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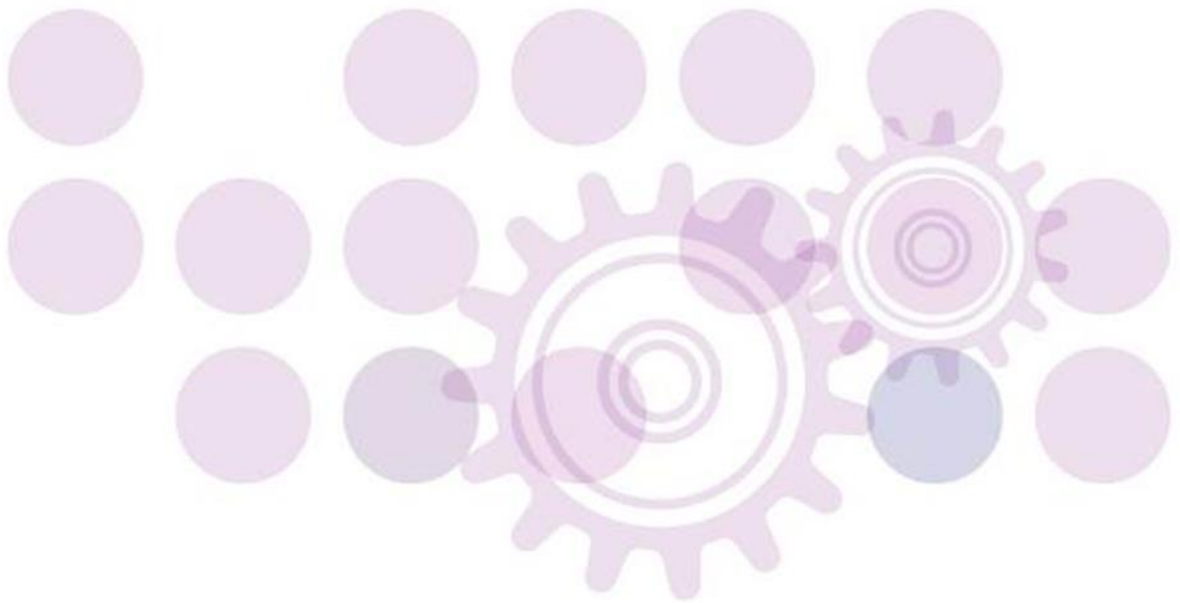
supplementary planning document



Biodiversity and Nature Conservation SPD

Annexes

June 2022



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ANNEX 1 UK legislation and international conventions

UK legislation

<p>Conservation of Habitats and Species Regulations 2017 (as amended)</p>	<p>Local Planning Authorities have the duty, by virtue of being defined as ‘competent authorities’ under the Habitats Regulations, to ensure that planning application decisions comply with the Habitats Regulations. If the requirements of the Habitats Regulations are not met and impacts (direct and indirect) on Habitats Sites are not avoided or mitigated, then development must not be permitted.</p> <p>The aim of the Habitats Regulations Assessment process is to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of the National Network of sites. Regulations 9 (1) and 9 (5) of Conservation of Habitats & Species Regulations 2017 (as amended) state that nothing in these Regulations is to be construed as excluding the application of the provisions of Part 1 of the Wildlife & Countryside Act 1981 (wildlife) in relation to animals or plants also protected under Part 3, 4 or 5 of these Regulations.</p> <p>The Regulations establish the process for identifying, designating and conserving Special Areas of Conservation (SACs) such as Castle Hill SAC, north of Woodingdean. Detailed guidance for development proposals which may affect SACs is provided in Part 1 of ODPM Circular 06/2005</p> <p>Where a Habitats site could be affected by a plan, such as a Local Plan, or any project, such as a new development, then Habitats Regulations Assessment screening must be undertaken. If this cannot rule out any possible likely significant effect on a Habitats site, either alone or in combination with other plans & projects, prior to the consideration of mitigation measures, then an Appropriate Assessment must then be undertaken. The Appropriate Assessment identifies the interest features of the site (such as birds, plants or coastal habitats), how these could be harmed, assesses whether the proposed plan or project could have an adverse effect on the integrity of the Habitats site (either alone or in-combination), and finally how this could be mitigated to meet the Stage 2 Habitats Regulations Assessment “integrity” test. Natural England must be formally consulted on all Appropriate Assessments and no decision issued until their comments have been considered.</p> <p>Where species are of international importance (listed in the Habitats Regulations as European Protected Species), they have additional protection. For any development which could impact on European Protected Species e.g. demolition of a structure or works which cut into a roof where bats could be roosting, the Local Planning Authority requires certainty of likely impacts & that mitigation can be secured either by a condition of any consent or a mitigation licence from Natural England, before making a decision.</p>
<p>Wildlife and Countryside Act 1981 (as amended)</p>	<p>The Wildlife and Countryside Act 1981 includes Schedules of protected animals (1 & 5) and plants (Schedule 8) and invasive species (Schedule 9). Annex 1 of this SPD includes the species listed in Schedules 1, 5 and 8 of the Wildlife & Countryside Act which could occur on development sites in Brighton and Hove.</p>

	<p>The following offences are of relevance to development control:</p> <ul style="list-style-type: none"> • Subject to exceptions, it is a criminal offence to intentionally kill, injure, or take any wild bird or their eggs or nests. Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of intentionally or recklessly disturbing these birds at their nests, or their dependent young. • Subject to exceptions, it is a criminal offence to intentionally or recklessly kill, injure, or take, possess, or trade in any wild animal listed in Schedule 5. The Act also prohibits interference with places used by them for shelter or protection and intentional or reckless disturbance to animals occupying such places. • Subject to exceptions, to pick, uproot, or possess (for the purposes of trade) any wild plant listed in Schedule 8. The Act also prohibits the unauthorised intentional uprooting of such plants. <p>The Act also contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, including prohibition of the release of animals and the introduction of a plant to the wild or to otherwise cause it to grow or spread the plants listed in Schedule 9.</p> <p>A species of particular concern in the Brighton and Hove context is Japanese Knotweed (<i>Fallopia japonica / Polygonum cuspidatum</i>). Applicants will be expected to demonstrate that they have taken all reasonable steps and exercised all due diligence to ensure Schedule 9 species are not permitted to grow as part of the implementation of planning permission and are not included in landscaping schemes e.g. cotoneaster species (<i>Cotoneaster spp</i>). Planning conditions and obligations can be used to ensure adequate measures are taken.</p>
<p>Natural Environment and Rural Communities Act 2006</p>	<p>Section 40 of the Natural Environments and Rural Communities (NERC) Act Part 1 (as amended by the Environment Act, 2021) requires all public bodies including Local Planning Authorities, in exercising its functions, to have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.</p> <p>The Environment Act strengthens this general biodiversity duty to include enhancement in addition to conservation. The amendment will require public authorities to actively carry out strategic assessments of the actions they can take to conserve and enhance biodiversity. Designated public authorities will also be required to produce a five-yearly report on the actions taken to comply with the new duty.</p>
<p>Environment Act 2021</p>	<p>The Environment Act sets out to deliver long-term targets to improve air quality, biodiversity, water, and waste reduction and resource efficiency and includes a target to halt the decline of nature by 2030 in line with PART 6 Nature and biodiversity.</p> <p>Mandatory biodiversity net gain is set out in the Schedule 14 of the Act through the provision for biodiversity gain to be a condition of planning permission in England by amending the Town & Country Planning Act (TCPA) and will become law in 2023. The Act sets out the following key components to mandatory BNG:</p> <ul style="list-style-type: none"> • Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan

	<ul style="list-style-type: none"> • Habitat secured for at least 30 years via obligations/ conservation covenant • Habitat can be delivered on-site, off-site or via statutory biodiversity credits • There will be a national register for net gain delivery sites • The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss • Will apply to Nationally Significant Infrastructure Projects (NSIPs) • Does not apply to marine development • Does not change existing legal environmental and wildlife protections <p>Part 6 Nature and Biodiversity Clause 102 strengthens the NERC biodiversity duty by adding the word 'enhance'. Clause 103 requires a public authority to publish biodiversity reports.</p> <p>The Act also introduces a new system of spatial plans aiming to boost biodiversity and protect valuable habitats. Local Nature Recovery Strategies (LNRs) are spatial strategies for nature, and will cover the whole of England. 'Responsible Authorities' will be appointed by the government and will be responsible for mapping the most valuable existing habitat for nature, mapping specific proposals for creating or improving habitat, and agree priorities for nature's recovery.</p>
Countryside and Rights of Way Act 2000 (CRoW)	Amongst other things, the CRoW Act strengthens the protection afforded to Sites of Special Scientific Interest, including greater powers for Natural England to be able to secure their appropriate management and a requirement for Local Authorities to further their conservation and enhancement under Schedule 9. There are two SSSIs in Brighton and Hove; Castle Hill (also a SAC) and Brighton to Newhaven Cliffs. Schedule 12 of the Act strengthens the legal protection for threatened species. This includes making certain offences 'arrestable', and creating an offence of reckless disturbance.
Town and Country Planning (Tree Preservation) (England) Regulations 2012	These regulations set out the procedures for making Tree Preservation Orders (TPOs) and the activities that are prohibited in relation to trees protected by these orders. Tree Preservation Orders can be made for trees or groups of trees because of their nature conservation value, as well as for their amenity value.
Protection of Badgers Act 1992	The Act makes it an offence to interfere with a badger sett, whether by obstructing the entrance, destroying the sett or in any way disturbing the occupant. The 1992 Act defines a badger sett as: "any structure or place which displays signs indicating current use by a badger". The onus is on the defendant to prove they were not attempting to kill, injure or take the badger, rather than on the police to prove that they were.
Crime & Disorder Act 1998	Section 17 of the Act states the duty for local authorities to consider crime and disorder implications when exercising its various functions with due regard to the likely effect and the need to do all that it reasonably can to prevent crime & disorder in its area.
Land Drainage Act 1991	Section 23 consent is a legal requirement for any works which will affect the flow of water or cross-sectional area of an ordinary watercourse i.e. not main river. This includes proposed culverting or piping of water and discharge of water into an ordinary watercourse.

International Conventions for biodiversity

Bonn Convention	<p>The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention or CMS) was adopted in Bonn, Germany in 1979 and came into force in 1983. As a signatory since 1985, the UK Government works with others to conserve migratory species and their habitats by providing strict protection for endangered migratory species.</p> <p>The legal requirement for the strict protection of Appendix I species is provided by the Wildlife & Countryside Act (1981 as amended). In addition, the Countryside and Rights of Way Act 2000 (CROW) enacted in England and Wales, strengthens the protection of certain species by increasing penalties and enforcement powers; and strengthened the protection of sites from damage caused by third parties.</p>
Bern Convention	<p>The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) was adopted in Bern, Switzerland in 1979, and came into force in 1982. As the UK Government a signatory, this is a binding international legal instrument for nature conservation.</p> <p>The principal aims of this Convention are to ensure conservation and protection of wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase co-operation between contracting parties, and to regulate the exploitation of migratory species listed in Appendix III. To this end the Convention imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species.</p>
Ramsar Convention	<p>The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention' or 'Wetlands Convention') was adopted in Ramsar, Iran in February 1971 and came into force in December 1975. It provides the only international mechanism for protecting sites of global importance and is thus of key conservation significance.</p>

ANNEX 2: City Plan policies supported by this SPD

The policies from the City Plan Part 1 and Part 2 that include an aim to conserve and enhance biodiversity are set out below. Full wording of these policies is available on the Council website.

<u>Brighton & Hove City Plan Part 1</u>	<u>Brighton & Hove City Plan Part 2</u>
<p>SS1 Presumption in Favour of Sustainable Development</p> <p>DA1 Brighton Centre and Churchill Square Area</p> <p>DA2 Brighton Marina, Gas Works and Black Rock Area</p> <p>DA3 Lewes Road</p> <p>DA4 New England Quarter and London Road Area</p> <p>DA5 Eastern Road and Edward Street</p> <p>DA6 Hove Station Area</p> <p>DA7 Toad’s Hole Valley</p> <p>SA1 The Seafront</p> <p>SA3 Valley Gardens</p> <p>SA4 Urban Fringe</p> <p>SA6 Sustainable Neighbourhoods</p> <p>SA5 The Setting of the South Downs National Park</p> <p>CP8 Sustainable Buildings</p> <p>CP10 Biodiversity</p> <p>CP11 Flood Risk</p> <p>CP12 Urban Design</p> <p>CP13 Public Streets and Spaces</p>	<p>DM18 High Quality Design and Places</p> <p>DM22 Landscape Design and Trees</p> <p>DM32 The Royal Pavilion Estate</p> <p>DM37 Green Infrastructure and Nature Conservation</p> <p>DM38 Local Green Spaces</p> <p>DM40 Protection of the Environment and Health – Pollution and Nuisance</p> <p>DM42 Protecting the Water Environment</p> <p>DM43 Sustainable Drainage</p> <p>SA7 Benfield Valley</p> <p>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road</p> <p>SSA2 Combined Engineering Depot, New England Road</p> <p>SSA3 Land at Lyon Close, Hove</p> <p>SSA4 Sackville Trading Estate and Coal Yard</p> <p>SSA5 Madeira Terrace and Madeira Drive</p> <p>SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive</p> <p>SSA7 Land Adjacent to American Express Community Stadium, Village Way</p> <p>H2 Housing Sites – Urban Fringe</p>

ANNEX 3: Priority habitats and species in Brighton and Hove

The tables in this Annex list Priority habitats and species which are known to occur in Brighton and Hove. It can be used as a useful resource to help assess the biodiversity value of a development site and whether any habitats or species are likely to be present and therefore may be affected by a development proposal.

'NERC Section 41' refers to Section 41 of the Act 2006. This Section of the Natural Environments and Rural Communities Act requires the Secretary of State to publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity in England. The species and habitats with a 'Y' in this column are included in those lists.

Tables 3.1 and 3.2 relate to species and Tables 3.3 and 3.4 list habitats, including several urban habitat types which may not have specific recognition by the national list of Priority habitats as listed in Section 41 of the Natural Environment & Rural Communities Act (2006). Some have particular value in the context of Brighton and Hove and should therefore be considered for retention wherever possible.

The tables should not be regarded as comprehensive for the purposes of development control. For example, a variety of biodiversity features can occur, such as particularly large, old trees, which are not listed below but may support bats so should nevertheless be conserved where possible as part of development proposals and surveyed if likely to be affected.

Table 3.1 Priority species

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Adder	<i>Vipera berus</i>	W&C Act Schedule 5 Killing & injuring S.9(1) (part); sale S.9(5)	Y		Y
Adonis Blue butterfly	<i>Lysandra bellargus</i>	W&C Act Schedule 5 (Sale only S.9(5))	Y		
Aquatic Warbler	<i>Acrocephalus paludicola</i>	Red List Bird Global post 2001 Vulnerable status	Y		
Balearic Shearwater	<i>Puffinus mauretanicus</i>	Red List Bird Global post 2001 Critically Endangered, Red list Bird of conservation concern	Y		
Basil Thyme	<i>Clinopodium acinos</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable	Y		
Bats – all species	<i>Vespertilionidae and Rhinolophidae</i>	W&C Act Schedule 5, (full protection) Habitats Regs Sch. 2; Barbastelle & Bechstein's Appendix II Bern and Bonn Conventions	Soprano Pipistrelle, Brown Long-eared, Barbastelle, Bechstein's & Lesser horseshoe.	Pipistrelle	Y

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Beaded Chestnut (moth)	<i>Agrochola lychnidis</i>	For national research purposes only	Y		
Bewick's Swan	<i>Cygnus columbianus bewickii</i>	W&C Act Schedule 1; Amber list Bird of conservation concern	Y		
Bittern	<i>Botaurus stellaris</i>	W&C Act Schedule 1; Amber list Bird of conservation concern, Notable Bird	Y		
Black-headed Mason Wasp	<i>Odynerus melanocephalus</i>	Notable A	Y		
Blood-vein (moth)	<i>Timandra comae</i>	For national research purposes only	Y		
Bordered Gothic	<i>Sideridis reticulata</i>		Y		
Bottle-nosed Dolphin	<i>Tursiops truncatus</i>		Y		
Brindled Beauty	<i>Lycia hirtaria</i>	For national research purposes only	Y		
Broom Moth	<i>Ceramica pisi</i>	For national research purposes only	Y		
Brown-banded Carder- bee	<i>Bombus humilis</i>	Sussex Rare	Y		Y
Brown Galingale	<i>Cyperus fuscus</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Rare	Y		
Brown Hairstreak	<i>Thecla betulae</i>	W&C Act Schedule 5 (Sale only S.9(5)); Red List GB post 2001 Vulnerable, Sussex Rare	Y		
Brown Hare	<i>Lepus europaeus</i>		Y	Y	
Brown-spot Pinion (moth)	<i>Agrochola litura</i>	For national research purposes only	Y		
Buff Ermine	<i>Spilosoma lutea</i>	For national research purposes only	Y		
Bullfinch	<i>Pyrrhula pyrrhula</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Burnt Orchid	<i>Neotinea ustulata</i>	Red List GB post 2001 Endangered, Red List ENG post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		
Centre-barred Sallow	<i>Atethmia centrago</i>	For national research purposes only	Y		
Chalk Carpet	<i>Scotopteryx bipunctaria</i>		Y		
Chalk-hill Lance-wing	<i>Epermenia insecurella</i>		Y		
Chalk Planthopper	<i>Eurysanoides douglasi</i>	Notable A, Sussex Rare	Y		
Chamomile	<i>Chamaemelum nobile</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
		Vulnerable, Sussex Rare			
Cinnabar	<i>Tyria jacobaeae</i>	For national research purposes only	Y		
Cirl Bunting	<i>Emberiza cirlus</i>	Red list Bird of conservation concern, Notable Bird	Y		
Cod	<i>Gadus morhua</i>	Brighton Marina	Y		
Common Lizard	<i>Lacerta vivipara</i>	WCA Sch5 s9.1/s9.1 kill/s9.5a	Y		
Common Porpoise	<i>Phocoena phocoena</i>	Habs Regs Sch2, W&C Act Sch5 s9.4a/s9.5a; Sussex Rare	Y		
Common Reed Bunting	<i>Emberiza schoeniclus</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Common Redpoll	<i>Acanthis flammea</i>	Amber list Bird of conservation concern	Y		
Common Sandpiper	<i>Actitis hypoleucos</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Common Seal	<i>Phoca vitulina</i>		Y		
Common Scoter	<i>Melanitta nigra</i>	Red list Bird of conservation concern	Y		
Common Toad	<i>Bufo bufo</i>	W&C Act Schedule 5 sale S.9(5)a	Y		
Corn Bunting	<i>Miliaria calandra</i>	Red list Bird of conservation concern, Notable Bird	Y		
Corn Buttercup	<i>Ranunculus arvensis</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Endangered, Sussex Rare	Y		
Corn Cleavers	<i>Galium tricornutum</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Critically Endangered, Nationally Rare, Sussex Rare	Y		
Corn Flower	<i>Centaurea cyanus</i>	Sussex Rare	Y		
Crescent (moth)	<i>Helotropha leucostigma</i>	Sussex Rare	Y		
Crested Cow-wheat	<i>Melampyrum cristatum</i>	Red List GB post 2001 Endangered, Red List ENG post 2001 Endangered, Nationally Rare	Y		
Cuckoo	<i>Cuculus canorus</i>	Red list Bird of conservation concern, Notable Bird	Y		
Curlew	<i>Numenius arquata</i>	Red List Global post 2001 Near Threatened, Red List Bird of conservation concern, Notable Bird	Y		
Dark-barred Twin-spot Carpet	<i>Xanthorhoe ferrugata</i>	For national research purposes only	Y		
Dark Crimson Underwing	<i>Catocala sponsa</i>	Red List GB Pre94 Rare	Y		
Deep-brown Dart	<i>Aporophyla lutulenta</i>	For national research purposes only	Y		
Deptford Pink	<i>Dianthus armeria</i>	Red List GB post 2001 Endangered, Red List ENG post	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
		2001 Endangered, Nationally Scarce, Sussex Rare			
Dingy Skipper	<i>Erynnis tages</i>	Red List GB post 2001 Vulnerable	Y		Y
Divided Sedge	<i>Carex divisa</i>	Red List GB post 2001 Vulnerable, Nationally Scarce, Sussex Rare	Y		
Dot Moth	<i>Melanchra persicariae</i>	For national research purposes only	Y		
Dunnock	<i>Prunella modularis</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Dusky Dart (moth)	<i>Euxoa tritici</i>		Y		
Dusky-lemon Sallow	<i>Cirrhia gilvago</i>	Sussex Rare	Y		
Dusky Thorn (moth)	<i>Ennomos fuscantaria</i>	For national research purposes only	Y		
Dusty Brocade	<i>Apamea remissa</i>	For national research purposes only	Y		
Ear Moth	<i>Amphipoea oculea</i>	For national research purposes only	Y		
Early Gentian	<i>Gentianella anglica</i>	Sussex Rare	Y		
European Eel	<i>Anguilla anguilla</i>	Red List Global post 2001 Critically Endangered	Y		
Eyebright	<i>Euphrasia pseudokernerii</i>	Red List GB post 2001 Endangered, Red List ENG post 2001 Vulnerable, Nationally Scarce, Sussex Rare	Y		
Feathered Gothic	<i>Tholera decimalis</i>	For national research purposes only	Y		
Field Fleawort	<i>Tephrosieris integrifolia</i> <i>subsp. integrifolia</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Scarce, Sussex Rare	Y		
Field Gentian	<i>Gentianella campestris</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Endangered, Sussex Rare	Y		
Floating Water-plantain	<i>Luronium natans</i>	Red List ENG post 2001 Near Threatened, Nationally Scarce	Y		
Fly Orchid	<i>Ophrys insectifera</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable	Y		
Forester (moth)	<i>Adscita statices</i>	Sussex Rare	Y		
Four-spotted	<i>Tyta luctuosa</i>	Red List GB Pre94 Vulnerable	Y		
Frog orchid	<i>Coeloglossum viride</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable	Y		
Galium Carpet (moth)	<i>Epirrhoe galiata</i>	For national research purposes only	Y		
Garden Dart (moth)	<i>Euxoa nigricans</i>	For national research purposes only	Y		
Garden Tiger (moth)	<i>Arctia caja</i>	For national research purposes only	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Ghost Moth	<i>Hepialus humuli</i>	For national research purposes only	Y		
Grape Hyacinth	<i>Muscari neglectum</i>	Nationally Rare	Y		
Grasshopper Warbler	<i>Locustella naevia</i>	Red List Bird of conservation concern, Notable Bird	Y		
Grass Rivulet	<i>Perizoma albulata albulata</i>	Sussex Rare	Y		
Grass Snake	<i>Natrix natrix</i>	W&C Act Schedule 5 Killing & injuring S.9(1) (part); sale S.9(5)a	Y	Y	
Grayling (butterfly)	<i>Hipparchia semele</i>	Red List GB post 2001 Vulnerable, Sussex Rare	Y		
Great Crested Newt	<i>Triturus cristatus</i>	W&C Act Schedule 5 (full protection), Habitats Regs S.2	Y	Y	
Green-brindled Chestnut (moth)	<i>Allophyes oxyacanthae</i>	For national research purposes only	Y		
Grey Dagger (moth)	<i>Acronicta psi</i>	For national research purposes only	Y		
Grey-headed Wagtail	<i>Motacilla flava thunbergi</i>	Red list Bird of conservation concern, Notable Bird	Y		
Grey Partridge	<i>Perdix perdix</i>	Red list Bird of conservation concern, Notable Bird	Y		
Grizzled Skipper	<i>Pyrgus malvae</i>	Red List GB post 2001 Vulnerable	Y		
Harvest Mouse	<i>Micromys minutus</i>	Red List GB post 2001 Near Threatened	Y		
Hawfinch	<i>Coccothraustes coccothraustes</i>	Red list Bird of conservation concern, Notable Bird	Y		
Hazel Dormouse	<i>Muscardinus avellanarius</i>	Habs Regs Sch2, W&C Act Sch5 s9.4b/s9.4c /s9.5a; Red List GB post 2001 Vulnerable	Y		Y
Hedgehog	<i>Erinaceus europaeus</i>	Red List GB post 2001 Vulnerable	Y		
Hedge Rustic	<i>Tholera cespitis</i>		Y		
Hen Harrier	<i>Circus cyaneus</i>	W&C Act Schedule 1; Red list Bird of conservation concern, Notable Bird	Y		
Herring Gull	<i>Larus argentatus argentatus</i>	Red list Bird of conservation concern, Notable Bird	Y		Y
Hornet Robberfly	<i>Asilus crabroniformis</i>	Notable, Sussex Rare	Y		Y
House Sparrow	<i>Passer domesticus</i>	Red list Bird of conservation concern; Notable Bird	Y		
Juniper	<i>Juniperus communis</i>	Red List Endangered post 2001 Near Threatened, Sussex Rare	Y		
Knot Grass (moth)	<i>Acronicta rumicis</i>	For national research purposes only	Y		
Lackey	<i>Malacosoma neustria</i>		Y		
Lapwing	<i>Vanellus vanellus</i>	Red list Bird of conservation concern; Notable Bird	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Large Wainscot	<i>Rhizodra lutosa</i>		Y		
Latticed Heath	<i>Chiasmia clathrata</i>		Y		
Lesser Redpoll	<i>Acanthis cabaret</i>	Red list Bird of conservation concern, Notable Bird	Y		
Lesser Spotted Woodpecker	<i>Dryobates minor</i>	Red list Bird of conservation concern, Notable Bird	Y		
Linnet	<i>Carduelis cannabina</i>	Red list Bird of conservation concern, Notable Bird	Y		
Long-finned Pilot Whale	<i>Globicephala melas</i>	Red List Global post2001 Data Deficient: Habs Regs Sch2, W&C Act Sch5 s9.1/s9.1 kill/s9.1 take/s9.4a/s9.4b/s9.4c/s9.5a;	Y		
Mackerel	<i>Scomber scombrus</i>		Y		
Marsh Tit	<i>Poecile palustris</i>	Red list Bird of conservation concern, Notable Bird	Y		
Marsh Warbler	<i>Acrocephalus palustris</i>	W&C Act Schedule 1; Red List Bird of conservation concern, Notable Bird	Y		
Minor Shoulder-knot	<i>Brachylomia viminalis</i>	For national research purposes only	Y		
Moss Carder-bee	<i>Bombus muscorum</i>		Y		
Mouse Moth	<i>Amphipyra tragopoginis</i>	For national research purposes only	Y		
Mottled Rustic	<i>Caradrina morpheus</i>	For national research purposes only	Y		
Mullein Wave	<i>Scopula marginepunctata</i>	For national research purposes only	Y		
Musk Orchid	<i>Herminium monorchis</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		
Narrow-leaved Helleborine	<i>Cephalanthera longifolia</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		
Nightjar	<i>Caprimulgus europaeus</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Oak Hook-tip	<i>Watsonalla binaria</i>	For national research purposes only	Y		
Oblique Carpet	<i>Orthonama vittata</i>	Sussex Rare	Y		
Pennyroyal	<i>Mentha pulegium</i>	W&C Act Schedule 8; Red List GB post 2001 Endangered, Red List ENG post 2001 Critically Endangered, Nationally Scarce, Sussex Rare	Y		
Phantom Hoverfly	<i>Doros profuges</i>		Y		
Pheasant's-eye	<i>Adonis annua</i>	Red List GB post 2001 Endangered, Red List England post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		Y (Arable Plants)

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Plaice	<i>Pleuronectes platessa</i>	Brighton Marina Outer Harbour	Y		
Pretty Chalk Carpet	<i>Melanthia procellata</i>	For national research purposes only	Y		
Prickly Salt-wort	<i>Salsola kali subsp. kali</i>	Red List GB post 2001 Vulnerable, Sussex Rare	Y		
Powdered Quaker	<i>Orthosia gracilis</i>	For national research purposes only	Y		
Red Hemp-nettle	<i>Galeopsis angustifolia</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Critically Endangered, Nationally Scarce, Sussex Rare	Y		
Red-shanked Carder-bee	<i>Bombus ruderarius</i>		Y		
Red Star-thistle	<i>Centaurea calcitrapa</i>	Red List GB post 2001 Endangered, Red List ENG post 2001 Endangered, Nat Rare, Sussex Rare	Y		Y
Rest Harrow (moth)	<i>Aplasta ononaria</i>	Red List GB Pre94 Rare, Sussex Rare	Y		
Ring Ouzel	<i>Turdus torquatus</i>	Red list Bird of conservation concern	Y		
Rock-Rose	<i>Helianthemum oelandicum subsp. levigatum</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Rare	Y		
Roseate Tern	<i>Sterna dougallii</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Rosy Minor	<i>Litoligia literosa</i>	For national research purposes only	Y		
Rosy Rustic	<i>Hydraecia micacea</i>	For national research purposes only	Y		
Rugged Oil-beetle	<i>Meloe rugosus</i>	Nationally Scarce	Y		
Rustic (moth)	<i>Hoplodrina blanda</i>	For national research purposes only	Y		
Sallow (moth)	<i>Cirrhia icteritia</i>	For national research purposes only	Y		
Scaup	<i>Aythya marila</i>	Red list Bird of conservation concern	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Sea Barley	<i>Hordeum marinum</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Scarce, Sussex Rare	Y		
September Thorn	<i>Ennomos erosaria</i>	For national research purposes only	Y		
Shaded Broad-bar	<i>Scotopteryx chenopodiata</i>	For national research purposes only	Y		
Shepherd's Needle	<i>Scandix pecten-veneris</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Endangered, Sussex Rare	Y		Y (Arable Plants)
Short-snouted Seahorse	<i>Hippocampus hippocampus</i>	W&C Act S9, CITES, Red List Global post 2001 Data Deficient. Feature of Conservation Importance for which Beachy Head Marine Conservation Zone is designated.	Y		Y
Shoulder-striped Wainscot	<i>Leucania comma</i>	For national research purposes only	Y		
Skylark	<i>Alauda arvensis</i>	Red list Bird of conservation concern, Notable Bird	Y	Y	
Slender Bedstraw	<i>Galium pumilum</i>	Red List GB post 2001 Data Deficient, Red List GB post 2001 Endangered, Nationally Rare,	Y		
Slow Worm	<i>Anguis fragilis</i>	W&C Act Schedule 5 Killing & injuring S.9(1) (part); sale S.9(5)	Y	Y	
Small Blue	<i>Cupido minimus</i>	W&C Act Sch 5 sale S 9 (5)a; List GB post 2001 Near Threatened	Y		
Small Emerald	<i>Hemistola chrysoprasaria</i>	For national research purposes only	Y		
Small Heath	<i>Coenonympha pamphilus</i>	Red List GB post 2001 Near Threatened	Y		
Small Phoenix	<i>Ecliptopera silaceata</i>	For national research purposes only	Y		
Small Square-spot	<i>Diarsia rubi</i>	For national research purposes only	Y		
Song Thrush	<i>Turdus philomelos</i>	Red list Bird of conservation concern, Notable Bird	Y	Y	
Spinach (moth)	<i>Eulithis mellinata</i>	For national research purposes only	Y		
Sprawler (moth)	<i>Asteroscopus sphinx</i>	For national research purposes only	Y		
Spreading Hedge-parsley	<i>Torilis arvensis</i>	Red List ENG post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		Y (Arable Plants)
Spotted Flycatcher	<i>Muscicapa striata</i>	Red list Bird of conservation concern, Notable Bird	Y		
Stag Beetle	<i>Lucanus cervus</i>	W&C Act Sch 5 sale s9 (5)a; Nationally Scarce, Notable B,	Y	Y	

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
		Sussex Rare			
Starling	<i>Sturnus vulgaris</i>	Red list Bird of conservation concern, Notable Bird	Y	Y	Y
Sterile Beardless -moss	<i>Weissia sterilis</i>	Sussex Rare	Y		
Stone Curlew	<i>Burhinus oedichnemus</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Straw Belle (moth)	<i>Aspitates gilvaria gilvaria</i>	Sussex Rare	Y		
Tall Fescue Planthopper	<i>Ribautodelphax imitans</i>	Red List GB Pre94 Insufficient data, Sussex Rare	Y		
Thorow-wax	<i>Bupleurum rotundifolium</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Critically Endangered, Nationally Rare, Sussex Rare	Y		
Toadflax Brocade moth	<i>Calophasia lunula</i>		Y		
Tree Pipit	<i>Anthus trivialis</i>	Red list Bird of conservation concern, Notable Bird	Y		
Tree Sparrow	<i>Passer montanus</i>	Red list Bird of conservation concern, Notable Bird	Y		
True Fox-sedge	<i>Carex vulpina</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Rare, Sussex Rare	Y		
Twite	<i>Linaria flavirostris</i>	Red list Bird of conservation concern	Y		
Turtle Dove	<i>Streptopelia turtur</i>	Red list Bird of conservation concern, Notable Bird	Y		
Wall (butterfly)	<i>Lasiommata megera</i>	Red List GB post 2001 Near Threatened	Y		
Wart-biter	<i>Decticus verrucivorus</i>	W&C Act Sch5 s9.1/s9.1 kill/s9.1 take/s9.4a/s9.4b/s9.4c/Sale s9.5a; Red List GB post 2001 Endangered, Nationally Rare, Sussex Rare	Y		
White Admiral	<i>Limenitis camilla</i>	Red List GB pos t2001 Vulnerable	Y		
White Ermine	<i>Spilosoma lubricipeda</i>	For national research purposes only	Y		
White-fronted Goose	<i>Anser albifrons</i>	Red List Bird of conservation concern,	Y		
White Helleborine	<i>Cephalanthera damasonium</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable	Y		Y
White-lettered Hairstreak	<i>Satyrrium w-album</i>	WCA Sch 5 sale s9 (5(a); Red List GB post 2001 Endangered	Y		Y
Whiting	<i>Merlangius merlangus</i>	Red List Global post2001 Data Deficient	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Willow Tit	<i>Poecile montanus</i>	Red list Bird of conservation concern, Notable Bird	Y		
Wood Calamint	<i>Clinopodium menthifolium</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Rare	Y		
Woodlark	<i>Lullula arborea</i>	Notable Bird	Y		
Wood Warbler	<i>Phylloscopus sibilatrix</i>	Red list Bird of conservation concern, Notable Bird	Y		
Yellowhammer	<i>Emberiza citrinella</i>	Red list Bird of conservation concern, Notable Bird	Y	?	
Yellow Wagtail	<i>Motacilla flava</i>	Red list Bird of conservation concern, Notable Bird	Y		

Table 3.2 Additional locally important species requiring conservation action not listed as Priority species

English name	Latin name	Legal / policy protection	Sussex BAP	Brighton & Hove BAP
A bee	<i>Halictus eurygnathus</i>	RDB1		Y
A leafhopper	<i>Ulopa trivialis</i>	Nationally Notable b		Y
A lichen	<i>Physcia clementei</i>	Locally Notable; Nationally Scarce		Y
Badger	<i>Meles meles</i>	Protection of Badgers Act 1992		Y
Barn Owl	<i>Tyto alba</i>	W&C Act Schedule 1	Y	Y
Black Redstart	<i>Phoenicurus ochrurus</i>	W&C Act Schedule 1		Y
Broadleaved Spurge	<i>Euphorbia platyphyllos</i>			Y (Arable Plants)
Common Frog	<i>Rana temporaria</i>	W&C Act Schedule 5 sale S.9(5)a		Y
Corn Gromwell	<i>Lithospermum arvense</i>			Y (Arable Plants)
Corn Parsley	<i>Petroselinum segetum</i>			Y (Arable Plants)
Dense-flowered Fumitory	<i>Fumaria densiflora</i>			Y (Arable Plants)
Early Spider Orchid	<i>Ophrys sphegodes</i>	W&C Act Schedule 8		Y
English Elm	<i>Ulmus procera</i>	Brighton holds the National Collection of Elms		Y
Fine-leaved Fumitory	<i>Fumaria parviflora</i>			Y (Arable Plants)
Firecrest	<i>Regulus ignicapillus</i>	W&C Act Schedule 1		Y
Frosted Arache	<i>Atriplex laciniata</i>	Locally Notable		Y
Glow Worm	<i>Lampyris noctiluca</i>	Locally Notable	Y	Y
Hoary Stock	<i>Matthiola incana</i>	IUCN Pre 1994 Rare. Locally Notable Nationally Scarce		Y
House Martin	<i>Delichon urbica</i>	Red list Bird of conservation concern, Notable Bird, Locally Notable	Y	
Light Feathered Rustic	<i>Agrotis cinerea</i>	Locally Notable		Y
Meadow Clary	<i>Salvia pratensis</i>	W&C Act Schedule 8 Amber List plant – Vulnerable and Near Threatened		Y
Narrow-fruited Cornsalad	<i>Valerianella dentata</i>			Y (Arable Plants)
Nottingham Catchfly	<i>Silene nutans</i>			Y (Arable Plants)
Palmate Newt	<i>Lissotriton helveticus</i>	W&C Act Schedule 5 sale S.9(5)a		Y
Peregrine	<i>Falco peregrinus</i>	W&C Act Schedule 1		Y
Prickly Poppy	<i>Papaver argemone</i>			Y (Arable Plants)
Rough Poppy	<i>Papaver hybridum</i>			Y (Arable Plants)
Sea Bindweed	<i>Calystegia soldanella</i>	Locally Notable		Y
Sea Heath	<i>Frankenia laevis</i>	Nationally Scarce		Y
Sea Knotgrass	<i>Polygonum maritimum</i>	W&C Act Schedule 8		Y

English name	Latin name	Legal / policy protection	Sussex BAP	Brighton & Hove BAP
Sea Rocket	<i>Cakile maritima</i>	Locally Notable		Y
Smooth Newt	<i>Lissotriton vulgaris</i>	W&C Act Schedule 5 sale S.9(5)a		Y
Swift	<i>Apus apus</i>	Red list Bird of conservation concern, Notable Bird, Locally Notable	Y	Y
Swallow	<i>Hirundo rustica</i>	Locally Notable	Y	Y
Toadflax Brocade moth	<i>Calophasia lunula</i>	Locally Notable		
Venus's Looking Glass	<i>Legousia hybrida</i>			Y (Arable Plants)
Weasel's Snout	<i>Misopates orontium</i>			Y (Arable Plants)
Wild birds (most species)	-	W&C Act		Y

Table 3.3 Priority habitats present in Brighton and Hove

Feature habitat	Legal / policy protection	NERC Section 41*	RegionalBAP+	Sussex BAP	Brighton & Hove BAP
Arable field margins (<i>incorporated in Farmland in Brighton & Hove BAP</i>)		Y	Y	Y	Y
Coastal vegetated shingle		Y	Y	Y	Y
Fragile Sponge and Anthozoan Communities on Subtidal Rocky habitats	Included in MCZ	Y			Y
Hedgerows		Y		Y	Y
Intertidal Chalk	Included in MCZ	Y			Y
Intertidal Underboulder Communities	Included in MCZ	Y			Y
Lowland calcareous (chalk) grassland Land (<i>incorporating chalk scrub and wax caps colonies in Brighton & Hove BAP</i>)		Y	Y	Y	Y
Lowland mixed broadleaved woodland		Y	Y	Y	Y
Lowland Wood-Pasture and Parkland		Y	Y	Y	Y
Maritime cliff and slopes		Y	Y	Y	Y
Open Mosaic Habitats on Previously Developed Land (<i>incorporating Urban Commons in Brighton & Hove BAP</i>)		Y			Y
Ponds		Y	Y		Y
Sheltered Muddy Gravels – subtidal sediments	Included in MCZ	Y			Y
Subtidal Chalk	Included in MCZ	Y			Y
Subtidal sands and gravels	Included in MCZ	Y			Y
Traditional orchards		Y		Y	Y

Table 3.4 Additional habitats & features which are locally important not listed as Priority habitats

Feature habitat	Legal / policy protection	Regional BAP+	Sussex BAP	Brighton & Hove BAP
Arable land			Y	Y
Ancient woodland and 'veteran' trees	NPPF irreplaceable			Y
Mosaic habitats				Y
Road verges			Y	Y
School grounds				Y
Scrub communities				Y
Standing fresh water (including ponds of all types)		Y		Y
The Downs			Y	Y
Urban areas				Y

+At the time of writing the South East Regional BAP contains targets for habitats only.

ANNEX 4: Protected species and ecological survey seasons

This provides a rough guide to the seasonality of ecological survey to illustrate the potential impact on the submission of information in support of a planning application. A suitably qualified ecologist should always be consulted to provide site specific advice on appropriate methodologies and timing, which may depend on weather conditions.

	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
Preliminary Ecological Appraisals	Surveys are possible year round but best during main botanical seasons as below											
Botanical Surveys				As appropriate to plant community								
Breeding Birds	Six survey visits across the season											
Wintering Birds	At least monthly										At least monthly	
Badgers	Surveys for evidence can be undertaken year round											
		Bait marking and sett surveys				Breeding season, limited surveying			Bait marking and sett surveys			
							Licensable season for disturbance					
Bats	Potential Roost Assessment Surveys are possible year round											
				Possible depending on temperature	Emergence and Activity Surveys					Possible depending on temperature		
Hazel Dormice				Nest tube survey with monthly checks throughout season, to achieve minimum level of effort								
Reptiles				Weather conditions are important								
Water Voles	Habitat assessment possible year round											
				Two surveys required: the first Apr to end Jun, the second Jul to Sep to identify breeding territories and latrines								
Great Crested Newts	Habitat assessment possible year round											
				4-6 x Aquatic surveys (must include: 2-3 surveys mid-Apr- mid May); eDNA survey season mid Mar to end Jun								

Key

Optimal	
Sub-optimal	
Not recommended	

Points to note regarding surveys are as follows:

- It is important that surveys for protected (and Priority) species are carried out at an appropriate time of year, as indicated by published guidance and/or nationally recognised survey guidelines/methods where available to ensure the greatest chance of detecting protected (and priority) species if present. At other times of year, it can be very difficult to detect protected (and priority) species as their levels of activity decrease as temperatures decline and the weather worsens, they take refuge in areas that are difficult to access, and bad weather destroys evidence of their presence. Therefore, surveys undertaken at an inappropriate time of year will not provide a true reflection of the likely impacts of a proposed development on protected (and priority) species.
- For certain species and habitats, surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated above.
- Surveys conducted outside of optimal times will be unreliable. As a consequence, there may be insufficient information for determination of an application. For certain species (e.g. Great Crested Newt) surveys over the winter period are unlikely to yield any useful information. Similarly, negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work maybe required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area.
- Species surveys are also very weather dependent, so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, e.g. bat surveys carried out in wet or cold weather may not yield accurate results.
- Absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected (e.g. a bat roost is protected whether any bats are present or not).
- Sussex Biodiversity Record Centre can provide existing information and records (www.sussexbrc.org.uk)

ANNEX 5: Biodiversity Checklist

The Biodiversity Checklist is designed to identify developments which may have an impact on biodiversity, particularly whether protected, Priority or notable species may be affected by proposals. Protected and Priority species are a material consideration in the planning process, and if there is a likelihood that a development will impact them, further information must be submitted in support of a planning application. Applicants or their agents should use the Biodiversity Checklist to carry out a 'first impressions' check of their application site (stage A1). This should be carried out while on site and does not require ecological expertise.

The Checklist is **not required** for the following types of planning applications - advertisement applications, air conditioning units/air source heat pumps (and similar), changes of use, conversion to flats (if not affecting the roof), crossovers (where no hard standing needs to be created), extract ducting, fences, removal of fire escapes, roller blinds/shutters, satellite dishes, shop fronts, walls and gates, windows and doors.

All other types of development proposal must include a completed biodiversity checklist for the application to be validated. This includes householder applications where the development requires a planning application (not permitted development); listed building consents where the roof will be affected including roof lights, solar panels or floodlighting of churches or trees; full planning applications including single/two storey extensions and residential/commercial new build; and outline planning applications. A checklist may be required for variations.

Failure to complete the Biodiversity Checklist accurately may result in your application not being validated and may cause delay to the determination process.

There are two different Biodiversity Checklists: one for householder applications and one for all other types of planning applications.

The Householder Biodiversity Checklist includes questions to help determine whether Protected or Priority species may be affected and whether further information may be required. If 'the answer is 'yes' to any of the questions listed, an ecological report may be required to assess impacts and provide for appropriate avoidance, mitigation and compensation.

The Checklist for other types of planning application includes indicative thresholds and criteria which will trigger the consideration of Protected and Priority species, based on the likelihood of these being present and affected by development. It should be used by applicants to identify which ecological surveys are likely to be necessary for an individual development given its condition and location. If the checklist indicates that species may be present and affected, a suitably qualified ecologist should ensure any necessary ecological surveys are undertaken in the appropriate season. Where a suitably qualified ecologist considers that surveys are necessary, these will need to be carried out and submitted alongside the planning application in order for it to be validated.

Householder Applications Biodiversity Checklist

Question	Features	Response
<p>1) Will the proposals affect (e.g. modify or demolish) existing buildings with any of the following features:</p> <p><i>(These could indicate the likelihood of bats (European protected species – see SPD Section 2.2) being present and affected by the development & may trigger the need for survey & assessment to support an application)</i></p>	Weather boarding, roof voids and/or hanging tiles that are within 200m of woodland, designated nature sites (<i>see SPD Section 2.1</i>), and/or fresh water	Yes / No
	Pre-1960 detached buildings or structures within 200m of woodland, designated nature sites (<i>see SPD Section 2.1</i>) and/or fresh water	Yes / No
	Pre-1914 buildings or structures within 400m of woodland, designated nature sites (<i>see SPD Section 2.1</i>) and/or fresh water	Yes / No
	Pre-1914 buildings with gable ends, traditional clay tile roofs or slate roofs, hanging tiles or weather boarding (regardless of location)	Yes / No
	Located within, or immediately adjacent to woodland, designated nature sites (<i>see SPD Section 2.1</i>) and/or immediately adjacent to fresh water	Yes / No
	Underground structures including, but not limited to, cellars, ice-houses, air raid shelters	Yes / No
	Any structure with gaps around roof structures such as flashing, ridge tiles, fascia and soffit boards within 200m of woodland, designated nature site (<i>see SPD Section 2.1</i>) and/or fresh water	Yes / No
	Structures where there is known current or historic bat use	Yes/No
<p>2) Do the proposals involve felling, removal or works to:</p>	Woodland	Yes / No
	Native hedgerows and/or lines of trees	Yes / No
	Old and veteran trees (<i>Veteran trees are those which are of interest biologically, culturally or aesthetically because of its age, size or condition. Veteran trees often have decay features such as branch death or hollowing</i>)	Yes / No
	Mature trees with holes, cracks, cavities, or that are covered with mature ivy (including dead trees)	Yes / No
<p>3) Do the proposals involve the removal/modification of mature garden features?</p>	Features including rough grassland; large mature compost heap; large mature log pile; large rockery; scrub; copse; allotment; orchard.	Yes / No
<p>4) Do the proposals involve the removal/modification of a (permanent or temporary) water body, such as a pond?</p>		Yes / No
<p>5) Does the site or part of it lie within a District Licensing Amber or Red Risk Zone for Great Crested Newts?</p>		Yes / No

Notes:

- Woodland can be viewed on magic.gov.uk under the heading of “priority habitats”
- Some wetland habitats, can be viewed on magic.gov.uk
- Locations of designated nature sites can be viewed on the City Plan Policies Map
- Information on the Great Crested Newt District Licensing Scheme can be found on naturespaceuk.com

If you have answered YES to any of the above questions you may need an ecological assessment. In the first instance, a Preliminary Ecological Appraisal (PEA) will be required (see SPD Section 7: A1). A full Ecological Impact Assessment may be required where the PEA indicates that priority habitats or species may be affected (See SPD Section 7: A3). This should be addressed before you submit your planning application by seeking further advice from a [professional and suitably qualified ecologist](#).

Assessments should be proportionate to the size of the site and the nature of the proposals. If your ecologist considers the impacts on ecology are negligible, they should provide justification with clear photographs to explain why. This must include an explanation of how all potential impacts on biodiversity will be avoided and/or why protected and Priority species are not an issue on your site. If the ecological information received does not provide certainty of likely impacts, the application may be refused.

For office use				
1	Have all questions on all sections been completed?	Y/N	If YES, go to 2	If NO, application should not be validated
2	Have any questions been answered “Yes”?	Y/N	If YES, go to 3	If NO, application can be validated
3	Has a separate ecological statement, report or other supporting information been submitted to identify and address potential impacts	Y/N	If YES application can be validated	If NO, application should not be validated

Full and Outline Applications Biodiversity Checklist

Proposals for Development That Will Trigger a Survey for the relevant Protected, Priority or Notable Species		Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Dormouse	Water vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other Priority Species	Notable species of local concern (e.g. swifts)	Response (please tick)
Proposals affect existing buildings with any of the following:	All buildings with weather boarding, roof voids and/or hanging tiles that are within 200m of woodland and/or fresh water	Y														
	Pre-1960 detached buildings or structures within 200m of woodland and/or fresh water;	Y														
	Pre-1914 buildings or structures within 400m of woodland and/or fresh water;	Y														
	Pre-1914 buildings with gable ends, traditional clay tile roofs or slate roofs, , hanging tiles or weather boarding regardless of location;	Y														
	All tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;	Y														
	All bridge structures (especially over water and wet ground).	Y					Y									
	Any structure with gaps around roof structures such as flashing, ridge tiles, fascia and soffit boards within 200m of woodland and/or fresh water	Y														
	Structures where there is known current or historic bat use	Y														

Proposals for Development That Will Trigger a Survey for the relevant Protected, Priority or Notable Species		Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Dormouse	Water vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other Priority Species	Notable species of local concern (e.g. swifts)	Response (please tick)
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.		Y	Y	Y		Y										
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.		Y		Y		Y		Y			Y	Y				
Proposals within 200m of a designated site for nature conservation		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Proposed tree work (felling or lopping) and/or development affecting:	old and Veteran trees that are older than 100 years;	Y	Y	Y								Y				
	trees with obvious holes, cracks or cavities;	Y	Y	Y												
	trees with a diameter greater than 1m at chest height;	Y	Y	Y												
Proposals affecting natural cliff faces, crevices or caves.		Y		Y	Y				Y				Y			
Major proposals within 500m of a pond or Minor proposals within 100-250m of pond, or where the site or part of it lies within a District Licensing Amber or Red Risk Zone for Great Crested Newts?					Y		Y			Y						
Proposals affecting or within 200m of a river, stream, lake, or other aquatic habitats such as reedbed, grazing marsh and fen.		Y		Y			Y		Y	Y	Y					
Proposals affecting brownfield sites, allotments and railway land which involve a change to derelict areas with exposed soil, brambles, piles of rubble etc of more than 100m ² .				Y	Y			Y	Y	Y		Y				
Loss or modification of grassland grazed by horses, cattle or sheep, or more than about 100m ²											Y		Y	Y		
Proposals for large wind turbines: see Scottish Natural Heritage et al/ Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation		Y		Y												

Proposals for Development That Will Trigger a Survey for the relevant Protected, Priority or Notable Species	Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Dormouse	Water vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other Priority Species	Notable species of local concern (e.g. swifts)	Response (please tick)
Proposed development affecting any buildings, structures, feature or locations where protected, notable or Priority species are known to be present.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		

Notes:

- Woodland can be viewed on magic.gov.uk under the heading of “priorit
- Some wetland habitats, can be viewed on magic.gov.uk
- Locations of designated nature sites can be viewed on the City Plan Policies Map
- Information on the Great Crested Newt District Licensing Scheme can be found on naturespaceuk.com

If you have ticked any of the above questions you are likely to need an ecological assessment. In the first instance, a Preliminary Ecological Appraisal (PEA) will be required (see SPD Section 7: A1). A full Ecological Impact Assessment may be required where the PEA indicates that priority habitats or species may be affected (See SPD Section 7: A3). This should be addressed before you submit your planning application by seeking advice from a [professional and suitably qualified ecologist](#).

Exceptions for When a Full Species Survey and Assessment may not be Required

- Following consultation by the applicant at the pre-application stage, the Council’s ecological adviser has stated in writing that no protected or Priority species surveys and assessments are required.
- If it is clear that no protected or Priority species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a brief report from a suitably qualified and experienced ecologist, or a relevant local nature conservation organisation).
- If it is clear that the development proposal will not affect any protected or Priority species present, then only limited information needs to be submitted. This information should, however, (i) demonstrate that there will be no significant impact on any protected or Priority species present (this includes protecting habitats not to be impacted by the development during construction and post construction phases), and (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

For office use

1	Have all questions on all sections been completed?	Y/N	If YES, go to 2	If NO, application should not be validated
2	Have any questions been ticked "Yes"?	Y/N	If YES, go to 3	If NO, application can be validated
3	Has a separate ecological statement, report or other supporting information been submitted to identify and address potential impacts	Y/N	If YES application can be validated	If NO, application should not be validated

ANNEX 6: Biodiversity on Development sites: A hazard prevention checklist during construction and operation

This checklist aims to help implement the mitigation hierarchy: avoid impacts and embed mitigation during construction as well as inform the design and location of compensation post construction.

Hazard	Considerations
Construction Phase	
Ancillary structures such as paths and other hardsurfaces	These are often excluded from planning application drawings, but their construction and location can damage biodiversity features. Ensure their design, location and construction method take account of biodiversity features e.g. permeable paving systems which can integrate vegetation.
Assembly areas for components of construction.	Plan locations in advance and site well away from sensitive areas. Include in Ecology report site plan.
Demolition operations.	Falling rubble and storage areas for demolished structures can cause unnecessary damage if not properly planned for.
Interruptions to established management regimes	It is important to maintain established habitat management regimes throughout the construction process. In some cases, it may be necessary to modify these to help buffer biodiversity features from construction impacts. Seek ecological advice.
Introduction of imported soils	Often landscaping schemes involve the importation of topsoil which is inappropriate to the locality or the nature conservation feature. In general, nutrient-rich topsoil should be avoided in habitat management and creation schemes. Introduction of topsoil can also promote the spread of invasive plant species.
Lighting	Lighting/floodlighting can interfere with animal behavior patterns. All lighting schemes should be designed to minimise light spill s and maintain dark unlit features on and off-site including on surrounding natural features such as trees and greenspaces.
Provision of services and utilities (e.g. undergroundpower lines, water supply and drainage / gully pots	These are often excluded from planning application drawings, but their construction and location can damage biodiversity features including trapping and killing animals such as toads and amphibians in gully pots. Ensure their location is included in the Ecology report and their design and effects fully considered.
Removal of site offices/compounds and final site clearaway after construction	Due care is needed, for example to ensure protective fencing is maintained in good condition until all danger of damage to biodiversity features by construction-related activity is passed.
Storage areas for construction and landscaping materials	Ensure such storage areas are identified and considered in the ecological report
Structural works to existing buildings including conversions.	Although the footprint of the development may be the same as existing, construction activity may affect nearby biodiversity features. Such development may also affect species which use buildings, such as bats and nesting birds.
Temporary access routes for construction vehicles - both on and off site.	Plan locations in advance and site well away from sensitive areas. Include in ecological report site plan.

Temporary fencing	Protective fencing should be sturdy and form a sufficiently robust barrier to prevent accidental damage to nature conservation features. Temporary fencing for construction purposes should avoid severing areas of habitat.
Temporary offices and compounds.	Plan locations in advance and site well away from sensitive areas. Include in Ecology report site plan.
Topsoil and sub-soil removal.	Consider locations for storage and include in Ecology report. Ensure topsoil removal does not promote the spread of invasive species to new locations.
Vegetation clearance.	Direct loss of habitat; timing of removal to minimise impact and meet legislative requirements (e.g. nesting birds, hibernating herptiles); ensure controlled removal of undesirable species e.g. Japanese Knotweed)
Occupation/Operational phase	
Landscape management	Appropriate aftercare, such as watering, is crucial to the successful integration of nature conservation features into development. Specialist contractors may be required at particularly sensitive locations. Chemical applications should be avoided.
Pets	Pets can have a severe predation and disturbance effect on reptiles, mammals and birds. Major scheme design should aim to minimise this risk, for example by buffering habitat resources such a woodland from development, and in the location and types of nest boxes and bird feeders used.
Public access	Increased public access to urban nature conservation features should be encouraged but such access should be carefully considered in the design and management of schemes to ensure nature conservation benefits are sustained
Vandalism.	The design of nature conservation features within development should take account of potential vandalism issues and other anti-social behaviour.
Vehicle access around and on/off-site.	Plan locations for all roads and paths in advance and site well away from sensitive areas. Soil compaction issues. Ensure temporary access is Included in ecological report site plan.

ANNEX 7: Notes on habitat creation and enhancement

Table 7.1 General principles on habitat creation

The following general principles should be applied to development schemes involving habitat creation:

Planning			
Location	Timing	Design	Species
<p>Identification of nature conservation features All proposed and existing nature conservation features should be identified on the site plans submitted as part of a planning application. Advice and survey by a professional ecologist may be required. The Sussex Biodiversity Record Centre may also need to be consulted.</p>	<p>Works Works should be scheduled to minimise any risk of disturbance to species and habitats and to maximise the successful establishment of new features.</p> <p>Surveys Some species and habitats are only available for conservation work at specific times of the year. Such requirements should be factored in during the earliest planning stages of a scheme.</p>	<p>Integration at an early stage The design of nature conservation enhancements should be integrated from the early planning stage of a scheme. The aim should be to maximise opportunities and minimise impacts.</p> <p>Linear features Avoid the fragmentation of linear nature conservation features. These are often important for allowing movement from one area of habitat to another.</p> <p>Buffer Zones Buffer areas between new nature conservation features and development may be needed to avoid damaging impacts.</p>	<p>Choice of species Full details of all species to be planted should be provided for all schemes. Generally, native species guaranteed to be of local provenance must be used especially in open countryside and on the urban fringe sites. In the urban area, non-native species with confirmed nature conservation benefits, e.g. pollen and nature rich, may also be appropriate.</p> <p>Integration New nature conservation features should integrate with and complement habitats and species already present in the vicinity. Ensure that habitat creation proposals will not lead to damage to existing biodiversity features.</p>
Implementation			
Site Preparation	Site Management		Aftercare
<p>Avoid topsoil Most semi-natural habitats are adapted to nutrient-poor conditions, so habitat creation schemes should avoid the use of nutrient-rich topsoil. Topsoil will encourage competitive weed species of low conservation value.</p>	<p>On-site personnel All on-site personnel should be made aware of any nature conservation features affected and of the conservation measures required. There should be an identified person responsible for overseeing ecological works and their contact details should be made available to the Planning Officer. An ecological clerk of works and/or specialist contractor may be required, particularly for complex or difficult habitat management works.</p>		<p>Provision for management Developments involving new and existing nature conservation features must make provision for their on-going management.</p>

<p>Adequate fencing Sturdy fencing (rather than temporary, plastic fencing or tape) should be used to protect nature conservation features throughout the construction phase including appropriate root protection areas and buffer zones, and in some cases, subsequently. Details of the location, type and means of installation of such fencing should be provided on the plans as part of the submitted planning application.</p>	<p>Plant handling All plants should be handled and planted in accordance with the relevant clauses in 'Handling and Establishing Landscape Plants' Chemical applications should be avoided.</p>	
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Table 7.2 Native plants of local provenance and other plants suitable for landscaping schemes in Brighton and Hove

The use of native species of local provenance should be used in all habitat creation schemes unless there is adequate justification provided and accepted as reasonable for using plants from other sources agreed with the Council’s ecological adviser. Proposals using such species must demonstrate at least UK (and preferably local) seed / plant origins peat and chemical free as possible. Habitat creation schemes nearby designated nature sites, greenspaces, in open countryside, and the urban fringe must use such suitable and appropriate native species of wildlife value as a priority.

Table 7.2 is not intended to be entirely comprehensive.

Species	Latin name	Chalk grassland (c) woodland (w) hedge bank / woodland edge (h)	Spring Meadow	Summer Meadow
Agrimony	<i>Agrimonia eupatoria</i>	c,h	N	Y
Black Medic	<i>Medicago lupulina</i>	c	N	Y
Bladder Champion	<i>Silene vulgaris</i>	c	Y	Y
English Bluebell	<i>Hyacinthoides non-scripta</i>	w,h	-	-
Bugle	<i>Ajuga reptans</i>	w	-	-
Burnet Saxifrage	<i>Pimpinella saxifrage</i>	c	N	Y
Butcher’s Broom	<i>Ruscus aculeatus</i>	wh		
Centaury	<i>Centaureum erythraea</i>	C	N	Y

Species	Latin name	Chalk grassland (c) woodland (w) hedge bank / woodland edge (h)	Spring Meadow	Summer Meadow
Common Bird's-foot Trefoil	<i>Lotus corniculatus</i>	c,h	Y	Y
Common Dog Violet	<i>Viola riviniana</i>	W	-	-
Common Knapweed	<i>Centaurea nigra</i>	C	N	Y
Common Milkwort	<i>Polygala vulgaris</i>	c	Y	Y
Common Restharrow	<i>Ononis repens</i>	c	N	Y
Cowslip	<i>Primula veris</i>	c	Y	N
Creeping thyme	<i>Thymus drucei</i>	c	N	Y
Crested dog's-tail	<i>Cynosurus cristatus</i>	c	Y	Y
Cuckoo Pint	<i>Arum maculatum</i>	h,w	-	-
Devil's-bit Scabious	<i>Succisa pratensis</i>	c	N	Y
Dog Violet	<i>Viola riviniana</i>	c,h	Y	N
Dog's Mercury	<i>Mercurialis perennis</i>	w,h	-	-
Dropwort	<i>Filipendula vulgaris</i>	c	N	Y
False Brome	<i>Brachypodium sylvaticum</i>	h	-	-
Field Scabious	<i>Knautia arvensis</i>	c	N	Y
Foxglove	<i>Digitalis purpurea</i>	h	-	-
Garlic Mustard	<i>Allaria petiolate</i>	h	-	-
Germander Speedwell	<i>Veronica chamaedrys</i>	h,c,g	Y	N
Glaucous Sedge	<i>Carex flacca</i>	c	Y	Y
Greater Knapweed	<i>Centaurea scabiosa</i>	c	N	Y
Greater Stitchwort	<i>Stellaria holostea</i>	h,c	Y	N

Species	Latin name	Chalk grassland (c) woodland (w) hedge bank / woodland edge (h)	Spring Meadow	Summer Meadow
Harebell	<i>Campanula rotunifolia</i>	c	N	Y
Herb Bennet	<i>Geum urbanum</i>	w	-	-
Hoary Plantain	<i>Plantago media</i>	c	Y	Y
Honeysuckle	<i>Lonicera periclymenum</i>	w,h	-	-
Horseshoe Vetch	<i>Hippocrepis comosa</i>	c	N	Y
Kidney Vetch	<i>Anthyllis vulneraria</i>	c	Y	Y
Lady's Bedstraw	<i>Galium verum</i>	c	N	Y
Marjoram	<i>Origanum vulgare</i>	c	N	Y
Meadow Buttercup	<i>Ranunculus acris</i>	c	Y	Y
Mouse-ear Hawkweed	<i>Pilosella officinarum</i>	c	N	Y
Nettle-leaved Bellflower	<i>Campanula trachelium</i>	w,h	-	-
Oxeye Daisy	<i>Leucanthemum vulgare</i>	c,h	Y	Y
Perforate St John's wort	<i>Hypericum perforatum</i>	c	Y	Y
Primrose	<i>Primula vulgaris</i>	w,h	-	-
Quaking Grass	<i>Briza media</i>	c	Y	Y
Ramsons	<i>Allium ursinum</i>	w,h	-	-
Red Campion	<i>Silene dioica</i>	w,h	-	-
Red Fescue	<i>Festuca rubra</i>	c	Y	Y
Rock Rose	<i>Helianthemum nummularium</i>	c	N	Y
Salad Burnet	<i>Sanguisorba minor</i>	c	Y	Y
Self-heal	<i>Prunella vulgaris</i>	c,h	Y	Y

Species	Latin name	Chalk grassland (c) woodland (w) hedge bank / woodland edge (h)	Spring Meadow	Summer Meadow
Sheep's Fescue	<i>Festuca ovina</i>	c	Y	Y
Small Scabious	<i>Scabiosa columbaria</i>	c	N	Y
Stinking Hellebore	<i>Helleborus foetidus</i>	w	-	-
Stinking Iris	<i>Iris foetidissima</i>	w	-	-
Sweet Violet	<i>Viola odorata</i>	w,h	-	-
Tufted Vetch	<i>Vicia cracca</i>	w	-	-
Vipers Bugloss	<i>Echium vulgare</i>	c	N	Y
White Champion	<i>Silene alba</i>	c	Y	Y
Wild Basil	<i>Clinopodium vulgare</i>	c	N	Y
Wild Carrot	<i>Daucus carota</i>	c,h	N	Y
Wild Strawberry	<i>Fragaria vesca</i>	w,h	-	-
Wood Anemone	<i>Anemone nemorosa</i>	w	-	-
Yarrow	<i>Achillea millefolium</i>	c,h	Y	Y
Yellow Rattle	<i>Rhinanthus minor</i>	c	Y	N
Yellow Wort	<i>Blackstonia perfoliate</i>	c	N	Y

Table 7.2.1 Ornamental plants of wildlife value (adapted from a list supplied by The Ecology Consultancy)

In inner urban areas within the built-up area boundary, non-native species which attract beneficial wildlife i.e. nectar and pollen rich, may also be used if these are justified to be better suited to the development and the local environment. In the urban area of Brighton and Hove a wide range of horticultural plant varieties offer valuable sources of food for wildlife including nectar, seeds, berries and sap. Others provide nesting or roosting opportunities. Native and ornamental plants should be combined to create 'near-natural' diverse and interesting wildlife-friendly plantings.

The lists below are not exhaustive, but merely a selection of the more widely available species. They should not be used in the countryside or the urban fringe, where they may invade and damage semi-natural habitats. Planting of fruit trees as "scattered orchards" should seek to use traditional varieties local to Brighton & Hove.

Trees	
Apple	<i>Malus domestica</i> (several ornamental forms available)
Cherry	<i>Prunus spp.</i> (but not ornamental flowering cherries)
Foxglove tree	<i>Paulownia tomentosa</i>
Lacebark	<i>Hoheria spp.</i> , e.g. <i>H. glabrata</i> , <i>H. lyallii</i>
Pear	<i>Pyrus spp.</i> e.g. <i>Pyrus calleryana</i> 'Chanticleer'

Shrubs (NB Many of the shrub species below will form small trees when mature)			
Barberry	<i>Berberis darwinii</i> , <i>B. thunbergii</i> 'Bagatelle', <i>B. x stenophylla</i>	Gorse	<i>Ulex spp</i>
Broom	<i>Genista spp</i>	Himalayan honeysuckle	<i>Leycesteria formosa</i>
California lilac	<i>Ceanothus arborea / spp.</i>	Japanese quince	<i>Chaenomeles japonica</i>
Common myrtle	<i>Myrtus communis</i>	June berry	<i>Amelanchier Canadensis</i>
Hazels	<i>Corylus spp.</i>	Laurustinus	<i>Viburnum tinus</i>
Hawthorns	<i>Crataegus spp.</i>	Lavender	<i>Lavandula angustifolia</i> , <i>L. x intermedia</i>
Holly	<i>Ilex</i> (various cultivars –self-pollinating varieties recommended)	Mahonia	<i>Mahonia spp</i>
Daisy Bush	<i>Olearia x hastii</i> , <i>O. macrodonta</i> and <i>O. traversii</i>	Mock Orange	<i>Philadelphus spp</i>
Elderberry	<i>Sambucus</i> 'Black Lace'	Rock rose	<i>Cistus spp.</i>
Firethorn	<i>Pyracantha spp.</i>	Rosemary	<i>Rosmarinus officinalis</i>
Flowering currant	<i>Ribes sanguineum</i>	Shrubby Veronica	<i>Hebe spp.</i> (select varieties with light coloured flowers)
Flowering Quince	<i>Chaenomeles speciosa</i>		

Herbaceous perennials

A wide variety of herbaceous perennials help support wildlife and the list below is only a small selection. The following general rules can also be used to select good wildlife-friendly plantings:

- Plants with 'Single' flowers (those where the stamens are visible) rather than double flowers.
- Most 'traditional' herbs Rosemary, Sage, Lavenders, Fennel, alliums (chives)
- Plants with flat-topped umbels or (daisy-like) heads
- Most Mints (dead-nettles, *Salvia* spp.)
- Carrot family (Umbellifers),
- Cabbage (Crucifers) family

Sterile hybrid flowers (e.g. Hydrangea hybrids, Busy Lizzie) are to be avoided.

Good wildlife friendly herbaceous perennials			
Aster	<i>Aster spp</i>	Purple Verbena	<i>Verbena bonariensis</i>
Black-eyed Susan	<i>Rudbeckia hirta</i> or <i>R. fulgida</i>	Red valerian	<i>Centranthus rubra</i>
Cinquefoil	<i>Potentilla fruticosa</i>	Russian Sage	<i>Perovskia atriplicifolia</i>
Echinacea	<i>Echinacea purpurea</i>	Ice plant	<i>Sedum spectabile</i>
Escallonia	<i>Escallonia spp</i>	Soapwort	<i>Spanoria officinalis</i>
Foxglove	<i>Digitalis purpurea</i> varieties, <i>D. lutea</i> , <i>D. x mertonensis</i>	Sweet rocket	<i>Hesperis matronalis</i>
French Marigold	<i>Tagetes patula</i>	Teasel	<i>Dipsacus fullonum</i>
Globe thistle	<i>Echinops ritro</i>	Tobacco plant	<i>Nicotiana affinis</i>
Ice plant	<i>Sedum spectabile</i>		

Wildlife friendly annuals		Climbers	
Blue Wax Flower	<i>Cerinthe major</i> 'purpurascens'	Clematis spp.	<i>Clematis vitalba</i> , <i>C. armandii</i> , <i>C. alpina</i> , <i>C. montana</i> , <i>C. tangutica</i>
Californian Poppy	<i>Eschscholzia californica</i>	Climbing Hydrangea	<i>Hydrangea petiolaris</i>
French Marigold	<i>Tagetes patula</i> . Avoid the double flowered varieties	Honeysuckle	<i>Lonicera japonica</i> , <i>L. fragrantissima</i> , <i>L. standishii</i>
Poached Egg Plant	<i>Limnanthes douglasii</i>	Ivy	<i>Hedera helix</i>
Sunflowers	<i>Helianthus annuus</i>	Jasmine	<i>Jasminum officinale</i>
Tobacco plant	<i>Nicotiana affinis</i>		

Table 7.2.2 Terrestrial Species to avoid in landscaping schemes

Any plants listed as Non-native Invasive Species in Schedule 9 of Wildlife & Countryside Act 1981 as amended should not be planted within landscaping schemes. The following terrestrial species have comparatively few benefits for wildlife areas and their use should be avoided in landscaping schemes, without specific justification:

Species not to be used in landscaping schemes	
Buddleia	<i>Buddleia spp.</i>
Cherry Laurel & variegated laurel species	<i>Prunus laurocerasus / Prunus lusitanica Variegata</i>
Cotoneasters	<i>Cotoneaster spp</i>
Evergreen Oak	<i>Quercus ilex</i>
False Castor Oil Plant	<i>Fatsia Japonica</i>
Japanese Rose	<i>Rosa rugosa</i>
Phormium	<i>Phormium spp.</i>
Shrubby honeysuckle	<i>Lonicera nitida</i>
Spotted laurel	<i>Aucuba japonica</i>
Stags Horn Sumac	<i>Rhus typhina</i>

Table 7.3 General principles on planting trees, woodland, hedgerows and scrub

The conservation of existing trees, woodland and hedgerows, and the creation of new native features is encouraged, where this is consistent with other nature conservation objectives. The following general guidelines should be followed in any development involving the planting and creation of new trees, woodland and hedgerows. Proposals should also conform to BS 5837 'Guide for trees in relation to construction' (see also [SPD 6 'Trees and Development Sites'](#)):

Planning			
Location	Timing	Design	Species
Trees too close to buildings and car parks can lead to complaints about leaf fall, shade and other problems.	Bare root trees should be planted during a frost-free period between mid- October and early December.	Trees and shrubs for woodland/scrub habitats should be spaced between 1-2m apart.	Mixes of native species should be used which reflect local, natural associations.
Do not plant in locations which could damage other biodiversity features, or which coincide with underground or overhead services.	Container- grown trees can be planted throughout the year (avoiding periods of drought and frost), provided adequate provision is made for regular watering.	Two-year old, feathered seedlings or transplants should be planted (larger sizes are more expensive, slower to establish have a higher failure rate and are prone to vandalism.	In inner urban areas, non-native species and varieties (such as Firethorn) may be appropriate if they provide good wildlife habitat (e.g. berries and nesting habitat for birds). These species should definitely not be used where they could spread to nearby semi natural habitat.
New hedges, trees and woods are particularly appropriate where they connect or extend existing woodlands and wildlife corridors.			
Implementation			
Preparation	Management	Aftercare	
Compacted soils should be deep-ploughed or 'ripped' before planting.	Trees should be planted the same day or as soon as possible after delivery. Roots should be protected from desiccation and frost damage during transit and storage.	Trees may need protection from rabbit damage following planting and should be kept free of weeds 1m diameter around each stem. Use mulch for five years following planting. Each tree should be drenched with 5 litres of water immediately following planting. Thorough and regular watering may also be necessary for the first two seasons, depending on location. Dead saplings should be replaced for the first 3 years following planting. Thinning should take place when tree branches become interlaced and growth is suppressed. Wood waste from thinning should be left scattered under the trees to promote woodland floor species. Piles of dead wood should be avoided where they can create a fire risk. Existing woods may require enhanced management to remove invasive species, manage access, diversify the range of species present, increase light reaching the woodland floor or to promote particularly desirable species.	

Table 7.4 Native trees and shrubs suitable for planting in Brighton and Hove

Species	Latin name	Suitable for planting on the urban fringe / downland?	Pioneer species	Tolerant of infertile soil	Cliffs and coast	Pollution tolerant	Tree or shrub
Field Maple	<i>Acer campestre</i>	N		y		y	small tree
Hawthorn	<i>Crataegus monogyna</i>	Y	y	y	y	y	shrub
Beech	<i>Fagus sylvatica</i>	Y					tree
Juniper	<i>Juniperus communis*</i>	N	y	y	y		shrub
Wild Privet	<i>Ligustrum vulgare</i>	Y	y			y	shrub
Crab Apple	<i>Malus spp.</i>	Y				y	small tree
Blackthorn	<i>Prunus spinosa</i>	Y	y		y		shrub
Pedunculate Oak	<i>Quercus robur</i>	Y				y	tree
Buckthorn	<i>Rhamnus catharticus</i>	Y				y	small tree
Dog Rose	<i>Rosa canina</i>	Y		y			scrambler/shrub
Goat Willow	<i>Salix caprea</i>	N	y		y	y	shrub
Elder	<i>Sambucus nigra</i>	Y	y	y		y	shrub
Yew	<i>Taxus baccata</i>	Y		y		y	small tree
Dogwood	<i>Cornus sanguinea</i>	Y	y	y			shrub
Small-leaved Lime	<i>Tilia cordata</i>	N					tree
Gorse	<i>Ulex europaeus</i>	Y	y	y	y		shrub
Wych Elm	<i>Ulmus glabra</i>	Y				y	tree
Wayfaring Tree	<i>Viburnum lantana</i>	Y	y	y			shrub

The introduction of native woodland ground flora is one way of enhancing existing, established woodlands. Table 7.2 includes recommended species for woodland floor planting. These should be introduced in discrete blocks within woodlands where light levels are between 10% and 40% of daylight in summer, as plug plants or seed. Woodland seed sowing should be at a high rate (10kg of seed per hectare), whereas plant plugs can be introduced at about 5 plants per m².

Hedgerow creation and management follows similar principles to those needed for woodland and scrub. Shrub plants for new hedgerows should be selected from the list provided in Table 7.4, planted at 200mm centres in two rows 150-450mm apart. A 'hedge line' mulch should be used, and species should be planted in blocks of five, which helps to give the developing hedge a naturalistic appearance. After planting, cut back to encourage bushy basal growth.

Table 7.5 General principles on creating flower-rich grassland

Ancient, species-rich grassland cannot be recreated but it is possible to create attractive, flower-rich grassland as part of new developments. Chalk grassland creation is encouraged by the Sussex Chalk Grassland BAP where conditions are suitable. The following general guidelines should be followed:

Planning			
Location	Timing	Design	Species
<p>Flower-rich grassland should not be located where:</p> <ul style="list-style-type: none"> it will be heavily shaded by trees. the soil is rich in nutrients or will be fertilised <p>Locations suitable for flower-rich grassland are:</p> <ul style="list-style-type: none"> areas of low soil fertility, dry slopes with thin soils. 	<p>Sow native, local provenance wild flower seed in autumn (September-November), a month after soil treatments have been completed (see Site Preparation)</p>	<p>Avoid small grass patches. These are expensive to maintain and tend to be of low nature conservation value. Aim to create fewer, larger spaces which can incorporate low-maintenance wild flower areas.</p>	<p>A mix of species should be used which reflect local, natural associations (see Table 7.2).</p> <p>Plant plugs, not seeds, should be used to diversify existing grassland. They should be planted 50cm apart. Yellow Rattle (<i>Rhinanthus minor</i>); can be seeded into existing grassland where it will reduce grass vigour.</p> <p>Seed mixes should be used to establish new flower-rich grassland. Recommended seeding rate: 2g of seed/m², Cornfield annuals should be used as a 'nurse crop'.</p>
Implementation			
Site Preparation	Site Management	Aftercare	
<p>Nutrient-rich topsoil should be removed or buried before sowing.</p> <p>Expensive soil improvements, such as drainage, deep ripping and fertiliser treatment are to be avoided.</p> <p>Work the soil in midsummer to minimise compaction problems when wet. Cultivate to an even tilth (breaking up, raking, harrowing and rolling) and firm surface. Remove large stones (may damage grass cutting equipment).</p> <p>Sowing wildflower seeds. Scuffle the surface after sowing to incorporate seeds in the surface soil.</p>	<p>Flower-rich meadows should be protected from access and from storage of plant and machinery throughout the construction process</p>	<p>New grassland</p> <p>In the spring of the first year after sowing, roll and then cut to 10cm high and remove clippings. Cut to 10cm about every 2 months thereafter to prevent any species from becoming dominant. Allow a 5 week break in June/July for the cornfield annual nurse crop to flower. In the second year, revert to the cuts described below.</p> <p>Timing of cutting and cutting frequency have an important influence on the species found in new and existing grasslands. In all cases, cuttings should be removed and no fertilisers should be added at any time.</p> <p>Spring meadow: Do not cut until late June, then cut to 50mm. Thereafter cut regularly to 100mm. Because spring meadows are cut before the school summer holidays, they can double as 'kick about' areas.</p> <p>Summer meadow: Do not cut between mid-May and late August. Regular cutting to 50mm between March and mid May helps to eliminate coarse grasses during their maximum growth period.</p> <p>Flower-rich grassland should look intentional. Use mown borders, paths, benches, etc to give flower-rich grassland areas a 'cared for' appearance.</p>	

Table 7.6 Aquatic plant species suitable for planting in Brighton and Hove

There are no permanent, naturally occurring freshwater bodies in Brighton and Hove. However, ‘dew ponds’ have been created on the Downs for centuries and more recently, amenity garden ponds and associated wetland areas have become important for wildlife.

Submerged		Floating		Emergent		Marginal	
Common name	Scientific name	Common name	Scientific name	Common name	Scientific name	Common name	Scientific name
Common Water Crowfoot	<i>Ranunculus aquatilis</i> agg.	Yellow Water Lily	<i>Nuphar lutea</i>	Flowering Rush	<i>Butomus umbellatus</i>	Marsh Marigold	<i>Caltha palustris</i>
Curled Pondweed	<i>Potamogeton crispus</i>	White Water Lily	<i>Nymphaea alba</i>	Branched Bur-reed	<i>Sparganium erectum</i>	Brooklime	<i>Veronica beccabunga</i>
Spiked Water Milfoil	<i>Myriophyllum spicatum</i>			Water Plantain	<i>Alisma plantago</i>	Bogbean	<i>Menyanthes trifoliata</i>
Water Violet	<i>Hottonia palustris</i>					Water Forget-me-not	<i>Myosotis scorpioides</i>
Hornwort	<i>Ceratophyllum demersum</i>					Water Mint	<i>Mentha aquatica</i>
						Reed Sweet Grass	<i>Glyceria maxima</i>
						Yellow Flag	<i>Iris pseudacorus</i>
						Purple Loosestrife	<i>Lythrum salicaria</i>

Table 7.6.1 Invasive aquatic plant species

Aquatic Plants which must NOT be used under any circumstances (very invasive)							
Swamp Stonecrop	<i>Crassula helmsii</i>	Water Fern	<i>Azolla filiculoides</i>			Marsh Pennywort	<i>Hydrocotyle Ranunculoides</i>
Parrot’s Feather	<i>Myriophyllum aquaticum</i>	Fringed Water Lily	<i>Nymphoides peltate</i>			Himalayan balsam	<i>Impatiens glandulifera</i>
Canadian Pondweed	<i>Elodea canadensis</i>						
Nuttall’s Pondweed	<i>Elodea nuttallii</i>						
Curly Waterweed	<i>Lagarosiphon major</i>						

Table 7.7 Coastal vegetated shingle

Coastal vegetated shingle is both a national and Sussex BAP habitat. The Sussex BAP specifically includes an action to “take advantage of coastal development to create new shingle areas”. Coastal shingle is an inhospitable environment for plant growth. Plants experience high-temperature stress and desiccation in summer; saltwater spray, high winds and substrate movement in winter. The substrate itself is nutrient-poor and with very little organic matter. Many species survive by accumulating substantial underground reserves.

Due to the intensive amenity use of the beaches in Brighton and Hove, very few areas of coastal shingle retain natural vegetation. However, opportunities may arise through landscaping within new coastal developments to integrate new vegetated areas.

Planning				Implementation		
Location	Timing	Design	Species	Site Preparation	Site Management	Aftercare
Any site within 100m of the beach (other than cliffs)	Pot planting should take place in spring (March/April) to give plants time to establish before summer desiccation and winter storms. Sow seed in the autumn or spring	Aim to vary the substrate, aspect and slope of a site to maximise the variety of shingle species that can successfully establish.	Annuals and short-lived plants can be established from seed. Perennials colonise too slowly and are too susceptible to disturbance when young for seedling establishment. These species require container-grown plants (9cm pots or greater).	New shingle habitats should be profiled to contain about 20% sand to promote seedling establishment. A depth of at least 20cm shingle is required. Organic matter and fertiliser are not required (may attract weed species). Aim for a matrix of areas of different textures to promote the establishment of different species.	Ensure vegetated shingle areas are protected from disturbance throughout the construction period.	Add boardwalks, interpretation boards, etc. to encourage appreciation of this rare habitat.

Suitable species for new vegetated coastal shingle are:

Sea Kale	<i>Crambe maritima</i>
Sea Holly	<i>Eryngium maritimum</i>
Sea Campion	<i>Silene maritima</i>
Biting Stonecrop	<i>Sedum acre</i>
English Stonecrop	<i>Sedum anglicum</i>
Viper’s Bugloss	<i>Echium vulgare</i>
Rock Samphire	<i>Crithmum maritimum</i>
Yellow-horned Poppy	<i>Glaucium flavum</i>

ANNEX 8: Building with Nature – Helping create better places for people and wildlife

Building with Nature (BwN) is a voluntary approach that enables developers and other built environment professionals to go beyond the statutory requirements to deliver more for people and wildlife. [The BwN Standards](#) are free to use and provide industry with a benchmark, underpinned by a set of quality standards and 'how-to' guidance, to meet the challenges of the climate, ecological and health emergencies.

BwN Standards can be used for every *type* and *scale* of development across the UK. The benchmark is equally applicable across residential, commercial, and community infrastructure development; and is designed to support the quality of green infrastructure in projects of all sizes, from infill development, up to new settlements.



Building with Nature Accreditation

There are multiple benefits from BwN accreditation as this reduces planning uncertainty, provides a robust set of holistic design principles, delivers Corporate Environmental and Social responsibility and supports marketing and sales of residential developments. This also demonstrates a shared framework of evidence-based Standards with an independent verification of quality and readiness for Biodiversity Net Gain and new local policy requirements.

Building with Nature (BwN) Standards can help to smooth passage of an application through the planning process. By more clearly defining parameters and expectations around quality of green infrastructure (GI), the use of BwN can help create a level playing field for applicants and makes it easier to understand what good looks like for a particular scheme. BwN is already referenced in the National Design Guide and a full summary of references to BwN in local policy documents is available on request.

As an external verification, BwN Accreditation can also raise confidence amongst other important stakeholders, such as elected members. A scheme that has a BwN Design Award in place, or is working towards a BwN Full Award would be welcomed. If a scheme is already developing high-quality GI, then paying for the Award provides an independent verification of that quality. The Award is a way of demonstrating a scheme meets a high standard - and critically - helps to demonstrate that a scheme meets and goes beyond policy compliance and other regulatory requirements.

BwN and BNG work well together. BNG is a quantitative biodiversity metric, and BwN is a qualitative design tool that focuses multi-functionality and quality, helping to embed biodiversity enhancements into a design and maximise opportunities for on-site biodiversity gains. Put simply, BNG is the what and BwN is the how. BwN can be used as the mechanism for assisting schemes in achieving BNG compliance on site, whilst also ensuring quality place-making that provides multiple benefits for people and our planet. The evidence that a design has met BNG can be used as evidence to demonstrate compliance with the Wildlife standards within the BwN Standards.

Climate and Biodiversity Emergencies

As the Council has declared a climate and biodiversity emergency, BwN is one way to demonstrate how development proposals are responding to the challenges of climate change. With a Building with Nature Award in place, the Council councillors and others will be able to clearly see how your development is addressing these issues by meeting the relevant BwN Standards.

BwN Standards provide a clear definition of high-quality Green Infrastructure

BwN Standards are overseen by BwN Standards Board, which has representation from Royal Town Planning Institute, Landscape Institute, Chartered Institute of Ecologists and Environmental Managers, TCPA, representative from government, including Environment Agency, Natural England, and representatives from industry, including Taylor Wimpey. As such, BwN Standards are well respected, and are kept up to date and robust (comfort for LPAs and designers) and can help developers implement Policy DM37.

BwN Accreditation can help guide the design process

The BwN Accreditation system results in Awards but is effectively a “process tool” that can help guide the design process. An Approved BwN Assessor can ensure that all relevant consultants are engaged in the design process at the right time, and can help streamline the design process, save time, avoid mistakes and help the developer to meet all the necessary planning policy and other targets. This is particularly true if BwN Assessors are appointed early on. If a Full Award is pursued, this includes a post-construction check (12-months post-completion) and shows further commitment on the part of the developer (another tick for planning). The requirement for a long-term Landscape and Ecological Management Plan (or equivalent) is likely to be a condition on a consent to secure the delivery of BNG from retained and newly created habitats and BwN can then use this for the post-construction check. High-quality green infrastructure, coupled with higher density schemes, can mean that housing numbers can be achieved at the same time as meeting a range of other policy requirements.

Covering long-term management and maintenance costs

Part of the BwN Accreditation process is supporting you to get the most cost-effective, sustainable model and mechanism for long-term management and maintenance in place. Your Approved Assessor will be able to offer examples of good practice and may be able to broker partnership working to more efficiently secure practicable solutions to common problems such as adoption of above-ground surface water management features. It is often the case that a civils approach to sustainable drainage can be more costly in the long-term to maintain than “softer” solutions where GI is designed into the SuDS. For more information read about the [BwN case studies](#).

