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Dormouse Mitigation Statement

Land East of Ansty, Haywards Heath

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Report Summary

1. The Ecology Co-op has been commissioned to outline necessary mitigation for a dormouse population at a proposed development upon land east of Ansty, under planning application DM/23/2866. The proposal includes the construction of up to 1450 homes, 90 residential care units, a primary school, a SEND school, health hub, sports facilities, retail, and employment uses upon a site measuring approximately 96ha. The purpose of this document is to outline mitigation for hazel dormice, which were identified as present within the northern part of the site.

2. The existing site comprises mixed farmland with fields of arable and pasture, interspersed with a mixture of broadleaved ancient semi-natural woodland, both broadleaved and coniferous plantations, species-rich hedgerows, and tree lines.

3. An extensive dormouse survey was undertaken by the Ecology Co-op in 2022, utilising 400 dormouse nest tubes according to best practice guidelines. This survey effort identified two dormice within survey tubes and four nests characteristic of dormice, both located within the northern part of the site, suggesting a likely restricted distribution.

4. The scheme layout has been designed to retain existing woodland habitat wherever possible. Where unavoidable losses of habitat occur, the proposed mitigation strategy combines extensive scrub and woodland planting in advance of clearance as immediate compensation, together with the protection and enhancement of retained suitable habitats throughout construction and post-development occupation. The risk of direct impacts on dormice individuals has been reduced by pre-construction safeguarding measures (including under EPS licence where dormouse have been recorded, and precautionary approach elsewhere) followed by considerate construction methods.

5. The proposed habitat enhancement measures will have wider benefits to other wildlife but include supplementary planting and improved management of all retained hedgerows, the establishment of additional new scrub habitat of value to dormouse, including buffer strips around woodland boundaries and retained hedgerows, representing a net gain of suitable dormouse habitat (Section 6).

6. Site staff must be briefed through a toolbox talk, prior to the commencement of construction, on the importance of dormouse conservation and the legal protection afforded to this species. No hedgerows, scrub, trees or other such habitat deemed potentially suitable for dormice will be directly disturbed, removed or otherwise impacted unless under the strict supervision of a suitably qualified ecologist.

7. In the long term, the semi-natural habitats will be maintained in good condition through post construction management as described in Section 7.

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1 INTRODUCTION

1.1 Purpose of the Report

This document has been produced to demonstrate how the proposed development upon land east of Ansty will minimise its impact upon protected species, wider biodiversity and provide targeted enhancement measures for the hazel dormouse *Muscardinus avellenarius*. It outlines all mitigation, compensation and enhancement measures that will be necessary to ensure that that all habitats of value for dormice are either protected, replaced, or enhanced on the site and that individuals are not harmed during the construction or operational phases of the development.

As this is a large-scale development, it is highly likely that it will be built in phases, requiring ongoing monitoring, updated surveys and several reserved matters applications that will provide greater detail for each development phase. For this reason, this Mitigation Statement gives a broad overview intended to clearly illustrate how appropriate mitigation and compensation measures for dormice will be secured. The commitments proposed within this document will however be secured within all future detailed designs for this site through the planning process.

This report was commissioned and produced at the request of Fairfax Acquisitions Ltd.

1.2 Background

The Ecology Co-op has been commissioned to outline mitigation, compensation, and enhancement measures for the impacts upon dormice resulting from a proposed development to the east of Ansty, West Sussex. The development proposal as set out under planning application DM/23/2866, includes an area of approximately 98ha of farmland with the construction of up to 1450 new homes, 90 residential care units, a primary school, a SEND school, health hub, sports facilities, retail and employment uses.

The site comprises a mixture of fields of arable and pasture, interspersed with a mixture of broadleaved ancient semi-natural woodland, woodland plantations, including both broadleaved and coniferous plantations, species-rich hedgerows and tree lines. The identified key habitats of high value to dormice included some of the more species-rich hedgerows, small areas of scrub and broadleaved semi-natural woodland, some of which is identified as ancient woodland. Several records for dormice were also returned within a 2km biodiversity records search provided by the Sussex Botanical Records Centre (SxBRC).

An extensive dormouse presence/absence survey by the Ecology Co-op was undertaken in 2022, covering all woodland and hedgerows contained within the site boundaries using 400 dormouse nest tubes according to best practice guidelines (Figure 2). This survey effort identified two dormice within survey tubes at the northern boundary of the site, whilst a further four nests characteristic of dormice were identified within the northwestern part of the site, suggesting a likely restricted distribution.

Figure 1. Site plan. The site boundary is highlighted in red. Image produced courtesy of Fabrik Design and Access Statement, October 2023).

Figure 2. The results of the dormouse survey undertaken by The Ecology Co-op in 2022, illustrating the location of nest tubes (orange dots) within potentially suitable habitat and the locations where dormice were found present in tubes (red dots) or dormouse nests were identified (yellow dots).

2 LEGAL PROTECTION

Legal protection applying to relevant bird, mammal and herpetofauna species is detailed in Appendix 1 of this report. This includes both national and European legislation that protects dormice *Muscardinus avellanarius*.

3 DESIGN STAGE IMPACT AVOIDANCE MEASURES

The design stage of the development sought to identify and conserve all habitats of ecological importance, including those of value to dormice. Most hedgerows across the site have not only been retained but are also afforded 5m or 8m buffers from development and will be enhanced for dormice by allowing the development of taller and wider structures under relaxed management and in some cases, supplementary planting. These enhancement measures are described in more detail in Section 6 of this document. Similarly, all woodland habitats are retained where possible and afforded buffers to development, ranging between 8m for young plantation woodland and 20m for semi-natural ancient woodland, with the size of the buffer based on the identified value of the habitat. All buffers to woodland habitat will include a 'graded ecotone', which will include planting appropriate for woodland edge habitats featuring smaller fruiting trees and thorny shrubs. These new habitat creation measures are outlined in section 6.

In total, new buffers around hedgerows and woodlands will measure 6.53 ha in area, of which at least a third of this habitat area will include planting of value for dormice (2.18ha).

The proposed main through road passing between the A272 and B2036 that passes north-south through the site is essential to the viability of the development and results in impacts to semi-natural broadleaved woodland habitat in two locations. These are the only locations across the whole scheme where direct impacts on semi-natural woodland cannot be avoided. This road will however be supported on bridges, which carries the road across the valley and minimises direct impact on the woodland floor. This avoids the construction of supporting embankments with a wider footprint, direct habitat loss being restricted to the columns that would support each bridge, coupled with some secondary effects associated with habitat shading, localised light, air quality and noise impacts. The bridge crossing points have taken a 'path of least resistance' in considering ecological impacts.

4 PRE-CONSTRUCTION MITIGATION MEASURES

The above avoidance measures mean that any habitat losses have been reduced to a minimum during the outline design stage. However, there will be some small-scale localised habitat loss that are unavoidable to make way for access through the site. This includes localised sections of hedgerow and two sections of woodland where roads will pass. Dormouse European Protected Species (EPS) mitigation licenses must be in place for each phase of construction before any suitable dormouse habitat is removed or significantly disturbed, as this would be considered a 'licensable action'. This EPS license will include specific timings under an approved Works Schedule and measures detailed under a license Method Statement that must be implemented and adhered to in full. Specific measures that will form part of this license include the following:

1. No hedgerow habitat, woodland or large areas of scrub can be removed between March and November (inclusive). This is to avoid both the bird nesting season and the period when dormice may be active and breeding.
2. Habitat removal may only proceed according to a slow, staged process under the direct supervision of a suitably qualified Ecological Clerk of Works (ECoW)
3. Compensation measures detailed within the license (such as the installation of dormouse boxes and creation of new habitat) will need to be implemented before licensable work can commence, in line with the timings set out in the approved Works Schedule.

The proposed buffer zones afforded to all hedgerows, scrub and woodland habitat in the design stage must be clearly demarcated and protected with suitable fencing to prevent damage during construction activities. Measures to reduce the effects of construction noise and visual impacts by attaching an appropriate screening material (sometimes called 'scrim') to the fencing shall be used where appropriate. All fencing must be clearly marked as 'out of bounds' to construction activity and site checks must be undertaken at appropriate intervals to ensure that the fencing is intact and being appropriately managed. Solid board security fencing (construction hoarding) would be an appropriate style of fencing as it is semi-permanent and robust enough to withstand construction activities, but temporary 'heras' fencing may be used in certain locations. Any such fencing must have a minimum height of 2 metres.

To ensure timely establishment of scrub and woodland compensation habitat before the removal of

dormouse habitat, the buffer zones shall be planted with native tree and shrub planting at least one year in advance of each phase of construction (for example, see Figure 3). The planting of buffer strips between the development and any retained dormouse habitat will include two distinct rows designed to both provide an excellent foraging resource for dormice and thorny cover that will help restrict access by the public and domestic animals. whilst this outer row of planting will be further reinforced by security fencing (see figure 4). The thorny cover planting will make up a 2m width of planting comprising two staggered rows that comprises an equal parts mixture of Hawthorn *Crategus monogyna*, European gorse *Ulmus europeaus* and dog rose *Rosa canina*. Planting densities would need to include one tree/shrub per linear metre in double staggered rows.

Behind this, the planting for foraging dormice would include a diverse mix of trees and shrubs designed to provide food throughout their active season as follows:

Hazel *Corylus avellana* – 20%
Pedunculate oak *Quercus robur* – 15%
Field maple *Acer campestre* – 15%
Wild privet *Ligustrum vulgare* – 15%
Spindle *Euonymus europaeus* – 10%
Hawthorn – 10%
Rowan *Sorbus acuparia* – 5%
Buckthorn *Rhamnus cathartica* – 5%
Dogwood *Cornus sanguinea* – 5%

All tree planting must be carried out in accordance with BS8545:2014 using winter bare root stock, with the appropriate aftercare to ensure the greatest chances of successful establishment.

New dormouse boxes must be installed across the wider site totalling 200 boxes within the woodland areas of the site where public access will be restricted (see Figure 5). The location of these boxes has been selected both to support the known population of dormice within the north-western corner of the site and to aid the progressive expansion of this population into woodland habitat elsewhere. As ancient woodland habitats are both the most potentially suitable for dormice and will be protected from public access, the installation of boxes has focussed on these locations.

Figure 3. The location of new tree planting in the north-western corner of the site bordering the A272 and semi-natural ancient woodland habitat (highlighted in red).

Figure 5. The location of dormouse boxes that must be installed prior to the commencement of construction, totalling no less than 200 new boxes at densities of no greater than 1 box per 20 linear metre along the indicated

routes (yellow dashed lines).

5 CONSTRUCTION PHASE MITIGATION MEASURES

Construction-phase mitigation will focus on the ongoing management of disturbance risks to woodlands and hedgerows at the site. A detailed Construction Environmental Management Plan produced at the Reserved Matters stage prior to consent must detail the following:

1. How construction phase lighting will ensure that any artificial lighting will not result in the illumination of hedgerows or woodlands above 2 lux to ensure that lighting does not modify dormouse behaviour. Only essential lighting must be permitted for security and safety reasons, and always be directed away from the surrounding semi-natural habitats.
2. Weekly checks of all buffer zone fencing to ensure that they are intact and repaired where necessary.
3. Aftercare of pre-construction habitat creation areas will be appropriately monitored through regular checks, with watering, replacing of any failed stock and checks for signs of damage or disease.
4. Appropriate monitoring of new dormouse boxes through the construction phase in accordance with best practice guidance and as set out in the EPS licences to look for dormouse activity and ensure that boxes are free from damage and replaced where necessary.

6 ENHANCEMENT MEASURES

Whilst dormice have only been recorded in the north-western corner of the site and habitat losses in this area have been minimised, this species has the potential to colonise elsewhere across the site where habitat is suitable and connected to the wider woodland/hedgerow network. This provides an opportunity for creating new species-rich scrub and hedgerow habitats and enhancing the retained areas of woodland contained on the site, to improve their suitability for dormice and achieve a net gain in the dormouse's conservation status at the site.

A summary of habitat losses and gains across the site are provided below in Table 1, taken from the Biodiversity Impact Calculation using the approved Defra Biodiversity Metric 4.0 that was submitted to support this application. The proposed scheme will result in a direct loss of 0.7ha of lowland mixed deciduous woodland (w1f), habitat of moderate potential suitability for dormice and 1.49ha of broadleaved and coniferous plantation woodland (w1g & w2c) of lower suitability. This amounts to an overall loss of 2.19ha of woodland habitat in total to make way for the access roads across the site. In addition, 1.74km of native hedgerows (h2a) will also be lost within the site. However, the creation of 4.52ha of mixed scrub and 1.4km of species-rich native hedgerows with trees will compensate for the loss of this habitat. Most of this native scrub will be created in advance of construction in the woodland buffer zones as set out in Section 5. They will comprise a mix of thorny species and species of foraging value to dormice and maintain direct connectivity with retained woodland habitats.

Whilst there will be a loss of coniferous (w2c) and broadleaved (w1g) woodland habitat overall, the surveys undertaken indicate that they are currently 'likely absent' in these areas, possibly because they are sub-optimal habitat. This woodland loss is not therefore considered to be a significant impact on

dormouse conservation status. Therefore, with the creation of new scrub there is an overall gain of 2.33ha of suitable dormouse habitat proposed within the site design.

In addition, 10.48ha of woodland habitat (5.95ha of w1f, 3.19ha of w1g and 0.36ha of w2c) will be enhanced under the proposals to achieve targeted enhancements including invasive species removal, disturbance reduction, vertical structure and age distribution. This will occur through sensitive woodland management, where cherry laurel and some non-native trees (hybrid black poplar, sweet chestnut and larch) will be removed from the targeted woodlands in phases that encourages the natural regeneration with native trees. The native thorny scrub planting in the buffer zones will have established in time to prevent public access when the residential properties become occupied. This will help to minimise disturbance in the woodland, allowing the regeneration of woodland ground flora and scrub for dormouse to occur unhindered. These measures will result in an overall enhancement in available dormouse habitat, as the woodland at present constitutes lower suitability habitat for this species.

These measures in combination will ensure that the BNG criteria for 'good condition' are passed (regeneration, vertical structure, deadwood habitat, minimal disturbance, age distribution, no invasive species, number of native species, open space, ground flora and tree health).

Table 1. Habitat changes across the site as a whole resulting from the development.

On-site Habitat changes	Lowland mixed deciduous woodland (w1f) (ha)	Broadleaved and coniferous plantation (w1g & w2c) (ha)	Native Hedgerow (h2a) (km)	Mixed scrub (h3h)(ha)
Lost	0.7	1.49	1.74	-
Retained and Unimproved	9.36	0.55	5.29	-
Retained and Enhanced	5.95	4.53	0.37	-
Created	-	-	1.4	4.46

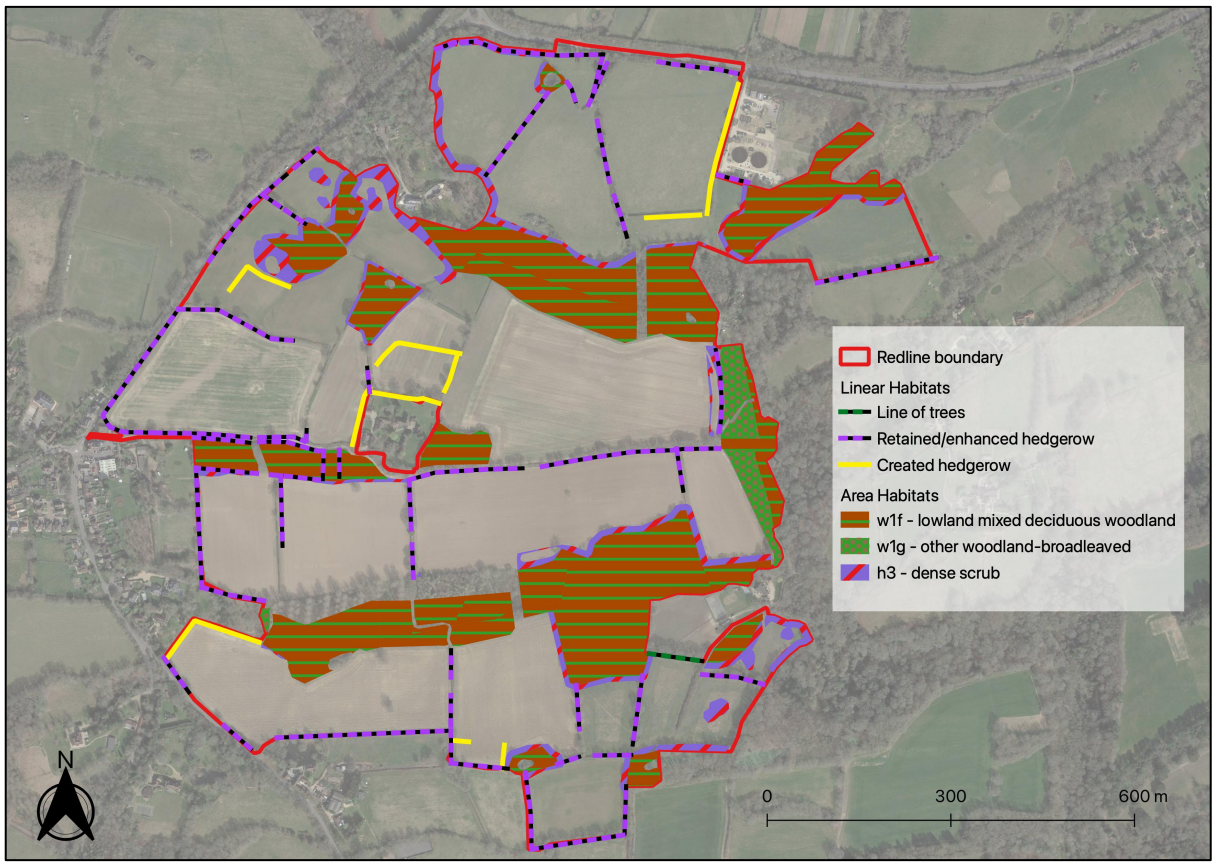

Figure 6. An illustration of retained hedgerows and woodland habitats in addition to new proposed scrub planting within woodland buffers as calculated within the Biodiversity Metric 4.0 that supports this scheme.

7 HABITAT MANAGEMENT STRATEGY

7.1 Retained and Created Hedgerows

Optimal Habitat

A variety of healthy, semi-mature and mature hedgerows, some with trees across the development site, with target managed heights of 2m and widths of approximately 2.5m.

New Hedgerows

Newly planted hedgerows will require regular checks in their first year of establishment to ensure saplings are watered during dry spells and to monitor for signs of damage or disease, with individual trees replaced where necessary.

In their first three years of growth, new hedgerows will not be cut, allowing them to establish and grow initially above a height of 1.8m. I their first cut, establishing a cut slightly lower and narrower than the target management height may help the hedge to develop a denser structure. After this, these hedgerows can come under the same yearly management as existing hedgerows, described below.

Yearly Management

Hedgerows must annually be checked for signs of disease and damage. If disease is identified, advice should be sought from an arboriculturalist regarding the appropriate method of treatment and dead trees should be replaced with new planting.

Rotational management must be applied (where possible), to ensure that 50% of each hedgerow is cut each year only, thus ensuring the creation of a varied structure and retention of fruiting bodies and greater habitat cover along hedgerows through the winter months. Cutting of hedgerows must be carried out in February only where possible, to avoid the bird nesting season (March-August inclusive) and ensure that winter cover is available throughout the majority of the autumn and winter.

7.2 Retained woodland

Optimal Habitat

The maintenance or creation of healthy successional habitat featuring three age classes of trees, the absence of any invasive plant species, 5+ native tree and shrub species and a complex woodland structure in line with a target of 'moderate' and 'good' conditions (as relevant) within the Defra Metric.

Management

Ongoing woodland management will include monitoring for signs of tree disease and any signs of the establishment of invasive species Annual checks will be required to look for any evidence of harm to the woodland environment, including public access, littering, arson or any other potential anthropogenic impacts. This would lead to an action plan to include measures such as enforcement, increased monitoring, strengthening of woodland boundaries to exclude access and increased public awareness of the identified issues.

8 CONCLUSION

This Mitigation Statement has set out how dormice will be conserved and protected at the site through new habitat creation, the establishment of buffers to suitable dormouse habitat, the staged clearance of suitable habitat under a dormouse mitigation license and the future management of hedgerows, woodland, and scrub habitat.

The proposed mitigation measures outlined above are further designed to provide assurance that individual dormice will not be harmed during the construction phase of the development, and that habitat to replace that lost will be provided. The applicants are confident that the three tests under Regulation 53 (2) (e) can be satisfied, and an EPS licence can be obtained. As such, the planning authority can be satisfied that securing this mitigation and EPS licence under reserved matters will ensure that its duty to comply with the Conservation of Habitats and Species Regulations (2017) as amended, will have been fully met. It should be noted that this document makes how habitat creation and management at this site can ensure a gain in suitable habitat for dormice at Ansty. Specific site details will however be produced to support future Reserved Matters applications should outline consent for this development be approved.

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 '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).

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