



BIODIVERSE
CONSULTING

EAST GRINSTEAD

**BIODIVERSITY NET GAIN STATEMENT &
ASSESSMENT**

FOR: LIDL GB LTD

REF: BIOC23-090 | V1.2



CLIENT	PROJECT	
Lidl Great Britain Ltd, 14 Kingston Road, Surbiton, KT5 9NU, UK	Project Name:	East Grinstead
	Project code:	BioC23-090
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	Date:	March 21, 2024

DOCUMENT CONTROL

VERSION	DATE	CHANGES	CONFIDENTIALITY	PREP	REV	AUTH
V1.0	14/03/24	Initial to client.	N/A	BP	AC	VM
V1.1	08/03/24	Updates landscape plans.	N/A	CJ		
V1.2	06/02/25	Off site added.	N/A	LHF		



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BIODIVERSITY STATEMENT

Biodiverse Consulting Ltd was commissioned to undertake a Biodiversity Net Gain (BNG) Assessment of land at 219-223 London Road, East Grinstead, RH19 1HA address. The Site is proposed to be developed into a retail supermarket with associated infrastructure.

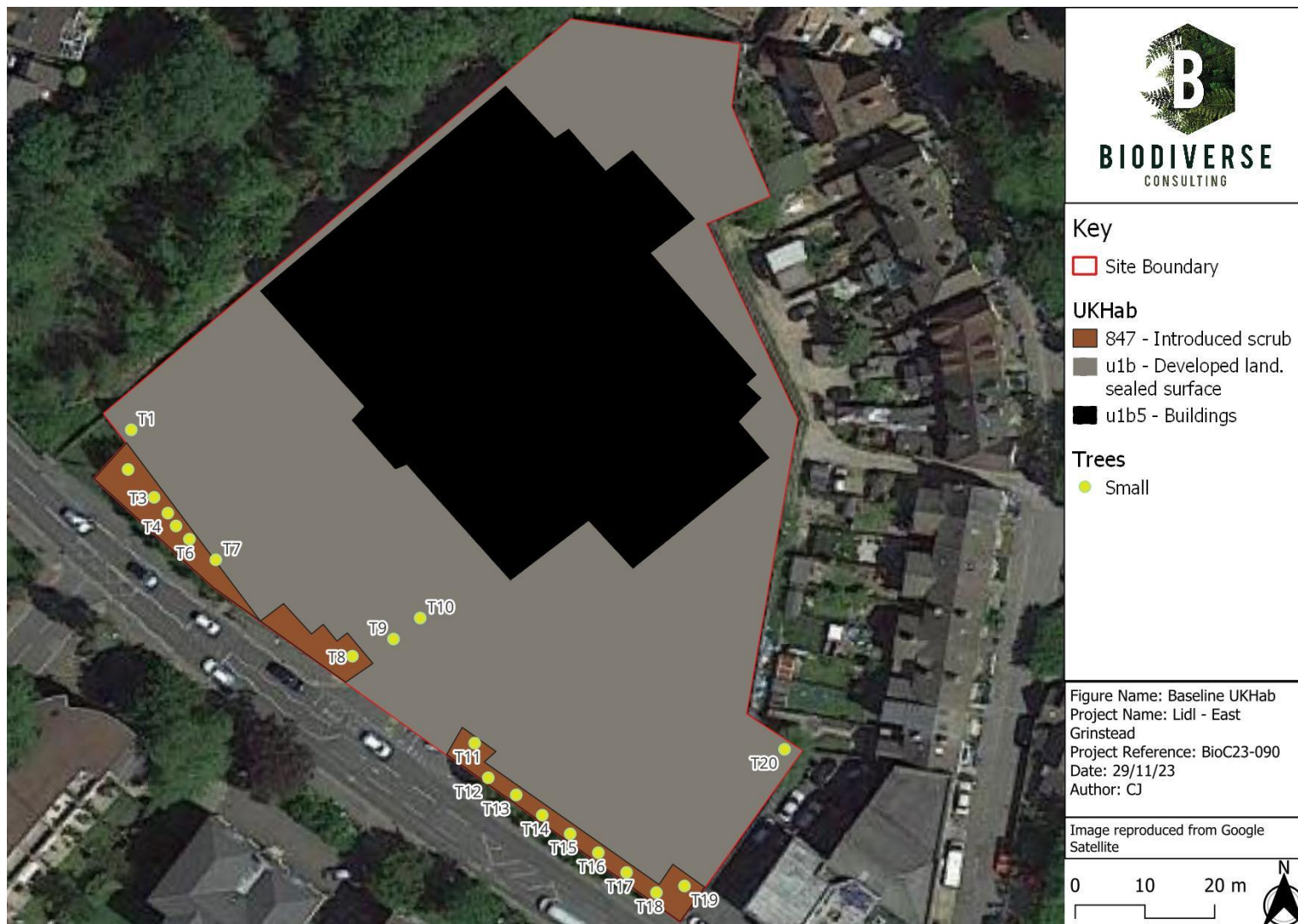
BIODIVERSITY STATEMENT						
Will this application be subject to a Biodiversity Gain Condition?	YES ☒ NO ☐					
Assessment Date	November 16, 2023					
Pre-Development Biodiversity Value	Habitat Units	0.81				
	Hedgerow Units	0.00				
	Watercourse Units	0.00				
Metric Information	Metric Name & Version	BioC23-090 Statutory_Biodiversity_Metric				
	Metric Date of Completion	06/02/2025				
Degradation Statement Required?	YES ☒ NO ☐					
Irreplaceable Habitat	YES ☐ NO ☒					
Existing Baseline Habitats	Unit Type	Habitat	Condition	Distinctiveness	Area/Length	Biodiversity Units
	Habitat	Introduced Shrub	N/A	Low	0.032ha	0.06
	Habitat	Developed Land; Sealed Surface	N/A	Very Low	0.735ha	0.00



BIODIVERSITY STATEMENT						
	Habitat	Urban Tree	Moderate	Medium	0.037ha	0.34
	Habitat	Urban Tree (removed)	Moderate	Medium	0.045ha	0.41
Offsite Habitats Baseline	Habitat	Modified Grassland	Poor	Low	0.02	0.04



BASELINE HABITAT PLAN





BIODIVERSITY STATEMENT						
Onsite Habitats Retained	Unit Type	Habitat	Condition	Distinctiveness	Area/Length	Biodiversity Units
	Habitat	Urban Tree	Moderate	Medium	0.037ha	0.34
Onsite Habitats Created	Unit Type	Habitat	Condition	Distinctiveness	Area/Length	Biodiversity Units
	Habitat	Urban Trees	Moderate	Medium	0.077ha	0.27
	Habitat	Other Neutral Grassland	Poor	Medium	0.063ha	0.23
	Habitat	Introduced Shrub	N/A	Low	0.005ha	0.01
	Habitat	Developed Land; Sealed Surface	N/A	Very Low	0.697ha	0.00
Offsite Habitats Enhanced	Habitat	Modified Grassland to Lowland Meadow	Poor to Moderate	Very High	0.02	0.19
Pre-Planning Biodiversity Net Gain Results	Total Net Habitat Unit Change onsite is 0.04 with an additional 0.15 offsite equating to a 23.41% net gain.					
Trading Rules Satisfied	YES ☒ NO ☐					
Are Offsite Units Required to Achieve 10% Gain	YES ☒ NO ☐					



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1 INTRODUCTION

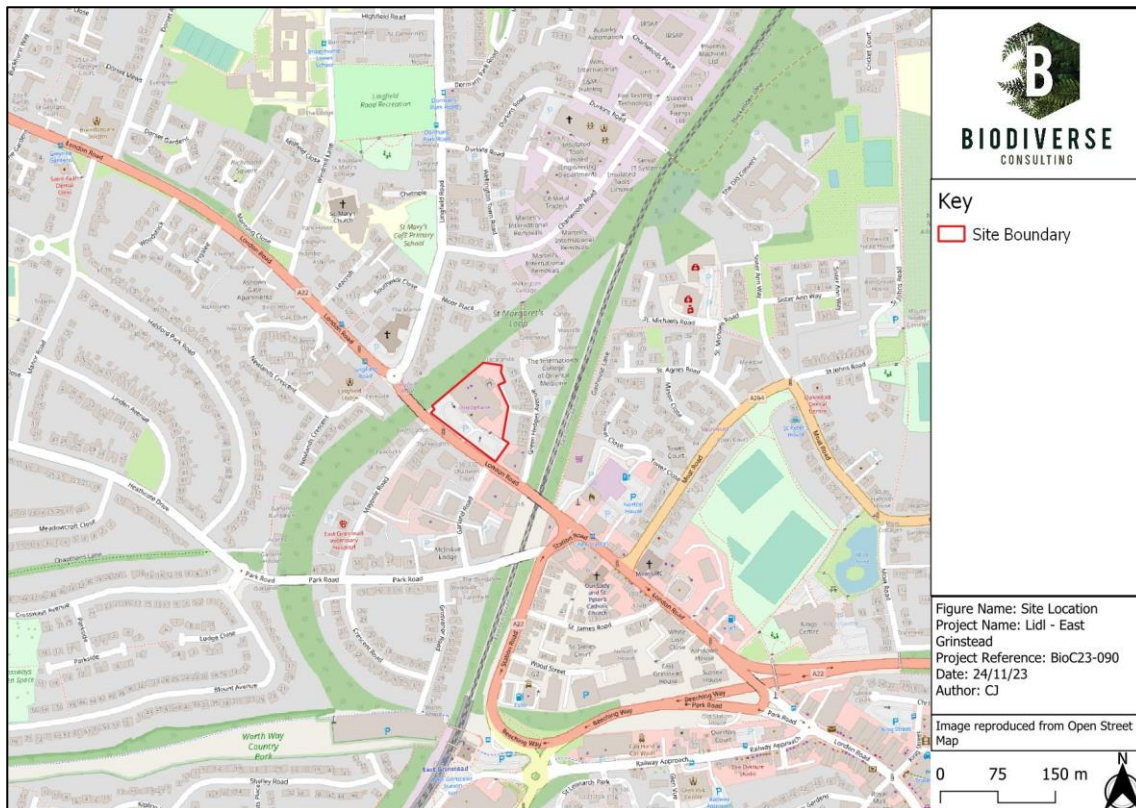
1.1 CONTEXT

This report forms the biodiversity net gain assessment which builds upon previous findings from the Preliminary Ecological Appraisal¹. This report should not be referenced for detailed protected/priority species and habitat survey assessment. This report does not replace the recommendations made in earlier reports with regard to biodiversity enhancements and protected species avoidance and mitigation but seeks to complement its findings.

1.2 SITE LOCATION & DESCRIPTION

The Site is located at 219/223 London Road, East Grinstead, RH19 1HA at an approximate grid reference of TQ 38832 38680 as illustrated in Figure 1. The approximately 0.77ha Site currently consists of a retail store with carpark and areas of ornamental shrubs.

FIGURE 1: SITE LOCATION



¹ Biodiverse Consulting (2023) East Grinstead PEA V1.1.



1.3 DEVELOPMENT PROPOSALS

The Site is proposed to be developed into a retail supermarket with associated infrastructure including landscaping based on current plans at the date of the production of this report. Current Site landscaping proposals are provided within Landscaping Plans Drawing Number 5051-RPS-XX-EX-DR-L-9001 (Appendix C).

1.4 REPORT OBJECTIVES

- To indicate whether the development will be subject to a Biodiversity Gain Condition.
- To establish the baseline biodiversity value of the Site.
- To confirm whether the biodiversity value of the Site has been lowered because of works carried out onsite (degradation).
- To assess the impact of current development plans on biodiversity.
- To set out the type and quantity of Biodiversity Units required offsite.



2 METHODOLOGY

2.1 STUDY SCOPE

The survey area comprised the 'Site' (Figure 2) and, where access was available an appropriate buffer.

FIGURE 2: SURVEY AREA



2.2 DESK STUDY

A desk study was undertaken to assess the nature of the Site and surrounding habitats which included:

- Assessment of aerial imagery and Ordnance Survey mapping.
- A search of the MAGIC² website for priority habitats.
- Data search submitted to the Local Record Centre (LRC).
- Research of strategic plans in the local area.

² Multi Agency Geographic Information for the Countryside (www.magic.gov.uk)



2.3 FIELD SURVEY

The Site was subject to a walk over, during which habitats were identified using the UK Habitat Classification survey methodology³ (UKHAB). Table 1 provides a summary of the field surveys undertaken.

TABLE 1: SURVEY SUMMARY

DATE	TEMPERATURE	CLOUD	PRECIPITATION	WIND	SURVEYOR
16/11/2023	9°C	90%	Light rain	1 BF	DC

2.4 LIMITATIONS

The survey was conducted outside of the optimal botanical survey period; therefore, some plant species may not have been identifiable. This is not considered a significant constraint given the habitats present on Site.

2.5 BIODIVERSITY ASSESSMENT METHODOLOGY

The Statutory Biodiversity Metric⁴ was applied to calculate Biodiversity Units for this Site and is a standard approach based on the information in the accompanying User Guide and Technical Guidance⁵. The application of this tool prescribes a biodiversity unit value for pre-development baseline conditions alongside the proposed post-development conditions. Post development onsite habitats are assigned a condition considered achievable within a 30-year period through a dynamic management plan and takes into consideration feasibility issues.

2.6 DEGRADATION

Any unauthorised degradation of the Site has been determined through:

- Assessment of aerial imagery and Ordnance Survey mapping.
- Consultation with the client regarding activities on the Site since 30 January 2020.

If degradation has occurred, it has been accounted for by using the pre-degradation habitat as the Site’s baseline. The pre-degradation habitat has been determined through:

- Assessment of aerial imagery and Ordnance Survey mapping.
- Data records.
- Historic field surveys.
- Anecdotal evidence provided by client.

³ UKHab Ltd (2023). *UK Habitat Classification Version 2.0* (at <https://www.ukhab.org>)

⁴ Defra (2023) The Statutory Biodiversity Metric Calculation Tool

⁵ Defra (2023) The Statutory Biodiversity Metric: Draft User Guide



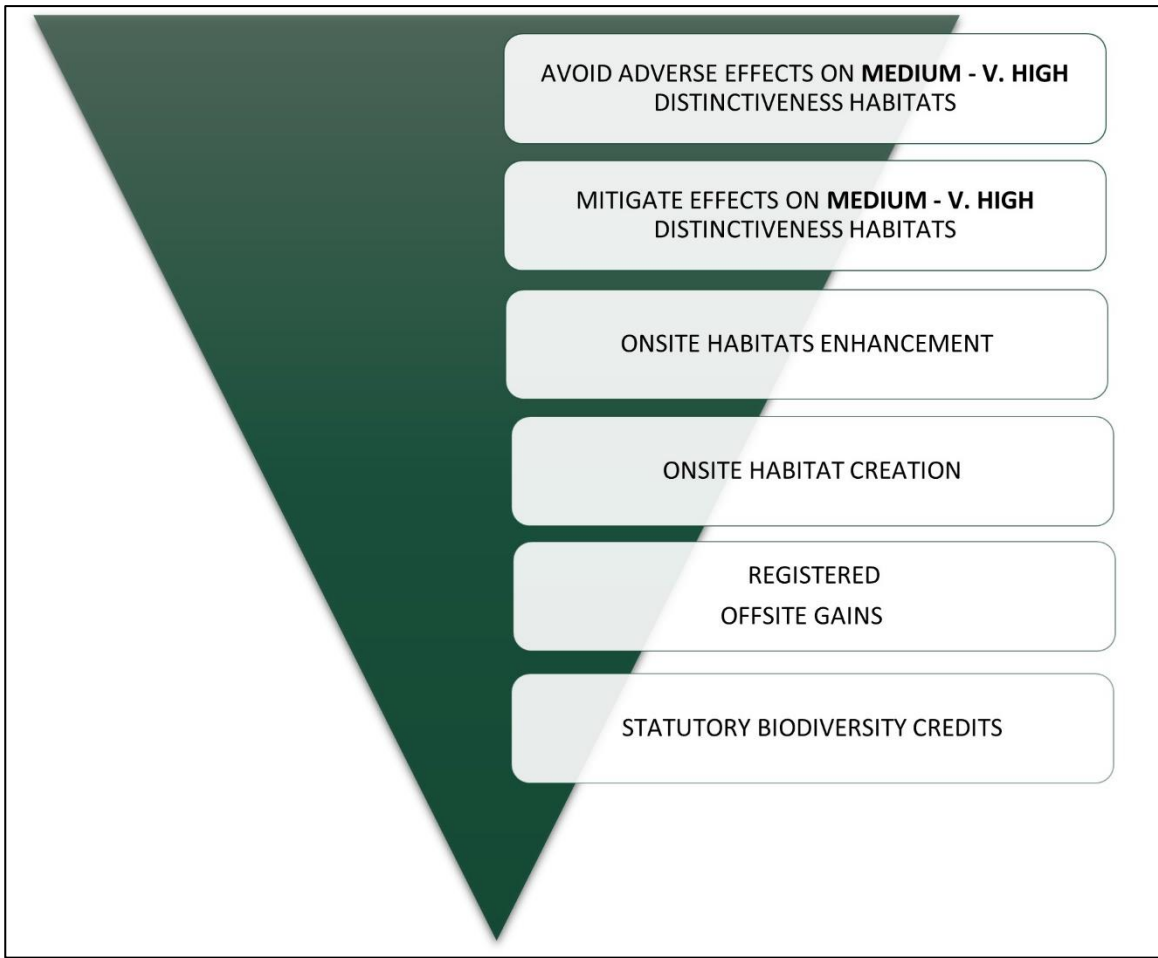
A precautionary approach has been used when assigning condition scores to the pre-degradation habitats. The pre-degradation habitat has been recorded as the baseline in the Statutory Biodiversity Metric. The length of time between the degradation activities and the post development habitat creation or enhancement has been accounted for using the ‘delay in starting habitat creation or enhancement’ function within the Statutory Biodiversity Metric.

2.7 BIODIVERSITY GAIN HIERARCHY

The Biodiversity Gain Hierarchy for the purpose of the statutory framework for biodiversity net gain is set out in Article 30A of the Development Management Procedure Order. This hierarchy is distinct from the mitigation hierarchy set out in the National Planning Policy Framework. Figure 3 summarises the steps in the Biodiversity Gain Hierarchy in order of priority.

This Biodiversity Statement has applied the Biodiversity Gain Hierarchy (Figure 3) to maximise onsite gain opportunities given the nature of the development and what is considered realistically achievable onsite.

FIGURE 3: BIODIVERSITY GAIN HIERARCHY





3 RESULTS

3.1 DESK STUDY

3.1.1 Priority Habitats

A search of the MAGIC website and the Local Record Centre (LRC) identified no records of Priority Habitats within or bordering the Site. There are records of Priority Habitats within 2km of the Site including: Good Quality Semi-Improved Grassland (Non-Priority), Deciduous Woodland and Traditional Orchards. The LRC map of the Priority Habitats is provided in Appendix E.

This information will be used to inform decisions on habitat retention, enhancement and/or creation.

3.1.2 Relevant Strategic Plans

Table 2 summarises the strategic plans that are relevant to this Assessment, a map of the relevant local strategies is provided in Appendix D. This information will be used to determine whether any of the baseline or post-development onsite habitats within the Site should be awarded the strategic significance multiplier in the metric. The relevant strategic plans will also be used to inform decisions on habitat retention, enhancement and/or creation.

TABLE 2: RELEVANT STRATEGIC PLANS

POLICY	RELEVANT HABITATS
Mid Sussex District Plan ⁶	Trees

3.1.3 General Land Use

A review of aerial imagery and Ordnance Survey mapping indicates that the Site comprises a retail store abounded by residential properties along the eastern boundary and further retail beyond this and to the south of the Site. An area of woodland comprising the Worth Way Local Wildlife Site extends along the western boundary of the Site.

3.2 DEGRADATION

Based on review of aerial imagery and Ordnance Survey mapping and client consultation, Biodiverse Consulting Ltd is aware of the following unauthorised degradation activities that have taken place on the Site since January 2020:

- Removal of 11 Urban Trees in March 2024.

⁶ Mid Sussex District Council (2014). Mid Sussex District Plan 2014 – 2031. Available from: [mid-sussex-district-plan.pdf \(midsussex.gov.uk\)](https://midsussex.gov.uk/mid-sussex-district-plan.pdf)



3.3 FIELD SURVEY

3.3.1 Habitats

The approximately 0.77ha Site is dominated by an area of hardstanding carpark and a building, with some areas of introduced scrub. Baseline habitats within the Site are mapped within Appendix A. Photos are located in Appendix G.

3.3.1.1 Introduced Shrub

The Site comprised areas of Introduced Shrub, including Schedule 9 invasive non-native species, to an extent of approximately 0.03ha (see Image 1 in Appendix G). Dominant species included wall cotoneaster *Cotoneaster horizontalis*, bayleaf *Laurus nobilis* and Chenault’s coralberry *Symphoricarpos orbiculatus*, with other species including bramble *Rubus* sp. and ivy *Hedera helix*.

This habitat does not require a condition assessment.

3.3.1.2 u1b5 – Developed Land; Sealed Surface with Buildings

An area of Developed Land; Sealed Surface in the form of a carpark with one building comprises an area of approximately 0.73ha (see Images 2 and 3 in Appendix G).

This habitat does not require a condition assessment.

3.3.1.3 Urban Trees

Prior to degradation, a total of 20 small sized Urban Trees were present within the Introduced Scrub and the Developed Land; Sealed Surface along the southern perimeter of the Site. All trees were European hornbeam *Carpinus betulus* (see Image 4 in Appendix G).

Condition assessment for individual Urban Trees is provided in Table 3.

TABLE 3: INDIVIDUAL TREES CONDITION ASSESSMENT

REF	CONDITION	CRITERIA PASSED	REASON
T1 (removed)	Moderate	3 of 6	Fails 3 assessment criteria due to: • Being immature • Lack of ecological niches • Less than 20% of canopy oversailing vegetation
T2	Moderate	4 of 6	Fails 2 assessment criteria due to: • Being immature • Lack of ecological niches
T3	Moderate	4 of 6	Fails 2 assessment criteria due to: • Being immature



REF	CONDITION	CRITERIA PASSED	REASON
			Lack of ecological niches
T4	Moderate	4 of 6	Fails 2 assessment criteria due to: - Being immature - Lack of ecological niches
T5	Moderate	4 of 6	Fails 2 assessment criteria due to: - Being immature - Lack of ecological niches
T6 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: - Being immature - Lack of ecological niches
T7 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: - Being immature - Lack of ecological niches
T8 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: - Lack of ecological niches - Less than 20% of canopy oversailing vegetation
T9 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: - Lack of ecological niches - Less than 20% of canopy oversailing vegetation
T10 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: - Lack of ecological niches - Less than 20% of canopy oversailing vegetation
T11 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: - Lack of ecological niches - Less than 20% of canopy oversailing vegetation
T12	Moderate	4 of 6	Fails 2 assessment criteria due to: - Lack of ecological niches - Less than 20% of canopy oversailing vegetation
T13 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: - Lack of ecological niches - Less than 20% of canopy oversailing vegetation
T14	Moderate	4 of 6	Fails 2 assessment criteria due to: Lack of ecological niches



REF	CONDITION	CRITERIA PASSED	REASON
			• Less than 20% of canopy oversailing vegetation
T15 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: • Lack of ecological niches • Less than 20% of canopy oversailing vegetation
T16	Moderate	4 of 6	Fails 2 assessment criteria due to: • Lack of ecological niches • Less than 20% of canopy oversailing vegetation
T17 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: • Lack of ecological niches • Less than 20% of canopy oversailing vegetation
T18	Moderate	4 of 6	Fails 2 assessment criteria due to: • Lack of ecological niches • Less than 20% of canopy oversailing vegetation
T19 (removed)	Moderate	4 of 6	Fails 2 assessment criteria due to: • Lack of ecological niches • Less than 20% of canopy oversailing vegetation
T20	Moderate	4 of 6	Fails 2 assessment criteria due to: • Lack of ecological niches • Less than 20% of canopy oversailing vegetation



FIGURE 3: TREE LOCATIONS





4 SITE ASSESSMENT

4.1 BASELINE HABITATS SUMMARY

Table 4 presents a summary of the baseline conditions of the Site and offsite areas. Site habitats are mapped within Appendix A.

TABLE 4: SUMMARY OF BASELINE HABITATS WITH CALCULATED HABITAT UNITS

HABITAT	CONDITION	STRATEGIC SIGNIFICANCE	AREA (ha)	HABITAT UNITS
Introduced Shrub	N/A	Not in local strategy.	0.032	0.06
Developed Land; Sealed Surface	N/A	Not in local strategy.	0.735	0.00
Urban Trees	Moderate	Identified in local strategy.	0.081	0.75
Total Habitat Units within offsite baseline:				0.81
Modified Grassland	Poor	Not in local strategy.	0.02	0.04
Total Habitat Units within offsite baseline:				0.04

4.2 POST-DEVELOPMENT ONSITE HABITAT SUMMARY

The calculations presented here are based on Landscaping Plans Drawing Number 5051-RPS-XX-EX-DR-L-9001 (See Appendix C). Post development onsite habitats are mapped in Appendix B.

TABLE 5: SUMMARY OF POST-DEVELOPMENT ONSITE HABITATS WITH CALCULATED HABITAT UNITS

HABITAT	CONDITION	STRATEGIC SIGNIFICANCE	AREA (ha)	HABITAT UNITS
HABITAT RETAINED				
Urban Tree	Moderate	Identified in local strategy.	0.037	0.34
HABITAT CREATED				



HABITAT	CONDITION	STRATEGIC SIGNIFICANCE	AREA (ha)	HABITAT UNITS
Urban tree	Moderate	Identified in local strategy.	0.077	0.27
Other neutral grassland	Poor	Not in local strategy.	0.063	0.23
Introduced shrub	N/A	Not in local strategy.	0.005	0.01
Developed land; sealed surface	N/A	Not in local strategy.	0.697	0.00
Total Habitat Units onsite post-development:				0.85
OFFSITE HABITAT ENHANCED				
Modified grassland to Lowland Meadow	Poor to Moderate	Location ecologically desirable but not in local strategy.	0.02	0.15
Total Habitat Units off site post-development:				0.15

4.2.1 Summary

Total Net Habitat Unit Change: 0.19 equating to 23.41% net gain.

4.2.2 Trading Rules

The trading rules for this project are currently satisfied.

4.3 BIODIVERSITY GAIN HIERARCHY

Table 6 presents a summary of how the Biodiversity Gain Hierarchy has been applied to this stage of the development. This is subject to change and the full description of the Biodiversity Gain Hierarchy has been applied will be presented in the Biodiversity Gain Plan.

TABLE 6: SUMMARY OF HOW THE BIODIVERSITY GAIN HIERARCHY HAS BEEN APPLIED

BIODIVERSITY GAIN HIERARCHY STAGE	DESCRIPTION
Avoid adverse effects on medium - v. high distinctiveness habitats.	Individual Trees will be retained onsite where possible.



BIODIVERSITY GAIN HIERARCHY STAGE	DESCRIPTION
Mitigate effects on medium - v. high distinctiveness habitats.	It is not feasible, given the nature of the development to mitigate the effects of the development on Individual Trees situated inside the development footprint.
Onsite habitat creation.	As many Individual Trees will be planted onsite as possible, given the constraints of the development, in addition to the creation of Other Neutral Grassland along the Site perimeter.



5 RECOMMENDATIONS

The development results in a 23.41% (>10%) net change in habitat units and satisfies trading rules based on Landscaping Plans Drawing Number 5051-RPS-XX-EX-DR-L-9001 (See Appendix C).

5.1 PRE-COMMENCEMENT CONDITIONS

5.1.1 Biodiversity Gain Plan

A Biodiversity Gain Plan will need to be submitted as part of the fulfilment of a Biodiversity Net Gain pre-commencement condition using the Biodiversity Gain Plan Template⁷. This Gain Plan will include the legal documentation evidencing any Biodiversity Units secured via a Third Party Provider and/or Statutory Credits purchased by a Third Party provider.

5.1.2 Habitat Management and Monitoring Plan

The Gain Plan will need to be accompanied by a Habitat Management and Monitoring Plan (HMMP) using the DEFRA template⁸. This plan sets out how the “significant” biodiversity measures incorporated into the development will be managed and their impact on biodiversity monitored to ensure that net gain is achieved.

5.2 OFFSITE GAIN REQUIREMENTS

5.2.1 Registered Offsite Biodiversity Gain Provider

Should Third-Party Biodiversity Units be required, then to ensure compliance with Biodiversity Regulations set out as part of Mandatory Biodiversity Net Gain, the offsite area must be registered as a ‘Biodiversity Gain Site’ on DEFRA’s Biodiversity Gain Sites Register and have received a planning obligation from the relevant Local Planning Authority (LPA) before registration.

5.3 MONITORING PERIOD

The Site will be monitored for 30 years as per best practice guidelines. This 30 year period commences once the development and associated landscaping are completed.

The Site will be subject to UKHAB classification surveys alongside a condition assessment of the created and enhanced habitats. These surveys will be carried out by suitably qualified ecologists, starting 1 year after the project is completed, with a second visit in year 5 and then further visits every 5 years until the final visit on year 30.

⁷ DEFRA, 2023. Biodiversity Gain Plan Template.
<https://assets.publishing.service.gov.uk/media/6560a8de1fd90c0013ac3b66/biodiversity-gain-plan.pdf>. Last accessed 11/01/24.

⁸ DEFRA (2023). Habitat Management and Monitoring Plan.
<https://publications.naturalengland.org.uk/publication/5813530037846016>.



A Monitoring Report will be submitted to the LPA following each visit. The 10th year after the project is completed, a full updated BNG assessment will be carried out to ensure that the habitats are on track to reach their predicted conditions. The assessment will again be submitted to the LPA.



6 CONCLUSION

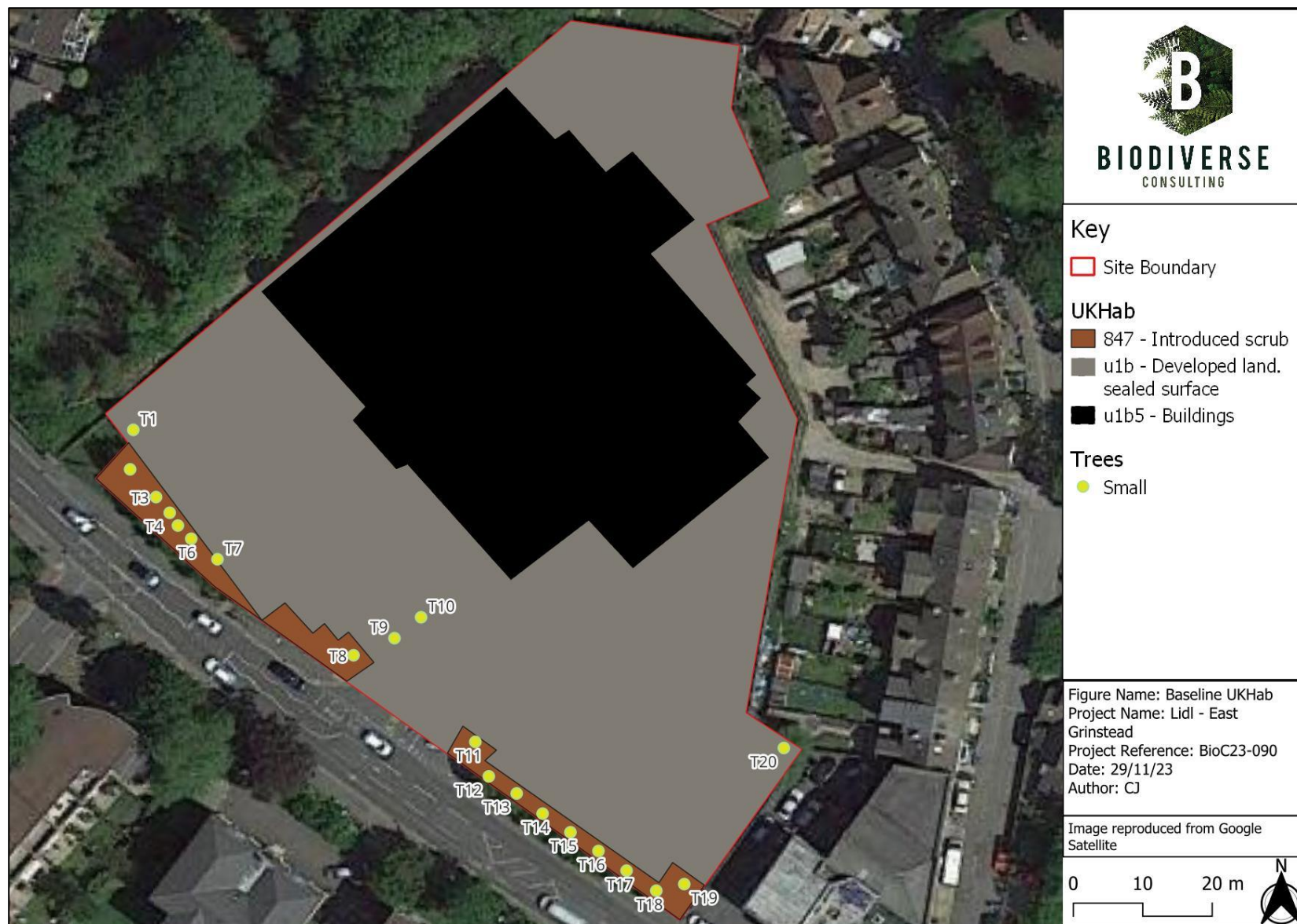
The baseline habitats onsite provide a total of 0.81 Habitat Units. The habitats onsite post-development provide a total of 0.85 Habitat Units and offsite provide 0.19 habitat units. This leads to a net change of 0.19 equating to 23.41% net gain in Habitat Units. Trading rules are currently satisfied for this project.



APPENDICIES



APPENDIX A – BASELINE UKHAB MAP





APPENDIX B – POST DEVELOPMENT ONSITE UKHAB MAP



06 February 2025 | FOR: LIDL GB LTD



The map displays the East Grinstead area, showing various planning policies and site allocations. The legend on the right side of the map provides a key for the different symbols and colors used:

- District Boundary:** Indicated by a thick black line.
- Neighbourhood Plan Areas:** Indicated by a dashed purple line.
- Parish Boundary:** Indicated by a dashed red line.
- Ashdown Forest: New Zone of Influence:** Indicated by a dashed orange line.
- Flood Zones:** Indicated by a dashed blue line.
- Blackfriars Railway Station:** Indicated by a red cross symbol.
- High Value AONB:** Indicated by a green hatched pattern.
- Conservation Area:** Indicated by a yellow hatched pattern.
- Housing Allocation:** Indicated by a pink hatched pattern.
- Park or Gardens of Historic Interest:** Indicated by a brown hatched pattern.
- Local Wildlife Sites:** Indicated by a green hatched pattern.
- Blackfriars Railway (near station site):** Indicated by a blue hatched pattern.
- Built-up Area Boundary:** Indicated by a solid black line.
- Protection and Enhancement of Countryside:** Indicated by a green hatched pattern.
- at Warheads Loop:** Indicated by a purple hatched pattern.
- Unconstrained Land:** Indicated by a light green hatched pattern.
- Green Village Precinct:** Indicated by a green hatched pattern.
- Highway Subsidy:** Indicated by a blue hatched pattern.
- Existing Employment Sites (B3A):** Indicated by a purple hatched pattern.
- Area of Search for Potential GVA Provision:** Indicated by a yellow hatched pattern.
- Area of Minerva:** Indicated by a green hatched pattern.
- Core Community (CC Use Case):** Indicated by a blue hatched pattern.

The map also includes a scale bar (1:11,000) and a north arrow. A red box labeled 'Inset 11b' highlights a specific area within the map, which is shown in a larger scale inset map.

DISTRICT PLAN & LOCAL PLAN POLICY NUMBERS

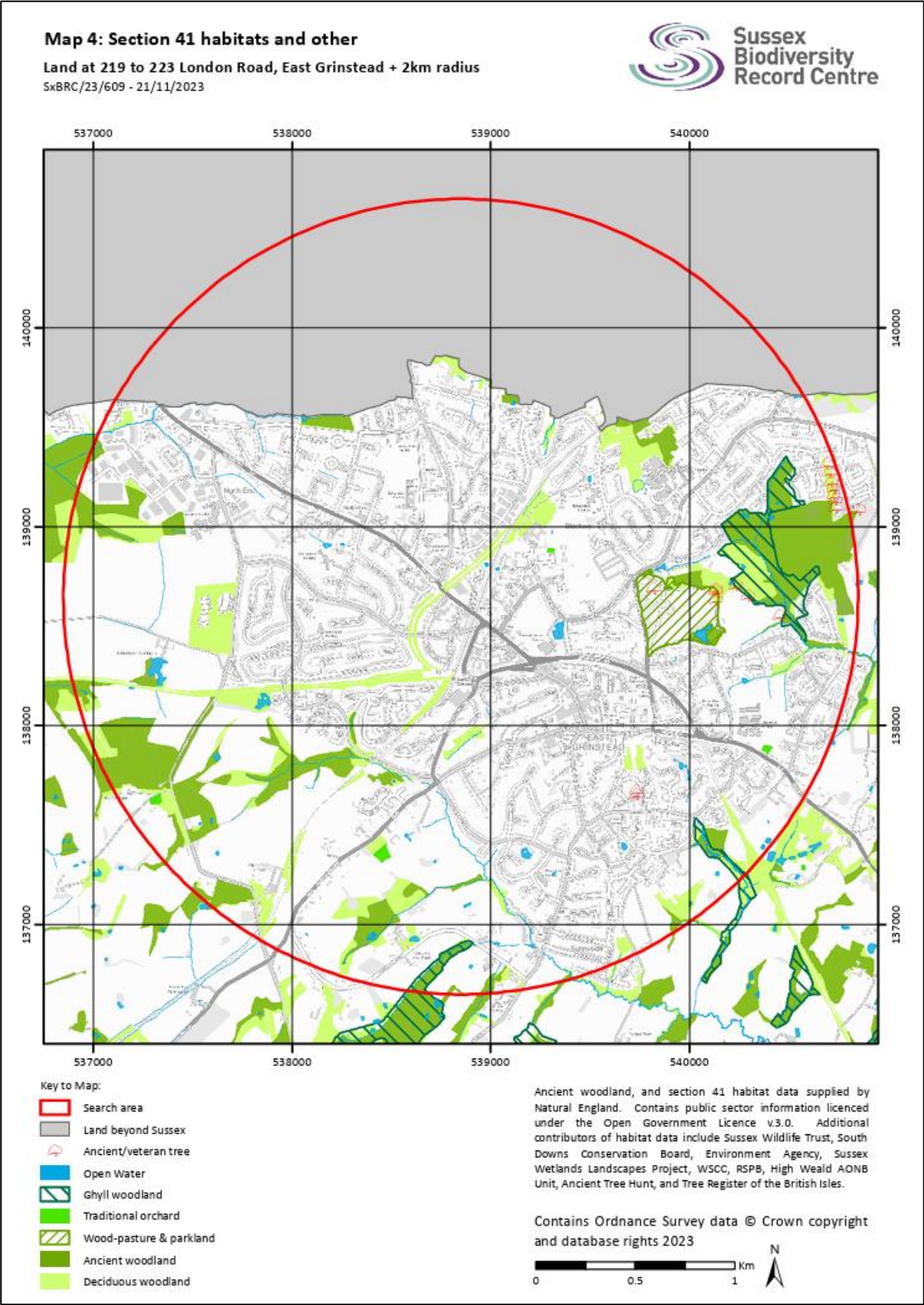
NEIGHBOURHOOD PLAN POLICY NUMBERS OR SMALL SCALE HOUSING ALLOCATIONS DEVELOPMENT PLAN

SITE ALLOCATIONS DPD POLICY NUMBERS

Inset 11a: East Grinstead
1:11,000
June 2022



APPENDIX E – PRIORITY HABITATS MAP





APPENDIX F – LEGISLATION AND POLICY

Town and Country Planning Act 1990⁹

In England, Biodiversity Net Gain is mandatory under Schedule 7A of the Town and Country Planning Act, as inserted by Schedule 14 of the Environment Act 2021.

The Environment Act 2021¹⁰

The Environment Act 2021 provides a framework for environmental protection in the UK. It is a wide-range piece of legislation affecting many aspects of the natural environment, including biodiversity. Schedule 14 of the Act establishes mandatory requirement for Biodiversity Net Gain in new developments.

Biodiversity Gain Regulations 2024^{11,12,13,14,15,16}

Biodiversity Net Gain secondary legislation, referred to as 'The Biodiversity Gain Regulations 2024' came into force on 12th February 2024.

Planning Policy – National Planning Policy Framework (NPPF)¹⁷

The revised National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan. The key paragraphs from the relating to the natural environment are detailed below:

Ecology Related Paragraphs in the NPPF

⁹ Town and Country Planning Act 1990. Available from: <https://www.legislation.gov.uk/ukpga/1990/8/schedule/7A>

¹⁰ The Environment Act 2021. Available from: <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

¹¹ The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024. Available from: <https://www.legislation.gov.uk/uksi/2024/50/contents/made>

¹² The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024. Available from: <https://www.legislation.gov.uk/uksi/2024/49/contents/made>

¹³ The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. Available from: <https://www.legislation.gov.uk/uksi/2024/48/contents/made>

¹⁴ The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Available from: <https://www.legislation.gov.uk/uksi/2024/47/contents/made>

¹⁵ The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024. Available from: <https://www.legislation.gov.uk/uksi/2024/46/contents/made>

¹⁶ The Biodiversity Gain Site Register Regulations 2024. Available from: <https://www.legislation.gov.uk/uksi/2024/45/contents/made>

¹⁷ Department for Levelling Up, Housing and Communities (2023) NPPF at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>



PARAGRAPH	STATEMENT
174	Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) 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; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) 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 f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
175	Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; 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.
176	Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
177	When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
178	Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major



PARAGRAPH	STATEMENT
	development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.
179	To protect and enhance biodiversity and geodiversity, plans should: a) 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 b) 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.
180	When determining planning applications, local planning authorities should apply the following principles: a) 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; b) 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; c) 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 d) 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.
181	The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites; and c) 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.
182	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.



APPENDIX G – HABITAT PHOTOS

IMAGE 1 – INTRODUCED SCRUB



IMAGE 2 – HARDSTANDING CARPARK



IMAGE 3 – BUILDING



IMAGE 4 – URBAN TREES





APPENDIX H – BNG ASSUMPTIONS & LIMITATIONS

BIODIVERSITY NET GAIN (“BNG”) CALCULATION:

ASSUMPTIONS AND LIMITATIONS RELATING TO BIODIVERSITY NET GAIN CALCULATION(S) FOR THE PROPOSED DEVELOPMENT SITE AT EAST GRINSTEAD

INTRODUCTION

1. A Biodiversity Net Gain (“BNG”) calculation requires a calculation of the pre-development baseline biodiversity value of the habitats within the red line boundary of the Site which is then compared with the predicted post-development biodiversity value of the habitats within the red line boundary of the Site.
2. A target percentage of 10% as required by the relevant Local Planning Authority will be applied by Biodiverse Consulting in its performance of the Services unless the Services are in connection with one or more specific phases of a development (as agreed with the Local Planning Authority). In this case the Services shall be undertaken in accordance with the requirements of the Phased Biodiversity Gain Plan agreed with that Authority.
3. To the extent that the outcome of that comparison fails to deliver the relevant target percentage of BNG for the Site, reliance must then be placed in the BNG calculation on:
 - 3.1. Biodiversity Units generated on land Off-site which are to be registered as “Registered Off-site Biodiversity Gain” on Natural England’s Biodiversity Gain Site Register and which will be used in the BNG calculation); or
 - 3.2. If necessary, Biodiversity Statutory Credits to be purchased through NHM government so as to meet the relevant target percentage of BNG for the Site.
4. Where the Services provided have been in connection with a development Site that is subject to a Phased Biodiversity Gain Plan references to Site in this document are references to the relevant phase of the development that Biodiverse Consulting reports upon.

ASSUMPTIONS AND LIMITATIONS

5. Biodiverse Consulting has carried out its enclosed BNG calculation in accordance with the terms and conditions of our engagement taking into account:
 - 5.1. The information you have provided to Biodiverse Consulting or that Biodiverse Consulting has obtained from you or other specified sources (including all understandings reached with the Local Planning Authority prior to or subsequent to an application submission that you have advised Biodiverse Consulting of);



- 5.2. The date specified in the Report as being the date(s) upon which the actual survey of the Site was undertaken; and
- 5.3. Biodiverse Consulting's professional judgment.
6. No responsibility is taken by Biodiverse Consulting should the output of the calculation prove not to be deliverable at, or valid for, the development Site or not being acceptable to the Local Planning Authority or its advisers or to any third party or court or tribunal in respect of the development Site, where this results from:
 - 6.1. The development proposal or any planning authorisation in respect of the development proposal not conforming to the information on which Biodiverse Consulting has relied referred to below; or
 - 6.2. Any Off-site BNG delivery not conforming to the information on which Biodiverse Consulting has relied, referred to below or any of that information being misleading or inaccurate; or
 - 6.3. The professional judgement of Planning Authority (or other) professionals differing from the professional judgment of Biodiverse Consulting; or
 - 6.4. Any delay in the submission of information to the Local Planning Authority resulting through any circumstances that arise subsequent to the completion of Biodiverse Consulting's assessment of the Site (or assessment in connection with the attribution of any Off-site units) in information being invalidated.
 - 6.5. The existence of any errors in information within the Statutory Biodiversity Gain Site Register.

BASIS OF BIODIVERSE CONSULTING'S CALCULATION OF THE PRE-DEVELOPMENT ON-SITE BASELINE BIODIVERSITY VALUE

7. The following sets out the bases of Biodiverse Consulting's calculation of the pre-development On-site baseline biodiversity in the enclosed BNG calculation.

Site's redline boundary:

8. Biodiverse Consulting has relied upon the redline boundary of the Site supplied by you ("Site"): This is found in Appendix C / Landscaping Plans Drawing Number 5051-RPS-XX-EX-DR-L-9001 [29/02/2024]

Biodiversity Metric:

9. Biodiverse Consulting has relied upon the Statutory Biodiversity Metric current at the time the Statutory Biodiversity Metric was prepared and as appropriate the DEFRA Statutory Biodiversity Metric User Guide current at that date to undertake its calculation: [The Defra



Statutory Biodiversity Metric used in the enclosed calculation is version Statutory_Biodiversity_Metric [12/02/2024] Available at: [Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guides/statutory-biodiversity-metric-tools)

Site's baseline habitats:

10. A BNG calculation is dependent on the type, condition and extent of the Site's baseline habitats at the time the Site is surveyed. Should this become a materially earlier date than the date upon which the planning application is submitted we assume that this will be discussed with the Planning Authority.
11. Biodiverse Consulting has relied upon the following sources to identify the Site's baseline habitats:
 - 11.1. Biodiverse Consulting's prior habitat survey of the Site (where commissioned):
[Biodiverse Consulting undertook a prior UKHab habitat survey of the Site dated [16/11/2023]. Where appropriate the constraints resulting from this have been noted by Biodiverse Consulting within the Statutory Biodiversity Metric and/or this Biodiverse Consulting Report"]
 - 11.2. Images available of the development Site utilising any publicly available open-source mapping tools with timeline functionality selected at the discretion of Biodiverse Consulting;
 - 11.3. Information provided by you (if any) including:
 - 11.3.1. Information provided in the form of a habitat survey of the development Site delivered by a third party that has carried out a survey within the confines of the red line boundary of the Site;
 - 11.3.2. Information provided by you or on your behalf (if any) regarding any activity unrelated to any planning permission which has taken place at the development Site on or after 30 January 2020 as referred to in this Biodiverse Consulting Report.
 - 11.3.3. Information provided by you or on your behalf (if any) regarding any activity in accordance with a planning permission which has taken place at the development Site on or after 25th August 2023 as referred to in this Biodiverse Consulting Report.
 - 11.3.4. Information available from DEFRA provided "DEFRA Magic" website facility and/or other sources we have specifically identified in this Biodiverse Consulting Report.
 - 11.4. In establishing an appropriate baseline Biodiverse Consulting is also required to and will take into account information regarding activities which have taken place at the Site since 30th January 2020 and which are authorised or permitted under a planning permission which has been undertaken at the development Site on or after 12th February 2024 and to take account of any degradation that may have occurred on the Site since 30th January 2020;



- 11.5. You have told us that 11 trees onsite have been removed prior to planning application submission [17/03/2024] and so we have taken as the baseline habitats those habitats present to be that of what was observed in the baseline survey [16/11/2023];
- 11.6. You have provided incomplete information to Biodiverse Consulting relating to activities at the Site since 30th January 2020 and so Biodiverse Consulting has taken as the baseline the habitats observed above and accordingly if the baseline based on the habitats observed above is incorrect then the BNG calculation will also be incorrect.

CATEGORISATION, AND ASSESSMENT OF CONDITION, OF BASELINE SITE HABITATS FOR THE PURPOSE OF POPULATING THE STATUTORY BIODIVERSITY METRIC FOR THE PURPOSE OF THE ON-SITE METRIC CALCULATION:

12. Biodiverse Consulting has relied upon the following sources and professional judgment to allow it to use the Site's baseline habitats (details obtained and assumptions made as described at paragraph 11 above) to populate the Statutory Biodiversity Metric so as to obtain the enclosed pre-development baseline biodiversity value of the Site:
 - 12.1. The up-to-date Defra Technical User Guide that accompanies the Statutory Biodiversity Metric: ("The Statutory Biodiversity Metric User Guide: Department for Environment and Rural Affairs February 2024")
 - 12.2. Biodiverse Consulting's professional judgment to classify the Site's baseline habitats in accordance with the categories developed and published by the UK Habitat Classification Working Group (UKHab) categories [(Version 2)]. Where appropriate Biodiverse Consulting has inserted notes relating to its professional judgment into the accompanying Statutory Biodiversity Metric.
 - 12.3. Biodiverse Consulting's judgment to score the Site's baseline habitats' condition: Where appropriate Biodiverse Consulting has inserted notes relating to its professional judgment into the Statutory Biodiversity Metric.
13. Biodiverse Consulting shall only take into account in any assessment characteristics relating to habitats which are to be regarded as significant.

BASIS OF BIODIVERSE CONSULTING'S CALCULATION OF THE POST-DEVELOPMENT ON-SITE BIODIVERSITY VALUE

14. The following sets out the basis of Biodiverse Consulting's calculation of the post-development on-Site biodiversity value in the BNG calculation that Biodiverse Consulting has provided.

**Site's redline boundary:**

15. Biodiverse Consulting has relied upon the redline boundary of the Site as above.

Statutory Biodiversity Metric:

16. Biodiverse Consulting has relied upon the Statutory Biodiversity Metric and the DEFRA Statutory Biodiversity Metric User Guide current at the date upon which the Statutory Biodiversity Metric was prepared to undertake its calculation as referenced above: [The Statutory Biodiversity Metric used in the enclosed calculation is version dated [12/02/2024 at [[Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guides/statutory-biodiversity-metric-tools-and-guides)].

Development layout:

17. Biodiverse Consulting has relied upon the proposed development layout at the Site as supplied by you: Landscaping Plans Drawing Number 5051-RPS-XX-EX-DR-L-9001 / Appendix C [29/02/2024]

Projected On-site habitat types and areas to be retained, enhanced, restored or created within the constraints of the development layout:

18. Biodiverse Consulting has relied upon:
- 18.1. Information supplied by you or on your behalf (including opinions and conclusions expressed to you in documented form by any third party); and
 - 18.2. The professional judgement of Biodiverse Consulting (taking into account information actually available to Biodiverse Consulting);

In order to identify habitat types and areas (in hectares or linear metres as appropriate) which can realistically be retained, enhanced, restored and / or created within the constraints of the development layout so as to create Biodiversity Units: Where appropriate Biodiverse Consulting has inserted notes on this relating to its professional judgment into the Statutory Biodiversity Metric.

Projected condition of On-site habitat types and the extent (in hectares or metres for linear habitats) to be retained, enhanced, restored or created within the constraints of the intended development layout:

19. Biodiverse Consulting has relied upon:
- 19.1. Information supplied by you or on your behalf (including opinions and conclusions expressed to you in documented form by any third party); and
 - 19.2. The professional judgement of Biodiverse Consulting (taking into account information actually available to Biodiverse Consulting);



In order to identify the realistically achievable condition of the habitat types present or capable of being present within the constraints of the development layout and carried out calculation of Biodiversity Units accordingly subject to any qualification as referred to in paragraph 20 below.

20. Should information have not been available or if in the opinion of Biodiverse Consulting information is incomplete, Biodiverse Consulting has inserted notes qualifying any matter that relates to and which may have qualified the application of its professional judgment in the making of the calculation at paragraph 19.

Off-site Biodiversity Units which are registered on NE's Biodiversity Gain Site Register:

21. For developments which are subject to mandatory Biodiversity Gain under the Environment Act 2021 and associated legislation where reliance is placed, in the Biodiversity Gain calculation, on Biodiversity Units from an Off-site Biodiversity Gain Delivery Site (which is registered on NE's Biodiversity Gain Site Register) so as to contribute to meeting the relevant Biodiversity Gain target for the development Site, Biodiverse Consulting has not assessed and reported upon the Biodiversity Units from the relevant Off-site Biodiversity Gain Delivery Site due to the legislative scrutiny of the statutory registration process relating to NE's Biodiversity Gain Site Register.

BASIS OF BIODIVERSE CONSULTING'S REFERENCE IN ANY CALCULATION ON USE OF GOVERNMENT BIODIVERSITY CREDITS

22. Developments which are subject to mandatory Biodiversity Gain under the Environment Act 2021 and associated legislation may place reliance on Biodiversity Credits purchased from the Government to contribute to meeting the relevant BNG target. Biodiverse Consulting anticipates that it will not need to assess these since they will be created and validated in accordance with procedures determined by Government.

ADVISING LANDOWNER CLIENTS ON THE GENERATION OF OFF-SITE BIODIVERSITY UNITS WHICH ARE TO BE REGISTERED ON NE'S BIODIVERSITY GAIN SITE REGISTER

33. Where Biodiverse Consulting is required to advise a landowner Client on the generation of Biodiversity Units from an Off-site BNG Delivery Site which is to be registered on the NE Statutory Biodiversity Gain Site Register then Biodiverse Consulting will do so on the bases of the methodology provided for in paragraphs **Error! Reference source not found.** to **Error! Reference source not found.** above.

SERVICES ASSOCIATED WITH SITE MONITORING AND MANAGEMENT



34. Where Biodiverse Consulting is required to monitor the delivery of Biodiversity Gain on any Site then Biodiverse Consulting will do so against a documented calculation of projected Biodiversity Gain for that Site as provided to Biodiverse Consulting by the Client.



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