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Dear Laura

## **ESCC Land at Hindsland's Playing Fields, Polegate, East Sussex – Ecological Input to Planning Brief**

### **1. Introduction**

East Sussex County Council instructed Biodiversity Advanced Ltd to provide ecological input to a Planning Brief that is being produced by DHA Planning associated with two land parcels known as ESCC Land at Hindsland's Playing Fields, Polegate.

It is understood that DHA Planning have been instructed to consider the potential for development within two land parcels, totalling c.3ha in size. The two areas are located on the south-eastern edge of Polegate in East Sussex, centred at Ordnance Survey grid references TQ 5829 0425 ([western parcel](#)) and TQ 5865 0429 ([eastern parcel](#)).

### **2. Author Profile**

This note has been prepared by Dr Katy Read CEcol CEnv MCIEEM DipSM, Director, Biodiversity Advanced Ltd. Dr Read has over 20 years experience as a professional ecologist and habitat creation expert with a proven record of working closely with clients to achieve biodiversity gains for their projects.

Katy has extensive experience of ecological assessment, the production of shadow Habitat Regulations Assessments and acting as Expert Witness at numerous planning appeals, illustrating a comprehensive understanding of biodiversity within the planning system. She has a proven ability to work with multi-disciplinary teams to ensure that biodiversity is a key project-design element.

Katy is a Chartered Ecologist (CEcol) and Chartered Environmentalist (CEnv) and full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Katy adopts a professional approach to science-led ecological assessment and habitat creation projects, specialising in wetland and lowland terrestrial habitats.

[Katy has worked on projects in the Wealden District Council local authority area since 2015, having most recently provided ecological expertise on behalf of the Vine Family to a planning appeal associated with mixed-use development at Mornings Mill Farm, Eastbourne Road, Polegate, adjacent to the ESCC land parcels \(WDC Planning Ref: WD/2021/0174/MEA, Appeal Ref: APP/C1435/W/22/3297419\). Katy also worked on the adjacent Hindsland site, Eastbourne Road, Polegate, between 2015 and 2019. In addition,](#)

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Katy attended the Wealden District Council Local Plan 2019-Examination in Public (EiP) hearings in 2019, representing landowners for both the Mornings Mill Farm and Hindsland sites.

### 3. Desk Study Review

#### Nature Conservation Sites

Desk study searches associated with the study site were completed by Biodiversity Advanced Ltd on 16-11-2022 and including collating information from the following sources:

- ◆ Multi-Agency Geographical Information for the Countryside (MAGIC) website<sup>1</sup>;
- ◆ Natural England Designated Sites View website<sup>2</sup>; and,
- ◆ JNCC UK Protected Areas website<sup>3</sup>.

With respect to statutory designated nature conservation sites, Table 1 summarises the sites which should be considered as part of an Ecological Impact Assessment (see Section 5). Whilst ecological assessments would generally utilise a standard 2km-5km-10km radius search for statutory designated sites, some of the nature conservation sites detailed in Table 3.1 are a greater distance away from the ESCC land parcels. These sites have been included based on experience of working on other projects in the Wealden District Council area and prior consultation with Natural England regarding similar development projects surrounding Polegate. The potential 'Zone of Influence' is therefore considered likely to include statutory nature conservation sites which are more distant from the ESCC land parcels.

Nature Conservation Site	Distance from Study Sites	Brief Description of Designated Features
<b>Habitats Sites (Internationally Designated Nature Conservation Sites)</b>		
Pevensey Levels SAC / RAMSAR site	2.65km north north-west	Pevensey Levels is a large wet grassland complex criss-crossed with freshwater ditches. The SAC feature is a small freshwater snail, little whirlpool ram's-horn snail <i>Anisus vorticulus</i> . The site supports a notable assemblage of breeding and wintering wildfowl.
Lewes Downs SAC	13.8km west north-west	Lewes Downs is an isolated block of downland which forms part of the South Downs. The majority of the site comprises unimproved species-rich chalk grassland, developed on steep slopes over thin soils. The qualifying habitats is semi-natural dry grasslands and scrubland facies: on calcareous substrates ( <i>Festuco-Brometalia</i> ) (important orchid sites).
Ashdown Forest SAC	25km north north-west	Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England, supporting both European dry heaths and, in a larger proportion, Northern Atlantic wet heath with <i>Erica tetralix</i> . The SAC supports great crested newts, as a qualifying species.
Ashdown Forest SPA	24.5km north north-west	Ashdown Forest SPA is an extensive area of common land, regularly supporting nationally important breeding populations of nightjar and Dartford warbler.
<b>Nationally Designated Nature Conservation Sites</b>		
Willingdon Down SSSI	1.35km south south-west	This site comprises an area of species-rich chalk grassland on steep slopes at the eastern end of the South Downs. This habitat type is now nationally uncommon.
Folkington Reservoir SSSI	1.75km west south-west	Folkington Reservoir is a covered reservoir on the slopes of the South Downs above Folkington village. The banks support a rich chalk grassland flora with abundant orchids and the top is the only known locality in the county for the rare and protected hairy mallow <i>Althaea hirsuta</i> , a species listed on Schedule 8 of the Wildlife & Countryside Act 1981

**Table 3.1: Statutory Designated Nature Conservation Sites with Potential Zone of Influence (continued)**

<sup>1</sup> MAGIC website. Accessed: 16-11-2022. Available: <https://magic.defra.gov.uk/>

<sup>2</sup> Natural England Designated Sites View website. Accessed 16-11-2022. Available: <https://designatedsites.naturalengland.org.uk/>

<sup>3</sup> JNCC UK Protected Areas website. Accessed: 16-11-2022. Available: <https://jncc.gov.uk/our-work/uk-protected-areas/>

Nature Conservation Site	Distance from Study Sites	Brief Description of Designated Features
Pevensy Levels SSSI	2.65km north north-west	Pevensy Levels SSSI is a large area of low-lying grazing meadows intersected by a complex system of ditches which show a wide variety of form and species composition and support important communities of wetland flora and fauna. The site supports one nationally rare and several nationally scarce aquatic plants and many nationally rare invertebrates. Nationally important for wintering lapwings.
<b>Key:</b> RAMSAR - Wetlands of International Importance designated under the Ramsar Convention SAC – Special Area of Conservation SPA – Special Protection Area SSSI – Site of Special Scientific Interest		

**Table 3.1: Statutory Designated Nature Conservation Sites with Potential Zone of Influence**

Information pertaining to non-statutory nature conservation sites can be provided by Sussex Biodiversity Record Centre<sup>4</sup>, and is not available unless via a commissioned data search.

However, planning permission has been granted (at appeal) for two sites adjacent to the ESCC land at Hindsland's Playing Field study sites: Mornings Mill Farm (WDC Ref: WD/2021/0174/MEA) and the Hindsland site (WDC Ref: WD/2021/0594/MEA). Ecological reports available via WDC's planning portal for these two sites were reviewed which revealed the presence of the following non-statutory designated sites within a 2km radius of the two adjacent sites:

- ◆ Diplocks Woods/Wannock Coppice Local Wildlife Site (LWS);
- ◆ Cranedown and Middle Brow LWS;
- ◆ Willingdon Roundabout LWS;
- ◆ The Coppice LWS; and,
- ◆ Hampden Park and Ham Shaw LWS.

These Local Wildlife Sites are all located more than 500m from the study sites. An updated desk study search for non-statutory nature conservation sites should be commissioned (see Section 5).

### Habitats

Assessment of the MAGIC mapping tool 'Living England Habitat Map' layer, a satellite-based habitat classification, provides information with respect to the likely habitats within the study site. The Living England project (Phase IV), led by Natural England, is a multi-year programme delivering a satellite-derived national habitat layer in support of the Environmental Land Management (ELM) System and the Natural Capital and Ecosystem Assessment (NCEA) Pilot. The habitat probability map displays modelled likely broad habitat classifications, trained on field surveys and earth observation data from 2021 as well as historical data layers<sup>5</sup>. MAGIC 'Living England Habitat Map' layer shows that the habitats within the study site could include the following broad habitat categories (primary habitat prediction):

- ◆ Acid, calcareous, neutral grassland;
- ◆ Broadleaved, mixed and yew woodland; and,
- ◆ Scrub.

<sup>4</sup> Sussex Biodiversity Records Centre 'Non-statutory site designations' webpage. Available: <https://sxbrc.org.uk/sites/sites.php#lws>

<sup>5</sup> Technical information available from: [https://magic.defra.gov.uk/Metadata\\_for\\_MAGIC/Living%20England%20Habitat%20Map%20Phase%204%20Spatial%20Metadata.pdf](https://magic.defra.gov.uk/Metadata_for_MAGIC/Living%20England%20Habitat%20Map%20Phase%204%20Spatial%20Metadata.pdf). Accessed: 16-11-2022.

### Protected and Notable Species

With respect to protected and notable species, the MAGIC mapping tool provides datasets related to great crested newt records and European Species Licencing (EPS) applications. The following data was available:

- ◆ Record of GCN EPS licence from 2011, located c.800m east of the study sites; and,
- ◆ Record of bat EPS licence (common pipistrelle and brown long-eared bat) from 2012, located c.850m north-east of the study site.

Planning permission has been granted (at appeal) for two sites adjacent to the study sites: Mornings Mill Farm (WDC Ref: WD/2021/0174/MEA, [Appeal Ref: APP/C1435/W/22/3297419](#)) and the Hindsland site (WDC Ref: WD/2021/0594/MEA, [Appeal Ref: APP/C1435/W/22/3293970](#)). Ecological reports available via WDC's planning portal for these two sites were reviewed. The following protected and notable species were recorded at these sites:

- ◆ Bat roosts (including common pipistrelle, brown long-eared and Natterer's bat species) within buildings at Mornings Mill Farm in 2019;
- ◆ Grass snake individual seen at Morning Mill Farm and noted in 2020 report;
- ◆ Slow worm recorded at Mornings Mill Farm in 2017; and,
- ◆ Slow worm recorded at Hindsland site in 2020.

Whilst habitats suitable for both dormouse and badgers was found at both the Mornings Mill Farm site and the Hindsland's site, no evidence of these species was recorded during baseline surveys.

Full desk study data with respect to protected and notable species can be provided by Sussex Biodiversity Record Centre, but this data has not been accessed as part of this initial study.

## 4. Site Visit

The site was visited by Dr Read on 01-12-2022, during which the weather conditions were 10°C, 50% cloud cover, no rain and very light winds. This site visit was utilised to confirm the on-site features shown on the mapped data discussed above, and to provide project-specific ecology input to this document.

The western land parcel (TQ 5829 0425) comprises a mosaic of rough grassland, with dense and scattered bramble, blackthorn and hawthorn scrub, young oak trees and mature scattered trees (see Plate 4.1). A strip of broad-leaved woodland extends along the south-western boundary of this land parcel adjacent to Eastbourne Road. This habitat contains a number of mature oak (see Plate 4.2), ash, pine, and silver birch trees, with an understorey dominated by bramble, with blackthorn and occasional hawthorn, gorse and holly and rhododendron (at the northern end). A shallow and narrow dry ditch extends along the south-eastern boundary, with scrub and mature trees along the top of the ditch bank (see Plate 4.3). This features appears to form the boundary between the ESCC land and the adjacent Hindsland site. Residential properties are separated from the ESCC land by fences along the north-eastern boundary, with a fence also present along the north-western boundary with the adjacent petrol station. An extensive width of dense scrub was noted along both of these boundaries.

The eastern land parcel (TQ 5865 0429) comprises a similar habitat composition comprising rough grassland, dense scrub and scattered young trees (see Plate 4.4), with the addition of areas of young oak woodland within this land parcel (see Plate 4.5). There are mature oak trees along the north-western boundary, adjacent to fences along the rear gardens of the adjacent properties (see Plate 4.6). The north-eastern boundary is comprised of an old metal fence in poor condition and covered with bramble scrub. There are occasional mature oak trees in the northern part of this land parcel. The south-eastern boundary is formed of a dry ditch feature with a bank and mature oak trees along the boundary with the adjacent Mornings Mill Farm site.



**Plate 4.1: Western Land Parcel – mosaic of rough grassland, scrub and scattered trees**



**Plate 4.2: Western Land Parcel - mature trees within broad-leaved woodland habitat along Eastbourne Road**



**Plate 4.3: Western Land Parcel – shallow ditch feature with trees and scrub along south-eastern boundary**



**Plate 4.4: Eastern Land Parcel – mosaic of rough grassland, scrub and scattered trees**



**Plate 4.5: Eastern Land Parcel – young woodland area**



**Plate 4.6: Eastern Land Parcel – mature trees along north-western boundary**

## 5. Opportunities and Constraints

The ecological context of the local area, the site and the potential opportunities and constraints associated with development of the land parcels is considered below. The assessment has been carried out based on the current requirements of the local planning authority (Wealden District Council) in relation to ecology. It should be noted that Wealden District Council have confirmed that they are currently working on a new Local Plan<sup>6</sup>, although the timetable for this has not yet been released. The information presented in this note therefore relates to the Wealden District Core Strategy Local Plan 2013, and retained policies from the Wealden Local Plan 1998.

### Nature Conservation Sites

The study sites are located within the potential Zone of Influence of a number of Habitats Sites (see Table 2.1). Detailed consideration of these sites will need to be completed as part of any development proposals, with shadow Appropriate Assessment documents submitted with any planning application. For Habitats Sites, assessment works should follow the guidance provided by GOV.UK 'Appropriate Assessment guidance'<sup>7</sup>. Further details of the scope of works recommended is given in Table 5.1.

An assessment of the potential impacts of the proposed development on nationally designated nature conservation sites (SSSIs) should be completed. The site is located within Natural England's SSSI Impact Risk Zones for a number of the SSSIs within the potential Zone of Influence. The Impact Risk Zones (IRZs) are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks to SSSIs posed by development proposals. They define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. The IRZs also cover the interest features and sensitivities of European sites, which are underpinned by the SSSI designation and 'Compensation Sites', which have been secured as compensation for impacts on European /Ramsar sites. The IRZ tool identifies that the Local Planning Authority should consult with Natural England regarding any planning applications within the study site location. It will therefore be necessary to incorporate necessary avoidance, mitigation and compensation measures associated with potential impacts on nature conservation sites into any development proposals. Further details of the scope of works recommended is given in Table 5.1.

With respect to non-statutory nature conservation sites, a comprehensive desk study should be completed (see Table 5.1), and a subsequent assessment made. However, initial considerations, using data from adjacent development sites, suggests that development proposals are unlikely to have a significant adverse effect on non-statutory nature conservation sites.

### Habitats

Habitats within the study sites comprised rough grassland, dense and scattered scrub, broad-leaved woodland, scattered trees and dry ditches. All of the habitats within the site are considered to be semi-natural habitats, and the broad-leaved woodland areas and mature scattered trees are likely to be ecologically valuable. The rough grassland habitats have a tussocky structure, with mounds which could be anthills, suggesting that the grassland habitats may have moderate ecological value. The scrub habitats are dominated by bramble, although hawthorn and blackthorn were also noted. The sites support a mosaic of habitats, which increases the intrinsic value of them due to the ecotones which are present.

A habitat survey (using the UK Habs classification system) should be completed during the growing season (generally April to September), with a Condition Assessment completed for each habitat parcel.

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<sup>6</sup> Wealden District Council 'Wealden Local Plan webpage'. Accessed: 16-11-2022. Available: <https://www.wealden.gov.uk/planning-and-building-control/planning-policy/wealden-local-plan/>

<sup>7</sup> See: <https://www.gov.uk/guidance/appropriate-assessment>

This data would inform a Preliminary Ecological Appraisal, and a Biodiversity Net Gain Feasibility Assessment (see further information in Table 5.1).

Given the presence of mature trees within the study area, an Arboricultural Survey, carried out in accordance with British Standard BS5837 'Trees in relation to design, demolition and construction', should be completed. This data should be used in conjunction with habitat survey data to assess the condition of the mature trees and to set out root protection areas to inform layout options.

Development within the site, using standard development densities, would likely result in the loss of some of the mosaic of rough grassland, scrub and scattered trees. Where possible, the areas of broad-leaved woodland should be carefully mapped and retained. Consideration would also need to be given to the options available in order to ensure that a net gain for biodiversity was achievable, as this requirement will likely be mandated by the time that any application for planning permission is submitted. One option would be to minimise the development footprint, and design and implement habitat enhancement measures within retained habitat areas, such that a 10% uplift in biodiversity (measured using a standardised metric) within the site is achieved. If the first option is not considered viable, an alternative option would be to consider securing off-site compensatory habitats, if on-site development results in a biodiversity net loss, or a biodiversity net gain of <10% (measured using a standardised metric). The Environment Act 2021 will mandate schemes to provide a 10% uplift in biodiversity (measured using a standardised metric) from November 2023, and as such it is considered likely that this requirement would apply to the study sites.

It is recommended that a Biodiversity Net Gain Feasibility Assessment be carried out at an early stage to inform the design of any development at the site. This initial assessment will provide guidance for the developer with respect to options for achieving the necessary biodiversity uplift. This initial assessment should allow consideration of the requirement for utilising offsite land (either within the ownership of the developer or through the purchase of biodiversity units from a recognised provider). The planning application should be accompanied by a Biodiversity Net Gain Design Stage report, based on the site's final layout and landscaping plans.

### Protected and Notable Species

The desk study assessment work has identified initial baseline information from adjacent sites with respect to protected and notable species. A full desk study search for protected and notable species records should be requested from Sussex Biological Records Centre as part of the Preliminary Ecological Appraisal works (see Table 5.1).

Information from adjacent planning applications at Mornings Mill Farm and Hindsland have identified that the adjacent sites support bat roosts and populations of reptiles (slow worm and grass snake) within adjacent landholdings. The habitats within the study sites provide suitable reptile habitat and as such reptile surveys will be required to establish whether reptiles are using the habitats within the study sites (see further information in Table 5.1). Other species, including badgers, bats, great crested newts and hedgehogs, may also be using the habitats within the study sites. Further information with respect to the proposed surveys / approach to mitigation for these species is given in Table 5.1.

Once all baseline survey work has been completed, initial assessments and consultation have been carried out, and the scheme has been designed in accordance with the ecological mitigation hierarchy, an Ecological Impact Assessment should be produced, based on the final layout plans. This document should set out the ecological baseline, details of any mitigation required, compensation plans, and also outline the proposals for ecological enhancement as part of the proposed development.

A summary of the recommended next steps and details of the timing for ecological surveys, likely supporting information required, and a staged approach to ecological considerations for the site is given in Table 5.1. This table also identifies the legislative driver, national planning policy and local planning policy relevant to each stage of work proposed.

Designing a successful site layout which allows an appropriate quantum of development, whilst also adhering to ecological legislative and policy requirements, and ensures best practise in relation to the provision of biodiversity will likely be a challenge at this site, given the habitats present and the relatively small size of the study sites. Careful consideration will need to be given to ensuring that any scheme maintains and enhances the existing wildlife corridors and ecological connections, particularly with outline development approvals at the adjacent Mornings Mill Farm and Hindsland sites. The study sites represent the two remaining land parcels between these two development sites and the established residential areas of Polegate town. It must be recognised therefore that the 'in-combination' impacts of habitat loss across all of these sites will need to be carefully considered, both in terms of retaining habitat features, and also potential impacts on species populations. This is likely to be of particular relevance for reptiles, as habitat loss across the two adjacent sites could result in an increased density of individuals within the study sites unless mitigation strategies are carefully designed and implemented.

Offsite compensation may be required, particularly in relation to the mandate (from November 2023) to achieve a 10% uplift in biodiversity, measured using a standardised metric. Early engagement with potential offsite providers would ensure that necessary agreements could be in place prior to submission of a planning application, minimising potential delays in the planning process.



Ecological Works Required for Development Proposals	Relevant Legislation and Policy	Notes
Preliminary Ecological Appraisal	WDC Core Strategy 2013 Policy WCS12  WDC Local Plan 1998 Policies EN12 and EN15	<p>A Preliminary Ecological Appraisal should be completed in accordance with CIEEM (2017) 'Guidelines for Preliminary Ecological Appraisal', Second Edition, December 2017 and presented in line with CIEEM (2018) 'Guidelines for Ecological Report Writing', Second Edition, December 2017. Desk study data associated with non-statutory nature conservation sites and records of protected and notable species, and non-native invasive species should be purchased from Sussex Biodiversity Records Centre.</p> <p>The initial appraisal report should provide baseline ecological data and the results should be used to influence initial development layout options. The data should be used to inform layout decisions using the ecological mitigation hierarchy (avoid – mitigate – compensate – enhance).</p> <p>Consideration should be given to using the UK Habs classification system<sup>8</sup> for habitat descriptions in order to ensure transferability of baseline data to complete Biodiversity Net Gain assessments (see below). Fieldwork should ideally be completed between April and September.</p>
Arboricultural Survey	WDC Local Plan 1998 Policy EN12	Given the presence of mature trees within the study area, an Arboricultural Survey should be completed in accordance with British Standard BS5837 (Trees in relation to design, demolition and construction) to provide information with respect to tree condition, and root protection zones in order to inform potential development layouts.
Protected and Notable Species Surveys	Habitat Regulations 2017  Wildlife and Countryside Act 1981 (as amended)  Protection of Badgers Act 1992  WDC Core Strategy 2013 Policy WCS12	<p><u>Badgers</u> – The habitats within the study sites are suitable for use by badgers for sett building and foraging. A comprehensive badger survey should be completed. Due to the dense scrub habitats within the study sites, the badger survey should be undertaken during the winter months (November to February) when evidence of badgers is more visible due to vegetation die-back.</p> <p><u>Bats</u> – The mature trees within and adjacent to the study site could provide potential roosting features (PRFs) for bats. Further surveys would need to be completed in accordance with the Bat Conservation Trust 'Bat Surveys for Professional Ecologists – Good Practice Guidelines' (Collins, 2016) to determine whether bat roosts were present within these trees. The habitats within the study site are suitable for use by bats for foraging and commuting and bat species have been recorded. Surveys completed in 2017 at the adjacent Mornings Mill and Hindslands sites recorded low levels of common pipistrelle, soprano pipistrelle and noctule bat activity. Given the approval of planning permissions for development at both of these sites, bat activity surveys may be required within the ESCC land parcels to assess the 'in-combination' effects of habitat loss across all sites on bat species.</p>

<sup>8</sup> See: <https://ukhab.org/>

**Table 5.1: Recommended Further Ecological Works to Support a Planning Application** (continued)

Ecological Works Required for Development Proposals	Relevant Legislation and Policy	Notes
Protected and Notable Species Surveys (continued)	Habitat Regulations 2017  Wildlife and Countryside Act 1981 (as amended)  Protection of Badgers Act 1992  WDC Core Strategy 2013 Policy WCS12	<p><u>Birds</u> – The habitats within the study sites are suitable to be used by both wintering and breeding bird species. Surveys for wintering and breeding birds were completed at both the adjacent Morning Mill Farm and Hindsland's sites. These surveys recorded both common species, and some species listed as 'Birds of Conservation Concern'<sup>9</sup>. Given the approval of planning permissions for development at both of these sites, wintering and breeding bird surveys may be required within the ESCC land parcels to assess the 'in-combination' effects of habitat loss across all sites.</p> <p><u>Reptiles</u> – Due to the presence of habitat suitable for use by reptiles within the study sites, and that slow worm and grass snakes have been recorded on the two adjacent sites at Mornings Mill Farm and Hindsland, a reptile survey should be completed. This will require 7 no. survey visits during suitable weather conditions, with surveys carried out during optimal survey months April to June and September.</p> <p><u>Great crested newts</u> – The study sites support suitable habitat for great crested newts (GCN). To confirm presence / absence, a GCN Habitat Suitability Assessment and subsequent GCN surveys should be completed between March and June (with GCN surveys requiring visits between mid-April and mid-May). This may require access to land outside of the developer's ownership. Alternatively, a developer may choose to utilise a GCN District Licence Scheme, authorised by Wealden District Council<sup>10</sup>. This licence is operated by NatureSpace<sup>11</sup> and the following applies:</p> <ul style="list-style-type: none"> <li>◆ The development must apply to use the District Licence Scheme <u>before or during</u> (not after) the planning application process, otherwise variations to any planning consent will be necessary;</li> <li>◆ The developer can opt into the scheme by contacting NatureSpace to request a free upfront assessment which will determine eligibility and all associated costs, timing and mitigation requirements; and,</li> <li>◆ Under the District Licensing Scheme habitat compensation is delivered by the Newt Conservation Partnership, who take on responsibility for the habitat creation as well as long-term monitoring and management. Compensation through the scheme delivers landscape-scale conservation for great crested newts.</li> </ul> <p>NB – Additional protected and notable species surveys may be required, based on the outcome of the Preliminary Ecological Appraisal.</p>

**Table 5.1: Recommended Further Ecological Works to Support a Planning Application** (continued)

<sup>9</sup> See: <https://www.bto.org/our-science/publications/birds-conservation-concern>

<sup>10</sup> See: <https://www.wealden.gov.uk/planning-and-building-control/wildlife-and-biodiversity/>

<sup>11</sup> See: <https://naturespaceuk.com/>

Ecological Works Required for Development Proposals	Relevant Legislation and Policy	Notes
<p>Biodiversity Net Gain Feasibility Assessment</p> <p>Biodiversity Net Gain Design Stage Report</p>	<p>Environment Act 2021</p> <p>NPPF 2021, paragraph 180</p> <p>WDC Core Strategy 2013 Policy WCS12</p>	<p>Biodiversity Net Gain (BNG) is development that leaves biodiversity in a better state than before and the Environment Act 2021 introduced a mandatory requirement from November 2023 for developments to provide a 10% uplift in biodiversity – measured using a standardised metric.</p> <p>A BNG Feasibility Assessment should be carried out as part of preliminary studies for the site. Any development scheme should be designed in accordance with the guidance set out in CIEEM/CIRIA/IEMA (2016) 'Biodiversity Net Gain: Good practice principles for development', ensuring that the highest value habitats within the site are retained and enhanced, where possible.</p> <p>It is recognised that achieving a 10% BNG uplift at this site, whilst also adopting standard development densities, could be a challenge. Consideration of different development densities, layout options and habitat enhancement measures will likely be required. It is also recognised that as a last resort, an alternative option involving securing off-site compensatory habitats, could potentially be utilised, if suitable schemes can be identified.</p> <p>The requirement to adhere with BNG trading rules (where habitat loss is replaced by broad habitats of similar or higher value) will also need to be considered for any on-site or off-site proposals. It may be necessary for the developer to enter into an agreement with an off-site provider, if they cannot ensure suitable habitat creation at an off-site location within their ownership. Any offsite BNG delivery should be focused as close to the proposed development site as possible, whilst ensuring that it also delivers strategic habitat requirements as part of a nature recovery network.</p> <p>For submission with the planning application, a Biodiversity Net Gain Design Stage report should be produced, setting out the BNG assessment based on the final layout plans, and including details of proposed off-site habitat delivery if necessary.</p> <p>BNG assessment work should be presented using the template structure set out in CIEEM (2021) 'Biodiversity Net Gain Report &amp; Audit Templates', Version 1, July 2021.</p>
<p>Ecological Impact Assessment</p>	<p>NPPF 2021, paragraph 180</p> <p>WDC Core Strategy 2013 Policies WCS12 and WCS13</p>	<p>Once baseline ecological data has been collected and the scheme has been designed in accordance with the ecological mitigation hierarchy (avoid – mitigate – compensate – enhance), it is recommended that a planning application be supported by an Ecological Impact Assessment (EcIA), produced in line with CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland – Terrestrial, Freshwater, Coastal and Marine'. Version 1.1, updated 2019.</p> <p>This document should set out the ecological baseline of the site, assess the impacts of the proposed development on the ecological baseline, detail mitigation and compensation measures, and identify ecological enhancements which are to be delivered as part of the development.</p>

**Table 5.1: Recommended Further Ecological Works to Support a Planning Application** (continued)

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Ecological Works Required for Development Proposals	Relevant Legislation and Policy	Notes
Ecological Impact Assessment (continued)	WDC Local Plan 1998 Policy EN14	Landscaping proposals should seek to retain existing trees, significant hedgerows and other valuable site features. Planting mixes should include native species, and the landscaping design should aim to deliver nature conservation benefits.
Shadow Appropriate Assessment reports -  Stage 1: Screening  Stage 2: Appropriate Assessment	Habitat Regulations 2017  NPPF 2021, paragraphs 180 and 182  WDC Core Strategy 2013 Policies SPO1 and WCS12  WDC Local Plan 1998 Policy EN15	<p>Consideration to be given to HRA requirements at early stage in project, so that any necessary mitigation can be incorporated into the scheme design. Early liaison with Natural England via their Discretionary Advice Service (DAS) is recommended to identify potential pathways of impact. If potential pathways of adverse effects are identified, a Stage 2: Appropriate Assessment will be required.</p> <p>Evidence to support Stage 2: Appropriate Assessment report will be required. Supporting documents / information likely to be required include those below.</p> <p><u>Pevensley Levels SAC / RAMSAR / SSSI</u> – (1) A site-specific Sustainable Urban Drainage Scheme (SUDS) design incorporating at least 2-stages of treatment and evidence showing how the design will ensure no changes to water levels and / or water quality downstream of the proposed development site. (2) Long-term SUDS management and maintenance plan and commitment to management costs.</p> <p><u>Ashdown Forest SAC</u> – Specific consideration of traffic generated by the development resulting in air pollution and subsequent deposition contributions on qualifying habitats at Ashdown Forest SAC (both alone and in combination with other projects and plans).</p> <p><u>Lewes Downs SAC</u> – Specific consideration of traffic generated by the development resulting in air pollution and subsequent deposition contributions on qualifying habitats at Lewes Downs SAC (both alone and in combination with other projects and plans).</p> <p><u>Ashdown Forest SPA</u> – Specific consideration of recreational impacts on the Ashdown Forest SPA as a result of the proposed development.</p> <p>The Stage 2: Appropriate Assessment will require details of mitigation proposed, delivery / control mechanisms (e.g. planning obligations) and confirmation of commitment to fulfil obligations.</p> <p>Note – A Habitats Regulations Assessment does not necessarily provide all of the information required to fulfil the requirement for a SSSI impact assessment, due to the need to assess impacts of the scheme on potentially differing designation criteria.</p>

**Table 5.1: Recommended Further Ecological Works to Support a Planning Application**

I trust that this report provides a useful summary of the potential ecological opportunities and constraints associated with development at the ESCC Hindsland's Playing Fields study sites and sets out recommendations with respect to further survey and assessment work to support the design of a development at the site which ensures compliance with ecological legislation and policy, and secures biodiversity enhancements.

I would like to thank you for the opportunity to be involved with this project. Please do not hesitate to contact me if you have any queries.

Yours sincerely

Checked by:

*KERead*

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