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NATURAL PROGRESSION

Blackwell Farm Road, East Grinstead, West Sussex

Biodiversity Mitigation and Enhancement Plan

February 2025

Blackwell Farm Road, East Grinstead, West Sussex

Biodiversity Mitigation and Enhancement Plan

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Abbreviations

CEZ	Construction Exclusion Zone
BMEP	Biodiversity Mitigation and Enhancement Plan
ECoW	Ecological Clerk of Works
HPI	Habitat of Principal Importance
HRA	Habitat Regulations Assessment
MSDC	Mid Sussex District Council
NERC	Natural Environment and Rural Communities Act 2006
PEA	Preliminary Ecological Appraisal
RPA	Root Protection Area
SAC	Special Area for Conservation
SAMM	Strategic Access Management and Monitoring
SANG	Suitable Alternative Natural Greenspace
SPA	Special Protection Area
UEEC	Urban Edge Environmental Consulting
UKHab	UK Habitat Classification
WCA	Wildlife & Countryside Act 1981 (as amended)

0 Executive Summary

0.1 Introduction

- 0.1.1 This Biodiversity Mitigation and Enhancement Plan has been prepared in support of an Application Site proposed for residential development at Blackwell Farm Road, East Grinstead, West Sussex.
- 0.1.2 The purpose of the Biodiversity Mitigation and Enhancement Plan is to set out methods for wildlife protection and habitat creation during, and as part of, the construction of the development, and to enable the discharge of planning conditions.
- 0.1.3 The Application Site lies within a residential area of East Grinstead in the Mid-Sussex District of West Sussex. It comprises a c.0.39ha area of public open space currently dominated by amenity grassland bordered by scattered trees and poor semi-improved grassland to the east, south and west. It is bounded by road infrastructure, public amenities and residential properties. Residential properties also abut the northern site boundary.

0.2 Construction Activities

- 0.2.1 Planning consent has been approved for the construction of 10 affordable dwellings (6 x 3 bed houses and 4 x 2 bed houses) with associated car parking, landscaping and creation of new access onto Blackwell Farm Road.

0.3 Existing Site Conditions

- 0.3.1 A site visit was carried out on 24 January 2025 by Ecologist Joe Dale in order to verify and update the recommendations made within the approved Preliminary Ecological Appraisal report (TEC, 2019).
- 0.3.2 The Application Site was found to be slightly overgrown and there was an elevated risk of reptiles being present on site. There were also now a series of vegetated mounds with mammal holes present, which could be in use by fox and/or rabbit. The remaining site conditions were consistent with the original report.
- 0.3.3 The main ecological features of interest associated with the Application Site are as follows:
- ▶ **Designated sites for nature conservation:** The Ashdown Forest SAC/SPA is located approximately 5km south-east of the Application Site, and lies within the 7km 'zone of influence' outlined in Policy DP17 of the Mid-Sussex District Council (MSDC) plan (MSDC, 2018).
 - ▶ **Breeding Birds:** Nest-building habitat was very limited on-site and present within the small areas of dense scrub and species-poor hedgerow. The two horse chestnut trees located

adjacent to the eastern site boundary (off-site) that are scheduled for removal provide suitable breeding habitat for common and notable bird species.

- ▶ **Roosting bats:** A single ash tree is present adjacent (off-site) to the west which has potential to support roosting bats.
- ▶ **Invasive Species:** A cotoneaster dominated hedge was present along the northern site boundary. It was not possible to identify this plant to species level due to the absence of fruiting parts of the plant, therefore it is possible this is a cotoneaster listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).
- ▶ **Reptiles:** There are areas of species-poor semi-improved grassland in the north and east of the site and smaller areas of tall ruderal and scrub which provide suitable habitat for foraging and breeding reptiles. The amenity grassland is relatively species-poor and has historically been managed as a short sward unsuitable for reptiles. However a recent lax in management has meant that the sward has grown (c.<100mm) since the previous assessment was carried out, and these areas have therefore become more suitable for reptiles. A series of vegetated mounds, created as a result of pre-construction activities are now present within the amenity grassland areas which have potential to support hibernating reptiles. However due to the lack of good quality and extensive habitat in the wider surrounds which is sufficiently connected to the site, any reptile populations present are likely to be small and comprise widespread species such as slow-worm.
- ▶ **Fox, rabbits and other fauna:** Some of the large vegetated mounds in the north of the site featured mammal holes suitable for fox and rabbit. The site has been subject to some pre-construction disturbances, however it has largely been un-used for the last 5 years, which has rendered it suitable for these species to inhabit and potentially use the site to breed in.

0.4 Working Methods to Achieve Objectives: Avoidance and Mitigation

0.4.1 Measures in relation to the following features, set out in section 2, will be implemented in order to protect wildlife and habitats on site:

- ▶ Designated sites of nature conservation;
- ▶ Retained trees;
- ▶ Nesting birds;
- ▶ Foraging and commuting bats;
- ▶ Invasive non-native species;
- ▶ Reptiles; and
- ▶ Fox, rabbits and other fauna.

0.5 Measures to Achieve Objectives: Enhancement and Compensation

0.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on public bodies to have regard to biodiversity conservation when carrying out their functions. Section 102

of the Environment Act 2021 expands this duty to include biodiversity enhancement as well conservation. In addition, the National Planning Policy Framework and policies DP37 and 38 of the Mid Sussex District Plan (MSDC, 2018) require ecological enhancements to be integrated into development projects in order to achieve an overall net-gain in biodiversity. Section 3 of the Biodiversity Mitigation and Enhancement Plan includes the following habitat creation and enhancements:

- ▶ Native tree planting
- ▶ Native and wildlife-friendly shrub planting
- ▶ Daisy lawns
- ▶ Wildflower areas
- ▶ Native species-rich hedgerows;
- ▶ Bird boxes; and
- ▶ Bat boxes.

0.6 Implementation of Site Enhancement Works

- 0.6.1 Section 4 sets out an implementation timetable of measures and timings to avoid, mitigate and / or compensate for predicted impacts, together with enhancement measures.

1 Introduction

1.1 Purpose of this Report

1.1.1 Urban Edge Environmental Consulting (UEEC) has been commissioned by Selsdon Building Contractors to produce a Biodiversity Mitigation and Enhancement Plan (BMEP) for a proposed residential development Blackwell Farm Road, East Grinstead, West Sussex at Grid Reference: 539724, 138812 (hereafter referred to as 'the Application Site').

1.1.2 The planning application was approved in 2022 (REF:DM/20/1333) subject to planning conditions, one of which (condition 21) states.

"No development shall commence until details of biodiversity enhancements and a method statement setting out practical arrangements for implementing the recommendations in the Preliminary Ecological Appraisal by the Ecology Consultancy, dated 04/01/2020, have been submitted to, and approved by, the local planning authority. The approved method statement shall be implemented in full.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and paragraph 175 of the NPPF."

1.1.3 The purpose of the BMEP is to clear condition 21 and set out methods for wildlife protection and habitat creation during, and as part of, the construction of the development.

1.2 Site Description and Context

1.2.1 The Application Site lies within a residential area of East Grinstead in the Mid-Sussex District of West Sussex. It comprises a c.0.39ha area of public open space currently dominated by amenity grassland bordered by scattered trees and poor semi-improved grassland to the east, south and west. The boundary is outlined in red on Figure 1.1 and a baseline Phase 1 Habitat Map is shown at Appendix I.

1.2.2 The Application Site is bounded by road infrastructure, public amenities and residential properties. Residential properties abut the northern site boundary.

1.3 Construction Activities

1.3.1 Planning consent has been approved for the construction of 10 affordable dwellings (6 x 3 bed houses and 4 x 2 bed houses) with associated car parking, landscaping and creation of new access onto Blackwell Farm Road.

1.4 Existing Site Conditions

- 1.4.1 The Preliminary Ecological Appraisal (PEA) report which was submitted as part of the approved application was reviewed during the preparation of this BMEP (The Ecology Consultancy (TEC), 2019). Due to the time lapse of six years since the PEA was carried out, a site walkover was carried out on 24th January 2025 to verify the existing site conditions and previous recommendations. In particular, there was a focus on the management of grassland at the site as it was advised in the previous PEA survey (TEC, 2019) that the sward height of amenity grassland should be kept to c.50mm prior to construction to deter reptiles from colonising the site (TEC, 2019).
- 1.4.2 The recent site visit in January 2025 showed that the management of the amenity grassland had been relaxed slightly since the previous survey and the sward height had grown to c.<100mm, increasing the risk of reptiles colonising the site. There are now also a series of vegetated mounds present which provide potential hibernating habitat risk. However, the site has been subject to recent disturbances from pre-construction activities and semi-clearance in 2022, which is likely to have deterred reptiles from colonising in this time. There is also limited good quality and extensive habitat in nearby surrounding habitats that reptiles could colonise the site from. These habitats are present to the south-east, however they are poorly connected to the site due to presence of the A264 bordering the site to the south. The residential gardens dominating the landscape to the north provide potential to support reptiles also, albeit these habitats are poorer in quality and likely to support only low numbers of reptiles.
- 1.4.3 Due to the lax in management of the site and increase in risk of reptiles being present within particular areas of the site, additional precautionary mitigation measures during the removal of the vegetated mounds are proposed in Section 2 of this report.
- 1.4.4 It was also advised by verbal communication following the site visit that the grassland is cut and maintained to c.50mm as was previously advised by TEC (2019). This should be done immediately and no later than the commencement of March 2025 when reptiles are likely to start being active again and the site is at risk of being colonised.
- 1.4.5 Some of the large vegetated mounds in the north of the site featured mammal holes which could be in use by fox *Vulpes vulpes* and rabbit *Oryctolagus cuniculus*. Therefore additional mitigation measures must be taken to ensure that these animals treated humanely during removal of these habitats, in line with the Wild Mammals Act 1996.
- 1.4.6 No other significant changes to the original PEA (TEC, 2019) were noted as part of the January 2025 walkover survey.
- 1.4.7 The following documents have also been reviewed during the preparation of this BMEP:
- ▶ Broad Oak Tree Consultants Ltd. (2020): Arboricultural Implications Assessment
 - ▶ Mid Sussex District Council (2022). Section 106 agreement
 - ▶ MHArchitects (2019). Site Location and Proposed Block Plan
 - ▶ JBA Consulting (2025a). Planting Plan & Schedule (Draft). Ref: PAS-JBAU-00-00-DR-L-0001
 - ▶ JBA Consulting (2025b). Planting Details (Draft) Ref: PAS-JBAU-00-00-DR-L-0002

1.4.8 The main ecological features of interest associated with the site are as follows

- ▶ **Designated sites for nature conservation:** The Ashdown Forest Special Area of Conservation / Special Protection Area (SAC/SPA) is located approximately 5km south-east of the site, therefore the site lies within the 7km 'zone of influence' outlined in Policy DP17 of the Mid-Sussex District (MSDC) plan ((2018).
- ▶ **Breeding Birds:** Nest-building habitat was very limited on-site and present within the small areas of dense scrub and species-poor hedgerow. The two horse chestnut trees located adjacent to the eastern site boundary (off-site) that are scheduled for removal provide suitable breeding habitat for common and notable bird species.
- ▶ **Roosting bats:** A single ash tree is present adjacent (off-site) to the west which has potential to support roosting bats.
- ▶ **Invasive Species:** A cotoneaster dominated hedge was present along the northern site boundary. It was not possible to identify this plant to species level due to the absence of fruiting parts of the plant, therefore it is possible this is a cotoneaster listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) (WCA).
- ▶ **Reptiles:** There are areas of species-poor semi-improved grassland in the north and east of the site and smaller areas of tall ruderal and scrub which provide suitable habitat for foraging and breeding reptiles. The amenity grassland is relatively species-poor and has historically been managed as a short sward unsuitable for reptiles. However a recent lax in management has meant that the sward has grown (c.<100mm) since the previous assessment was carried out, and these areas have therefore become more suitable for reptiles. A series of vegetated mounds, created as a result of pre-construction activities are now present within the amenity grassland areas which have potential to support hibernating reptiles. However due to the lack of good quality and extensive habitat in the wider surrounds which is sufficiently connected to the site, any reptile populations present are likely to be small and comprise widespread species such as slow-worm.
- ▶ **Fox, rabbits and other Fauna:** Some of the large vegetated mounds in the north of the site featured mammal holes suitable for fox and rabbit. The site has been subject to some pre-construction disturbances, however it has largely been un-used for the last 5 years, which has rendered it suitable for these species to inhabit and potentially use the site to breed within.

1.5 Objectives

1.5.1 The BMEP has been produced in order to:

- ▶ Avoid and mitigate impacts of the development on existing biodiversity, particularly in regard to protected species; and
- ▶ Enhance the site for biodiversity following development.

Land at Blackwell Farm Road,
East Grinstead,
West Sussex

 Survey area

Figure 1.1: Site location plan



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Ordnance Survey AC0000808122

Scale (at A4): 1:5,000 Created by: MT
Date: Feb 2025 Reviewed by: NP
Drawing number:
UE0718ECO-LandAtBlackwellFarmRoad:
Site location: 250207





Figure 1.2: Proposed site layout

2 Working Methods to Achieve Objectives: Avoidance and Mitigation

2.1 Introduction

- 2.1.1 Details of measures and working methods to avoid and mitigate the effects of the Proposed Development on habitats and species are set out below. The locations of relevant features are shown on the Biodiversity Mitigation Plan at Appendix II.

2.2 Ecological Clerk of Works

- 2.2.1 An Ecological Clerk of Works (ECoW) will be appointed to oversee the implementation of the BMEP.

2.3 Designated Sites of Nature Conservation

- 2.3.1 It is understood from available documents on the MSDC planning portal that a Habitat Regulations Assessment (HRA) was undertaken by MSDC to assess the implications of the project for the SPA qualifying features. MSDC concluded that the development would not have an adverse effect on the integrity of the SPA providing mitigation measures including contributions towards the Joint Strategic Access Management and Monitoring (SAMM) Strategy and the Suitable Alternative Natural Greenspace (SANG) Strategy are provided.
- 2.3.2 In line with Policy DP17 of the Mid Sussex District Plan which relates to residential development within the 7km zone of influence of the Ashdown Forest SPA/SAC, the following mitigation has been agreed via a section 106 agreement between Mid Sussex District Council and The Guinness Partnership (MSDC, 2022):
- ▶ A financial contribution of £15,246 to SANG will be made in accordance with the SANG Strategy.
 - ▶ A financial contribution of £11,700 will be made to the Ashdown Forest SAMM Strategy

2.4 Retained Trees

- 2.4.1 British Standard BS 5837:2012 will be followed at all times during construction when working in close proximity to trees or hedgerows which are to be retained. According to BS 5837:2012 the root protection area is 12x diameter of the stem (diameter is measured around the stem at a height of 1.5m above ground level), which will constitute the construction exclusion zone (CEZ). The distance is measured from the centre of the stem to the nearest part of any excavation or other work.

2.4.2 Construction works will be carried out in accordance with the Tree Protection measures detailed in the Arboricultural Implications Assessment (Broad Oak Tree Consultants, 2020) and as shown on the Tree Retention and Protection Plans (Appendix III) and shall be implemented and fully adhered to for the duration of the construction works.

2.4.3 Two horse chestnut trees will be removed to facilitate the development and compensated for as detailed in next section.

2.5 Nesting Birds

2.5.1 Removal of suitable habitats for nesting birds (scattered trees and scrub) will be undertaken outside the bird nesting season, i.e. it will be carried out between October and February. These reasonable avoidance measures are required to ensure there are no offences in relation to the protection of birds under the WCA.

2.5.2 However, if vegetation clearance is unavoidable within the breeding season (March to September inclusive), the following precautionary mitigation will be followed. The habitats will be checked for evidence of nesting birds by a suitably qualified ecologist. This will take place no more than 48 hours prior to works commencing. This is to ensure that no disturbance to active bird nests occurs. If a nest is found it must be cordoned off and works adjacent to the nest must be delayed until such time that the chicks have fledged from the nest. This will be supervised by a suitably qualified ecologist.

2.5.3 Measures proposed through the landscape strategy will contribute towards mitigating the negative effect of development on breeding birds, including tree and shrub planting and the provision of bird boxes.

2.6 Bats

2.6.1 Indirect impacts to bats may occur from light pollution during construction and throughout the development on suitable habitats adjacent to the Application Site. Works should be restricted to daylight hours to avoid nighttime lighting of features with potential for roosting bats, as well as areas that could provide flight lines and foraging habitats for bats, such as the mature ash tree (see TN1 on the Habitat Map, Appendix I) and cypress dominated hedge line to the west of the Application Site.

2.6.2 The following measures relating to sensitive lighting will minimise the impact of the Proposed Development of suitable retained and newly created for foraging and commuting bats:

- ▶ Lighting will not be directed towards retained habitat of particular value to foraging and commuting bats, including off-site mature trees.
- ▶ All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used.
- ▶ LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.

- ▶ A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce blue light component.
- ▶ Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2013).
- ▶ Internal luminaires can be recessed where installed in proximity to windows to reduce glare and light spill.
- ▶ The use of specialist bollard or low-level downward directional luminaires to retain darkness above should be considered. However, this often comes at a cost of unacceptable glare, poor illumination efficiency, a high upward light component and poor facial recognition, and their use should only be as directed by the lighting professional.
- ▶ Column heights should be carefully considered to minimise light spill.
- ▶ Only luminaires with an upward light ratio of 0% and with good optical control should be used (refer to Institute of Lighting of Professionals guidance (2023) for the reduction of obtrusive light).
- ▶ Luminaires should always be mounted on the horizontal, i.e. no upward tilt.
- ▶ Any external security lighting should be set on motion-sensors and short (1min) timers.
- ▶ As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed.

2.7 Invasive Non-native Species

- 2.7.1 The site supports a small section of species-poor hedgerow dominated by cotoneaster *Cotoneaster* sp. Under Schedule 9 of the WCA it is illegal to plant or otherwise cause the spread of certain cotoneasters listed under this act into the wild.
- 2.7.2 The cotoneaster hedgerow will be retained and protected throughout the construction period with Heras fencing to ensure any construction activities do not come into close contact with the hedge, which could cause it to spread into the wild. Information signage will be erected on the fencing surrounding the hedge to inform site workers of their legal obligations and the risk of spreading this plant.

2.8 Reptiles

- 2.8.1 Prior to construction, the following method statement should be followed to ensure no reptiles are injured or killed during site clearance. These reasonable avoidance measures are required to ensure there are no offences in relation to the protection of reptiles under the WCA.
- ▶ **Appointment of ECoW:** All mitigation works will take place under the direct supervision of a suitably qualified ECoW. A watching brief should be maintained throughout the works, in the event that reptiles are present in the area to be cleared;
 - ▶ **Timing of Works:** Vegetation clearance and site preparation will be undertaken during the reptile active season and in suitable weather conditions, i.e. under predominantly dry

conditions, with air temperatures ideally of 9°C or above, between March and October (see Table 4.1).

- ▶ **Sequential strimming:** The grassland on site will be progressively removed by a 2-stage cut, in the following sequence:
 - Stage 1: Any areas of grassland that have not already been mown down to 50mm¹ will be strimmed down to 20cm above ground level under the supervision of the ECoW, and arisings will be searched and removed by hand / hand tools;
 - The working area will then be left for a minimum period of 24hrs to allow any reptiles present to disperse; and
 - Stage 2: The vegetation will then be searched again before strimming down to ground level under the supervision of the suitably qualified ECoW, and arisings removed by hand / hand tools.
 - Strimming will aim to displace any individuals if present into retained areas of grassland on site, therefore it should start in the west corner of the site and work in a directional manner to the south and east where the retained areas are (see Appendix II).
- ▶ **Fingertip searches:** Due to the elevated risk of reptiles in the mounds scattered across the site, after sequential strimming of grassland has taken place, the ECoW will then undertake a fingertip search of these areas (see TN1 and TN2 on the habitat map). The ecologist will carefully check the grassland sward, scrub, ruderal vegetation and any cracks in the ground for individual reptiles.
- ▶ **Destructive search:** After the fingertip search, the mounds will be destructively searched carefully with an excavator and ECoW to guide the process.

- 2.8.2 Where reptiles are located, these will be captured and translocated to the retained areas of grassland to the south and east (see Appendix II).
- 2.8.3 Following the destructive search, all suitable habitat on site will have been removed and reptiles will no longer present a constraint to construction. The areas of grassland must be maintained at ground level in the lead up to commencement of works to avoid reptiles re-colonising the site.
- 2.8.4 The areas of off-site grassland retained adjacent to the south and east must be protected from construction work with Heras fencing throughout the course of construction in order to provide a safe haven for reptiles and other wildlife.

2.9 Rabbits, Fox and other Fauna

- 2.9.1 The client (Selsdon Building Contractors) is currently confirming if foxes are using the holes on site with the use of an infrared camera and has sought advice from a pest control service who will assist them on the matter.

¹ This was verbal guidance provided by UEEC to the former client (Guinness Partnership) following the walkover survey in January 2025, see p1.4.1-1.4.3

- 2.9.2 UEEC have recommended that fox deterrents are used in the first instance and if foxes are present within the holes come March, the birthing season of March-April is avoided for destruction of the mounds as this is the time they will be giving birth to their young. An ECoW will be present during the destruction of the mounds and will work to ensure no harm comes to any animals if still present in line with the Wild Mammals Act 1996.
- 2.9.3 All excavations left overnight will either be covered over, or provided with a ramp to enable easy escape of badgers, hedgehogs, small mammals, amphibians and other fauna, and inspected each morning prior to recommencement. Open pipework greater than 150mm outside diameter should be blanked off at the end of each working day.

3 Measures to Achieve Objectives: Enhancement and Compensation

3.1 Introduction

- 3.1.1 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) places a duty on public bodies to have regard to biodiversity conservation when carrying out their functions. Section 102 of the Environment Act 2021 expands this duty to include biodiversity enhancement as well conservation. In addition, the National Planning Policy Framework and policies DP37 and DP38 of the Mid Sussex District Plan (2018) require ecological enhancements to be integrated into development projects in order to achieve an overall net-gain in biodiversity.
- 3.1.2 The locations of the measures detailed below for the Proposed Development are shown on the Biodiversity Enhancement Plan (Appendix IV).

3.2 Created and Enhanced Habitats

- 3.2.1 The planting scheme has been developed alongside landscape professionals from JBA Consulting, and details of the full planting schedule including suppliers and suitable ground preparation for seeding can be found within the following draft documents from JBA:
- ▶ JBA Consulting (2025a). Planting Plan & Schedule (Draft). Ref: PAS-JBAU-00-00-DR-L-0001
 - ▶ JBA Consulting (2025b). Planting Details (Draft) Ref: PAS-JBAU-00-00-DR-L-0002
- 3.2.2 A description of each planting area is provided in the subheadings below along with details of the ecological value of the habitats and species selected, as well as guidance on suitable suppliers.

3.3 Native Tree Planting

- 3.3.1 A total of 19 trees, comprising a mix of native species, will be planted across the Proposed Development. Trees provide nesting and perching opportunities for birds and a resource for invertebrates. Planting notes for the landscape plan should state that all plant stock will originate from the UK. It is best practice to use British native stock for tree planting and follow guidance given in the *Forestry Commission Practice Note 8a*² where possible, which provides a geographical guide for appropriate species. In the interest of biosecurity and to limit the introduction of new potential tree pests and diseases, only nurseries accredited by the Plant Healthy Certification Scheme may be used to procure tree stock. New tree planting could be under-planted with shade tolerant shrubs to improve structure and cover for wildlife.

² Herbert et al (1999). Using Local Stock for Planting Native Trees and Shrubs. Forestry Commission, Edinburgh. [On-line]. Available from: <https://cdn.forestryresearch.gov.uk/2022/02/fcpn8-1.pdf>

Table 3.1: Native tree species

Taxon	Common name	No.
<i>Acer campestre</i>	Field maple	2
<i>Alnus glutinosa</i>	Common alder	2
<i>Betula pendula</i>	Silver birch	3
<i>Betula pubescens</i>	Downy birch	2
<i>Prunus avium</i>	Wild cherry	5
<i>Sorbus aucuparia</i>	Rowan	3
<i>Tilia cordata</i>	Small-leaved lime	2

3.4 Native and Wildlife-friendly Shrub Planting

3.4.1 Approximately 0.03ha of native and/or wildlife-friendly shrubs will be planted in and around the newly planted trees. Planting will comprise a range of fruit, seed, nut and nectar-bearing species, providing a food source for a wide range of wildlife species throughout most of the year. The scrub will be underplanted with a native shrub ground layer mix to provide valuable structural habitat for small mammals, reptiles and invertebrates. Plant stock will be sourced from a local supplier to ensure it is of UK origin.

3.4.2 Table 3.5 provides the proposed species list for the mixed scrub.

Table 3.2: Native and wildlife-friendly³ shrub species

Taxon	Common name	Native
Shrubs		
<i>Berberis darwinii</i> ³	Darwin's Barberry	N
<i>Cornus sanguinea</i>	Dogwood	Y
<i>Cytisus scoparius</i>	Broom	Y
<i>Viburnum opulus</i>	Guelder-rose	Y
Ground layer		
<i>Ajuga reptans</i>	Bugle	Y
<i>Galium odoratum</i>	Sweet woodruff	Y
<i>Luzula sylvatica</i>	Greater wood-rush	Y
<i>Lysimachia nummularia</i>	Creeping Jenny	Y
<i>Thymus serpyllum</i>	Wild thyme	Y

³For the purposes of this report, wildlife-friendly species include those listed on the RHS Plants for Pollinators lists - <https://www.rhs.org.uk/science/research/plants-for-pollinators>

3.5 Daisy Lawns

- 3.5.1 Daisy lawns will be created to increase biodiversity in the proposed areas of garden space (see Appendix IV) by applying a wildflower seed mix for lawns which contains a mixture of native wildflowers and grasses that are tolerant of heavy mowing. The seed mix will comprise native wildflower seed of UK origin to develop species and flower rich grassland, which will benefit, for example, a range of invertebrate species. The product that will be used is the Emorsgate EL1 Flowering Lawn Mixture⁴.
- 3.5.2 Guidance from the product specification should be followed when preparing the ground for seeding. Table 3.2 provides the proposed species list for the daisy lawns.

Table 3.3: The EL1 Flowering Lawn Mixture

%	Taxon	Common name
Wildflowers		
1.00%	<i>Achillea millefolium</i>	Yarrow
1.00%	<i>Anthyllis vulneraria</i>	Kidney Vetch
0.40%	<i>Betonica officinalis</i>	Betony
1.50%	<i>Centurea nigra</i>	Common Knapweed
0.40%	<i>Galium album</i>	Hedge Bedstraw
1.50%	<i>Galium verum</i>	Lady's Bedstraw
0.40%	<i>Knautia arvensis</i>	Field Scabious
0.50%	<i>Leontodon hispidus</i>	Rough Hawkbit
1.00%	<i>Leucanthemum vulgare</i>	Oxeye Daisy
1.00%	<i>Medicago lupulina</i>	Black Medick
0.40%	<i>Plantago lanceolata</i>	Ribwort Plantain
2.00%	<i>Plantago media</i>	Hoary Plantain
2.00%	<i>Primula veris</i>	Cowslip
0.40%	<i>Prunella vulgaris</i>	Selfheal
0.40%	<i>Ranunculus acris</i>	Meadow Buttercup
1.60%	<i>Ranunculus bulbosus</i>	Bulbous Buttercup
4.00%	<i>Trifolium repens</i>	White Clover (ag)
Grasses		
8.00%	<i>Agrostis capillaris</i>	Common Bent
28.00%	<i>Cynosurus cristatus</i>	Crested Dogstail
24.00%	<i>Festuca rubra</i>	Red Fescue
4.00%	<i>Phleum bertolonii</i>	Smaller Cat's-tail
16.00%	<i>Poa pratensis</i>	Smooth-stalked Meadow-grass

⁴ <https://wildseed.co.uk/product/mixtures/complete-mixtures/special-habitat-mixtures/flowering-lawn-mixture/>

3.6 Wildflower Areas

- 3.6.1 Areas of public open space within the residential areas will be sown with the EM3 Special General Purpose Meadow Mixture⁵.
- 3.6.2 Guidance from the product specification should be followed when preparing the ground for seeding. Table 3.4 provides the proposed species list for the wildflower areas.

Table 3.4: EM3 Special General Purpose Meadow Mixture

%	Taxon	Common name
Wildflowers		
0.50%	<i>Achillea millefolium</i>	Yarrow
1.00%	<i>Agrimonia eupatoria</i>	Agrimony
0.50%	<i>Betonica officinalis</i>	Betony
2.00%	<i>Centaurea nigra</i>	Common Knapweed
1.00%	<i>Daucus carota</i>	Wild Carrot
1.40%	<i>Echium vulgare</i>	Viper's-bugloss
0.20%	<i>Filipendula ulmaria</i>	Meadowsweet
0.40%	<i>Galium album</i>	Hedge Bedstraw
0.40%	<i>Galium verum</i>	Lady's Bedstraw
0.50%	<i>Geranium pratense</i>	Meadow Crane's-bill
0.40%	<i>Lathyrus pratensis</i>	Meadow Vetchling
1.40%	<i>Leucanthemum vulgare</i>	Oxeye Daisy
0.40%	<i>Lotus corniculatus</i>	Birdsfoot Trefoil
1.00%	<i>Malva moschata</i>	Musk Mallow
0.40%	<i>Medicago lupulina</i>	Black Medick
0.20%	<i>Onobrychis viciifolia</i>	Sainfoin
0.20%	<i>Pastinaca sativa</i>	Wild Parsnip
1.40%	<i>Plantago lanceolata</i>	Ribwort Plantain
0.60%	<i>Poterium sanguisorba ssp sanguisorba</i>	Salad Burnet
1.00%	<i>Primula veris</i>	Cowslip
1.50%	<i>Prunella vulgaris</i>	Selfheal
1.50%	<i>Ranunculus acris</i>	Meadow Buttercup
0.20%	<i>Ranunculus bulbosus</i>	Bulbous Buttercup
0.30%	<i>Rumex acetosa</i>	Common Sorrel
0.40%	<i>Scabiosa columbaria</i>	Small Scabious
0.40%	<i>Silene dioica</i>	Red Campion

⁵ <https://wildseed.co.uk/product/mixtures/complete-mixtures/general-purpose-meadow-mixtures/special-general-purpose-meadow-mixture/>

%	Taxon	Common name
0.40%	<i>Silene vulgaris</i>	Bladder Campion
0.20%	<i>Taraxacum officinale</i>	Dandelion
0.20%	<i>Vicia cracca</i>	Tufted Vetch
Grasses		
8.00%	<i>Agrostis capillaris</i>	Common Bent
28.00%	<i>Cynosurus cristatus</i>	Crested Dogtail
24.00%	<i>Festuca rubra</i>	Red Fescue
4.00%	<i>Phleum bertolonii</i>	Smaller Cat's-tail
16.00%	<i>Poa pratensis</i>	Smooth-stalked Meadow-grass

3.7 Amenity Grass

- 3.7.1 Small areas of amenity grass turf totalling 0.01ha will be planted within the communal grassland areas around the development. The product and supplier is yet to be specified by JBA Consulting and will be tailored to provide landscape and amenity benefit to the scheme.

3.8 Native Species-rich Hedgerows

- 3.8.1 Approximately 0.01km of native hedgerow planting will be planted as borders to residential garden space. These will comprise a range of fruit, seed, nut and nectar-bearing species, providing a food source for a wide range of wildlife species throughout most of the year. The hedgerows will also create dark corridors, which will provide commuting habitat for mammals, reptiles and amphibians. Plant stock will be sourced from a local supplier and ensure it is of local provenance.

- 3.8.2 Table 3.5 provides the proposed species for the hedgerows.

Table 3.5: Native hedgerow species

Taxon	Common name
<i>Acer campestre</i>	Field maple
<i>Cornus sanguinea</i>	Dogwood
<i>Corylus avellana</i>	Hazel
<i>Crataegus monogyna</i>	Hawthorn
<i>Euonymus europaeus</i>	Spindle

3.9 Created Biodiversity Features

Bird boxes

- 3.9.1 The value of the Application Site for birds will be enhanced by integrating ten bird boxes (one per property) at the site, at the locations shown on the Enhancement Plan (Appendix IV). Full specification details are found in Appendix V. The Ibstock Sparrow Box (or other manufacturer's equivalent) will be used to provide suitable nesting habitat for nesting birds. Although this box is specifically designed for sparrows, which are a Species of Principal Importance (SPI), the structure and hole diameter (32mm) is suitable for a wider range of common garden bird species thought likely to use the boxes on site.
- 3.9.2 The boxes will be integrated under eaves on the external walls of buildings at a minimum height of 2m above the ground, on the sheltered side of the building.

Bat boxes

- 3.9.3 The value of the Application Site for bats will be enhanced by installing five artificial integrated roost boxes onto selected properties on site as shown on the Enhancement Plan (Appendix IV). Full specification details are found in Appendix V. The Ibstock clay bat box will be used to blend in with the design of the new buildings. Ibstock's clay-faced Bat Box⁶ solution allows for the creation of several roosting zones within the box, making it the ideal product for new builds and conservation work. The boxes will be mounted on the exterior of the retained buildings at a height of at least 4 metres, preferably facing between south-west and south-east.
- 3.9.4 As far as possible all bat boxes will be installed with a clear line of flight for bats entering or leaving the roost, and away from sources of artificial light.

⁶ <https://www.ibstock.co.uk/product/ecohabitats/bat-box?page=1&>

4 Implementation Timetable

4.1.1 Table 4.1 summarises the measures to avoid and mitigate impacts on wildlife, the biodiversity enhancements, as well as their timings and the parties responsible for implementing them. Refer to sections 2 and 3 for full details, and to the Biodiversity Mitigation Plan (Appendix II), Tree Protection Plan (III), Enhancement Plan (Appendix IV) for their locations.

Table 4.1: Timetable for biodiversity avoidance/mitigation and enhancement measures

Feature	Potential impact	Avoidance / mitigation	Enhancement	Timing	Implemented by
Ashdown Forest SPA/SAC	Increase in recreational pressure	A financial contribution of : £15,246 to SANGs elsewhere will be made in accordance with the SANG Strategy, and; £11,700 will be made to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy (see section 2.3)	n/a	n/a	Section 106 agreement between MSDC and The Guinness Partnership
Retained trees (off-site)	Damage to tree roots overlapping site boundary	BS 5837:2012 will be followed at all times during construction when working in close proximity to the hedgerows or any retained trees on site. Heras fencing will be installed around the construction zone perimeter for the duration of the works to protect the Root Protection Areas (RPA) of trees (see section 2.4 and Appendix II).	n/a	During construction.	Selsdon Contractors

Feature	Potential impact	Avoidance / mitigation	Enhancement	Timing	Implemented by
Reptiles	Killing or injuring reptiles	An ECoW will be assigned to the project to supervise site clearance. The grassland areas will be sequentially strimmed with a 2-stage cut, the first cut will be down to 200mm, and the second to ground level, allowing 24 hours in between for reptiles to disperse. Strimming will be directional and aim to displace any individuals if present into adjacent habitat and retained areas of grassland on site. The vegetated mounds will then be fingertipped searched before being dismantled with an excavator in the presence of the ECoW (see section 2.5 and Appendix II) .	The design of the scheme will include the following enhancements for reptiles (see section 3.2 and Appendix IV): • Native hedgerow • Native shrub planting • Wildflower Areas	During site clearance. Reptile active season and in suitable weather conditions, i.e. under predominantly dry conditions, with air temperatures ideally of 9°C or above, between March and October	Selsdon Contractors
Nesting birds	Disturbance to nesting birds and /or damage or destruction of their active nests	Removal of nesting bird habitats will be undertaken outside the bird nesting season (1 March to 31 August), i.e. it will be carried out between September and February. The timing of removal of bird nesting habitat will have regard to the precautionary working method in relation to amphibians and reptiles (see section 2.5).	The design of the scheme will include the following enhancements for breeding birds (see section 3.2 and Appendix IV): • Native tree planting • Native hedgerow planting • Native shrub planting • Wildflower Areas Ten bird boxes will be installed on each of the new properties to provide habitat for common and widespread bird species, as well as SPI such as Sparrow.	During site clearance. Creation of new habitats during and post construction. Installation of nest boxes during construction.	Selsdon Contractors
Roosting bats	n/a	n/a	Five bat boxes will be installed on new buildings (see section 3.2 and Appendix IV).	During construction.	Selsdon Contractors

Feature	Potential impact	Avoidance / mitigation	Enhancement	Timing	Implemented by
Foraging and commuting bats (and other nocturnal species)	Includes disturbance to commuting and foraging bats using retained and created habitats	Minimise use of external lighting. Low-level, directional lighting with minimal spill and glare. Narrow-spectrum bulbs and light sources that emit minimal UV light and use of glass lantern covers instead of plastic to filter UV light (see section 2.7).	The design of the scheme will include the following enhancements for breeding birds (see section 3.2 and Appendix IV): • Native tree planting • Native hedgerow planting • Native shrub planting • Wildflower Areas	Lighting – during construction and operation. Creation of new habitats during and post construction.	Selsdon Contractors
Invasive non-native species	Degradation of existing on-site and local habitats	The cotoneaster hedge along the northern boundary will be retained and protected during construction. Signage will be placed on Heras fencing surrounding the hedge to inform site workers of risks associated with this spreading this species (see section 2.8 and Appendix II).	n/a	During construction.	Selsdon Contractors
Fox, rabbits and other fauna	Harm to fox, rabbits and other fauna	The client (Selsdon Building Contractors) has sought advice from a pest control service who will assist them on the matter. UEEC recommend fox deterrents and seasonal constraints to removing the mound under ECoW as an additional measure. Safety measures to protect animals from harm during construction are also recommended.	n/a	During site clearance and construction.	Selsdon Contractors

Feature	Potential impact	Avoidance / mitigation	Enhancement	Timing	Implemented by
Newly created habitats: Daisy lawns/ Wildflower areas/ Native tree, shrub and hedgerow planting	n/a	n/a	The following habitats will be created on site to enhance biodiversity (see section 3.2 and Appendix IV): • 19 native trees will be planted • Native hedgerow planting • Native shrub planting • Wildflower Areas	During and post construction.	Selsdon Contractors

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Appendix I: Phase 1 Habitat Survey Plan

Land at Blackwell Farm Road, East Grinstead, West Sussex

- Survey area
- Scrub - dense/continuous
- SI Poor semi-improved grassland
- Tall ruderal vegetation
- A Amenity grassland
- Species poor hedge
- Species poor hedge with trees
- Tree
- Target note



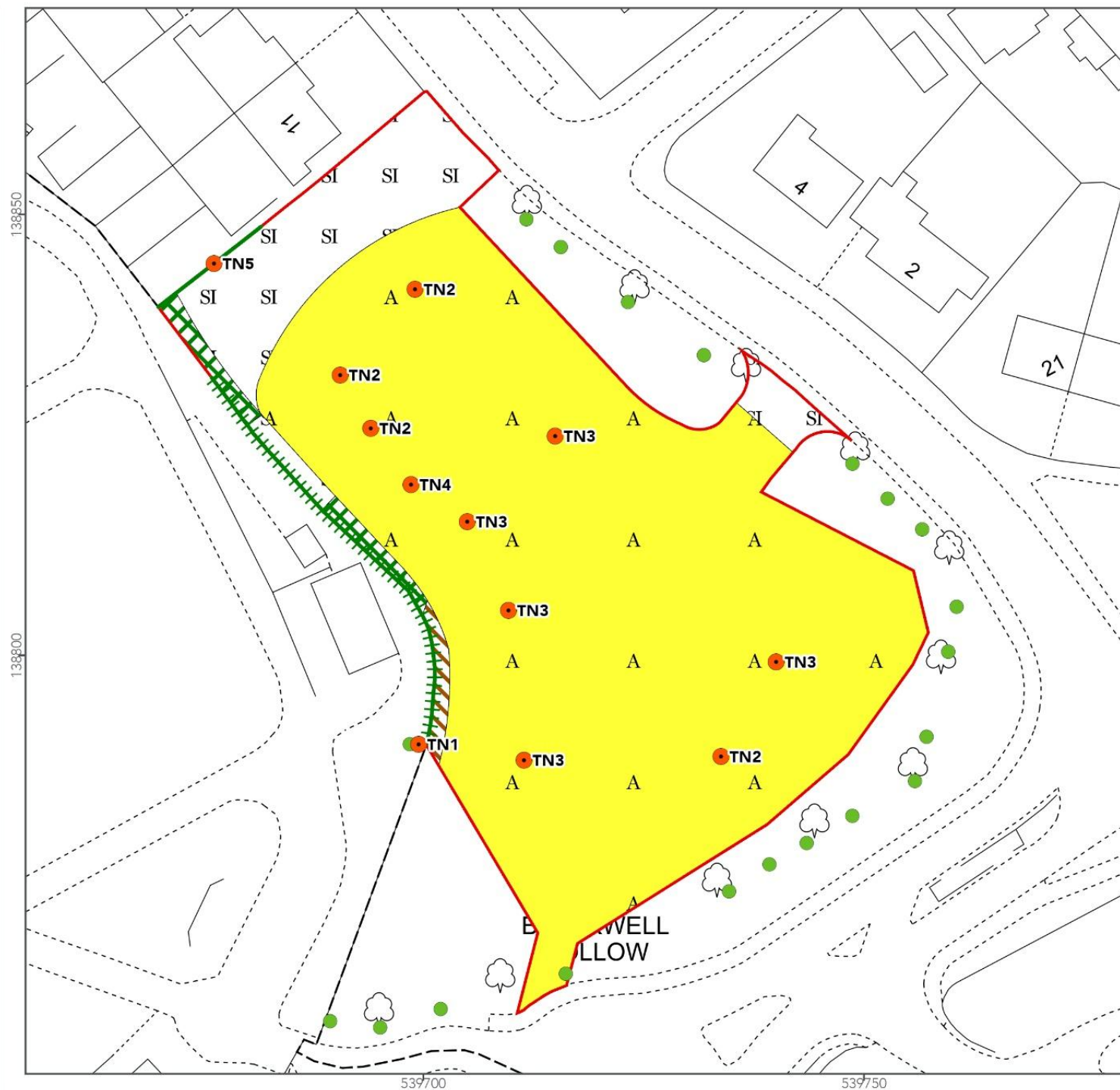
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Ordnance Survey AC0000808122

Scale (at A4): 1:650 Created by: MT

Date: Feb 2025 Reviewed by: NP

Drawing number:

UE0718ECO-LandAtBlackwellFarmRoad: Habitats: 250206



Appendix II: Biodiversity Mitigation Plan

Land at Blackwell Farm Road, East Grinstead, West Sussex

- Site boundary
- Retained scrub
- 2-stage cut of grassland to displace reptiles
- Retained (off-site) grassland
- Direction of strimming / clearance to displace reptiles into adjacent habitat
- Cotoneaster sp hedge protected by Heras fencing
- Indicative location of Heras fencing to protect retained habitat
- Retained hedge with trees protected to BS35837: 2012
- Tree protected to BS35837: 2012
- Vegetated mounds destructively searched
- Signage notifying presence of schedule 9 invasive species

Biodiversity Mitigation Plan



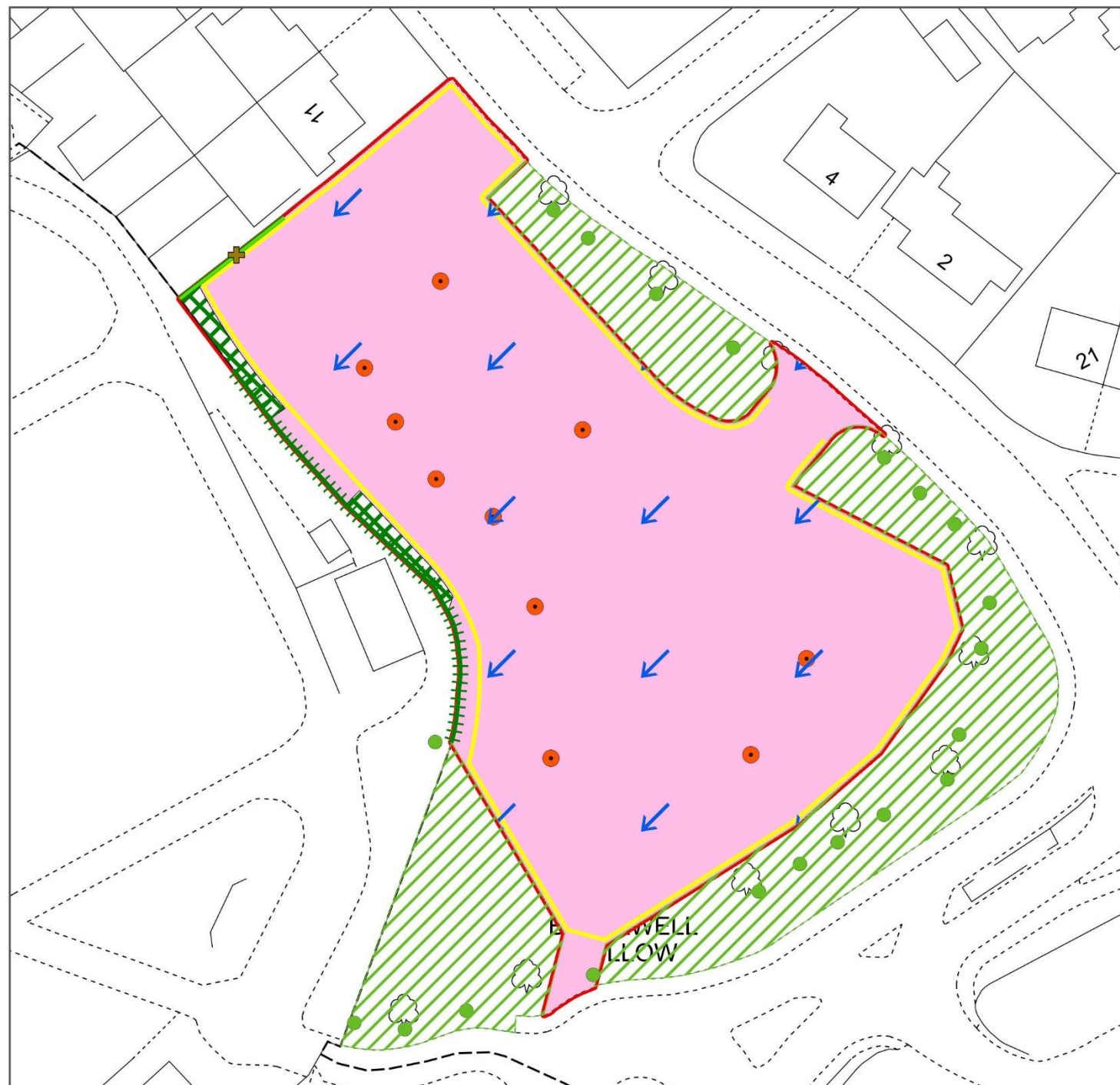
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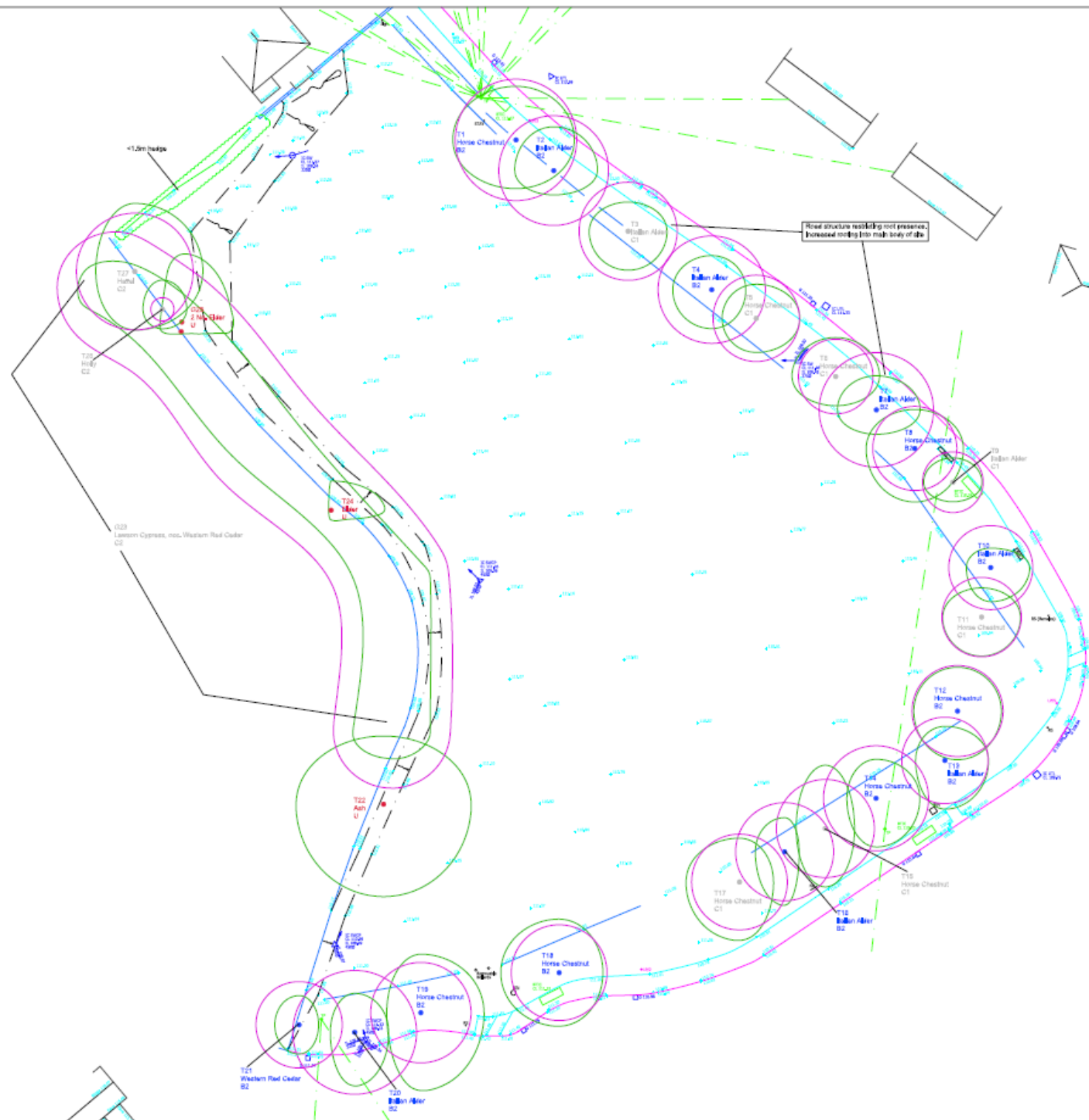
Scale (at A4): 1:650 Created by: MT

Date: Feb 2025 Reviewed by: NP

Drawing number:
UE0718ECO-LandAtBlackwellFarmRoad:
Biodiversity Mitigation Plan: 250213



Appendix III: Tree Retention and Protection Plan



Broad Oak Tree Consultants Ltd
Leamington
Business Road
Broad Oak
Northants
East Sussex
TN11 8JB

Tel 01323 863444
Email info@broadoak.co.uk

LAND AT BLACKWELL
FARM ROAD
EAST GRINSTEAD
WEST SUSSEX

TREE CONSTRAINTS PLAN

T1 - T27 Tree numbers

BS Category of Condition

85

T1

TS 88

11



spread

82 Calculated reef protection areas

The most protection areas have been selected using the measured values themselves and the formula as described in Section 4.11 (25000/2017). These are represented as *best practice* on the Three Corridors map. Where buildings, roads, railways and trees surround existing or proposed PVPA, it is likely that the structure of roof systems or trees leaves a shadow, obstructs the view and is likely to create wind currents and debris falling depending on wind direction and the nature of the underlying roof. In the absence of detailed roof investigations, the *best practice* PVPA should be used for proposals only with any independent proposals

DRAWING NO. J55,67/01

Scale: 1:200 at A1

Added to try: NL.

24/05/2019

Appendix IV: Biodiversity Enhancement Plan

Land at Blackwell Farm Road, East Grinstead, West Sussex

- Site boundary
- Amenity grass turf
- Daisy lawns
- Native shrub planting
- Wildflower areas
- Retained species poor hedge
- Retained species poor hedge with trees
- Proposed native hedgerow
- Retained tree
- Native tree planting
- Bird box
- Bat box

Biodiversity Enhancement Plan



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Ordnance Survey AC0000808122. Contains drawing by
MH Architects, drawing title: Setting Out Plan

Scale (at A4): 1:650 Created by: MT

Date: Feb 2025 Reviewed by: NP

Drawing number:
UE0718ECO-LandAtBlackwellFarmRoad:
Enhancement Plan: 250210



Appendix V: Habitat Features & Specifications

	Ibstock House Sparrow Box: Dimensions: L 280mm X W 203mm X 140mm 32mm diameter hole General info: The sparrow box measures up at 280x203x140mm, giving internal dimensions of 230x153x100mm, with a 32mm diameter aperture. The front plate of both the sparrow and starling boxes can be removed for nest cleaning; minimising the risk of disease or infection. Siting: Under eaves on the external walls of buildings at a minimum height of 2m above the ground, on the sheltered side of the building, away from windows and doors. Cleaning: The front plate of both the sparrow and starling boxes can be removed for nest cleaning; minimising the risk of disease or infection.
	Ibstock Enclosed Bat Box (Type A B or C): ▪ Designed specifically for pipistrelle bats ▪ Available in all brick types ▪ Discrete home for bats ▪ Various sizes ▪ Several roosting zones are created inside the box ▪ Bats are contained within the bat box itself ▪ Maintenance free with entrance at the base ▪ Suitable for new build & conservation work Type A: 216 x 65 x 102 Type B: 215 x 215 or 215 x 290 Type C: 215 x 215 or 215 x 290 Siting: The installation block for bats can be integrated into new buildings or building renovations. It can be flush with the facade or be slightly recessed in the facade. Positioned at a minimum height of 4m on southern (between south-east and south-west) elevations. Boxes to be installed with a clear line of flight for bats entering or leaving the roost and away from artificial sources of light.

Appendix VI: Legislation and Planning Context

Legislation

General

The main legislative instruments for ecological protection in England and Wales are: the Wildlife and Countryside Act 1981 (WCA; as amended); Countryside and Rights of Way Act 2000 (CRoW; as amended); Natural Environment and Rural Communities Act 2006 (NERC; as amended); the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations; as amended); and the Environment Act 2021.

WCA 1981 consolidated and amended pre-existing national wildlife legislation in order to implement the Bern Convention and the European Union Wild Birds Directive (Council Directive 2009/147/EC). It complements the Habitats Regulations, offering protection to a wider range of species than the latter. The Act also provided for the designation and protection of nationally important conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSI). Schedules of the act list protected species of flora and fauna, as well as invasive species, and detail the possible offences that apply to these species.

The CROW Act 2000 amended and strengthened existing wildlife legislation detailed in the WCA. It placed a duty on government departments & the National Assembly for Wales to have regard for biodiversity, provided increased powers for the protection and maintenance of SSSI, and created a right of access to parts of the countryside. The Act contained lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The NERC Act 2006 consolidated and replaced aspects of earlier legislation. Section 40 of the Act places a duty upon all local authorities and public bodies in England and Wales to have regard to the purpose of conserving biodiversity in exercising all of their functions, including by restoring or enhancing habitats and species populations. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity (otherwise known as Priority Habitats/species as listed in the now superseded UK Biodiversity Action Plan). These lists supersede Section 74 of the CRoW Act 2000. These species and habitats are a material consideration in the planning process.

The Habitats Regulations 2017 are the principal means by the European Union Habitats Directive (Council Directive 92/43/EEC) was transposed into English and Welsh law, and place a duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria in Europe are designated as Sites of Community Importance by the European Commission, and subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. Since the UK's departure from the European Union the European Commission no longer has a role in designating SACs in the UK. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 establish a single stage designation process, where the appropriate authority is the decision maker. The selection and designation of SACs is based on the criteria set out in Annex III of the Habitats Directive insofar as it applies to the UK, and having regard to the advice of the appropriate nature conservation body.

The 2019 Amendment Regulations have created a new national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes existing SACs, existing Special Protection Areas (SPA) originally designated as a result of Council Directive 2009/147/EC on the Conservation of Wild

Birds, and any new SACs and SPAs designated under the 2019 Regulations. SACs and SPAs in the UK therefore no longer form part of the EU's Natura 2000 ecological network.

The Habitats Regulations also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively (European Protected Species (EPS)). Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade in these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations. Under the Habitats Regulations disturbance includes any activity which is likely to: impair the ability of a EPS to survive, breed, reproduce, or rear/nurture its young; impair the ability of a EPS to migrate or hibernate; or significantly affect the local distribution or abundance of the species.

The Environment Act 2021, among other things: established an Office for Environmental Protection; introduced a mandatory requirement for all new development requiring planning permission to achieve a net gain for biodiversity of at least 10% (although implementation of this is transitional); amended the NERC Act duty to conserve biodiversity by explicitly adding a duty to enhance; and requires local authorities to produce local nature recovery strategies.

Birds

Birds are protected by the Wildlife and Countryside Act, 1981 (as amended). This legislation makes it an offence to intentionally kill, injure or take away any wild bird. It is also an offence to take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. In addition, certain species are listed on Schedule 1 of the WCA (such as kingfisher *Alcedo atthis*). This makes it an additional offence to intentionally or recklessly disturb the adults while they are in and around their nest or intentionally or recklessly disturb their dependent young. Such species are considered to be in greater need of legal protection or of high nature conservation priority.

Birds of Conservation Concern ("BoCC4) are included on Red and Amber lists (Eaton *et al.*, 2015). Birds on the Red list are those of highest conservation priority due significant and sustained population decreases and/or range contractions (e.g. house sparrow *Passer domesticus* and starling *Sturnus vulgaris*). Birds on the Amber list are the next most critical group and include species whose population/range have shown moderate declines, or which have recovered to some extent from historical decline, such as dunnoek *Prunella modularis*.

Bats (Chiroptera)

Bats and their roosts are fully protected by protected by the WCA and the Habitats Regulations, and seven species of bats are species of principal importance. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a bat.
- ▶ Possess or control a live or dead bat, any part of a bat, or anything derived from a bat.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- ▶ Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection.
- ▶ Make a false statement in order to obtain a licence for bat work.

Reptiles

The four common species (slow-worm *Anguis fragilis*, common lizard *Zootoca vivipara*, adder *Vipera berus* and grass snake *Natrix natrix*) are partially protected under the WCA. They are protected, *inter alia*, against intentional killing and injuring. The handling and translocation of these reptiles does not require a licence.

Smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* are fully protected by the WCA and the Habitats Regulations. The legislation makes it an offence, *inter alia*, to:

- ▶ Intentionally kill, injure or take a smooth snake or sand lizard.
- ▶ Possess or control a live or dead smooth snake or sand lizard, any part of, or anything derived from a smooth snake or sand lizard.
- ▶ Intentionally or recklessly damage, destroy or obstruct access to any structure or place that a smooth snake or sand lizard uses for shelter or protection.
- ▶ Intentionally or recklessly disturb a smooth snake or sand lizard while it is occupying a structure or place that it uses for shelter or protection.

Planning context

National Planning Policy Framework (Section 15: Conserving and enhancing the natural environment)

The National Planning Policy Framework (NPPF), published in December 2024, outlines the Government's commitment to the conservation of wildlife and natural features. It is concerned with:

- ▶ *Protecting and enhancing valued landscapes, sites of biodiversity or geological conservation value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- ▶ *Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- ▶ *Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- ▶ *Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current & future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- ▶ *Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- ▶ *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

The NPPF requires that local plans should “distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value...; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”.

To protect and enhance biodiversity and geodiversity, the NPPF states that planning policies should:

- ▶ *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*

- ▶ *Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

When determining planning applications, local planning authorities should aim to protect and enhance biodiversity by applying the following principles:

- ▶ *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- ▶ *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- ▶ *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- ▶ *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

The following wildlife sites should be given the same protection as habitats sites:

- ▶ *potential Special Protection Areas and possible Special Areas of Conservation;*
- ▶ *listed or proposed Ramsar sites; and*
- ▶ *sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. The policies within the NPPF (and additional guidance contained within Circular 06/2005) are a material planning consideration.

UK/Local Biodiversity Action Plan Designations and Birds of Conservation Concern and Red Data Book Listings

Note that BAP designations and status as RSPB Birds of Conservation Concern or Red Data Book species does not offer any further legal protection, but planning authorities are required to prevent these species from being adversely affected by development in accordance with National Planning Policy and the CROW and NERC Acts. The United Kingdom Biodiversity Action Plan (UKBAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UKBAP contained a list of priority habitats and species of conservation concern in the UK, and outlined biodiversity initiatives designed to enhance their conservation status.

However, as a result of devolution, and new country-level and international drivers and requirements, much of the work previously carried out by the UK BAP is now focussed at a country-level rather than a UK-level, and the UK BAP was succeeded by the 'UK Post-2010 Biodiversity Framework' in July 2012. The UK lists of priority habitats and species nonetheless remain an important reference source and were used to draw up statutory lists of priority habitats and species in England, Northern Ireland, Scotland and Wales. The priority habitats and species correlate with those listed on Section 41 and 42 of the NERC Act.

The UKBAP required that conservation of biodiversity be addressed at a County level through the production of Local BAPs. These are targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organisations have produced their own BAPs. Where they exist, Local BAP targets with regard to species and habitats are a material consideration in the planning process.

Local Planning Policy

Mid Sussex District Plan (2018)

The Mid Sussex District Plan (2018) contains the following nature conservation policies relevant to the site proposals:

DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

"Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities. Evidence Base: Ashdown Forest Visitor Survey Data Analysis, Habitats Regulations Assessment for the Mid Sussex District Plan, Visitor Access Patterns on Ashdown Forest. In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Within a 400 metres buffer zone around Ashdown Forest, mitigation measures are unlikely to be capable of protecting the integrity of the SPA and, therefore, residential development will not be permitted. Within a 7km zone of influence around the Ashdown Forest SPA, residential development leading to a net increase in dwellings will be required to contribute to mitigation through: 1) The provision of Suitable Alternative Natural Greenspace (SANG) to the minimum level of 8Ha per 1,000 net increase in population; or a financial contribution to SANGs elsewhere; or the provision of bespoke mitigation; and 2) A financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy. Large schemes proposed adjacent or close to the boundary of the 7km zone of influence may require mitigation for the SPA. Such proposals for development will be dealt with on a case-by-case basis. Where bespoke mitigation is provided, these measures will need to be in place before occupation of development and must be managed and maintained in perpetuity. The effectiveness of such mitigation will need to be demonstrated prior to approval of the development. Bespoke mitigation will need to be discussed and agreed by the District Council as the competent authority following advice from Natural England.

Policy DP37: Trees, Woodland and Hedgerows

"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted. Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose. Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- does not sever ecological corridors created by these assets. Proposals for works to trees will be considered taking into account:*

- the condition and health of the trees; and*
- the contribution of the trees to the character and visual amenity of the local area; and*
- the amenity and nature conservation value of the trees; and*
- the extent and impact of the*

works; and • any replanting proposals. The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties. Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.”

Policy DP38: Biodiversity

“Biodiversity will be protected and enhanced by ensuring development: • Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and • Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and • Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and • Promotes the restoration, management and expansion of priority habitats in the District; and • Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas. Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks. Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution. Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.”

Appendix VII: Legal and Technical Limitations

- This report has been prepared by Urban Edge Environmental Consulting Ltd (UEEC Ltd) with all reasonable skill, care and diligence within the terms of the contract made with the Client to undertake this work, and taking into account the information made available by the Client. No other warranty, expressed or implied, is made as to the professional advice included in this report or any other services provided by us.
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- The advice provided in this report does not constitute legal advice. As such, the services of lawyers may also be considered to be warranted.
- Unless otherwise stated in this report, the assessments made assume that the sites and facilities that have been considered in this report will continue to be used for their current planned purpose without significant change.
- All work carried out in preparing this report has utilised and is based upon UEEC Ltd's current professional knowledge and understanding of current relevant UK standards and codes, technology and legislation. Changes in this legislation and guidance may occur at any time in the future and may cause any conclusions to become inappropriate or incorrect. UEEC Ltd does not accept responsibility for advising the Client or other interested parties of the facts or implications of any such changes;
- Where this report presents or relies upon the findings of ecological field surveys (including habitat, botanical or protected/notable species surveys), its conclusions should not be relied upon for longer than a maximum period of two years from the date of the original field surveys. Ecological change (e.g. colonisation of a site by a protected species) can occur rapidly and this limitation is not intended to imply that a likely absence of, for instance, a protected species will persist for any period of time;
- This report has been prepared using factual information contained in maps and documents prepared by others. No responsibility can be accepted by UEEC Ltd for the accuracy of such information;
- Every effort has been made to accurately represent the location of mapped features, however, the precise locations of features should not be relied upon;
- Populations of animals and plants are often transient in nature and a single survey visit can only provide a general indication of species present on site. Time of year when the survey was carried out, weather conditions and other variables will influence the results of an ecological survey (e.g. it is possible that some flowering plant species which flower at other times of the year were not observed). Every effort has been made to accurately note indicators of presence of protected, rare and notable species within and adjacent to the site but the possibility nonetheless exists for other species to be present which were not recorded or otherwise indicated by the survey;
- Any works undertaken as a consequence of the recommendations provided within this report should be subjected to the necessary health & safety checks and full risk assessments.

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