

Ecological Assessments

Environmental Statements
(Biodiversity)

Species Surveys

Phase I Habitat Survey

National Vegetation
Classification

Planning Guidance

Habitat Regulation Assessment

Protected Species Licensing

42020 CEMP: Biodiversity

BREEAM LE01 - 05

Preliminary Ecological Appraisal

Findon Service Station, Worthing, BN14 0AB



Cover Photo: The Application Site

REPORT STATUS

Issue/revision	DRAFT	FINAL I	FINAL II
Project Location	Findon Service Station, Worthing, BN14 0AB		
Project No.	324-03		
Subject	Preliminary Ecological Appraisal		
Report Ref.	32403-PEA_A	32403-PEA_A	
Date	16/12/2025	17/12/25	
Prepared by	SC/VM	SC/VM	
Signature			
Reviewed by	BJ/CLIENT	BJ	
Signature	Baylee Jennings		

The report may not be copied or used without the prior written agreement of Ecology Practice Ltd.

This document has been prepared by Ecology Practice Ltd. at the instruction of, and for use by, our Client in connection with the project. No other party may copy, make use of or reproduce the contents of this document other than for the purpose for which it was originally commissioned and prepared. Any information supplied by the Client or third parties and used in this document has not been verified by Ecology Practice and Ecology Practice has no responsibility or liability for it.

CONTENTS

1	INTRODUCTION	1
1.1	BACKGROUND.....	1
2	METHODS.....	7
2.1	DESKTOP.....	7
2.2	FIELDWORK	7
2.3	PEROSONNEL.....	9
2.4	CONSTRAINTS	9
3	DESKTOP RESULTS.....	10
3.1	DESIGNATED SITES	10
3.2	HABITATS.....	11
3.3	SPECIES	11
3.4	LOCAL PLANNING POLICY.....	12
4	FIELDWORK.....	16
4.2	HABITAT CONFORMITY TO OTHER CATEGORIES	20
4.3	BATS AND NESTING BIRDS	20
4.4	OTHER	21
5	MITIGATION SUMMARY	23
5.2	HABITAT	23
5.3	BATS	25
5.4	BREEDING BIRDS	26
5.5	MAMMALS	27
5.6	BIODIVERSITY NET GAIN.....	28
6	APPENDIX	30
6.1	LEGISLATION.....	30

FIGURES

Figure 1 Location	5
-------------------------	---

Figure 2 Proposals 6

Figure 3 Statutory Designations 13

Figure 4 Non-Statutory Sites 14

Figure 5 Priority Habitats 15

Figure 6 Habitat Map 22

TABLES

Table 1: Personnel 9

Table 3: Summary of Recommendations 23

Table 4: Features not assessed further 23

1 INTRODUCTION

1.1 BACKGROUND

Rationale

- 1.1.1 This report has been commissioned by Jennings Designs to provide a Preliminary Ecological Appraisal (PEA) on behalf of Jet Retail UK Ltd to support a full planning application of proposals at Findon Service Station, BN14 0AB (hereafter referred to as the Site).
- 1.1.2 This Preliminary Ecological Appraisal follows guidance from CIEEM (2017¹) and complies with recommendations in BS42020² and BS8683³. It is informed by a desk study (Section 3) and a field survey (Section 4).
- 1.1.3 Survey information is valid for a maximum of 18 months, after which updated surveys will be required.
- 1.1.4 Data provided by Sussex Biodiversity Records Centre is valid for a maximum of 12 months.

Site Details

- 1.1.5 The Site is located at Findon Service Station, Findon Road, Worthing, BN14 0AB (Grid reference TQ 13225 05841). The Site lies on a main road in the north of Worthing, residential properties lie adjacent to the north, east and south, a golf course is located further to the east, and Durrington Cemetery to the west. Refer to Figure 1 for more details.

¹ **Chartered Institute for Ecology and Environmental Managers (2017)** Guidelines for Preliminary Ecological Appraisal. Second Edition (December 2017). Chartered Institute of Ecology and Environmental Management, Winchester.

² **The British Standards Institution 2013** BS 42020:2013 Biodiversity - Code of practice for planning and development. Published by BSI Standards Limited 2013. ISBN 978 0 580 77917 6

³ **The British Standards Institution 2021** BS 8683 Process for designing and implementing Biodiversity Net Gain – specification. Published by BSI Standards Limited 2021. ISBN 978 0 539 01986 5

Proposals

- 1.1.6 The proposals involve the redevelopment of the existing petrol filling station and associated facilities. The key changes include the relocation of the sign, installation of two EV charging bays, one 150kW Alpitronic Hypercharge Unit, the installation of 2m High Hazardous Zone Separation Barrier Screen and the installation of LV cabinet. Refer to Figure 2 for more details.

1.2 REGULATORY FRAMEWORK

Legislation

- 1.2.1 This report has been prepared taking relevant statutory instruments into account; including domestic legislation such as Acts of Parliament, and Regulations to comply with European Directives. This is described in full in Appendix Section 6 and in summary as follows:

- The Environment Act 2021
- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Wildlife and Countryside Act 1981 (as amended)
- Protection of Badgers Act 1992
- Countryside and Rights of Way (CROW) Act 2000
- Natural Environment and Rural Communities (NERC) Act 2006
- ODPM Circular 06/2005 Biodiversity and Geological conservation (withdrawn March 2014, but report remains compliant)

Priority Species

- 1.2.2 As well as species and habitats formerly protected through statute, this assessment will consider 'Habitats and Species of Principal Importance', otherwise referred to as Priority Habitats and Species if present. In accordance with obligations set out in Section 40 of the NERC Act 2006, the planning authority refers to these habitats and species as material considerations, which are defined in a List through Section 41 of the Act.

National Planning Policy Framework (NPPF)

- 1.2.3 National policy for nature conservation is determined through the NPPF 2024⁴ and with respect to wildlife supersedes Planning Policy Statement 9 (PPS 9). The tools for species protection are still fully present since NPPF policy does not alter statutory legal requirements.
- 1.2.4 The natural environment is accounted for under Section 15. Conserving and enhancing the natural environment. Specifically with regards to habitats and biodiversity the following paragraphs are relevant:
- Paragraph 192: protection and enhancement of biodiversity.
 - Paragraph 193: Local Planning Authority principles.
 - Paragraph 194: Site protection
- 1.2.5 In addition, trees are also planned for under Paragraph 136 which states that, *'decisions should ensure... that opportunities are taken to incorporate trees elsewhere in developments... appropriate measures put in place to secure the long-term maintenance of newly planted trees, and existing trees should be retained where possible'*.

Biodiversity Net Gain (BNG)

- 1.2.6 In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 1.2.7 Within Part 6: Nature and Biodiversity of the Environment Act 2021, section 98, entitled "Biodiversity gain as a condition of planning permission" states that "Schedule 14 makes provision for biodiversity gain to be a condition of planning permission in England". Schedule 14 contains the requirement for Biodiversity Net Gain, as detailed below.

⁴ **Ministry of Housing, Communities & Local Government 2024** National Planning Policy Framework (updated December 2024 edition).

Biodiversity gain objective

- 1.2.8 Part 1 of Schedule 14 states *“The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage”*.
- 1.2.9 In England, developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. DEFRA has produced a Metric tool to measure the biodiversity losses and gains that result from development projects, updated in 2024 to The Statutory Biodiversity Metric (Natural England 2024⁵).

UK Biodiversity Policy

- 1.2.10 There is a ‘Biodiversity Duty’ for local authorities set out in the NERC Act 2006 Sections 40 and 41, guiding national policy for priority habitats and species (i.e., the S41 List), and importantly linking these to both the National Biodiversity Action Plan for the UK and local Biodiversity Action Plans (BAPs).
- 1.2.11 The UK BAP describes the UK’s biological resources and commits a detailed plan for the protection of these resources. Although not statutorily binding, nonetheless it provides policy direction at a national, regional and local scale. It currently has 391 Species Action Plans, 45 Habitat Action Plans and 162 Local Biodiversity Action Plans with targeted actions. This list, a result of the most comprehensive analysis ever undertaken in the UK, contains 1149 species and 65 habitats that have been listed as priorities for conservation action.

⁵ **Natural England 2024.** The Statutory Biodiversity Metric: Auditing and accounting for biodiversity – User Guide. Natural England Joint Publication JP039. ISBN: 978-1-7393362-1-9. First published February 2024.

Figure 1
Location



Application Site

Grid Reference

TQ 13225 05841

Grid Reference (6 figure)

TQ132058

X (Easting) , Y (Northing)

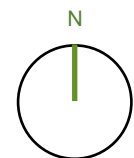
513225 , 105841

Latitude , Longitude (decimal)

50.841028 , -0.39327164

Latitude , Longitude (degs, mins, secs)

50°50'28"N , 000°23'36"W



Do not scale

Client



Project title

Project ID

Findon Service Station

324-03

Subject

Preliminary Ecological Appraisal

Drawing number

32403-01PEA_A

Drawing date 26/11/25
Drawn by SC

Version A

the ecology Practice

01989 770400

www.ecologypractice.co.uk

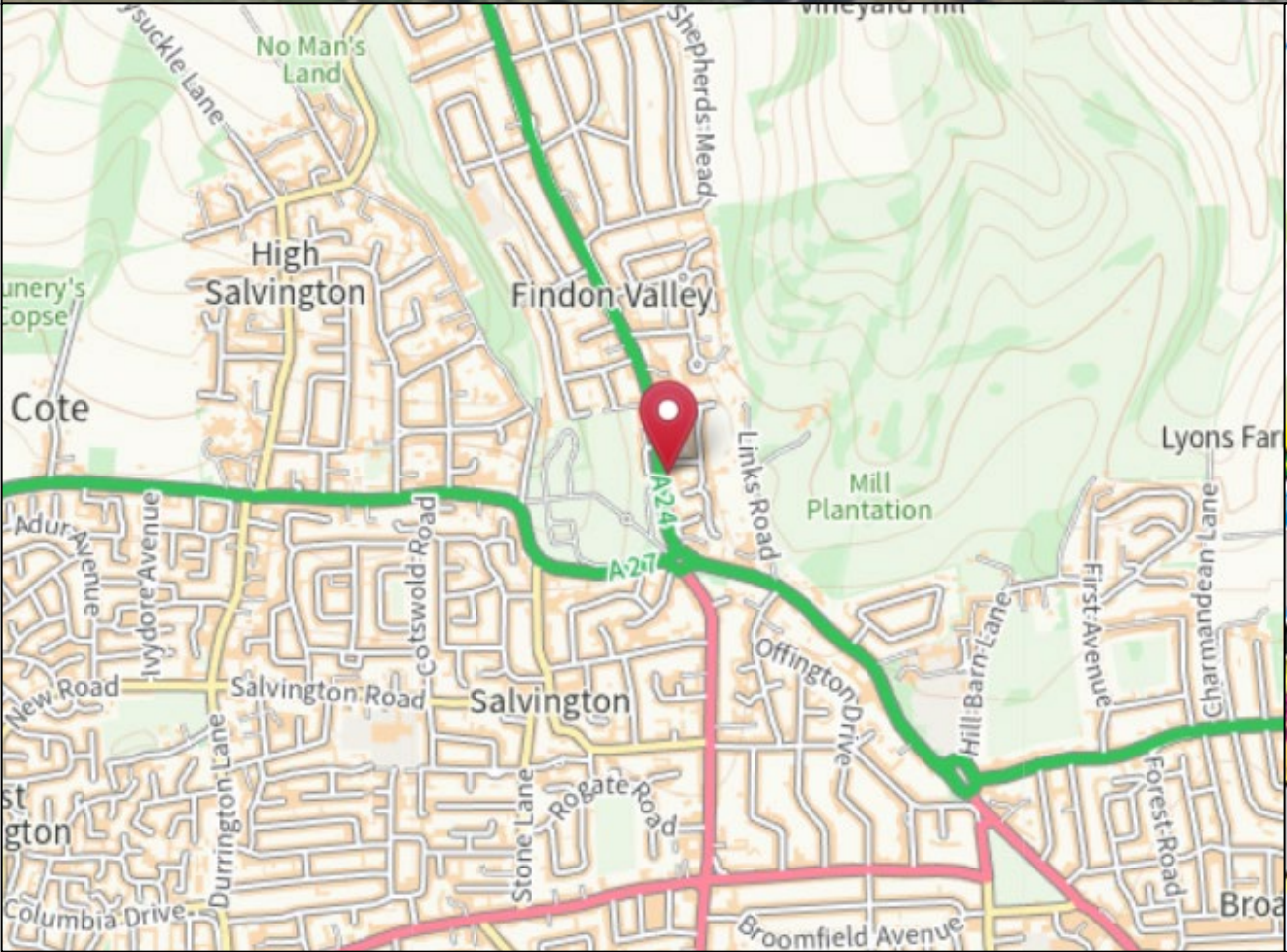
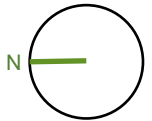


Figure 2
Proposals



Red line boundary



Do not scale

Client



Project title

Findon Service Station

Project ID

324-03

Subject

Preliminary Ecological Appraisal

Drawing number

32403-02PEA_A

Drawing date

26/11/25

Drawn by

SC

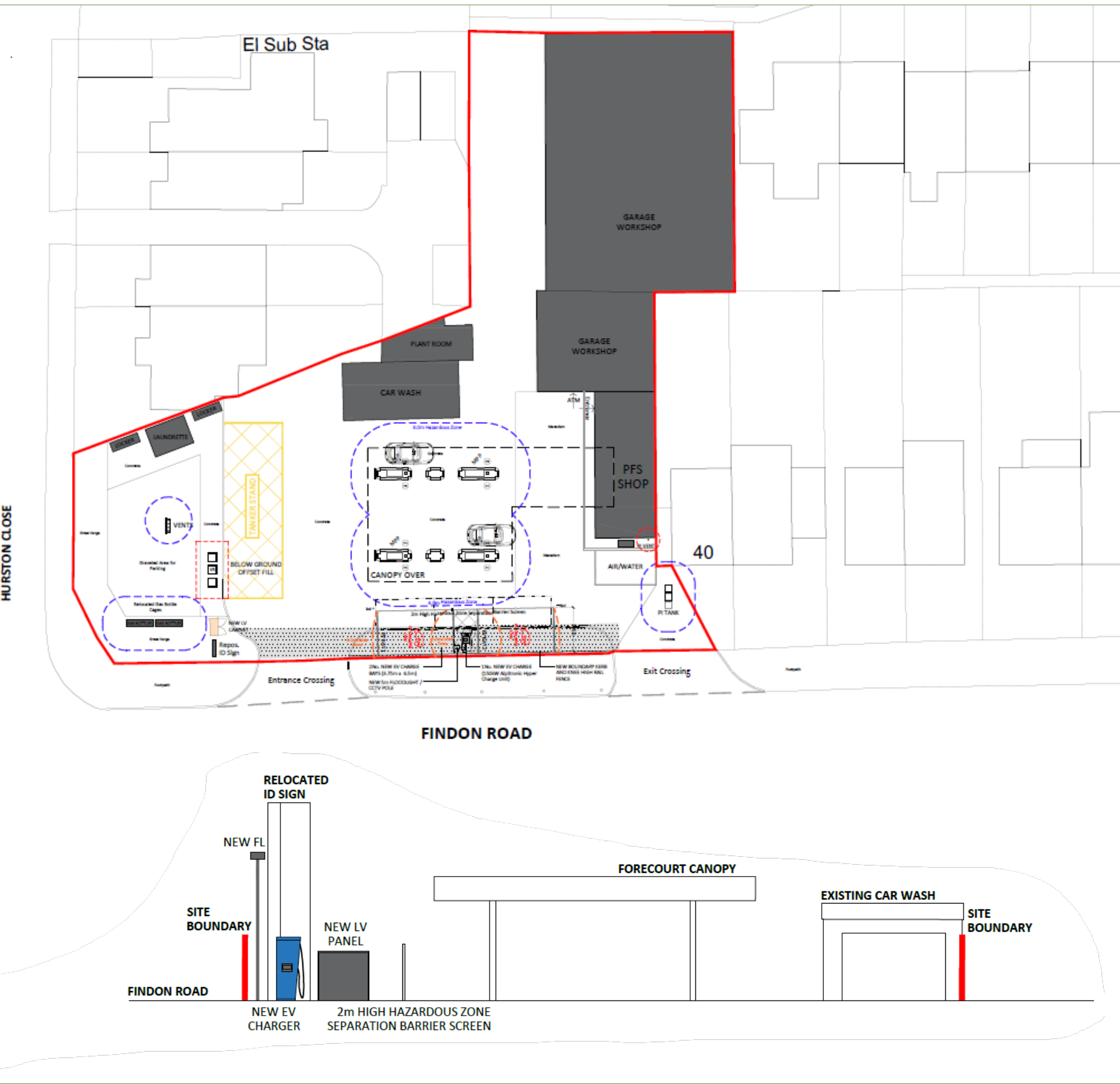
Version

A

the ecology Practice

01989 770400

www.ecologypractice.co.uk



SOUTH ELEVATION

2 METHODS

2.1 DESKTOP

2.1.1 A desk study was carried out by collecting records within a 1km Area of Search (AoS). Data was collected from Sussex Biodiversity Records Centre. The data trawl provided records for statutory and non-statutory sites and details of priority and notable species.

2.1.2 The Department of the Environment and Rural Affairs (DEFRA) Map and Geographic Information Centre (MAGIC) website⁶ was searched for information on:

- Statutory designations within 5km of the Site,
- Distribution of Priority Habitats in a 1km AoS
- Relevant European Protected Species licensing data (2km).

2.1.3 Planning policies with respect to Biodiversity for this Site have been reviewed so that recommendations comply.

2.2 FIELDWORK

UK Habitat Classification

2.2.1 A site visit was carried out on the 2nd of December 2025.

2.2.2 A Phase 1 habitat survey was carried out following the methodology of the UK Habitat Classification system (UKHAB) V2.01 (July 2023).

2.2.3 The survey and assessment involved walking the site and mapping all land parcels in accordance with UK habitat classification, with primary codes and secondary codes where necessary. Target notes provide supplementary information such as presence of invasive species, features too small to map, and presence of suitable habitat for protected species.

⁶ <https://magic.defra.gov.uk/>

- 2.2.4 Dominant plant species were noted (including aliens), as were any uncommon species or species indicative of habitat types, but not all species would have been visible and there was no attempt to compile exhaustive species lists.

Preliminary Roost Assessment

- 2.2.5 An inspection of the buildings on site was carried out to search for current and/or historical use of the buildings by bats. The survey was undertaken in accordance with guidelines outlined in the Good Practice Guidelines (Collins, 2023)⁷ and the Bat Workers Manual (JNCC, 2004)⁸. In accordance with best practice, the survey comprised the following elements:

- A systematic external inspection of the buildings to look for potential or actual bat entry and exit points and roosting places, and to locate evidence of bat activity such as droppings, live or dead specimens, urine splashes, fur-oil staining and/or squeaking noises.
- A systematic internal survey of the buildings where safe to do so, to identify potential or actual bat access points and roosting places and to locate evidence of bats.

- 2.2.6 Where the likelihood of roosting bats being present cannot be eliminated, or evidence of bats is found during the PRA, subsequent further surveys are likely to be necessary if impacts on the roosting habitat, or bats using it, are predicted.

Ground Level Tree Assessment (GLTA)

- 2.2.7 During the Site survey, a Ground Level Tree Assessment (GLTA) was undertaken in accordance with Collins (2023⁹), to search for potential roost

⁷ **Collins, J. (ed.) (2023).** Bat Surveys for Professional Ecologists: Good practice Guidelines (4th edition). The Bat Conservation Trust, London.

⁸ **Joint Nature Conservation committee. Mitchell-Jones, A.J. & McLeish, A.P. (Eds)(2004)** *The Bat Workers Manual (3rd edition)*. Joint Nature Conservancy Council, Peterborough.

⁹ **Collins, J. (ed) 2023** Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

features such as cracks, crevices, and knot holes, and to search for evidence of bat activity such as droppings.

2.3 PERSONNEL

Table 1: Personnel

Name	Contribution	Qualifications
Charlie Vaughan-Jones	Site Survey	BSc. ACIEEM
Steven Cresswell	Report	BSc.
Vix Moughal	Review	BSc., MSc., MEnvSc

2.4 CONSTRAINTS

2.4.1 There were no constraints to survey.

3 DESKTOP RESULTS

3.1 DESIGNATED SITES

Statutory Designations

International Sites

- 3.1.1 The data search did not reveal any internationally designated sites within the 5km AoS. Refer to Figure 3 for more details.

National Sites

- 3.1.2 The data search revealed three nationally designated sites with the 5km AoS, Cissbury Ring Site of Special Scientific Interest (SSSI, South Downs National Park and Lancing Ring Local Nature Reserve (LNR). Refer to Figure 3 for more details.
- 3.1.3 Cissbury Ring SSSI is located c.1.7km northeast of the Site. Cissbury Ring SSSIs notable features include that it is an unimproved chalk grassland which has become nationally rare. The scrub areas provide important habitats that support a varied butterfly fauna as well as wintering, breeding and migrant birds including redstarts, whinchats, stonechats, tree pipits and warblers.
- 3.1.4 South Downs National Park is located c.0.25km to the east and c.0.45km to the northwest at its closest points to the Site. The National Park is designated as such to protect the unique natural beauty of the landscape, important habitats such as heathlands and chalk grasslands, and provide protection to rare wildflowers, butterflies, and reptiles.
- 3.1.5 Lancing Ring LNR is located c4.2km to the east of the Site. This site is renowned for its chalk grassland. Reptiles including adders and common lizards can be found here. Early Purple Orchids can be seen in the woodland, and the waterbody on the site is a habitat for newts.

Non-Statutory Sites

- 3.1.6 The data search identified three Local Wildlife Sites (LWS) within the 1km AoS. Refer to Figure 4.

- 3.1.7 The LWS include Worthing & Hill Barn Golf Courses LWS c.0.25km from the Site, Offington Cemetery LWS located c.0.28km from the Site and The Gallops & No Man's Land LWS located c.0.4km from the Site. Given the distances involved and the nature of the proposals, no direct or indirect impacts are anticipated on these LWSs.

3.2 HABITATS

Priority Habitats

- 3.2.1 The data search revealed there are numerous parcels of deciduous woodland within the 1km AoS. The closest of these deciduous woodlands are five parcels located c.80-180m to the Site but are buffered from the Site by a main road and residential buildings. All other parcels of deciduous woodlands are located more than 300m from the Site.
- 3.2.2 The data trawl also revealed one parcel of lowland calcareous grassland located c.0.45km southwest of the Site. Refer to Figure 5 for more details. Given the distances involved and the nature of the proposals, no direct or indirect impacts are anticipated on these areas of priority habitat.

3.3 SPECIES

- 3.3.1 The data search provided records for protected and notable species within the Area of Search (AoS). Key species records for this assessment include:
- Numerous records of Schedule 1 bird species within the AoS, including recent records of red kite, common scoter, little gull, merlin, hobby, kestrel, black-throated diver and cetti's warbler.
 - Numerous records of red-listed and amber-listed bird species of conservation concern, such as swift, little ringed plover, lapwing, herring gull, curlew, stock dove, skylark, corn bunting, yellow hammer, hawfinch, bullfinch, wheatear, marsh tit, house sparrow, dunnock, starling, song thrush, mistle thrush and tawny owl.
 - Records of common amphibians within the AoS, including common toad (2018), smooth newt (2020) and common frog (2015).

- There are numerous records of stag beetle within the AoS, the most recent from 2023.
- Numerous records of European hedgehog exist within the AoS, the most recent from 2021.
- Recent records of reptiles within the AoS include slow worms (2017) and adder (2023).
- Records of bats exist within the AoS including Serotine (2021) and Common Pipistrelle (2021).

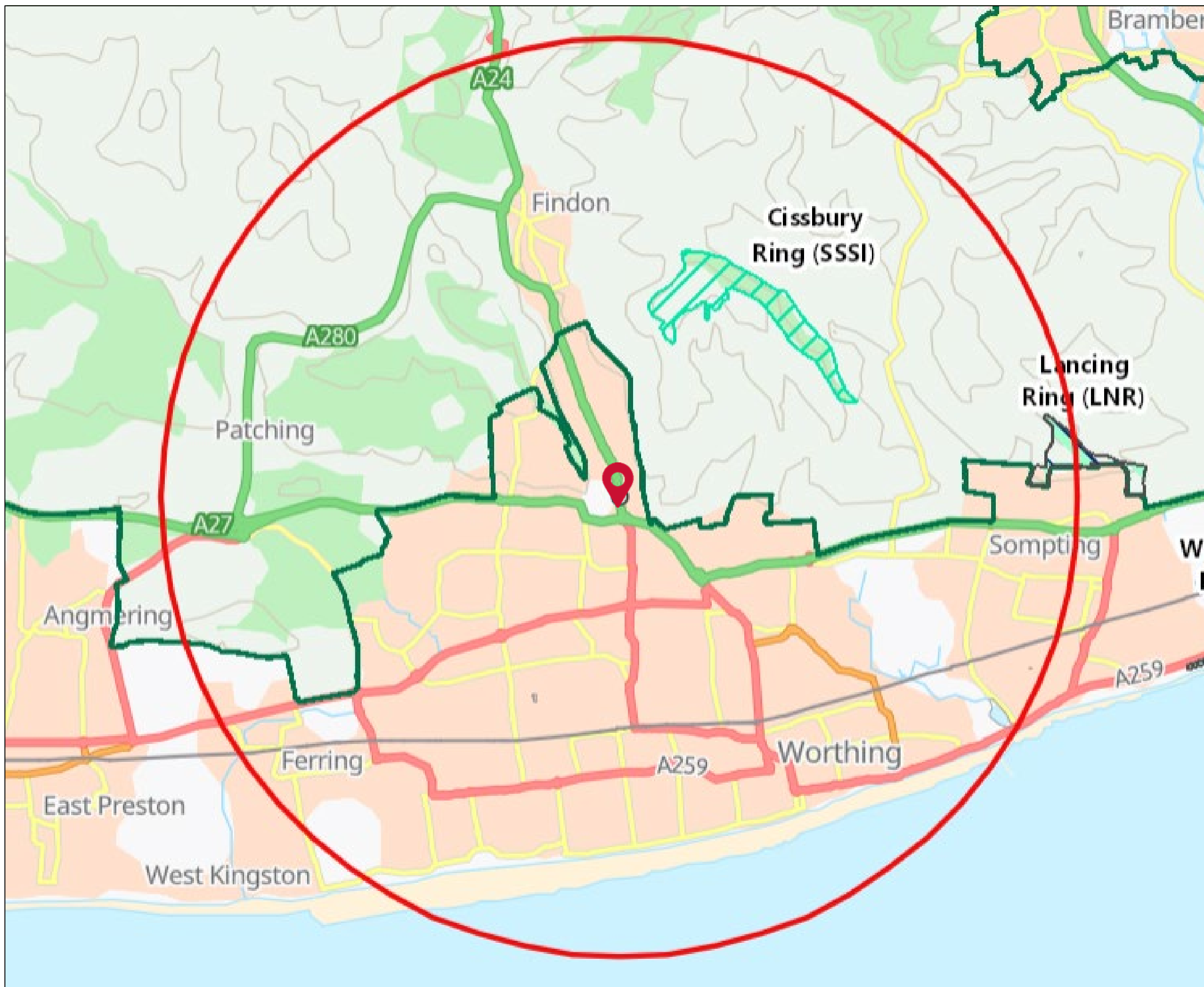
3.4 LOCAL PLANNING POLICY

3.4.1 Local planning policy is the responsibility of Adur and Worthing Councils. Development is guided by the Worthing Local Plan 2020-2036 which was adopted on the 28th of March 2023.

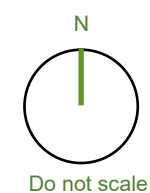
3.4.2 In relation to biodiversity the following policies are relevant:

- Policy DM18 Biodiversity
- Policy DM19 Green infrastructure
- Policy DM22 Pollution
- Policy DM23 Strategic approach to the historic environment
- Policy DM24 The historic environment

Figure 3 Statutory Designations

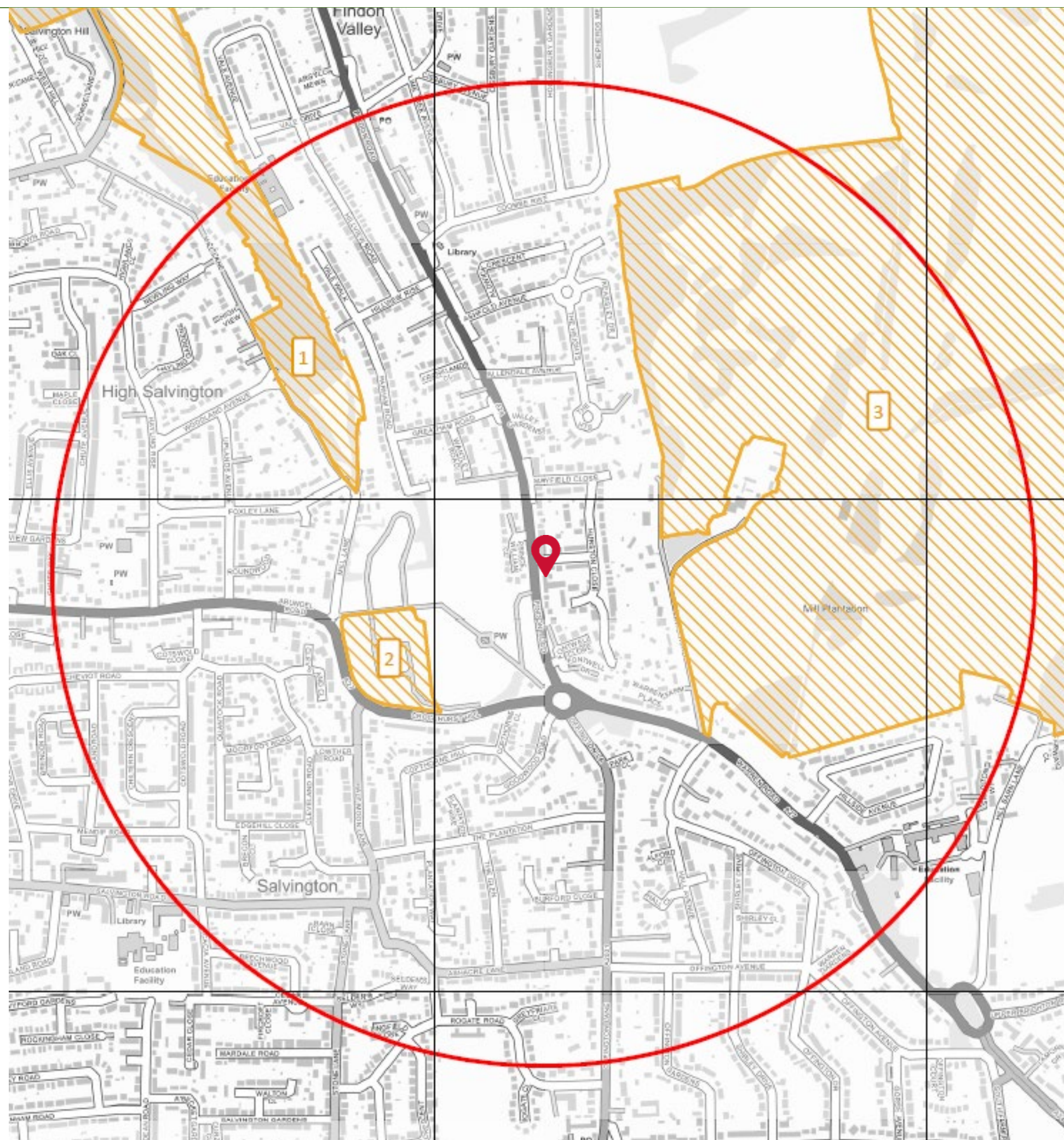


-  Application Site
-  5km AoS
-  National Park
-  SSSI
-  LNR



Client		
Project title	Project ID	
Findon Service Station	324-03	
Subject		
Preliminary Ecological Appraisal		
Drawing number		
32403-03PEA_A		
Drawing date	09/12/25	Version A
Drawn by	SC	

Figure 4 Non-Statutory Sites



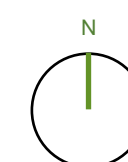
Application Site



1km AoS



LWS



Do not scale

Client



Project title

Project ID

Findon Service Station

324-03

Subject

Preliminary Ecological Appraisal

Drawing number

32403-04PEA_A

Drawing date 09/12/25
Drawn by SC

Version A

the ecology Practice

01989 770400

www.ecologypractice.co.uk

Figure 5 Priority Habitats



Application Site



1km AoS



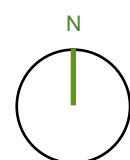
Deciduous
Woodland



Lowland
Calcareous
Grassland



Open Water



Do not scale

Client



Project title

Project ID

Findon Service Station

324-05

Subject

Preliminary Ecological Appraisal

Drawing number

32403-05PEA_B

Drawing date 09/12/25

Drawn by SC

Version B

the ecology Practice

01989 770400

www.ecologypractice.co.uk

4 FIELDWORK

Site Summary

- 4.1.1 The Site comprises a flat parcel of land that is occupied and in use as a fuel service station. The Site consists predominantly of hardstanding developed land, sealed surface and verges of modified grassland along the perimeter with a single tree located on the northwestern edge of the Site. Refer to Figure 6 for more detail.

g4 32 – modified grassland and scattered trees

- 4.1.2 Small verges of modified grassland run around the perimeter of the Site. The grass is managed to a height of c.5-8cm resulting in a short homogenous sward. The species present are common and widespread, typical of this habitat type. Species include perennial ryegrass D, musk stalks bill F, common daisy O, annual meadow grass O, yarrow O, doves foot cranes bill O, dandelion O, spotted medic A, red fescue O, shepherds purse R, ribwort plantain O, chickweed O. The tree in the north of the site is <30cm diameter at breast height (DBH), plum (*prunus sp.*) which is c.3m in height.

u1b – Developed land; sealed surface

- 4.1.3 The forecourt is constructed of concrete slab.

u1b5 – Building

- 4.1.4 There are six buildings on the Site, consisting of the fuel station canopy (B1), shop (B2), garage workshop reception (B3), workshop (B4), car wash (B5) & plant room (B6). Refer to Figure 6 for more detail.

Site Photographs



Photo 2: A single tree is present on the northeastern edge of the Site.



Photo 3: Verges of modified grassland run along the perimeter of the Site.



Photo 4: The forecourt is constructed of concrete slab.



Photo 5: The car wash located of the forecourt of the Site.



Photo 6: The workshop located on the Site.



Photo 7: Building B3 has a corrugated sheet roof with a ridge capping. The capping is open at the eastern elevation gable end.

4.2 HABITAT CONFORMITY TO OTHER CATEGORIES

International Qualifying Features

4.2.1 N/A

Priority Habitats

4.2.2 The habitat on site did not conform to any Priority Habitat type.

4.3 BATS AND NESTING BIRDS

Preliminary Roost Assessment

4.3.1 A preliminary roost assessment of the buildings was carried out to search for signs of bat activity or presence. During the PRA a search for evidence and/or presence of nesting birds was also carried out.

4.3.2 The Site is in a suboptimal urban environment that is subject to high levels of artificial light.

4.3.3 Buildings B1, B2, B5 and B6 are all assessed as negligible potential for roosting bats. There are no loose materials or suitable entry points through the fabric of the buildings. The materials are also typically unsuitable for roosting bats being formed of thin sheet metal, susceptible to fluctuating temperature.

4.3.4 Building B3 has a corrugated sheet roof with a ridge capping. The capping is open at the eastern elevation gable end (refer to photograph six) and could allow the passage of a bat into the ridge. The building has no roof/loft space and so the presence of void dwelling bats is highly unlikely. Due to the single feature identified in combination with the surrounding urban environment, B3 is assessed as low.

Ground Level Tree Assessment

4.3.5 There is one tree on site and no PRFs were noted in this tree.

Bat Emergence Survey

- 4.3.6 A single bat emergence survey is required for building B3 when conditions permit as it was graded as low potential.

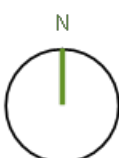
4.4 OTHER

- 4.4.1 The survey found no evidence of any other notable or protected species on Site. No evidence of badgers was found on the Site, or within 30m of the Site where survey was possible.
- 4.4.2 The one tree on the Site could provide a habitat for common nesting birds, although no evidence was found.

Figure 6
Habitat Map



- Site boundary
- Modified grassland (g4)
- Developed land, sealed surface (u1b)
- Buildings (u1b5)
- Scattered tree



Do not scale

Client 

Project title Findon Service Station Project ID 324-03

Subject Preliminary Ecological Appraisal

Drawing number 32403-06PEA_A

Drawing date 10/12/25 Drawn by SC Version A

5 MITIGATION SUMMARY

5.1.1 The following is a summary of the impacts that are likely at the Site and how mitigation has been proposed, together with some explanation why some features present have been discounted from further assessment.

5.1.2 This summary has been included to ensure the complexity of mitigation does not overshadow any item, but each subject of mitigation should be carefully read in full in later sections to avoid missing any detail.

Table 2: Summary of Recommendations

Feature	Mitigation Summary
Habitats	CEMP
Bats	No further Surveys required.
Breeding Birds	Breeding Bird Mitigation
Mammals	RAMS
Biodiversity Net Gain	Deficit of 0.10 units. Offsite units purchase.

Table 3: Features not assessed further

Feature	Reason of Omission
Designations	Due to the nature and scale of the development, no direct or indirect impacts from the project are envisaged upon any statutory or non-statutory designated sites.
Amphibians and Reptiles	No suitable habitat present on site.

5.2 HABITAT

Status

5.2.1 The Site does not lie on or within any statutory designations or priority habitat.

5.2.2 Much of the site comprises hardstanding and buildings; however, an individual tree is present.

Unmitigated Impacts

Construction

- The construction phase could unintentionally damage the neighbouring habitat.
- The construction phase could cause a pollution incidence that may directly affect the adjacent habitat or waterways.

Recommendations

5.2.3 The Framework CEMP submitted with the application should include the following measures:

- i) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drainage.
- ii) Details of sensitive biodiversity areas and locations of protective fencing.
- iii) Resource Management: details of waste generation and its management plus fuel and chemical storage and its containment.
- iv) Marine works should be suitably bunded from run-off, and concrete should be delivered to site ready-mixed.
- v) Pollution prevention through best practice will be implemented, including details of emergency spill procedures and incident response plan.
- vi) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details with an Incident Reporting Mechanism.
- vii) Biosecurity measures, such as ensuring the absence of invasive species at the Site.

5.3 BATS

5.3.1 Buildings B1, B2, B5 and B6 are all assessed as negligible potential for roosting bats, Building B3 was assessed as having a low potential for roosting bats.

5.3.2 The GLTA identified the tree as offering PRF-NONE, therefore no further assessment required of this feature.

Legislation and Policy

5.3.3 In Britain all bat species and their roosts are legally protected, by both domestic and international legislation. This means it may be a criminal offence if you:

- Deliberately take, injure or kill a wild bat
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats.
- Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
- Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
- Intentionally or recklessly obstruct access to a bat roost.

Unmitigated Impacts

5.3.4 A single emergence survey is required for building B3 in favourable conditions to assess the unmitigated impacts.

Recommendations

5.3.5 At present, no works are planned for Building B3. Should any future works be proposed that have the potential to affect the PRF, a single bat emergence survey would be required to confirm the absence of roosting bats prior to commencement.

5.3.6 The GLTA identified the trees as offering PRF-NONE. As such, no further assessment is required.

5.4 BREEDING BIRDS

Status

- 5.4.1 The tree present on the Site may provide opportunities for common breeding birds.

Legislation & Policy¹⁰

- 5.4.2 All wild breeding birds are protected by Part 1 of the Wildlife and Countryside Act 1981 (as amended) from deliberate or reckless damage or destruction. It is unlawful to;

- intentionally kill, injure or take wild birds
- intentionally take, damage or destroy a wild bird's nest while it's being used or built
- intentionally take or destroy a wild bird's egg

- 5.4.3 Schedule 1 birds are afforded additional protection under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly:

- disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young, or whilst lekking.
- disturb the dependent young of any wild bird listed on Schedule 1.

Unmitigated Impacts

Construction

- Works could damage or destroy bird breeding habitat during the breeding season, potentially causing damage or destruction of a nest, eggs and unfledged young.
- Breeding bird habitat may be lost in the area.

¹⁰ There are variations between countries in the UK, but the principle is enshrined here

Recommendations

5.4.4 Works to affect bird breeding habitat should not take place during the breeding period or:

- i) Bird breeding habitat should be removed outside the bird breeding season in advance of the works, or
- ii) Where clearance of vegetation likely to support nesting birds takes place between 1st March and 31st August, a qualified ecological Clerk of Works (ECoW) should visit the Site within 48 hours prior to commencement (but preferably the same day) to confirm no breeding birds are present that will be affected by the proposals. Where this involves dense or extensive vegetation, the ECoW is unlikely be able to confirm this. Should an ECoW be required, the results of the visit should be kept on file to show the authorities should it be required.

5.5 MAMMALS

Status

5.5.1 Hedgehogs appear numerous times in the data search within 1km of the Site, although no evidence of their presence has been found during the site survey.

Legislation & Policy

5.5.2 Hedgehogs are a priority species. Protection of priority species is part of the local planning authority's 'Biodiversity Duty' under the NERC Act 2006, i.e., Policies E1 Biodiversity and geodiversity provides planning policy protection for wildlife features, such as priority species.

Unmitigated Impacts

5.5.1 Animals may commute across the Site and therefore be subject to adverse impacts from construction.

Recommendations

5.5.2 The following methods of working should be carried out to reasonably avoid killing or injuring hedgehogs that may be present on Site:

- i) Works should be limited to daylight hours.
- ii) Any excavations to be left open overnight will have a means of escape for any animals that might fall in (e.g. a plank).
- iii) Similarly, open-ended pipes are to be covered denying overnight access to any animals that may otherwise become trapped.
- iv) Any internal or boundary barriers such as fencing should allow animals freedom of access throughout the development site. Barriers should at a minimum provide a gap 200mm high at regular intervals, although permanent access under for example post and rail fence is preferred.
- v) The contractors and sub-contractors must not leave any food on the Site, including food wrappers and discarded food items.

5.6 BIODIVERSITY NET GAIN

5.6.1 In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%, unless exempt.

5.6.2 The Statutory Metric (2024) was used to assess the biodiversity net gain scenario for the proposals. The Site consists of developed land, sealed surface and a narrow strip of species-poor modified grassland. The on-site baseline score consists of 0.09 habitat units.

5.6.3 There were no watercourses or hedgerow habitats present on-site.

5.6.4 The proposals include installing new EV charging bays and associated equipment, and some building works.

5.6.5 The proposed development results in a total unit net change of -0.09 habitat units. To achieve BNG 10% and satisfy trading rules, 0.10 units are required.

5.6.6 As there is no scope for BNG on site due to its limited size, the client has decided to opt for off-site units purchase to compensate for the loss.

Box 1: BNG Headline Results

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Area habitat units</i>	-0.09
	<i>Hedgerow units</i>	0.00
	<i>Watercourse units</i>	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Area habitat units</i>	-100.00%
	<i>Hedgerow units</i>	0.00%
	<i>Watercourse units</i>	0.00%
Trading rules satisfied?	No - Check Trading Summaries ▲	

6 APPENDIX

6.1 LEGISLATION

The Environment Act 2021

6.1.1 The Act deals with targets to improve air quality, biodiversity, water, and waste reduction and resource efficiency. Nature and Biodiversity is dealt with directly in Part 6, which is aimed at:

- Strengthened biodiversity duty.
- Biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity.
- Local Nature Recovery Strategies to support a Nature Recovery Network
- Duty upon Local Authorities to consult on street tree felling.
- Strengthen woodland protection enforcement measures.
- Conservation Covenants
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature
- Prohibit larger UK businesses from using commodities associated with wide-scale deforestation
- Requires regulated businesses to establish a system of due diligence for each regulated commodity used in their supply chain, requires regulated businesses to report on their due diligence, introduces a due diligence enforcement system.

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

6.1.2 These Regulations consolidate the Conservation (Natural Habitats, &c.) Regulations 1994 and amend the 2010 Regulations, and together they transpose the European Habitats Directive into domestic law. The Regulations provide for the designation and protection of 'European sites' (referred to in this assessment as international sites), the protection of 'European protected

species', and the adaptation of planning and other controls for the protection of such.

- 6.1.3 Under the Regulations, UK competent authorities have a general duty to have regard to the EC Habitats and Birds Directives. They require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Under Regulation 63, where any proposed plan or project is likely to have an effect on a Natural 2000 site or qualifying feature for a site, then the competent authority (normally the local planning authority) will carry out an Appropriate Assessment of those effects, referred to as a Habitats Regulations Assessment (HRA).

Species

- 6.1.4 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority, including the planning authority, is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild populations of the species concerned: these three elements form the basis of the three derogations 'tests' to be applied to satisfy European legislation.

Wildlife and Countryside Act 1981

- 6.1.5 The principle statutory instrument that governs nature conservation in England is the Wildlife and Countryside Act 1981 as amended (WCA 1981).
- 6.1.6 The WCA 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and the Birds Directive in Great Britain. It is complimented by the Wildlife and Countryside (Service of Notices) Act 1985,

which relates to notices served under the 1981 Act, and the Habitats Regulations 2017 (as amended), which implement the Habitats Directive.

6.1.7 Containing four Parts and seventeen Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way.

6.1.8 Amendments to the Act have been made and there is a statutory quinquennial review of Schedules 5 and 8 (protected wild animals and plant respectively), undertaken by the country agencies and co-ordinated by the Joint Nature Conservation Committee. There have been 6 reviews with the 7th commenced in 2021.

Protection of Badgers Act 1992

6.1.9 There are very few Acts of Parliament that are dedicated to one species with conservation as part of the aim. This Act supplements the WCA 1981 by affording protection to badgers against disturbance and their setts against unlawful damage and destruction. It provides a licensing system to allow works to proceed in a sensitive manner.

Countryside and Rights of Way (CRoW) Act 2000

6.1.10 The CRoW Act 2000 places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the 1992 Rio Convention on Biological Diversity. The Act makes various amendments to the WCA 1981 including increasing SSSI protection, management and policing.

6.1.11 DEFRA published the first 'list' in 2002 under Section 74 of the CRoW Act 2000, which was identical with the UK BAP list at the time, now superseded by the Natural Environment and Rural Communities Act 2006 Section 41 list (see below).

Natural Environment and Rural Communities (NERC) Act 2006

- 6.1.12 The NERC Act 2006 makes provision in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species.
- 6.1.13 Section 40 of the Act lays a duty on authorities to have regard to the purpose of conserving biodiversity in compliance with the UN Biodiversity Convention in 1992. This is otherwise known as the 'Biodiversity Duty' and refers in particular to those Habitats & Species of Principle Importance listed in Section 41 of the Act. Guidance for local authorities on implementing the Biodiversity Duty is provided in DEFRA (2007).

Section 41 List

- 6.1.14 For the purposes of conserving biodiversity, habitats and species of principle importance are listed through the provisions set out in Section 41 of this Act (replacing Section 74 of the CRoW Act 2000), referred to in this chapter as the Section 41 List. DEFRA 2007 references the UK and local Biodiversity Action Plans (BAPs) (see below) as the source of data for the Section 41 List. This assessment uses the List, as updated by the UK BAP, as a key guide for identification of ecological features to be affected by proposals, and to guide and weigh recommendations and mitigation.
- 6.1.15 The Section 41 List has been further refined by DEFRA 2007, where seven sectors have been selected where public bodies and other stakeholders can make a significant contribution to biodiversity conservation, through their Biodiversity Duty. Habitats and species relevant to each sector have been identified to help non-conservation professionals consider where the List might apply to them. Of these seven, two are relevant to this assessment i.e. Land Use Planning and Regional & Local Government. The List was last updated in 2010 and referenced here as Natural England 2010.

the ecology Practice

WILLOWGATE
WELSH NEWTON COMMON
HEREFORDSHIRE
NP25 5RT
TELEPHONE: 01989 770400
www.ecologypractice.co.uk