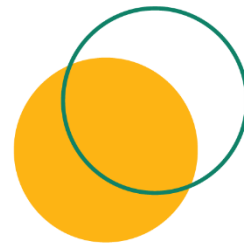




Biodiversity Enhancement Plan



Mathu Housing Ltd.
S. Taylors Jewellers, 30 Cantelupe Road, East Grinstead, RH19 3BJ

January 2026

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Table of Contents

1	Introduction	1
1.1	Overview	1
1.2	Objectives	1
1.3	Scope and Site Description	2
1.4	Summary.....	3
2	Ecological Features of Interest.....	4
2.1	Methodology	4
2.1.1	Limitations	4
2.2	Habitats.....	4
2.3	Species	4
2.4	Baseline Summary.....	5
3	Biodiversity Enhancement Opportunities	6
3.1	Overview	6
3.2	Habitat Features	6
3.3	Protected Species Features	6
3.3.1	Bat bricks.....	7
3.3.2	Integrated Bird Boxes.....	7
3.3.3	Insect Nesting Aids.....	7
4	Ecological Monitoring.....	8
5	Conclusions.....	10
5.1.1	Summary	10
	Appendices	11
	Appendix A: Additional Enhancement Measures	12
	Appendix B: Proposed Site Plan (Source: Client)	13
	Appendix C: Bat/Bird Specifications	14
	Appendix D: Existing Conditions (UKHab Map)	17
	Appendix E: Planning Policy and Legislation.....	18
	National Policy	18
	National Planning Policy (December 2024)	18
	Relevant National Planning Practice Guidance (NPPG, 2016)	20
	Species and Habitats Legislation.....	20
	The Conservation of Habitats and Species Regulations 2017 (as amended)	20
	The Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention 1979)	21
	The Wildlife and Countryside Act 1981 (as amended) (WCA 1981).....	21
	The Countryside and Rights of Way Act 2000	21
	Local Policy – Local Policy: Mid Sussex District Council Local Plan (2021-2039)	22

1 Introduction

1.1 Overview

Mathu Housing Ltd. ('the client') is seeking consent for a proposed development at S. Taylors Jewellers, 30 Cantelupe Road, East Grinstead, RH19 3BJ (thereafter referred to as the 'potential development site'), which is within the Mid Sussex District Council (MSDP).

The proposal is for a residential development from a jeweller's (therefore, a change of use) and some demolition work. Existing and proposed plans are provided in Appendix B.

ACP Consultants Ltd. was instructed by the client to produce a Biodiversity Enhancement Plan to accompany the planning application to the MSDP for consent to undertake the proposed works. Relevant planning policy and legislation can be found in Appendix E.

The purpose of a Biodiversity Enhancement Plan is to identify ecological features of interest and, therefore, to produce a biodiversity management and enhancement plan. Current conditions were assessed during an ecological walkover site visit carried out by Ayan Chakravarty on the 6th of May 2025.

Local Authorities are tasked with determining new development and local planning applications against a wide range of social, economic, and environmental criteria. The purpose of this report is to assess whether the development proposal is compliant with the relevant local policies in terms of ecological impact as a result of the proposed development.

This assessment has been carried out in accordance with good practice guidelines, including the National Planning Policy Framework (2024) and applicable local supplementary guidance.

The remainder of this report is presented in the following order:

- Section 2: Ecological Features of Interest;
- Section 3: Biodiversity Enhancement Opportunities;
- Section 4: Ecological Monitoring
- Section 5: Conclusions.

1.2 Objectives

- To identify ecological features of value present on the site.
- To outline any ecological mitigation measures.
- To produce a management and biodiversity enhancement plan relevant to the site.

1.3 Scope and Site Description

The development site is approximately 0.03 hectares in size (Grid Reference: TQ 39555 38170) and is surrounded by residential dwellings and other urban commercial properties in central East Grinstead. The site is currently only hard-standing developed land and the main jewellery building. Figure 1 shows the site location and the surrounding landscape. The immediately adjacent to the site are other residential properties and associated gardens.

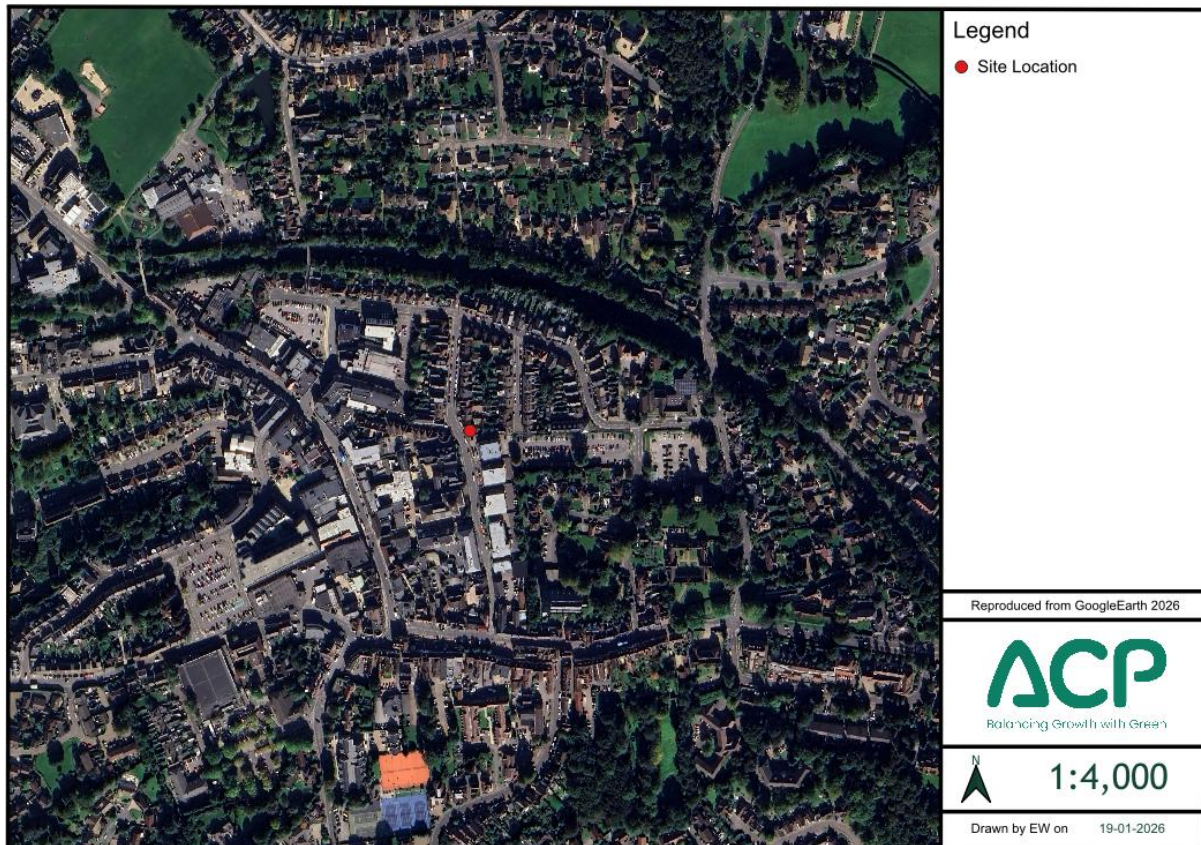


Figure 1 – Site Location

The following report will focus on ecological features and subsequent biodiversity enhancement opportunities within the red-line site boundary displayed in Figure 2 only.



Figure 2- Red Line Boundary (Client, 2025)

1.4 Summary

It is considered that the environmental and ecological priorities for development are to reduce the negative impacts on the environment, maximise sustainable development, encourage biodiversity and to ensure the protection of wildlife and protected species.

2 Ecological Features of Interest

2.1 Methodology

To achieve the objectives outlined in Section 1.2, an ecological walkover was carried out by Ayan Chakravarty on the 6th of May 2025 to inform current ecological conditions.

This information was then used to determine which ecological features of interest are present on site (based on their protected status and/or potential to provide biodiversity enhancement opportunities) in order to minimise any negative impacts the development may have on local flora/fauna. Recommendations for enhancement have also been made in order to attract biodiversity.

2.1.1 Limitations

The results of the assessment work are representative at the time of surveying.

Any third-party and external data sources used may vary due to the quality and scale, the supporting information used to define locations/boundaries and sensitivity of the data itself. ACP Consultants Ltd. cannot take responsibility for the accuracy of external data sources and as such discrepancies and inaccuracies may occur.

2.2 Habitats

UKHab (2023) habitat types/classifications that are present within the red-line boundary displayed in Figure 2 consisted of Other Developed Land (u1b5) and Building (u1b6).

For further information of habitat types present on site, please refer to the UKHab Map located in Appendix D.

2.3 Species

A desktop study showed several European Protected Species Licenses (EPSL) within 2km of the proposed development.

Six Great Crested Newt Class Survey Licence Returns are present within 2km of the site: 0.5km northeast, 0.8km northeast, 0.9km northeast, 1.4km southeast, and 1.2km southwest. Yet there is a lack of connectivity; GCN enhancements are not considered appropriate.

There were two Granted European Protected Species Licenses for Dormice (Hazel and Common) 1.5km northeast and 1.8km north of the site. There is a lack of connectivity due to major roads and therefore recommendations of encouragement would not be appropriate.

However, nine Granted European Protected Species Applications for bats are present within 2km (0.3km southwest, 0.8km southeast, 1km northwest, 1.1km northwest, 1.2km northwest, 1.2km north, 1.3km north, 1.4km north, and 1.7km northeast), presenting opportunities to create habitat opportunities for nearby bat populations.

In addition to this, a biological data search was obtained from the Sussex Biodiversity Record Centre (SBRC) on the 19th of May 2025 and demonstrated more evidence of bat records, but also hedgehogs *Erinaceus europaeus*, red squirrels *Sciurus vulgaris*, fox *Vulpes vulpes*, and Schedule 1 protected bird species. There are opportunities to support some of these species on site; however, the site is enclosed in an urban environment and therefore ground-based species such as foxes and hedgehogs are unlikely to be able enter the site. There is a garden to the east of the site that could provide connectivity; however, the building will run along this border, and therefore, it would not be appropriate to recommend hedgehog or fox highways.

2.4 Baseline Summary

Based on the data obtained from the desktop analysis, the proposed development does not seem to be negatively affecting any Special Sites of Scientific Interest (SSSI). There were five within 2km (2km southeast, 2.6km southeast, 3.8km southwest, 4.1km northwest, and 4.5km southeast); however, none of these are adjacent or encroaching on the proposed boundary. Ashdown Forest, located 4.5km southeast of the site is a classed as a Special Area of Conservation (SAC) and a Special Protection Areas (SPA). There were no Ramsar sites within 5km of the site. None are these are expected to be impacted by the proposed site plan.

There are limited ecological features of interest currently present on-site. This is due to low botanical interest on-site (hardstanding and developed land) and limited opportunities for protected species to currently be present, as explained in Sections 2.2 and 2.3.

3 Biodiversity Enhancement Opportunities

3.1 Overview

The following section sets out the biodiversity enhancement opportunities in relation to any ecological features of interest present on site or post-development. Post-development opportunities that are indicated within proposed plans include a section of vegetated garden and changes to the building. It is worth noting that current proposals do not outline enhancement measures and these should be incorporated within the proposed plans.

Relevant ecological information is available from several sources, including local, regional, and national ecological reports and websites.

Habitat enhancement measures that will be incorporated into the development proposals can be found in Appendix B (the landscape plan submitted by the client).

3.2 Habitat Features

■ Shrub Planting

New shrub planting could be included within the green areas of the garden space. This will increase the biodiversity value of the site. Native flowering species will be used as they have both aesthetic and ecological value. A mix of shrub species will be used, including species such as Rosemary *Rosa canina*, or Lavender *Lavandula angustifolia*. Once incorporated into plans, the additional flowering shrub will lead to increased insect presence and will also provide foraging opportunities for bats and birds.

Further details on the planting process and ongoing maintenance for all proposed vegetation can be found in Section 4.

■ Grassland

Landscape plans for the vegetated sections of garden could also include sections of grassland. Where possible, wildflower turf or species-rich grass mixes will be selected in place of standard amenity grass to maximise ecological value, providing nectar for pollinators and improving structural diversity.

To maximise biodiversity value, this will be a wildflower lawn which will provide additional habitats for pollinating invertebrates, which will in turn provide opportunities for bats and birds. This is proposed to be seeded with Emorsgate EL1 Flowering Lawn Mixture, which contains slow-growing grasses with a selection of native flowering species.

Seeding is best undertaken in autumn, between September and October, or in spring, between April and May, but can be sown during other times if there is sufficient warmth and moisture. Seeds must be surface sown at a recommended rate of 4g/m². Take care to not incorporate or cover the seeds, but firm in with a roller or by treading.

Chemical fertilisers are not to be utilised at any point as its usage will either encourage vigorous grasses and weeds to dominate or cause large areas of bare ground due to inhospitable growing conditions.

3.3 Protected Species Features

As mentioned in Section 2.3, there is limited opportunity for protected species currently on-site, with minimal protected species records present within 2km (Defra 2025). The proposed building offers enhancement opportunities for bats and nesting birds, thereby attracting them to the site and increasing biodiversity value. It is worth noting that proposed trees may not be suitable for protected enhancements until they have become established.

The following measures could provide biodiversity enhancement opportunities by attracting species to the site:

3.3.1 Bat bricks

Due to the proposed trees needing to be established before they can be utilised for bat roosting aids, bricks are recommended. Bat bricks can be retrofitted into the brick walls of the site as the installation of bat boxes will provide new roosting opportunities for bats in the area. Guidelines from the Bat Conservation Trust (BCT) state where bat boxes should be installed:

- *“Where bats are known to feed and navigate (close to hedges and tree lines);*
- *Ideally at least 4m above the ground (where safe installation is possible);*
- *Away from artificial light sources (to protect them from predation); and*
- *Sheltered from strong winds and exposed to the sun for part of the day (usually south, south-east or south-west).”*

Two bat bricks (which could be purchased from ‘lbstock’ or ‘habibat’) will be retrofitted within the walls or tiling of the roof following the BCT guidance above. The proposed locations of the bat boxes are indicated in Appendix A. Although these are not north facing due to the proposal details, they will be sheltered due to the courtyard style proposed.

3.3.2 Integrated Bird Boxes

As there are no mature trees on site that could support bird boxes, swift bricks, which accommodate several native, nesting birds, including swifts *Apus apus*, starlings *Sturnus vulgaris*, and wrens *troglodytes troglodytes* (which could be purchased from ‘lbstock’ or ‘habibat’).

Two bird boxes will also provide habitat and nesting opportunities for bird species in the local area. Adding these bird boxes will accommodate species in the local area. Bird boxes have been positioned to face northeast to avoid strong winds, rain and too much direct sunlight. Guidelines from the RSPB state that:

- *“Boxes for tits, sparrows or starlings should be fixed two to four metres up a tree or a wall.*
- *Unless there are trees or buildings which shade the box during the day, face the box between north and east, thus avoiding strong sunlight and the wettest winds.*
- *Make sure that the birds have a clear flight path to the nest without any clutter directly in front of the entrance. Tilt the box forward slightly so that any driving rain will hit the roof and bounce clear.*
- *House sparrows and starlings will readily use nest boxes placed high up under the eaves. Since these birds’ nest in loose colonies, two or three can be sited spaced out on the same side of the house. Keep these away from areas where house martins normally nest.”*

3.3.3 Insect Nesting Aids

Further biodiversity enhancement measures to be incorporated include the installation of one Insect Nesting Aid (which could be purchased from ‘lbstock’ or ‘habibat’). This will increase biodiversity by attracting higher levels of insects, which will support fauna such as local bat and bird species, thereby increasing biodiversity further. The location of the Insect Nesting Aid can be found in Appendix A. By integrating this into the cycle store, insects will be able to use the garden adjacent.

4 Ecological Monitoring

Any ecological monitoring of the site must be undertaken by and is the responsibility of the site owner. A full schedule for landscape maintenance could be followed. A summary of a recommended work schedule, along with additional tasks such as bat box installation, can be found below, along with recommended prescriptions for each management action which capable of being rolled forward over a 20-25 year period:

Table 1: Work Schedule

Management or Monitoring Prescription	Management Objectives or Aim	Specific Prescription	Timing	Other Considerations
Grass planting	To ensure all grass planting is completed in a way that prioritises establishment.	Seeding is best undertaken in autumn, between September and October, or in spring, between April and May, but can be sown during other times if there is sufficient warmth and moisture. Seeds must be surface sown at a recommended rate of 4g/m ² .	N/A	Take care to not incorporate or cover the seeds, but firm in with a roller or by treading.
Replacement of dead/failed plants with plant defects	To ensure the recommended Landscape Plan is delivered, and a good quality habitat is provided.	Any dead or defective plants should be replaced. Replacements to be sourced from local plant nurseries and should be native.	Inspection to be carried out annually and replacement as required.	Cause of plant failure to be established (if possible) in order to inform the need for further considerations regarding replacement plants.
Grass Cutting	To cut grassland once annually and prevent grass from becoming excessively long.	To cut grass once annually in order to provide a heterogenous habitat structure. At least 20% of grass <7cm and 20% of grass >7cm should be retained, with 20% cut to the ground level. Following the cut, the cut grass should be turned and dried over 3-5 days before removal. No chemical fertilisers are to be applied.	Late summer/early autumn	This will achieve a diverse sward which varies in length and allows invertebrates to breed. The timing also limits any potential harm that may befall protected species at ground level. Cutting also helps to prevent the spread of scrub and bracken.
Bat boxes	To promote the use of the site by protected species such as bats	Bat boxes will be positioned no lower than 4m above ground level on south/south-west elevations of retained mature trees.	Bat boxes can be installed at any time of year, if installed before the bats return in the spring, they are more likely to	Many bat boxes and access tiles do not require any maintenance, however, if maintenance is required, the box must not be

be used in early summer. occupied and will be checked by a licenced bat worker.

Remedial works, such as replacing damaged boxes, should also take place when required. Any ecological works on trees or vegetation must take place outside of the bird nesting season (Feb-Aug), unless surveyed by an experienced professional prior to any work.

All biodiversity enhancement measurements that have been recommended in this report will require the client's commitment to maintenance and ongoing ecological monitoring, cleaning, and annual inspections.

5 Conclusions

This report provides an assessment of the ecological features of interest currently on site at S Taylors Jewellers, 30 Cantelupe Road, East Grinstead, RH19 3BJ and the biodiversity enhancement opportunities that these present.

An ecological walkover was carried out by Ayan Chakravartty on the 6th of May 2025 and concluded that there are currently limited ecological features of interest on-site (largely derelict land that will be impacted by development proposals) and limited opportunities for protected species (Section 2). However, the proposed building offers potential enhancement opportunities to increase the biodiversity value of the site.

Enhancement measures included in this report will be incorporated into plans, leading to the creation of new habitats that hold ecological value (native flower mix, grass vegetated garden, and additional tree planting). We recommend that the plans be implemented, with the appropriate species being used as advised, in order to increase levels of biodiversity.

Species enhancement opportunities that have been incorporated are the installation of insect nesting aids, bat boxes, and bird boxes. These enhancements will increase the biodiversity value of the site. The following specifications will be followed:

- Bat boxes should be placed in a uniform fashion throughout the site – ideally where bats are known to feed (in close proximity to hedges and trees)
- Bat boxes should ideally be placed at least 4m above the ground (where safe installation is possible).
- Bat boxes must be placed away from artificial light sources (to protect them from predation); and sheltered from strong winds and exposed to the sun for part of the day (usually south, south-east or south-west).
- Bird boxes for tits, sparrows or starlings should be fixed 2-4 metres up a tree or building.
- Bird boxes should be facing between north and east in order to avoid strong sunlight, rain and winds (unless there are trees/buildings which provide shade during the day).
- Ensure birds have a clear flight path to the nest without any obstructions directly in front of the entrance. Tilt the box forward slightly during installation so that any driving rain will hit the roof and bounce clear.
- House sparrows and starlings will readily use nestboxes placed high up under the eaves. Since these birds' nest in loose colonies, two or three can be sited spaced out on the same side of the house. Keep these away from areas where house martins normally nest.

5.1.1 Summary

Recommendations set out in this report will result in the creation of ecologically valuable habitats such as new areas of grassland and trees being incorporated into the development. Additional enhancement features, such as insect nesting aids, bat and bird boxes, will attract protected species and increase the biodiversity value of the site as set out in the local policy. A landscape plan detailing the measures outlined in this report should be produced by the client.

Appendices

Appendix A: Additional Enhancement Measures

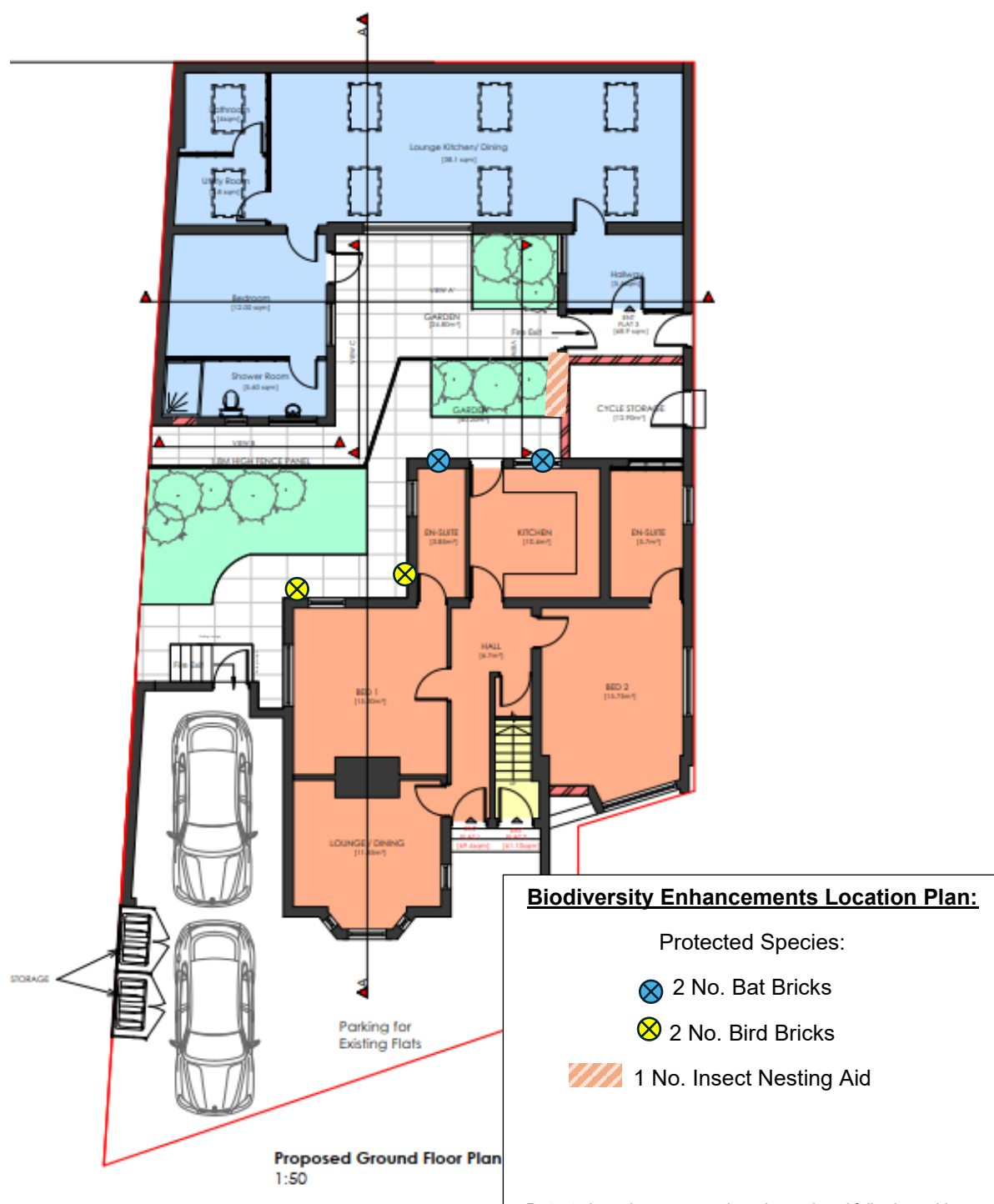
Appendix B: Proposed Site Plan (Source: Client)

Appendix C: Bat/Bird Specifications

Appendix D: Existing Conditions (UKHab Map)

Appendix E: Planning Policy and Legislation

Appendix A: Additional Enhancement Measures



Appendix B: Proposed Site Plan (Source: Client)



Appendix C: Bat/Bird Specifications

Bird Box Specifications	Photograph
Habibat Bird Boxes/Brick <i>Material: Solid boxes made of concrete</i> <i>'Habibat Bird boxes are solid boxes made of insulating concrete with an internal roost space, which can be incorporated into the fabric of a building as it is built or renovated.</i> <i>Specifically designed to seamlessly integrate into the façade of the building and fitted during the build stage of a new build project or fitted retrospectively to existing buildings. They can be an attractive feature for your building as well as providing the best possible artificial accommodation for a variety of different birds.</i> <i>Available with a range of different access holes depending on which species they are designed to accommodate. They can be faced in any brick type, regardless of manufacturer, stone finish or suitable for render. We can provide bird boxes for the following species, plus bespoke bird boxes to order:</i> • Swifts • Starlings • Sparrows • Redstarts • Robins • Wrens • Various species of tit' Source/Image Source: https://www.habibat.co.uk/bird-boxes	

Bat Box Specifications	Photograph
Habibat Bat Boxes/Brick Specification <i>'The Habibat Bat Box is a large, solid box made of insulating concrete with an internal roost space, which can be incorporated into the fabric of a building as it is built or renovated.</i> <i>A variety of facings can be fitted to suit any existing brick, wood, stonework or rendered finish, rendering the box unobtrusive and aesthetically pleasing.</i> <i>The Habibat box is suitable for species which are most commonly found roosting in buildings in the UK, such as Pipistrelle, Natterer's, Whiskered, and Brandt's bats.</i> <i>All boxes in the Habibat Bat Range, are available in the following finishes:</i> • <i>Unfaced for use with Render or Cladding Systems</i> • <i>Standard Smooth Red, Blue, Buff</i> • <i>Bespoke, to suit the product you are using on site</i> • <i>As a Bat Maternity Box</i> • <i>Coursed to suit existing brick or blockwork. This includes, English, Flemish, Stack or Stretcher.'</i> Source/Image: https://www.habibat.co.uk/bat-boxes	
Insect Nesting Aid Specifications	Photograph

Habibat Bug Brick

Specification

'Habibat Bug Boxes are made of the same insulated concrete as the other integrated box range. Manufactured to UK format brick sizes. This means they can be seamlessly integrated into your build. Featuring different size access holes to provide habitat to a range of bugs and insects.

Bug and minibeast provide an important food source for other animals like birds and bats which are essential to pollinating our flowers and crops and are useful workers when it comes to decomposition and giving us nutrient rich soil.

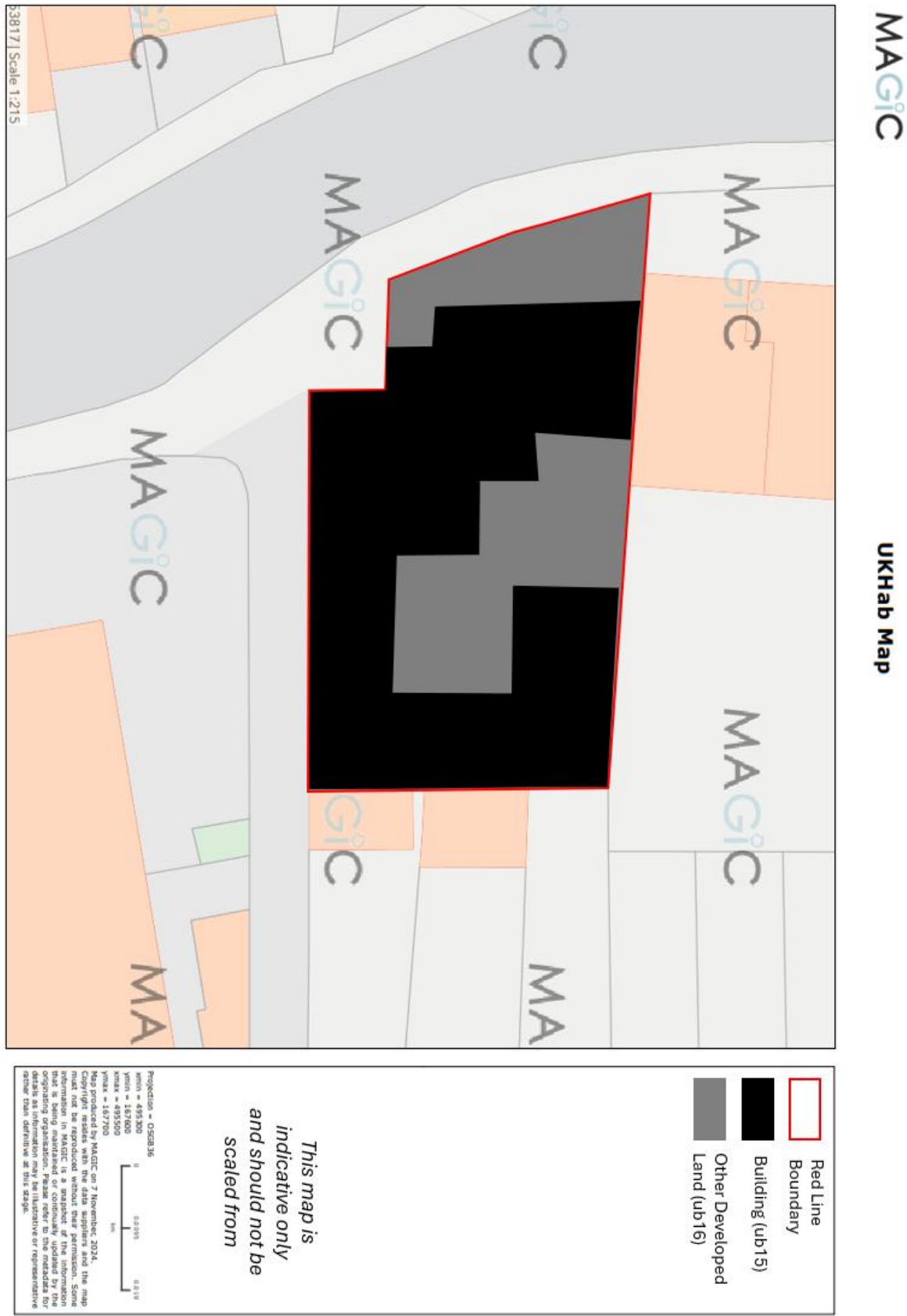
Our bug bricks are perfect as they feature dark nooks and crannies which insects love to explore especially lacewings and ladybirds.

Cleaning of the bug bricks is recommended in late spring after the adults have emerged. This will increase the amount of years the brick will be used for and reduce the risk of parasites. A suggested tool to help clean the brick is something like a pipe cleaner or small paint brush used to loosen and pull out the remaining nesting material.'



Source/Image: <https://www.habibat.co.uk/bug-boxes>

Appendix D: Existing Conditions (UKHab Map)



Appendix E: Planning Policy and Legislation

This section summarises the relevant National and Local legislative and policy background, statutory and non-statutory guidelines relevant to the potential commercial development.

National Policy

National Planning Policy (December 2024)

The principal national planning policy guidance with respect to the potential development is the National Planning Policy Framework (NPPF). The most recent update of the NPPF was published in December 2024 by the Ministry of Housing, Communities and Local Government. This guidance sets out the Government's planning policies for England and how they are expected to be applied. Three dimensions to sustainable development have been identified in the NPPF: economic, social, and environmental.

The NPPF Section 187 states that:

"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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

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."

Section 188 states that:

"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."

Section 189 states that:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, 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 Broads⁶³. The scale and extent of development within 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.”

Section 190 states that:

“When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development⁶⁴ 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.”*

Section 192 states that:

“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 steppingstones 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.”*

Section 193 states that:

“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.”*

Section 194 states that:

“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.”

Relevant National Planning Practice Guidance (NPPG, 2016)

NPPG is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

The guidance note on ‘Natural Environment’ explains key issues in implementing policy to protect and enhance the natural environment, including local requirements. This has been referred to when preparing this report. It states that:

“Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications. Guidance on the law affecting Habitats Sites, protected species and SSSIs.

Natural England has issued standing advice on protected species. A protected species mitigation licence from Natural England may be required before any work can start.”

The PPG also states that:

“Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Pre-application discussions can help to scope whether this is the case and, if so, the survey work required.

Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.

As with other supporting information, local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Further guidance on information requirements is set out in making an application.”

Biodiversity net gain is mentioned in the PPG and states that:

“The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. It may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006.”

Species and Habitats Legislation

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates all various amendments made to The Conservation (Natural Habitats & c.) Regulations 1994, in respect of England and Wales. The 1994 Regulations transposed the EC Habitats Directive 1992 (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) into national law.

Annexes I and II of the Habitats Directive list (respectively) habitats and species for which member states are required to establish and monitor SACs. The EC Birds Directive provides a similar network of sites (SPAs) for all rare or vulnerable species listed in Annex I and all regularly occurring migratory species, with particular focus on wetlands of international importance.

Together with SACs, SPAs form a network of pan-European protected areas known as 'NATURA 2000' sites.

The Habitats Regulations also make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade on the animals listed in Schedule 2, or pick, cut, uproot, destroy or trade in the plants listed in Schedule 4.

This legislation was amended in January 2021: The main changes to the 2017 Regulations are:

- "the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations
- the establishment of management objectives for the national site network (the 'network objectives')
- a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives
- an amended process for the designation of Special Areas of Conservation (SACs)
- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission
- arrangements replacing the European Commission's functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species
- arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK."

The Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention 1979)

The Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention 1979) aims to ensure conservation and protection of all wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase cooperation between contracting parties, and to afford special protection to the most vulnerable or threatened species (including migratory species).

The Wildlife and Countryside Act 1981 (as amended) (WCA 1981)

The WCA is the primary UK mechanism for statutory site designation (Sites of Special Scientific Interest [SSSIs]) and the protection of individual species listed under Schedule 1, 2, 5 and 8 of the Act, each subject to varying levels of protection.

The Countryside and Rights of Way Act 2000

This legislation strengthens the provision of the 1981 WCA (as amended), both in respect of statutory sites such as SSSIs and protected species. It also places a statutory obligation on Local Authorities and other public bodies to further conservation of biodiversity in the exercise of their functions, thus providing a statutory basis to the Biodiversity Action Plan (BAP) process, which began in 1994. Section 74 of the Act lists the habitat types and species of principal importance in England. The UK Biodiversity action Plan has now been superseded by the 'UK Post-2010 Biodiversity Framework' (July 2012), however, many of the species and habitats in the UK and local BAPs have not been updated and are still considered relevant to date.

A Bill to amend the Countryside and Rights of Way Act 2000 to extend the right of public access to the countryside, including to woodlands, the Green Belt, waters and more grasslands; and for connected purposes is currently in second reading in the House of Commons (November 2022).

Local Policy – Local Policy: Mid Sussex District Council Local Plan (2021-2039)

Mid Sussex Local Plan was adopted in March 2018 and sets out local policies to inform planning decisions between 2021 and 2039, including policies relating to biodiversity.

For example, Policy DPN1: Biodiversity, Geodiversity, and Nature Recovery states that:

'Biodiversity and geodiversity will be protected because they are important natural capital assets and provide benefits as part of ecosystem services. Nature recovery will be supported and encouraged because it is important for delivering improvements to nature, ecological networks and green and blue infrastructure.

Proposed development likely to affect designated nature conservation sites, protected species, Priority habitats and Priority species must carry out habitat and species surveys at the earliest opportunity in order to inform the design and conserve important ecological assets as listed below from negative direct and indirect effects. These assessments will need to be submitted in an ecological impact assessment report.

Protecting Biodiversity

All development must ensure the protection, conservation and enhancement of biodiversity.

Direct and indirect damage and harm to existing important ecological assets will need to be avoided, including from recreational use. Such assets include:

- *Internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and any formally proposed for designation;*
- *Nationally designated Sites of Special Scientific Interest;*
- *Locally designated Local Wildlife Sites and Local Nature Reserves; • Protected landscapes including Areas of Outstanding Natural Beauty and National Parks;*
- *Irreplaceable habitats such as ancient woodland, ancient or veteran trees and lowland fen; • Priority habitats and species; and*
- *Other areas identified as being of nature conservation or geological interest, including wildlife corridors, areas identified for nature recovery, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Biodiversity in New Developments

Development will need to demonstrate that the mitigation hierarchy set out in national policy has been applied. If significant harm to biodiversity cannot be avoided (by locating development on an alternative site with less harmful impacts or through design), then such harm will need to be mitigated. Where harm cannot adequately be mitigated, then as a last resort, such harm must be compensated for.

Biodiversity will be protected and enhanced by ensuring development:

- *Protects existing biodiversity by retaining features of interest, including connecting routes as part of wider ecological networks, and ensuring the appropriate longterm management of those features; and*
- *Takes appropriate measures to avoid and reduce disturbance to sensitive habitats and species and to support the recovery of Priority species populations; and*
- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green and blue infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats to support nature recovery.*

Development must incorporate biodiversity features and such biodiversity features must include appropriate long-term management arrangements where relevant. The Council will provide further guidance on recommended standards for biodiversity features within developments.

Soil

Due to the importance of soils for biodiversity and carbon storage, soils will be protected and enhanced by development avoiding the best and most versatile agricultural land or other valued soils, soil disturbance, compaction and erosion. Development must not result in soil pollution or contamination.

Geodiversity

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 and Local Geological Sites.

Water

New development with a main river or ordinary watercourse within its boundaries or new development proposed adjacent to or near to a main river or ordinary watercourse, will need to retain, re-instate or provide an undeveloped buffer zone on both sides of the watercourse. This buffer zone should be a minimum of 10 metres on both sides measured from the top of the bank.

Development should take opportunities for river restoration as part of natural flood management and in particular proposed development with watercourses within or adjacent to the site boundary should seek such opportunities.

Nature Recovery Development will need to demonstrate that it minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience of biodiversity and nature.

Development will need to demonstrate that it promotes the restoration, management and expansion of Priority habitats and irreplaceable habitats in the District.

Development will be expected to meet the objectives of the Local Nature Recovery Strategy and any local nature recovery network or strategy, taking opportunities to deliver ecological networks and green and blue infrastructure.

Areas identified as opportunities and priorities for nature recovery will be safeguarded from inappropriate development. Development will need to demonstrate that it will not harm or adversely affect an area or areas identified as opportunities and priorities for nature recovery.'

Policy DPN2: Biodiversity Net Gain states that:

'Development (as defined in the Environment Act 2021 or its secondary legislation or as amended by the government) will need to deliver a net gain in biodiversity which will contribute to the delivery of ecological networks, green and blue infrastructure and nature recovery.

Development will need to demonstrate through a Biodiversity Gain Plan that measurable and meaningful net gains for biodiversity will be achieved and will be secured and managed appropriately. Clear and robust evidence must be provided to demonstrate that the biodiversity net gain is appropriate and high quality.

Principles of Biodiversity Net Gain

Development must demonstrate that good practice principles for biodiversity net gain have been followed.

Development must demonstrate that the mitigation hierarchy has been followed and the biodiversity net gain is in addition to this requirement.

Where there is evidence of deliberate or intentional neglect, removal, damage or degradation to any of the habitats and species on a site before an application, their deteriorated condition will not be taken into consideration and the ecological potential and/or previously recorded habitats of the site will be

used to decide the acceptability of any development proposals. The biodiversity baseline value will be what it is likely to have been had the neglect, removal, damage or degradation not occurred.

Biodiversity net gain, including off-site biodiversity net gain, will be expected to align with and meet the objectives and priorities of the Nature Recovery Network, Local Nature Recovery Strategy and other relevant local strategies, contributing and connecting to wider ecological networks and green and blue infrastructure. Consideration will need to be given to landscape character when developing proposals for biodiversity net gain.

It is expected that development proposals will enhance existing biodiversity and incorporate features to encourage biodiversity and pollination within and around the development.

Development must ensure that biodiversity net gain will be appropriately managed, maintained and funded for a minimum of 30 years after the completion of the development and this will need to be demonstrated in a Habitat Management and Monitoring Plan. This will be secured through a planning condition and/or a planning obligation and will include a financial payment to cover the Council's cost associated with the long-term monitoring of the biodiversity net gain proposals.

Level of Biodiversity Net Gain

Biodiversity net gain will be calculated and assessed using the Government's published statutory biodiversity metric. The biodiversity net gain calculation and assessment will need to be completed by a suitably experienced and competent person, such as a qualified ecologist

The biodiversity net gain calculation and assessment must be submitted in full and in an editable version with the application for development together with evidence that explains and supports the conclusions of the assessment.

The minimum percentage of biodiversity net gain required will be 10% as set out in legislation (or as amended by the government) or greater where it is required in another policy. The Council will encourage a higher level of biodiversity net gain and developments must seek to maximise opportunities, especially where development is located in or in proximity to areas identified for nature recovery, the Biodiversity Opportunity Areas, irreplaceable habitats or Priority habitats.

A minimum percentage of biodiversity net gain of 20% will be required for Significant Sites and for the Significant Sites allocations in this Plan DPSC1 – DPSC3.

Opportunities to secure biodiversity net gain in exempted development will be supported.

Location of Biodiversity Net Gain

Biodiversity net gain should be provided on-site wherever possible. Off-site measures will only be considered where it can be demonstrated that, after following the mitigation hierarchy, all reasonable opportunities to achieve measurable net gains on-site have been exhausted or where greater ecologically meaningful gains can be delivered off-site where the improvements can be demonstrated to be deliverable and are consistent with the Local Nature Recovery Strategy and/or a local nature recovery network.

It is preferable that development proposing to use off-site biodiversity net gain selects locations within Mid Sussex District and ideally local to the proposed development.

Further guidance

The Council will publish further guidance on implementing and delivering biodiversity net gain on its website and development proposals will need to take this into account. This guidance will be reviewed periodically to ensure it reflects best practice, local priorities and opportunities.'