ACP

Balancing Growth with Green

# Ecological Impact Assessment (EcIA)

Mathu Housing Ltd

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

May 2025

# Project Information

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## Disclaimer

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# 1 Introduction

## 1.1 Overview

Mathu Housing Ltd ('the client') is seeking consent for a proposed development at the S. Taylor 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).

ACP Consultants Ltd. was instructed by the client to produce an Ecological Impact Assessment (EcIA) to accompany the planning application to the MSDC for consent to undertake the proposed works. Relevant planning policy and legislation can be found in Appendix E.

The proposal is for a residential development from a Jewellers (therefore, part change of use) and some demolition work.

An Ecological Impact Assessment has been prepared to assess the site's feasibility for this proposed development and identify need for any further consideration.

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 commercial 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: Methodology;
- Section 3: Baseline Ecological Conditions;
- Section 4: Results and Evaluation;
- Section 5: Discussion and Recommendations;
- Section 6: Biodiversity Net Gain
- Section 7: Conclusion

## 1.2 Objectives

- To survey and determine the ecological value of the site according to the UKHab Ltd (2023). UK Habitat Classification Version 2.0 (at https://www/ukhab.org)
- To identify how protected species are / may be using the site in order to assess its functionality to the local populations, including a detailed Preliminary Roost Assessment for bat presence / absence;
- To consider impacts to all habitats immediately adjacent to the site;
- To consider potential impacts to local statutory and non-statutory site either within 2km or for European level designations, a buffer deemed as appropriate by the relevant Planning Authority; and
- To assess the suitability of the proposed development site in terms of existing ecological factors.
- Assess the proposed landscape plans and compare this to the current habitats on site to see if the proposed development will result in a biodiversity net gain.
- Demonstrate the sites biodiversity loss or gain through habitat impact assessment calculations.

# 2 Methodology

To achieve the objectives outlined in Section 1.2, a desktop study was completed followed by a site visit undertaken by Ayan Chakravartty (Level 2 Bat Licence number - 2024-12540-CL18-BAT). This site visit assessed the sites dominant habitat types and made note of any field signs of protected species.

During the inspection of the site, the potential for bat roosting was also considered. The assessment was conducted in accordance with the latest published best practice guidelines (Collins, 2023). All accessible parts of the site were inspected for signs of bat presence (droppings, feeding remains, straining from oils and urine, and scratch marks.

Table 1**:** Guidelines for assessing the proposed development site for bats (from Collins, 2023).

| Suitability | Roosting habitats in structures | Potential flightpaths and foraging habitats | Number of activity survey visits required |
|---|---|---|---|
| None | *No habitat features on site likely to be used by any roosting bats at any time of year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).* | *No habitat features on site likely to be used by any commuting or foraging bats at any time of year (i.e. no habitats that provide continuous lines of shade/protection for flight-lines or generate/shelter insect populations available to foraging bats).* | None |
| Negligible | *No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.* | *No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.* | None |
| Low | *A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by a larger number of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site but could be used by individual hibernating bats).* | *Habitat that could be used by small numbers of bats as flight-paths such as gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat.*<br>*Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.* | One |
| Moderate | *A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation* | *Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens*<br>*Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.* | Two |

| Suitability | Roosting habitats in structures | Potential flightpaths and foraging habitats | Number of activity survey visits required |
|---|---|---|---|
| | *status, which is established after presence is confirmed).* | | |
| High | *A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.* | *Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge.*<br>*High quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland.*<br>*Site is close to and connected to known roosts.* | Three |

## 2.1 Desktop Study

The desk study was undertaken by referring to the following data sources:

- Defra (2025). Multi-Agency Geographic Information for the Countryside (MAGIC)

## 2.2 UKHab Site Survey

On the 6th of May 2025, the field survey was completed at the site in order to obtain detailed baseline information regarding the habitats and possibility of protected species present.

The assessment identifies sites, habitats, species and other ecological features that are of value based on factors such as legal protection, statutory or local site designations such as Sites of Special Scientific Interest (SSSI). Based upon this, recommendations for further, more detailed surveys are made as appropriate to confirm presence / absence of a protected species.

A UKHab Survey involved identifying and mapping the dominant habitat types within the site boundary. The survey and identification of habitats was undertaken in accordance with the UKHab Ltd (2023) methodology. UK Habitat Classification Version 2.0 (https://www.ukhab.org).

During the survey, a note was made of any field signs indicating the presence of protected species and the location of these signs was mapped. A record was also made of any other animal species identified within the site or adjacent areas during the survey. The results of the habitat survey are shown on UKHab Map, Appendix A.

## 2.3 Limitations

The results of the survey and assessment work undertaken by ACP Consultants Ltd. are representative at the time of surveying.

This document does not contain a comprehensive list of botanical species on site. Only plant species characteristics of each habitat and incidental observations of notable plant species were recorded. In addition, many plant species are only evident at certain times of year and so some plant species may have gone undetected.

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.

It is worth highlighting that certain areas of roofing were not visible for assessment and could have shown missing and raised tiles creating crevices for bat entry. Furthermore, the loft was not accessible for entry, so the internal conditions of the roofing were not assessed for bat suitability.

# 3 Existing Baseline

## 3.1 Overview

The following section sets out the existing conditions in relation to ecology for the proposed development. Relevant ecological information is available from several sources including local, regional, and national ecological reports and websites. Additionally, these sources were used to evaluate the surrounding habitat for bat suitability. This included any potential important habitat corridors (linear habitat features), feeding grounds or potential roost opportunities, such as large expanses of woodland. For the purpose of this assessment, some data has been obtained from Defra provided geographical sources[1].

## 3.2 Site Location

Data obtained from Defra shows the proposed development is not located on any type of protected land. Figure 3.1 shows Sites of Special Scientific Interest (SSSI) are located Sites of Special Scientific Interest 2km southeast, 2.6km southeast, 3.8km southwest, 4.1km northwest, and 4.5km southeast. Ashdown Forest, located 4.5km southeast of the site is classed as a Special Area of Conservation (SAC) and a Special Protection Areas (SPA). No Ramsar sites are present within 5km of the site. These sites are not expected to be affected by the proposed development.

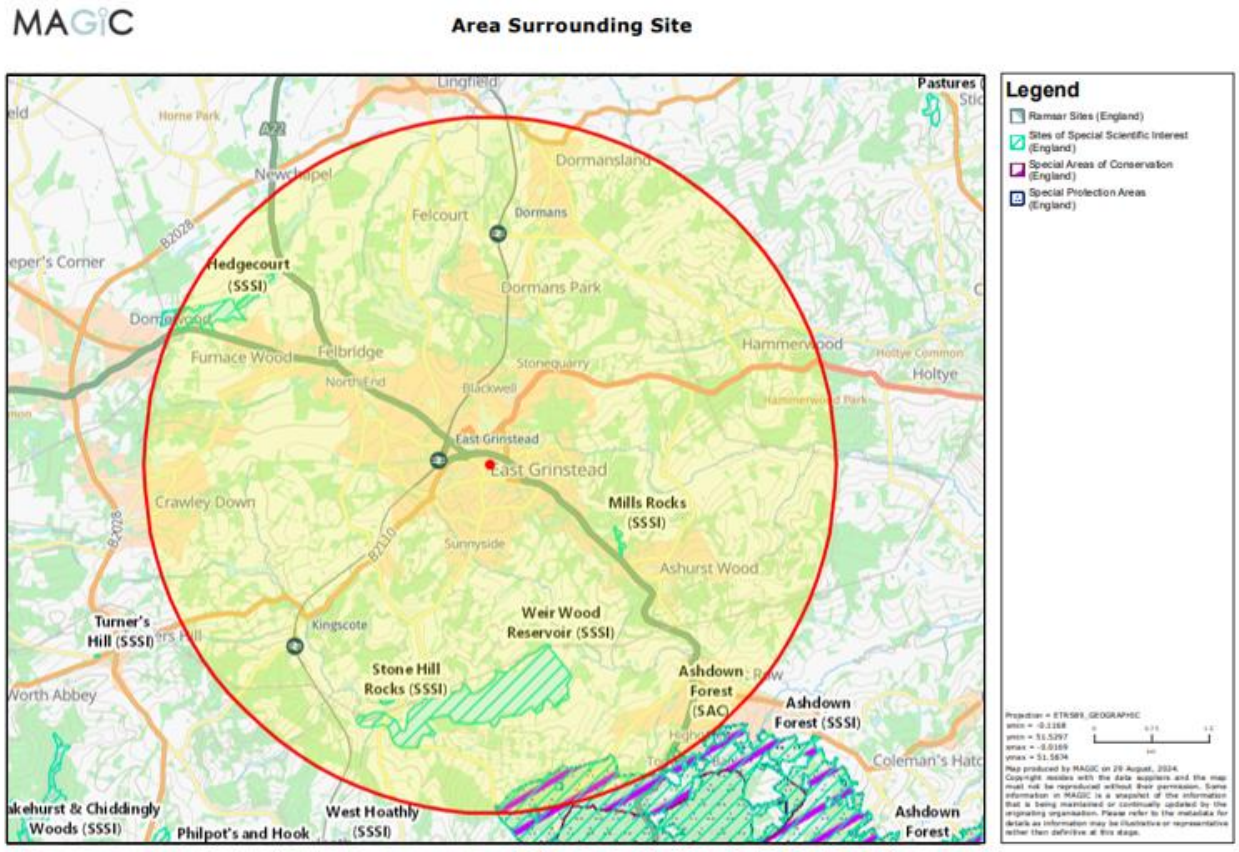



Figure 3.1 - Designations surrounding potential development site (highlighted in red) (Source: Defra)

[1]Figure 3.1 Area surrounding potential development site (highlighted in red) (Source: Defra). Defra (2025). Multi-Agency Geographic Information for the Countryside (MAGIC)

## 3.3 Existing Baseline Conditions from Desktop Study

The development site, highlighted in red, is situated in East Grinstead. The site is situated within a residential and commercial area, with residential buildings having associated gardens. There are several large roads in the surrounding area which could act as linear features. There are 62 land parcels of woodland within 2km of the site. The closest area of Broadleaved woodland (shown in Figure 3.2) is present 0.3km southeast of the site. The closest area of coniferous woodland is located 1.2km northeast of the site. There are 60 parcels of Ancient Woodland (including Semi-Natural and Replanted) with 2km of the proposed site, with the closest areas being 0.5km northeast of the site.

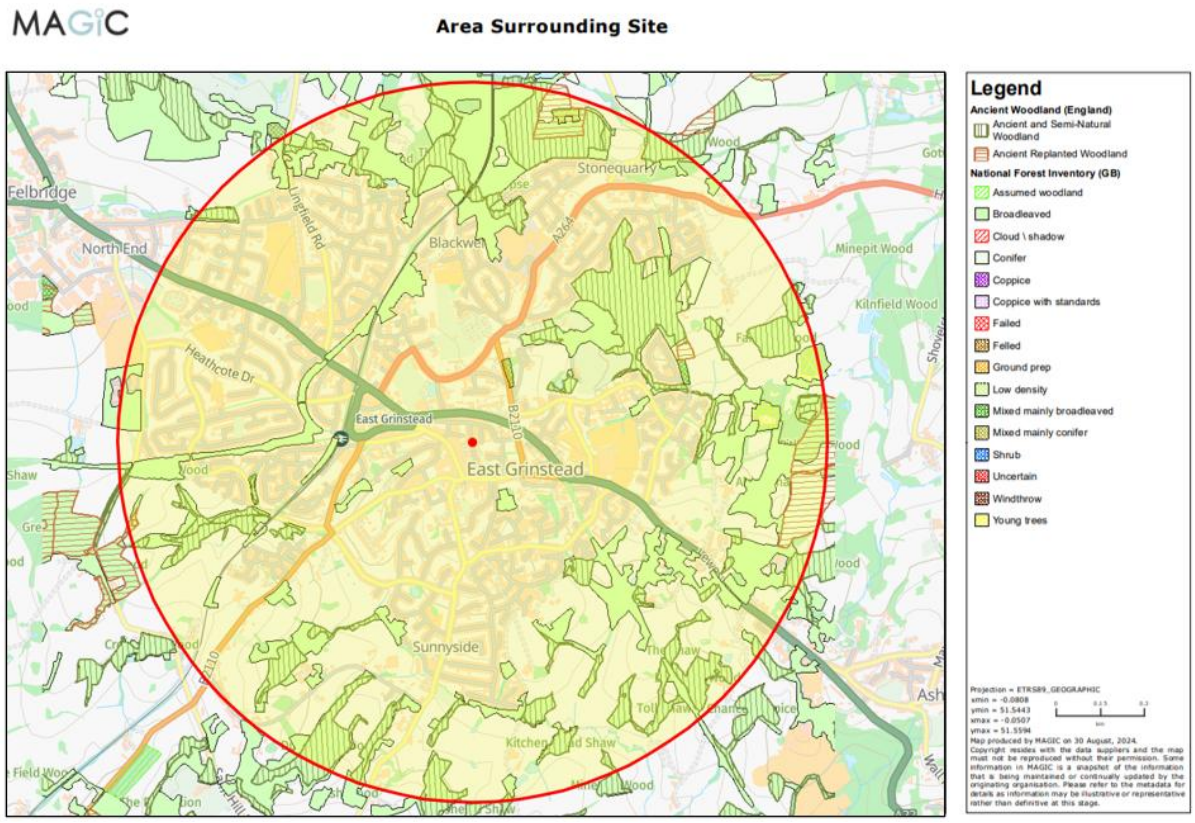



Figure 3.2 - Area surrounding potential development site (highlighted in red) (Source: Defra)

### 3.3.1 Protected Species

Figure 3.3 shows that there have been recordings of protected species present within 2km of the potential development area. Six Great Crested Newt Class Survey Licence Return are present within 2km of the site; 0.5km northeast, 0.8km northeast, 0.9km northeast, 1.4km southeast, and 1.2km southwest. There were two Granted European Protected Species License for Dormice (Hazel and Common) 1.5km northeast and 1.8km north of the site. There were nine Granted European Protected Species Licences for Bats within 2km of the site; 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.

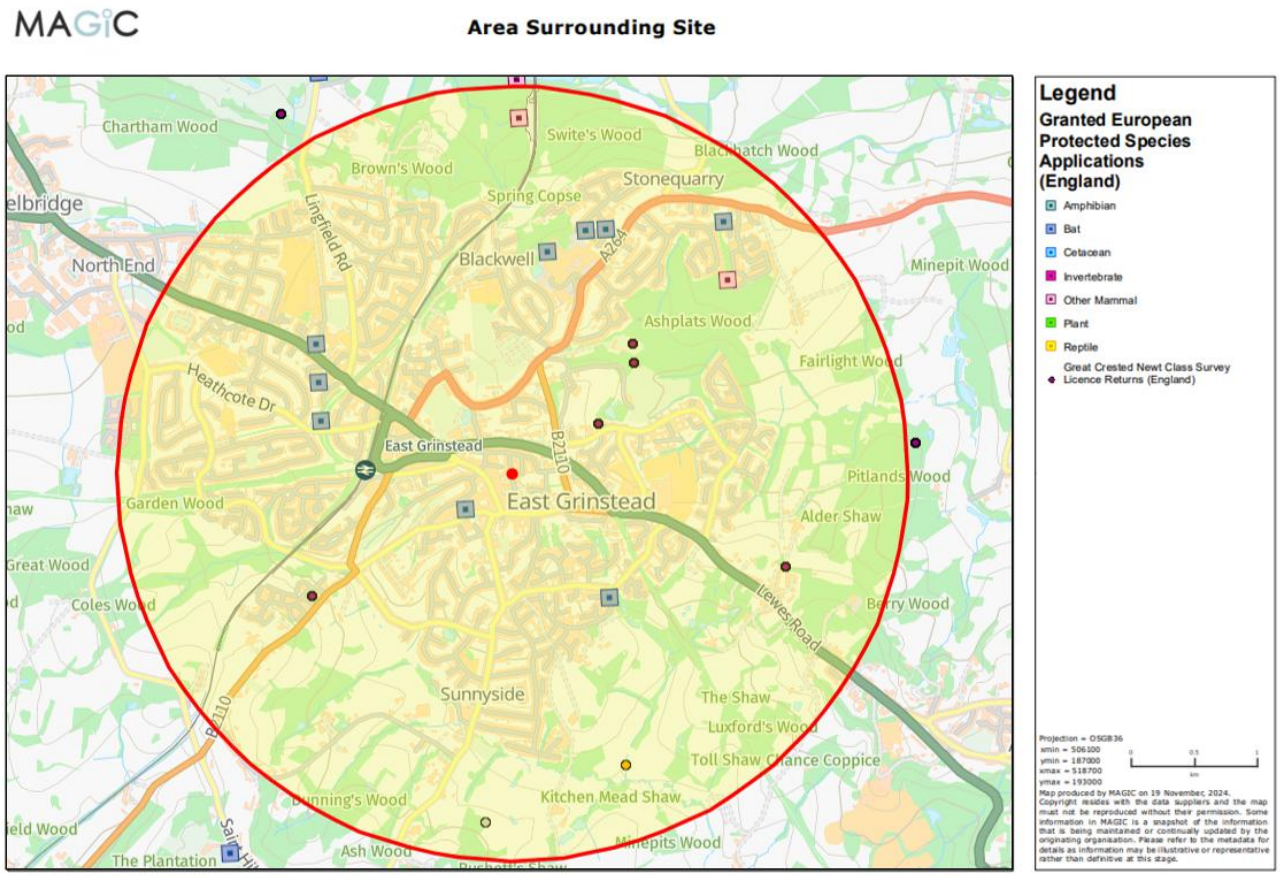



Figure 3.3 - Protected Species within 2km of the potential development site (Source: Defra).

### 3.3.2 SBRC Data Search and Historical Records

To provide a more comprehensive understanding of the protected species presence in the local area, a Protected Species Data Search was obtained from the Sussex Biodiversity Record Centre (SBRC). The data search, prepared on 19th May 2025, covers a 2km radius around the site and includes information on protected species in the area since 1980. While the detailed data is confidential, the search identified the presence of several protected species within the 2km radius, including amphibians (including Great Crested Newts), hedgehogs, hazel dormice, red squirrel, reptiles, and bats.

## 3.4 Habitats on site

The habitats on site should be read alongside the UKHab Map (Figure 1, Appendix A). The site within the provided red-line boundary comprises of Other Developed Land (ub16) and Buildings (ub15).

## 3.5 Protected Species

No presence or evidence of protected species were recorded during the survey. There are no existing trees within the red-line boundary that can provide suitable habitats for protected species such as nesting birds and bats. There are no suitable habitats for Amphibians, GCN, Dormice, and Reptiles, further consolidated by the urbanicity and lack of connectivity.

The existing building could provide suitable habitat for bats and roosting bats due to potential roosting features, and this is address within section 4.4.

## 3.6 Baseline Summary

Based on the data obtained from Defra and the UKHab survey, the proposed development does not seem to be negatively affecting any Special Sites of Scientific Interest. The site comprises of no habitat that could support Protected Species with the exception of the existing building which could support bat roosting.

# 4 Results and Evaluation

## 4.1 Survey Conditions

Table 2: Summary of conditions during survey

| Abiotic Factor | Survey 1 |
|---|---|
| Survey type | PEA |
| Date completed | 06.05.2025 |
| Precipitation | 0 |
| Weather Conditions | Overcast |

## 4.2 UKHab Survey

The proposed development area comprises of Other Developed Land (ub16) and Buildings (ub15).

Habitat types detailed below are listed in order of the UKHab Ltd (2023). *UK Habitat Classification Version 2.0 (*https://www.ukhab.org*).* The species list provided in this report reflect only those taxa observed during the survey.

### 4.2.1 Other Developed Land (ub16) and Buildings (ub15)

The proposed development area, located within the red-line application boundary, comprises solely of Other Developed Land and one existing building (UB15), as illustrated in Figures 4.1–4.4. The building is currently in mixed use, functioning as a jeweller's premises on the ground floor with residential apartments above. The remainder of the site consists of access routes and parking areas, all of which are made up of hardstanding, concrete, and other developed surfaces. No priority habitats have been identified within the site boundary.

Figures 4.1 and 4.2 Building (ub15) (ACP, 2025)

Figures 4.3 and 4.4 Other Developed Land (ub16) (ACP, 2025)

## 4.3 Protected Species

Defra (2025) was used to provide Protected Species records for within 2km of the site. This was primarily due to the nature of the proposed development. Results of bat records within a 2km buffer can be seen below in Table 3.

*Table 3: Table showing Protected Species Records within 2km of the Site*

| Species/Group | Desk Study Record | Potential Habitat | Other Relevant Factors | Potential Constraint? |
|---|---|---|---|---|
| Bats | Granted European Protected Species records 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. | Existing buildings could provide suitable habitat for roosting bats. | No signs of bats were found on site. | Possible |
| Badger | None within search parameters. | No suitable habitat on site. | No signs of badger were found on site. | No |
| Reptiles | None within search parameters. | No suitable habitat on site. | No signs of reptiles were found on site. | No |
| Great Crested Newt (GCN) | Great Crested Newt Class Survey Licence Return present 0.5km northeast, 0.8km northeast, 0.9km northeast, 1.4km southeast, and 1.2km southwest. | No suitable habitat on site. | No signs of Great Crested newts were found on site. | No |
| Water Vole | None within search parameters. | No suitable habitat on site. | No signs of water vole were found on site. | No |
| Otter | None within search parameters. | No suitable habitat on site. | No signs of otter were found on site. | No |
| Birds | None within search parameters. | No suitable habitat on site. | No signs of nesting birds were found on site. | No |
| Amphibians | None within search parameters. | No suitable habitat on site. | No signs of amphibians were found on site. | No |
| Hazel Dormice | Granted European Protected Species records are present 1.5km northeast and 1.8km north of the site | No suitable habitat on site. | No signs of Dormice were found on the site. | No |

## 4.4 Preliminary Bat Roost Assessment Results

### 4.4.1 Site Features

The results of the Preliminary Bat Roost Assessment are summarised in Table 4 below. Photograph references (Appendix C) relate to the building descriptions below.

Table 4: Site features and descriptions linking to photos in Appendix C.

| Building Reference | Internal or external | Description (if applicable) | Suitability for Bats | Use by birds | Bat Signs, Access Points and Features |
|---|---|---|---|---|---|
| A | External | Building exterior (Brick walls and tiled roof) | Low | None recorded | Missing tiles could provide access points |
| B | External | Building exterior (Brick walls and tiled roof) | Low | None recorded | Holes in roofing could provide access points |
| C | External | Building exterior (Brick walls and tiled roof) | Low | None recorded | Raised tiles in roofing could provide access points. |
| D | Internal | Building interior | Low | None recorded | Wall panels removed could create internal voids accessible for roosting bats. |
| E | Internal | Building interior | Low | None recorded | Gaps between wall and ceilings could create internal voids accessible for roosting bats. |

### 4.4.2 B1

The main building within the survey area is a two-storey structure of traditional brick construction, currently occupied as a jeweller's premises at ground floor level with residential apartments above. The external fabric of the building comprises red brick walls and a pitched, tiled roof. During the Preliminary Roost Assessment, potential access points for bats were identified across various parts of the external roof structure. Specifically, observations recorded missing, raised, and damaged roof tiles (Building References A, B, and C), which could provide crevice-like features suitable for opportunistic use by roosting bats. Internally, further features of interest were noted (Building References D and E). These include areas where internal wall panels have been removed and where visible gaps exist. Such features may create enclosed voids or cavities that, although limited in size, could potentially offer shelter for solitary or transient bats. No droppings, staining, or feeding remains were found during the internal or external inspections, however, the cumulative presence of minor access points and small-scale voids indicates that the building has low suitability for bat roosting. Any future works affecting these areas should take appropriate precautionary measures in line with current best practice guidance.

# 5 Discussions and Recommendations

## 5.1 Potential Constraints

The following habitats and species have been identified as possible constraints to the proposed development:

- Bats

## 5.2 Further Surveys and Mitigation

### 5.2.1 Further Surveys

Due to the low suitability of the building for roosting bats and the associated risk of potential disturbance or harm to bats or their roosts, as outlined in Section 4.4, further survey effort is required. This recommendation is based on the presence of several features that could support opportunistic bat use, including missing, raised, and damaged roof tiles (Building References A, B, and C) and potential internal voids formed by gaps and removed wall panelling (Building References D and E).

In accordance with best practice guidelines (see Table 1), it is advised that a single dusk emergence survey be undertaken to ascertain the presence or likely absence of roosting bats within the building. The survey must be carried out by a suitably licensed ecologist during the optimal survey season, typically between May and August, when bats are most active. Specific attention should be given to the identified potential roosting features associated with Building References A to E to ensure that any use of the structure by bats is adequately identified prior to the commencement of any proposed works.

### 5.2.2 Habitat Protection

Whilst further protected species surveys have been recommended, it should be understood that during construction and operation of the site, all relevant waste components should be stored securely with a waste management strategy in place to prevent spills and leaks into the wider environment.

In order to minimise the risk of harm to animals using the site it is recommended that preventative measures are in place during construction. These precautions are:

- Keep all fuel and other harmful substances in a locked area;
- Ensure any spillages are treated;
- Mammal ladders (such as a plank) or earth ramps to be placed in any open excavations at the end of each day;
- Cap off any open pipes at the end of each day; and
- Cover any open holes or install mammal ladders or earth ramps in any open excavations at the end of each day to prevent animals from becoming trapped.

# 6 Biodiversity Net Gain

## 6.1 Calculation

As mentioned in previous sections, all developments are generally required to submit an ecological assessment demonstrating the site's biodiversity loss or gain using a Biodiversity Metric. Biodiversity Net Gain (BNG) is calculated using the Statutory Biodiversity Metric tool, which helps to determine whether the proposed development will result in a net loss or net gain of habitat biodiversity. The tool calculates the biodiversity value of a site before and after development, based on several key factors, including:

- The existing habitats on site;
- Habitat distinctiveness and condition;
- Habitats to be retained, enhanced, or lost;
- Any indirect negative impacts; and
- Proposed habitat creation and enhancement measures.

The outcome of the metric is expressed as a percentage net change in biodiversity value.

In this case, however, the application site is considered exempt from BNG requirements for the following reasons:

- The site comprises solely Other Developed Land, including buildings, hardstanding, and compacted substrates.
- The only vegetation present consists of scattered ruderal weeds emerging through cracks in the hardstanding, which are of negligible ecological value.
- There are no trees, hedgerows, or priority habitats present within the red-line boundary.

As such, and in accordance with current statutory BNG guidance and relevant local planning policy, no formal BNG metric calculation is required.

# 7 Conclusions

This report provides an assessment of the following potential key impacts associated with the construction and operational phases of the proposed development at S. Taylor Jewellers, 30 Cantelupe Road, East Grinstead, RH19 3BJ. The aims were:

- To survey and determine the ecological value of the site according to the UKHab Ltd (2023). *UK Habitat Classification Version 2.0 (*https://www.ukhab.org*)*;
- To consider impacts to all habitats immediately adjacent to the site;
- To identify how protected species are / may be using the site in order to assess its functionality to the local populations, including a detailed Preliminary Roost Assessment for bat presence / absence;
- To consider potential impacts to local statutory and non-statutory site either within 2km or for European level designations, a buffer deemed as appropriate by the relevant Planning Authority; and
- To assess the suitability of the proposed development site in terms of existing ecological factors.
- Assess the proposed landscape plans and compare this to the current habitats on site to see if the proposed development will result in a biodiversity net gain; and
- Demonstrate the sites biodiversity loss or gain through habitat impact assessment calculations.

An Ecological Impact Assessment including a UKHab survey of possible ecological affects has been undertaken for the proposed development.

Given that the site consists solely of Buildings and Other Developed Land, it is unlikely to impact protected species, with the exception of bats which may be using the building for roosting. The building was assessed as having 'Low' suitability for bats due to the presence of potential roosting features (see Section 4.4). Accordingly, one dusk Emergence Survey is recommended, following best practice guidelines (Collins, 2023), to confirm the presence or likely absence of roosting bats prior to commencement of works.

In terms of Biodiversity Net Gain (BNG), the site is exempt from BNG requirements as there is no habitat loss expected. The current statutory guidance and local planning policies confirm that no Biodiversity Metric calculation is necessary for sites comprising only Other Developed Land with negligible vegetation. Consequently, no further mitigation or enhancement measures related to BNG are considered to be required.

It can, therefore, be concluded that the proposed development is not considered to conflict with any national, regional or local planning policies in relation to protected species and will not have any significant or adverse impacts on such species and their habitats, provided the recommendations outlined in Section 5 are adhered to.

# Appendices

**Appendix A: UKHab Map**

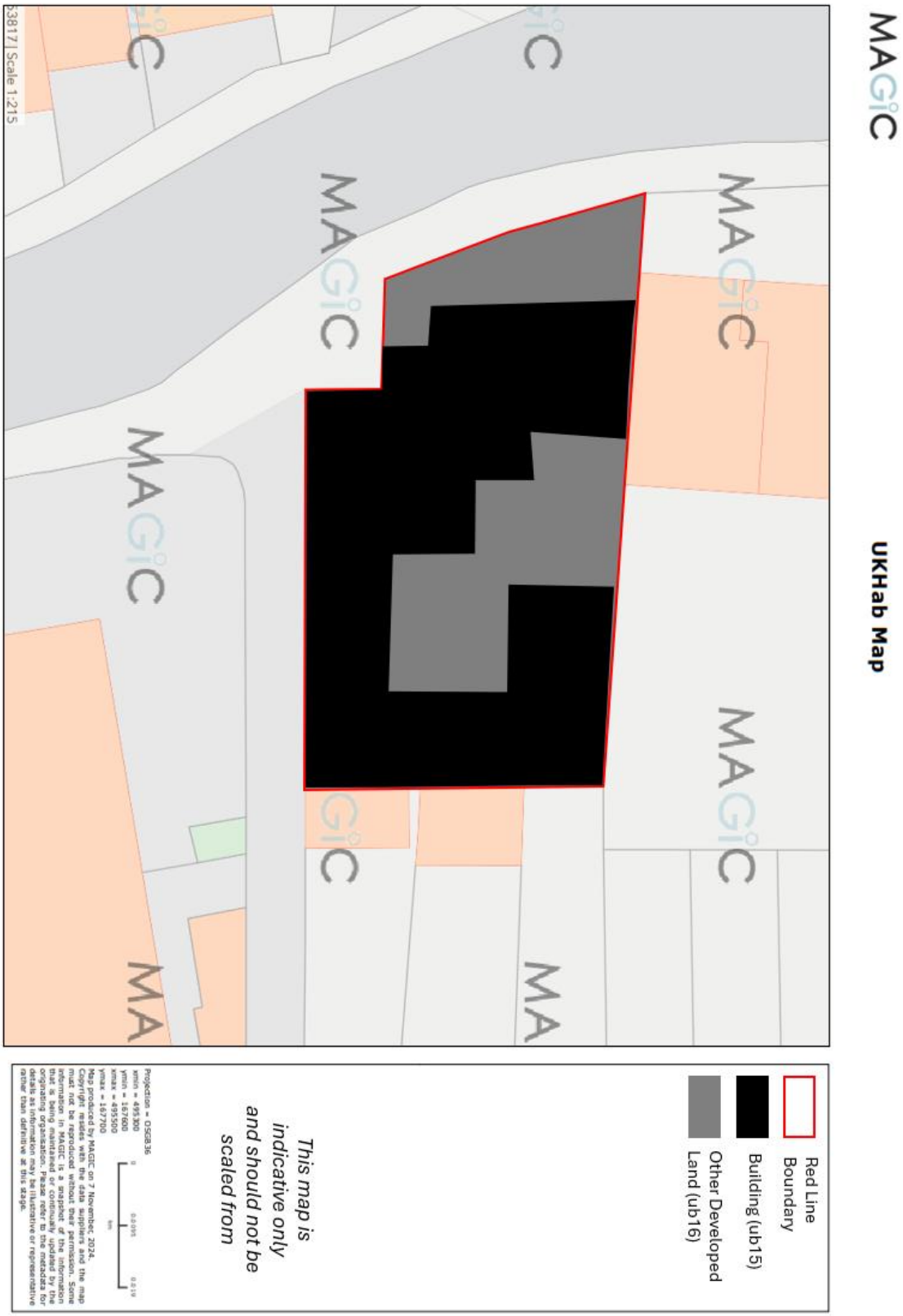
**Appendix B: Existing and Proposed Site Plans**

**Appendix C: Site Photographs**

**Appendix D: Planning Policy & Legislation**

**Appendix E: Legal Information Regarding Bats**

# Appendix A: UKHab Map



# Appendix B: Existing and Proposed Site Plans

Existing Plans and Proposed Plan (Source: Client 2025)

# Appendix C: Site Photographs

| Building Reference | Photograph |
|---|---|
| A |  |
| B |  |

| Building Reference | Photograph |
|---|---|
| C |  |
| D |  |

| Building Reference | Photograph |
|---|---|
| E |   |

# Appendix D: Planning Policy & 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 Broads[63]. 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 development[64] 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."*

### 7.1.1 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: 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.'*

# Appendix E: Legal Information Regarding Bats

*All bat species, their breeding sites and resting places are fully protected by law - they're European protected species.*

*You may be able to get a licence from Natural England if you cannot avoid disturbing them or damaging their habitats, or if you want to survey or conserve them.*

## What you must not do

*You're breaking the law if you do certain things including:*

- *deliberately capture, injure or kill bats*
- *damage or destroy a breeding or resting place*
- *obstruct access to their resting or sheltering places*
- *possess, sell, control or transport live or dead bats, or parts of them*
- *intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection*

*Either or both of the following could happen if you're found guilty of any offences:*

- *you could be sent to prison for up to 6 months*
- *you could get an unlimited fine*

## Activities that can harm bats

*Activities that can affect bats include:*

- *renovating, converting or demolishing a building*
- *cutting down or removing branches from a mature tree*
- *repairing or replacing a roof*
- *repointing brickwork*
- *insulating or converting a loft*
- *installing lighting in a roost, or outside if it lights up the entrance to the roost*
- *removing 'commuting habitats' like hedgerows, watercourses or woodland*
- *changing or removing bats' foraging areas*
- using insecticides or treating timber

**https://www.gov.uk/guidance/bats-protection-surveys-and-licences**