

Biodiversity Net Gain Exemption Statement

Introduction

- 1.0 The National Trust are the owners and custodians of Nymans Estate, located at Handcross, near Haywards Heath, West Sussex, RH17 6EB. Nymans Mansion and Gardens form part of the estate and are a significant tourist attraction in the South-East Region. The planning application proposal is for 7 new disabled parking spaces within a dedicated area for blue badge holders close to the principal entrance of Nymans Gardens.
- 1.1 The Environment Act 2021 introduced mandatory Biodiversity Net Gain (BNG) into planning legislation, stating that *“the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least 10%”*. Schedule 14 of this Act mandated that BNG will be achieved through the imposition of planning conditions, this constitutes a post-permission process. However, certain types of development maybe exempt from the BNG requirement and imposed planning condition provided certain exemption criterion are met as outlined in The Biodiversity Gain Requirements (Exceptions) Regulations 2024.
- 1.2 This Statement provides evidence to show that the development proposals for this application meets the following exemption criterion from the Regulations:

A development that does not impact a priority habitat and impacts less than: 25 square metres (5m of 5m) of on-site habitat, or 5 metres of on-site linear habitats such as hedgerows.

- 1.3 This Statement was:

Completed By: Katy Wiseman, National Trust, Assistant Planning Adviser

Checked By: Crispin Scott, National Trust, Nature Conservation Adviser

Date of Exemption

Statement Completion: 22 September 2025

Site Description

- 2.0 The application site is within the High Weald National Landscape and forms part of the existing car park at Nymans Gardens, a Grade II* Registered Park and Garden to the east of the village of Handcross. The surrounding countryside outside of the village is predominantly rural and comprises a mosaic of lowland meadows and mixed deciduous woodland. See Figures 2.1 for the site location, Figure 2.2 for an aerial view, and Figure 2.3 for the site location and proposal.

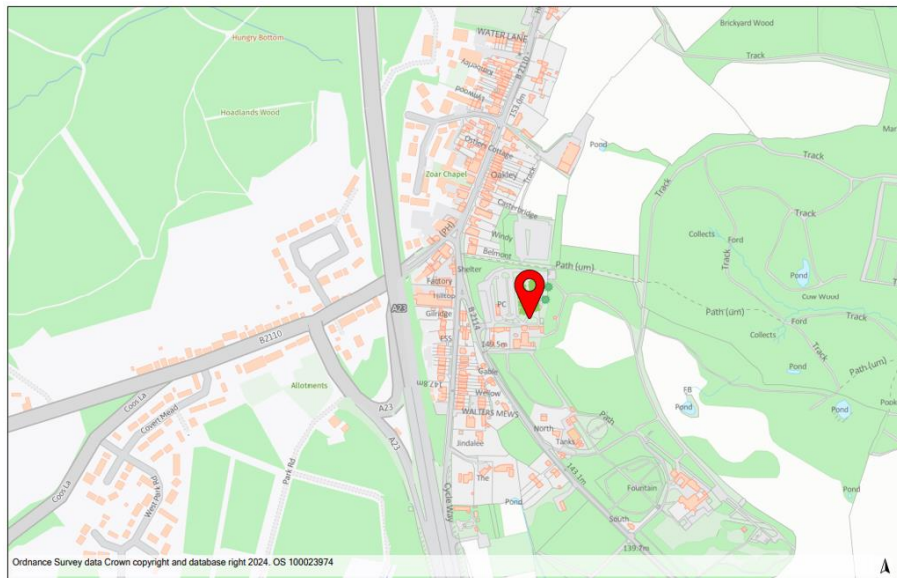


Figure 2.1 – Site Location



Figure 2.2 – Aerial Image

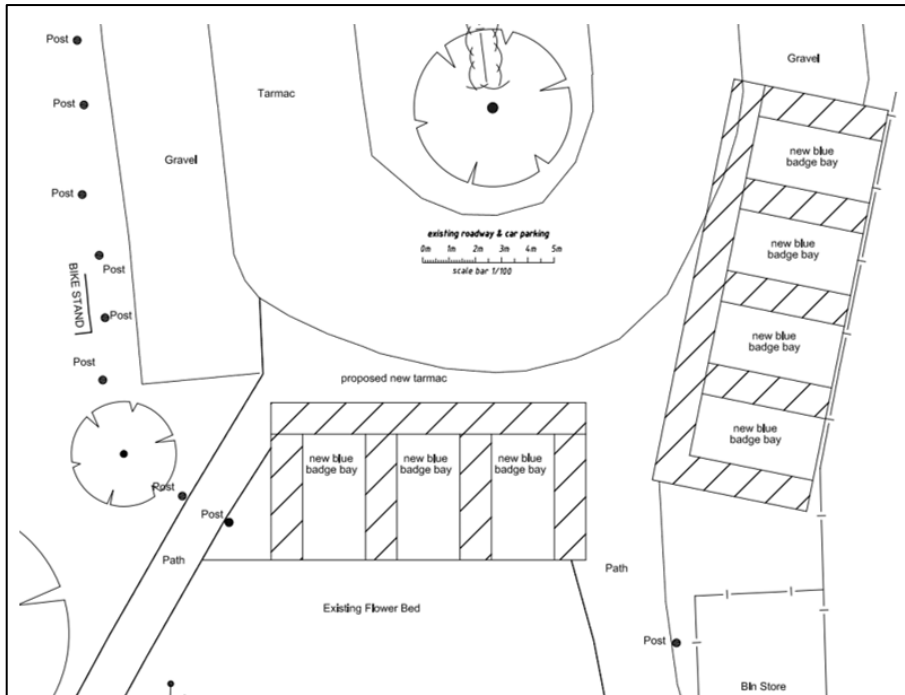


Figure 2.3 – Site location and proposal

Biodiversity Net Gain

3.0 The area of habitat on-site to be lost or degraded is less than 25 metres square, see Figure 3.1

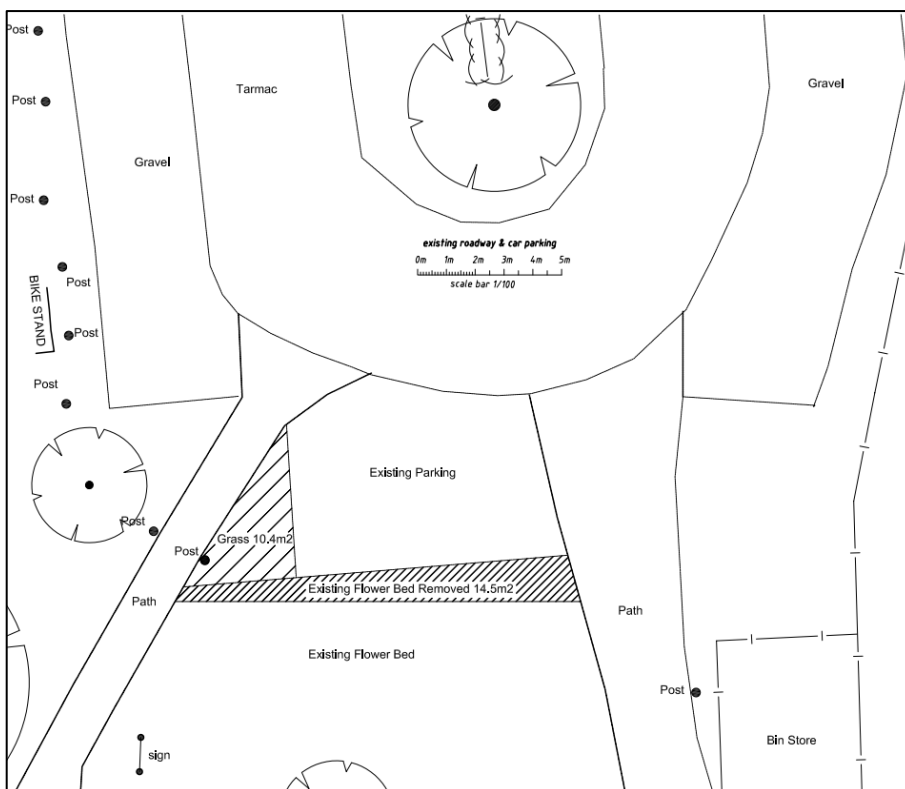


Figure 3.1 – Areas of existing habitat to be lost through development (hatched areas)

3.1 The Biodiversity Gain Requirements (Exceptions) Regulations 2024, states that:

'(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.

(2) The first condition is that the development does not impact an onsite priority habitat.

(3) The second condition is that the development impacts –

(a) less than 25 square metres of onsite habitat that has biodiversity value greater than zero; and

(b) less than 5 metres in length of linear habitat'.

3.2 The proposed development will involve the removal of a small strip of existing amenity grassland to the front of the proposed disabled parking spaces (*Photo 1*), and a small triangle of existing ornamental planting to allow ease of access to the pathway for those with mobility issues on the west boundary of the site (*Photo 2*). The total area of on-site habitat to be lost to development in these two areas is less than 25 sqm.



Photo 1



Photo 2

3.3 Within 100 metres of the site are the following protected and priority habitats:

- Lowland Meadow (lime green)
- Deciduous Woodland (dark green)



Figure 3.2 – Priority Habitat within 100m of site (source: Defra Magic Maps, 2025)

- 3.4 A small area on the eastern edge of the application site is mapped on MAGIC as Deciduous Woodland. However, this area has been managed in the recent past as an extension of the formal garden and on the ground within the red line boundary the conditions do not reflect the structure or species composition of UK Biodiversity Action Plan (UKBAP) Deciduous Woodland. The existing car parking spaces are in constant use have a gravel surface and therefore unlikely to contribute to the ecological function of deciduous woodland within the locality and as such will not be degraded by this proposal.
- 3.5 No trees will be removed or pruned as part of this proposal and all proposed works are well beyond any 15m ancient woodland root protection zones the nearest being approximately 170m to the east at Cow Wood. The planning application is supported by a Tree Survey and works will be undertaken in line with the Arboricultural Method Statement.

Conclusion

- 4.0 **The development is on the footprint of an existing car park and is replacing existing standard car parking spaces with disabled car parking spaces. The development would be exempted from biodiversity net gain by the de minimis exemption as:**
- **the development does not impact on any onsite priority habitat. The development adjoins priority habitat (see Figure 3.2) deciduous woodland to the east, but the habitat will not be impacted by this proposal.**
 - **the existing car park is classified as urban artificial unvegetated, unsealed surface. The gravel surface has a biodiversity value of zero under the statutory biodiversity metric.**
 - **there are two small areas of ornamental planting beds that are classified as vegetated garden, and these would have a biodiversity value of greater than zero under the statutory biodiversity metric but the areas to be removed have a total area of less than 25sqm.**
- 4.1 **The proposal meets the exemption criterion stipulated by The Biodiversity Gain Requirements (Exceptions) Regulations 2024 meeting the de-minimis exception.**

Appendix 1 - Supporting Site Photos

Site photo viewpoints



Photo 1 – Existing car parking spaces viewed south towards Visitor Welcome area



Photo 2 - View north towards existing car park



Photo 3 – View west



Photo 4 – View east towards area identified as Deciduous Woodland on MAGIC Maps



Photo 5 – View along visitor reception path towards car park