

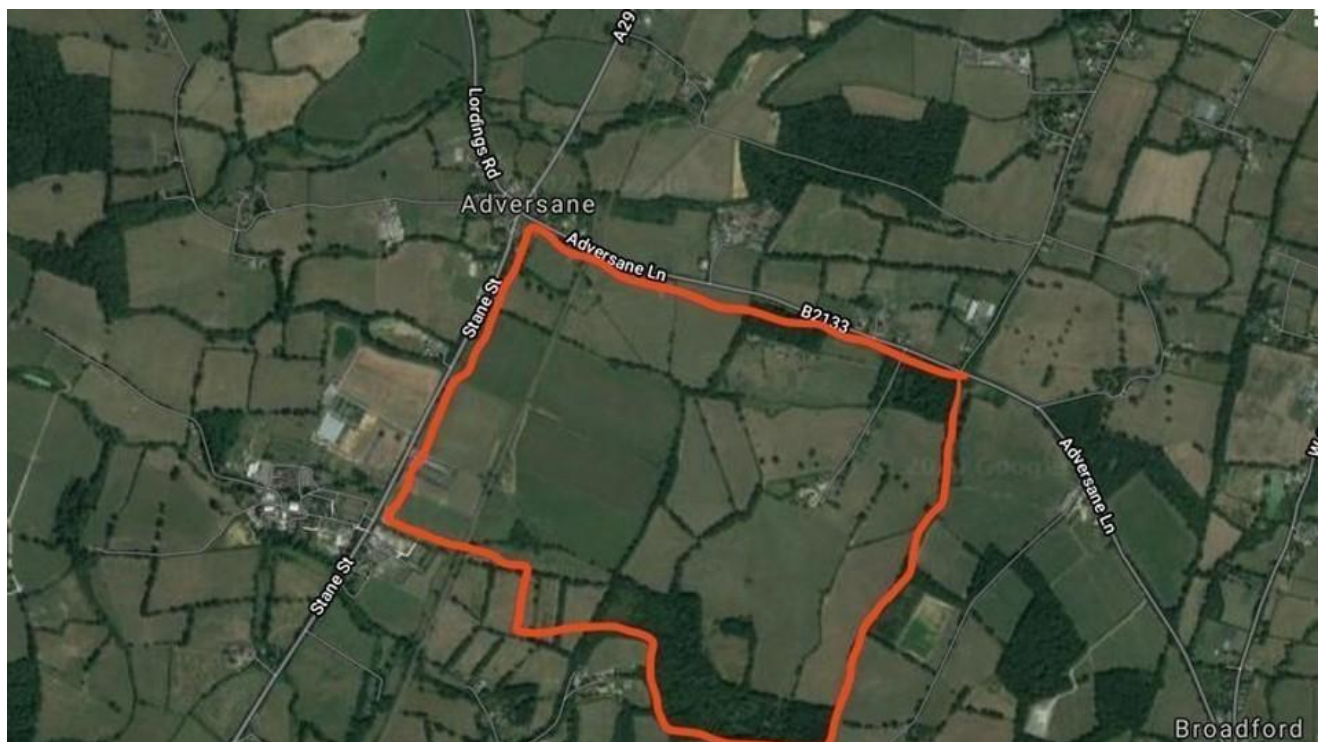
PARISHES WILDLIFE GROUP

CHAIR, DR JILL SUTCLIFFE

HDC Local Plan: MAIN MODS MM227 10 Strategic Policy HA4

It is clear from the site map that this is a **RURAL AREA** and that it qualifies as a **LARGE DEVELOPMENT**..

This does not mean that it is empty, it is used for agriculture; by local people for recreation and by a range of wildlife (See Appendix 1) and lies aside part of Chichester District. There is a biodiversity crisis¹ as well as a climate crisis². It is important that there is ecological input from the start with regard to planning to include site selection and the design stage of planning applications and, in this case, particularly where a "New Town³" is envisaged



This note focuses on:

¹ 2017 IPBES

² 2019 Climate Crisis UK Government

³ This specific town called KINGSWOOD is NOT included in the Govt initiative to identify and build New Towns

- Place
- People
- Policy and legislation
- Protected Species and Habitats
- Potential harm

1. PLACE

Character The WSCC Historic Landscape Character records the Site to be set a '*Fieldscape*' broad character type set within a small area of fields with a field pattern classified as of '**Early Post-Medieval**' dating from **1500-1599AD**. The character type 'Assarts' reflects a previous character type of '**Ancient Semi-natural**' woodland (Medieval 1066-1499AD) from which the fields were likely to have been cut. Accordingly, the Site field pattern is dated 1500-1599 but surrounded to the west and south by an early medieval field pattern (410-1065) with a mix of medieval (1066-1499) and late 20th century (1845-present time) to the east. **Overall, the sensitivity of the historic landscape character is of high importance.**

2. PEOPLE

Site suggestions need to be supported by evidence so that a proposed housing allocation which would affect a protected species population is identified so that a council, if made aware, could then allocate any proposed development to a different, less ecologically sensitive site, before the planning application is submitted, thus cutting cost and accelerating delivery.

Where protected species are present ecologists would need to be consulted to create a licensed mitigation plan when species such as European Protected Species are located, species such as Barbastelle or Bechstein bats for example.

Sir John Gummer used to sit on the independent Climate Change Committee and stated that there are **NO** house building companies building sustainable houses ie houses which need to adapt to climate change. The CCC's advice to Government warns that without action 92% of homes could overheat by 2050.

Inaction on adaptation could cost between £69 Bn and £260Bn a year. It would be cheaper and more effective to build in climate resilience upfront than retrofit housing. Ecologists will be crucial to contribute their knowledge to constructing well adapted homes of the future.

3. POLICY AND LEGISLATION

Legislative change: Ramsar sites are those wetlands of international importance which have been designated under the 1971 Ramsar, situated in Iran, Convention at a point when it was recognised that many were being degraded and/or lost altogether as many play vital roles for birds on migration⁴.

"The Planning and Infrastructure Act 2025 ("the 2025 Act"), brought into force (in relevant part) on 21 May 2026, introduces a direct statutory extension of the Habitats Regulations regime to Ramsar sites in England. This represents a significant realignment of law and practice.

"This brings Ramsar protection within the strict, precautionary structure of EU-derived habitats jurisprudence⁵. Prior to the 2025 Act, Ramsar sites were not included within the definition of European sites for the purposes of environmental assessment under Part 6 of the Habitats Regulations. Consequently, there was no statutory requirement for appropriate assessment under regulation 63(1) in relation to a Ramsar site, as confirmed by the Supreme Court in **C G Fry and Son Limited v Secretary of State for Housing, Communities and Local**

⁴ Six Pump Court briefing; AND Planning Geek planning consultancy

⁵ Mark Beard Pump 6, June 9, 2026

Government and Somerset Council [2025] UKSC 35 (“**C G Fry**”) under Issue 1 in that appeal

“These provisions were commenced by the Planning and Infrastructure Act 2025 (Commencement No. 3 and Transitional Provisions) Regulations 2026 (SI 2026/549), which **brought the relevant amendments into force on 21 May 2026**. The Explanatory Note to these Regulations confirm that the amendments “extend the protection in Part 6 of those Regulations to Ramsar sites in England” and “introduce a statutory requirement for Ramsar sites to be treated in the same manner as European sites when carrying out assessments”.

Key Amendments

“The legislative amendments operate by systematically inserting Ramsar sites in England into the operative provisions of the Habitats Regulations, including:

- Defining “national Ramsar site series”, Ramsar Convention” and “Ramsar site” (regulation 3(1));
- Inserting a new requirement by which competent authorities must undertake an appropriate assessment where a plan or project **situated wholly in England** is likely to have a significant effect on a Ramsar site (regulation 63(1A));
- Extending the test by which consent or permission may only be given once the authority has ascertained that there will be no adverse effect on the integrity of the Ramsar site (regulation 63(5));
- Extending the imperative reasons of overriding public interest (IROPI) derogation regime to Ramsar sites (regulation 64);
- Extending the obligation to secure compensatory measures where a project proceeds despite a negative assessment to maintain the coherence of the Ramsar network (regulation 68(2));
- The requirement for appropriate assessment is also extended to land use plans and development plan

documents affecting Ramsar sites in England (regulation 105).

- Additional controls ensure that permitted development and other consents cannot proceed without appropriate assessment where Ramsar impacts arise.

“In short, the amendments replicate the structure of the existing Habitats Regulations Assessment regime, but now expressly apply it to Ramsar sites in England (only).”

Recent comments by politicians have sought to present wildlife as a “blocker”. CIEEM has published a report, Sept 2026, Good By Design, illustrating how by incorporating wildlife and taking the countryside into account it would be possible to take look after nature:

“84% of people believe it’s possible to build the homes the UK needs while safeguarding the countryside for future generations”, CPRE poll⁶

The implications of the change in Legislation are particularly significant for plan-making and permitted development regimes, where the amendments ensure that no consent can lawfully be given without proper assessment where significant effects are likely. For practitioners, the key point is that Ramsar site issues must now be treated identically to SAC/SPA issues in both advice and decision-making, with corresponding care taken **to ensure legal compliance at every stage.**

HDC has not demonstrated that this has been done.

Horsham District Local Plan

Strategic Policy 13: The Natural Environment and Landscape Character (MM68)

Strategic Policy 14: Countryside Protection (MM69)

⁶ <https://www.cpre.org.uk/news/three-quarters-want-more-protection-for-uk-countryside-new-poll-reveals/>

4. PROTECTED SPECIES AND HABITATS

PROTECTED SITES

Adversane is located close to three internationally protected wildlife sites (See Appendix 2).

- The Mens (SAC - Special Area of Conservation)
- Ebernoe Common (SAC)
- The Arun Valley (SPA - Special Protection Area, SAC, Ramsar wetland)

These are among the most strictly protected habitats in the country, and Ramsar sites have just been included within the habitats Regulations since May 25th this year; and the Mens and Ebernoe Common are designated specifically for their internationally important rare bat populations, Barbastelle and Bechstein.

Bat activity surveys would need to be undertaken on the site in view of nearby habitats and off-site trees having clear potential to support roosting, commuting, and foraging by barbastelle *Barbastella barbatellus* and Bechstein's *Myotis bechsteinii* bats. Ecologists would be required to ensure compliance so that any proposed development might proceed where protected species are present.

Wildlife: Species cited in the area by a local resident living in the hamlet are confirmed in the report provided by the Sussex Biodiversity Record Centre, SxBRC. CDC requires such records to be less than 3 years old. See Appendix 1.

Lizard, Common toad, Grass snake; Slow worm, Barn Owl, Bullfinch, Common Snipe; Cuckoo; Dunnock; Fieldfare; Green Woodpecker, Grey Wagtail* Skylark*. Song Thrush, Swallow, Swift, Whitethroat. Woodcock, Yellowhammer^{7*}

In addition,

⁷ * Asterisk indicates species which are rare and are RED listed it most threatened

5. POTENTIAL HARM

The effect of this change to the legislation is that a failure to undertake an appropriate assessment, or an error in its execution, will amount to a breach of statutory duty under regulation 63 of the Habitats Regulations, rather than simply a failure to comply with the NPPF. Competent authorities no longer retain the discretion to grant consent or permission in the absence of an appropriate assessment, or where adverse effects to the integrity of Ramsar site cannot be excluded.

This legislative change materially increases the litigation risk.

6. CONCLUSIONS

It is for the reasons outlined above that the PWG argues that the Horsham District Plan is neither lawful nor justified.

Thank you for your attention.

REFERENCES:

Horsham Local Plan Main Modifications, July 2026

Appendix to the Billingshurst PC meeting, Aug 19th, 2026:

To reflect the increase in the site area which now includes land to the south of the railway and the potential for this to provide new station parking either side of the railway. And to reflect the national statutory requirement for 10% biodiversity net gain.***

All-Party Parliamentary Group on Science and Technology in Agriculture (APPGSTA) has issued the findings in its report [*Feeding Britain Sustainably to 2050 – the 30:50:50 Mission*](#), unveiled at the Agri-Science Summit in Westminster on 3 November 2025

AECOM Horsham EC HRA and modifications

Aspinal Verdil, Viability study

Bat Conservation Trust, BCT, 2016 While many bat species avoid lighting the Barbastelle specifically does avoid lighting. Bat Conservation Trust; BATS AND LIGHTING IN THE UK Bats and the Built Environment Series

Barker, A, 2026, Natural England Condition assessment report of the upper Arun river

Davidson Watts, Ian and David Hill, 2015 *Advanced bat Surveys of Northup Copse and Dunhurst Copse*. the Local Wildlife Site, Kirdford, West Sussex, A report prepared for Keep Kirdford and Wisborough Green, KKWG

Department of Agriculture, Environment and Rural Affairs (DAERA), Scottish Government, Welsh Government and UK Government (2025). *Blueprint for Halting and Reversing Biodiversity Loss: the UK's National Biodiversity Strategy and Action Plan for 2030*.

Environment Act, 2021

Greenaway, F *Barbastelle Bats in the Sussex West Weald 1997 – 2008* November 2008; Survey results for the Glebe fields aka Churchfields and for application to remove clay from Pallinghurst woods in Loxwood.

Greenaway, F. 2004. *Advice for the management of flightlines and foraging habitats of the barbastelle bat Barbastella barbastellus*. Peterborough: English Nature

Horsham Local Plan and Modifications, 2026

Kunming-Montreal Global Biodiversity Framework (GBF) 2022

Natural England, 2015. *The Mens Site Improvement Plan*, SIP, SIP 242, which clearly confirms the village of Wisborough Green and surrounds as providing roosting, foraging and hibernating options for EPS, Barbastelle Bats; and Bechstein bats.

National Planning Policy Framework, August 2026

Natural England, Nov 6, 2025. Natural England's Strategy: *Recovering Nature for Growth, Health and Security*

NRA/EN, 2013, The whole area is water stressed with respect to climate change.

Southern Water. *Building and Developing Water Neutrality*

Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Scale Enhancement Protocol, South Downs National Park Authority and Natural England, 2019

Sussex Biodiversity Records Centre Ecological Data Search report

See/read the attached **The Ecology Partnership Ltd (March 2020), Ecology Statement: Land at Adversane – Regulation 18 Consultation, Kingswood**

UK Government, *The Blueprint for Halting and Biodiversity Loss: the UK's National Biodiversity Strategy and Action Plan for 2030*.

West Sussex Local Recovery Strategy, out for consultation until Nov 26th, 2025.

Zeale M and Natural England, March 2024 *Definition of Favourable Conservation Status for barbastelle bat*, Defining Favourable Conservation Status Project

There has never been a more urgent need to revive damaged ecosystems than now.

The UN Decade on Ecosystem Restoration is a rallying call for the protection and revival of ecosystems all around the world, for the benefit of people and nature. It aims to halt the degradation of ecosystems, and restore them to achieve global goals. Only with healthy ecosystems can we enhance people's livelihoods, counteract climate change, and stop the collapse of biodiversity.

The UN Decade runs from 2021 through 2030, which is also the deadline for the Sustainable Development Goals and the timeline scientists have identified as the last chance to prevent catastrophic climate change.

The United Nations General Assembly has proclaimed the UN Decade following a proposal for action by over 70 countries from all latitudes.

Sustainable Goals are due to be implemented by 2030. Ecosystems support all life on Earth. The healthier our ecosystems are, the healthier the planet - and its people. The UN Decade on Ecosystem Restoration aims to prevent, halt and reverse the degradation of ecosystems on every continent and in every ocean. It can help to end poverty, combat climate change and prevent a mass extinction. It will only succeed if everyone plays a part

APPENDIX 1: Rare Species, Adversane

Householder, Adversane. Set of Fauna records taken annually.

REPTILES REAR OF MALTHOUSE COTTAGES

Name	Sci name	CHSR	WCA Sch 1,5,8	SPI	Local BAP	RDB	BOCC	Other	No of records	Grid Ref	Most recent record
Common Lizard	<i>Zootoca vivipara</i>			✓				UK BAP Priority			
Common toad	<i>Bufo bufo</i>		WCA Sch5 s9,5a, NERC s41	✓				UK BAP Priority			
Frog	<i>Rana temporaria</i>										
Grass snake	<i>Natrix helvetica</i>			✓				UK BAP Priority			
Newt spp											
Gt Crested Newt	Triturus cristatus		WCA Scg5 s9/4b/s9.4d/s9.5a					Int; Hab Dr A2 NP			
Slow worm	<i>Anguis fragilis</i>			✓				UK BAP Priority			
Fish in pond											
Carp											
Tench											
Eels											

BIRDS REAR OF MALTHOUSE COTTAGES annual sightings

Name	Sci name	CHSR	WCA Sch 1,5,8	SPI	BAP/Local BAP	RDB	BOCC	Other	No of records	Grid Ref	Most recent record
Barn Owl	<i>Tyto album</i>		Sch 1				Amber List	UK BAP Sussex notable Birds Directive A1			
Bullfinch	<i>Pyrrhula pyrrhula</i>			✓			Amber list	UK BAP Priority Sussex notable			
Common Snipe	<i>Galinago galinago</i>						Amber list	Sussex notable			
Cuckoo	<i>Cuculus canorus</i>					Red List		NERC, Notable Sussex			
Dunnock	<i>Prunellus modularis</i>						Amber list				
Fieldfare	<i>Turdus pilaris</i>		Sch 1					Sussex notable			
Green WP	<i>Picus viridis</i>						Amber list				
Grey Wagtail	<i>Motacilla cinerea</i>						Amber list				
House martin	<i>Delichon urbicum</i>						Amber list	Sussex notable			
Kestrel	<i>Falco tinnunculus</i>						Amber list				
Kingfisher	<i>Alcedo atthis</i>		Sch 1				Amber list	Sussex notable			
Lapwing	<i>Vanellus vanellus</i>				BAP	Red List		Sussex notable			
Linnet	<i>Linaria canabina</i>					Red List					
Marsh Tit	<i>Poecile palustris</i>					Red List					

Mistle Thrush	<i>Turdus viscivorus</i>						Amber list				
Common Nightingale	<i>Luscinia megarhynchos</i>						Amber list				
Nightjar	<i>Caprimulgus europaeus</i>					Red List		NERC S41 spp			
Red Kite	<i>Milvus milvus</i>		Sch 1				Amber list	Sussex notable			
Skylark	<i>Alauda arvensis</i>					Red List		NERC S41 spp; Notable			
Song Thrush	<i>Turdus philomelos</i>					Red List					
Spotted Flycatcher	<i>Muscicapa striata</i>					Red List					
Swallow, Barn	<i>Hirundo rustica</i>						Amber list				
Swift, common	<i>Apus apus</i>						Amber list/now RED LIST	Notable			
Whitethroat, Greater	<i>Sylvia communis</i>						Amber list				
Woodcock	<i>Scolopax rusticola</i>						Amber list				
Yellowhammer	<i>Emberiza citrinella</i>					Red List					

The Birds of Sussex, Sussex Ornithological Society, 2014

The BTO survey of breeding Nightingales in 2012 and 2013: numbers, distribution and habitat use in Sussex, Helen Crabtree and Colin Brooks, Papers 265

This area is the second most important site for nightingales in England, the top site being in Kent

Wildlife and Countryside Act: Schedule 1 - Part I Schedule 1: Birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest:

NERC S 41: In England many of our rarest and most threatened species are listed under Section 41 (S41) of the 2006 Natural Environment and Rural Communities (NERC) Act. Outcome 3 of the Government's Biodiversity 2020 strategy contains an ambition to ensure that 'By 2020, we will see an overall improvement in the status of our

wildlife and will have prevented further human-induced extinctions of known threatened species.’ Protecting and enhancing England’s S41 species is key to delivering this outcome.

MAMMALS

Name	Sci name	CHSR	WCA Sch 1,5,8	SPI	Local BAP	RDB	BOCC	Other	No of records	Grid Ref	Most recent record
Hazel Dormouse	<i>Muscardinus avellanarius</i>					Native. IUCN Red list: GB: VU; England: [VU].		NERC section 41 list			
Harvest mouse	<i>Micromys minutus</i>			✓		Native. IUCN Red list: GB: NT; England: [LC];		UK BAP Priority Habitats Directive A4, Hab Regs Schedule 2 S9,4c/s9.5a			
Water Shrew	<i>Arvicola terrestris</i>					Native. IUCN Red list: GB: LC; England: [LC];		UK BAP Priority Habitats Directive A4, Hab Regs Schedule 2 S9,4c/s9.5a			
Western European hedgehog	<i>Erinaceus europaeus</i>					IUCN Red List: GB: VU; England: [VU]		UK BAP Priority NERC S41 spp of principal imp.			
Short tailed Voles aka Field Vole	<i>Microtus agrestis</i>					Native. IUCN Red list: GB: LC; England: [LC];					

Wood Mouse	<i>Apodemus sylvaticus</i>					Native. IUCN Red list: GB: LC; England: [LC];					
Stoats	<i>Mustela erminus</i>					Native. IUCN Red list: GB: LC; England: [LC];					
Weasels	<i>Mustela nivalis</i>					Native. IUCN Red list: GB: LC; England: [LC];.					
Fox sett	<i>Vulpes vulpes</i>					Native. IUCN Red list: GB: LC; England: [LC]; .					
Moles	<i>Talpa europaea</i>					Native; IUCN Red list: GB: LC; England: [LC]					
Common Shrew	<i>Sorex araneus</i>					Native. IUCN Red list: GB: LC; England: [LC];					
Grey Squirrel	<i>Sciurus carolinensis</i>					Not assessed					
Yellow necked mouse	<i>Apodemus flavicollis</i>					Native. IUCN Red list: GB: LC; England: [LC];					

Natural England Joint Publication JP025, *A Review of the Population and Conservation Status of British Mammals: Technical Summary*

Mathews F, Kubasiewicz LM, Gurnell J, Harrower CA, McDonald RA, Shore RF (2018), *A Review of the Population and Conservation Status of British Mammals: Technical Summary*. A report by the Mammal Society under contract to Natural England, Natural Resources Wales and Scottish Natural Heritage. Natural England, Peterborough.

APPENDIX 2: PROTECTED SITES AND HABITATS



Ecological Data Search SxBRC/26/435 - Summary Report

An ecological data search was carried out for land at Proposed New Town, Horsham DC Local Plan on behalf of Jill Sutcliffe (CPRE-SUSSEX and Parishes Wildlife Group) on 24/08/2026.

The following datasets were consulted for this report:

	Requested	Radius/buffer size
Designated sites, habitats & ownership maps	Yes	2km
Protected, designated and invasive species	Yes	2km

Summary of results

Sites and habitats

Statutory sites	1 SSSI / 1 National Park
Non-statutory sites	6 LWS
Section 41 habitats	4 habitats
Ancient and/or ghyll woodland	Present

Protected and designated species

International designations	36 species	368 records
National designations	116 species	5,917 records
Other designations	226 species	11,209 records
Total	244 species	11,738 records
Invasive non-native	24 species	375 records

The report is compiled using data held by Sussex Biodiversity Record Centre (SxBRC) at the time of the request. SxBRC does not hold comprehensive species data for all areas. Even where data are held, a lack of records for a species in a defined geographical area does not necessarily mean that the species does not occur there – the area may simply not have been surveyed.

This summary page may be published.
The full report and maps may not be published or otherwise shared.

The data search report is valid until 24/08/2027 for the site named above.