an offence (subject to exceptions) to pick, uproot, trade in, or possess (for the purposes of trade) any wild plant listed in Schedule 8, and prohibits the unauthorised intentional uprooting of such plants.

## **Schedule 9**

Invasive species listed under Schedule 9 are prohibited from release into the wild and the Act prohibits planting or “causing to grow” in the wild of any plant species listed in Schedule 9. It should be noted that certain bird species listed on Schedule 1 of the WCA are also listed on Schedule 9 to prevent release of non-native and captive individuals, this includes barn owl, red kite, goshawk and corncrake.

## **Countryside Rights of Way Act 2000 (CRoW Act)**

The CRoW Act has amended the WCA in England and Wales strengthening the protection afforded to Sites of Special Scientific Interest (SSSI) and the legal protection for threatened species. It adds the word ‘reckless’ to the wording of the offences listed under Section 9(4) of the WCA. This alteration makes it an offence to recklessly commit an offence, where previously an offence had to be intentional to result in a breach of legislation.

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

Species and Habitats of Principal Importance in England and Wales are listed under Section 41 and Section 42 respectively of the NERC Act. The Section 41 and 42 lists detail species that are of principal importance for the conservation of biodiversity in England and Wales, and should be used to guide decision-makers such as local and regional authorities when implementing their duty to have regard for the conservation of biodiversity in the exercise of their normal functions – as required under Section 40 of the NERC Act 2006.

## **The Environment (Wales) Act 2016**

The Environment (Wales) Act 2016 (<http://www.legislation.gov.uk/anaw/2016/3/contents/enacted>) puts in place the legislation needed to plan and manage Wales’ natural resources in a more proactive, sustainable and cohesive way. Section 7 replaces the duty in Section 42 of the NERC Act 2006 and it places a duty on the Welsh Ministers to publish, review and revise lists of living organisms and types of habitats which they consider are of key significance to sustain and improve biodiversity in Wales. The species and habitat lists are identical to those in Section 42 but it should be noted it is currently under review (23.03.2017).

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

It is an offence to wilfully take, kill, injure, possess or ill-treat a badger. Under the Act their setts are protected against intentional or reckless interference. Sett interference includes damaging or destroying a sett, obstructing access to any part of the sett, or disturbance of a badger whilst it is occupying a sett. The Act defines a badger sett as ‘any structure or place, which displays signs indicating the current use by a badger’ and Natural England (NE) takes this definition to include

seasonally used setts that are not occupied but that show sign of recent use by badgers (Natural England, 2009<sup>6</sup>).

If impacts to badgers or their setts are unavoidable then authorised sett disturbance requires a licence.

### **The UK Post-2010 Biodiversity Framework (2011-2020) (JNCC and DEFRA, 2012)**

This Framework lists the UK's most threatened species and habitats and sets out targets and objectives for their management and recovery. The UK Biodiversity Action Plan (BAP) process is delivered nationally, regionally and locally and should be used as a guide for decision-makers to have regards for the targets set by the framework and the goals they aim to achieve. The UK BAP has now been replaced by the UK Post-2010 Biodiversity Framework, however, it contains useful information on how to characterise important species assemblages and habitats which is still relevant (UK Post-2010 Biodiversity Framework, 2012<sup>7</sup>).

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

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations came into force on 30th November 2017, and extend to England and Wales (including the adjacent territorial sea) and to a limited extent in Scotland (reserved matters) and Northern Ireland (excepted matters). In Scotland, the Habitats Directive is transposed through a combination of the Habitats Regulations 2010 (in relation to reserved matters) and the Conservation (Natural Habitats andc.) Regulations 1994. The Conservation (Natural Habitats, andc) Regulations (Northern Ireland) 1995 (as amended) transpose the Habitats Directive in relation to Northern Ireland.

All species listed under Annex IV of the Habitats Directive require strict protection and are known as European Protected Species (EPS). Under Regulation 42 of the Habitats Regulations it is unlawful to:

- Deliberately kill, capture or disturb;
- Deliberately take or destroy the eggs of; and
- Damage or destroy the breeding site/resting place of any species protected under this legislation.

If the Ecologist determines that impacts to an EPS are unavoidable then the works may need to be carried out under a site specific mitigation licence from Natural England (NE) or Natural Resources

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<sup>6</sup> Natural England, June 2009, Protection of Badgers Act 1992 (as amended), Guidance on 'Current Use' in the definition of a Badger Sett WMLG17, Natural England, Peterborough.

<sup>7</sup> JNCC and Defra (on behalf of the Four Countries' Biodiversity Group), July 2012, UK Post-2010 Biodiversity Framework, Available from: [http://jncc.defra.gov.uk/pdf/UK\\_Post2010\\_Bio-Fwork.pdf](http://jncc.defra.gov.uk/pdf/UK_Post2010_Bio-Fwork.pdf) [Accessed 02.03.2017].

Wales (NRW). Low Impact Class licences are also available in both England and Wales for bats and great crested newts. This enables Registered Low Impact Consultants to undertake certain low impact activities reducing the EPS application paperwork and process length.

Certain EPS are also listed under Annex II of the Habitats Directive and are afforded protection by the establishment of core areas of habitat known as Special Areas of Conservation. This means these species are a relevant consideration in a Habitats Regulations Assessment (HRA).

The Birds Directive seeks to maintain populations of all wild bird species across their natural range (Article 2). All bird species listed under Annex I<sup>8</sup> of the Birds Directive are rare or vulnerable and afforded protection by the classification of Special Protection Areas (SPAs), these are also designated under all regularly occurring migratory species, with regard to the protection of wetlands of international importance (Article 4). This means these bird species and communities are a relevant consideration in HRA.

### **National Planning Policy Framework NPPF**

The NPPF states the following in respect of biodiversity protection under Section 11 Conserving and enhancing the natural environment;

*'The planning system should contribute to and enhance the natural and local environment by:*

- protecting and enhancing valued landscapes, geological conservation interests and soils*
- recognising the wider benefits of ecosystem services*
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'*

### **West Sussex Transport Plan (2011)**

The West Sussex Transport Plan (2011) was subject to a Strategic Environmental Assessment (SEA) at the time of publishing which identified that;

*'Mitigation is required to avoid negative impacts on biodiversity. This will include using green infrastructure to improve the connectivity of hedge lines to reconnect habitats, for example a 'Notable Verge' strategy is already in place;*

*and*

*The impact of the [Local Transport Plan] is dependent on taking opportunities to improve green infrastructure, particularly in new development, and in the [South Downs National Park] where existing green infrastructure can be disjointed.'*

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<sup>8</sup> To view birds listed under Annex I visit:

[http://ec.europa.eu/environment/nature/conservation/wildbirds/threatened/index\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/threatened/index_en.htm) [Accessed: 06.04.2017]

### **West Sussex Structure Plan (2005)**

The West Sussex Structure Plan (WSCC 2005) has no formal status, however ‘*Though the Plan has no formal status in the current planning system, it remains our strategic policy statement for future development and land-use planning*’<sup>9</sup>. Policy ERA2 relates to Nature Conservation, stating;

*‘(a) Development should not be permitted unless the wide range of habitats, species and geological features of the County will be protected, conserved and, where possible, enhanced particularly through long-term management mechanisms and habitat creation schemes. A particularly high level of protection should be afforded to sites and features of national and international importance. Proposals for the extension or creation of new habitats should be permitted provided that they are consistent with wider environmental objectives.*

*(b) Local plans will include policies to:*

*(1) ensure that site evaluation is undertaken to establish the nature conservation importance of proposed development sites;*

*(2) protect sites or features of nature conservation importance, including those protected under legislation and prevent development unless there are no alternative solutions and there are overriding reasons which outweigh the need to safeguard the value of sites or features;*

*(3) ensure that where development would result in the loss of an important nature conservation resource, a new resource is provided which is of at least equivalent value, where possible;*

*(4) where appropriate, secure the restoration, creation and management of habitats through development proposals; and*

*(5) where necessary, ensure the investigation and recording of sites and features of nature conservation importance, and, where appropriate, the preservation of any finds.’*

### **Adopted Arun Local Plan (Arun DC, 2018)**

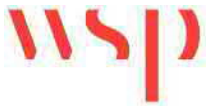
The Adopted Arun Local Plan (Arun DC, 2018) contains a number of policies relating to biodiversity, of which Policy ENV SP1 Natural Environment and Policy ENV DM5 Development and Biodiversity are the most pertinent.

*Policy ENV SP1, Natural Environment states:*

*‘Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. In relation to designated sites,*

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<sup>9</sup> <https://www.westsussex.gov.uk/about-the-council/policies-and-reports/environment-planning-and-waste-policy-and-reports/structure-plan/>



*development will be permitted where it protects sites listed in Tables 17.1-17.6 that are recognised for the species and habitats contained within them.'*

*Policy ENV DM5 Development and Biodiversity states:*

*'Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement.*

*Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where appropriate, suitably licensed person.*

*All developments shall have regard to Natural England's standing advice for protected species.'*



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