

Species	Legislation	Relevant offences	Licensing procedures and guidance
			Guidance documents: Reptiles: advice for making planning decisions (NE 2022)
Rabbits, foxes and other wild mammals	Wild Mammals (Protection) Act 1996.	Intentionally inflict unnecessary suffering to any wild mammal.	NE provides guidance in relation to rabbits, foxes (which are also protected under the Wildlife and Countryside Act 1981 (as amended) from live baits and decoys) and other wild mammals, on their website. Lawful and humane pest control of these species is permitted. Guidance documents: Guidance on protecting property from foxes, moles and mink (NE 2023) Guidance on protecting property from rabbits (NE 2023)
Plants <i>Invasive species, e.g. Japanese knotweed, hybrid knotweed, giant knotweed, giant hogweed,</i>	Wildlife and Countryside Act 1981 (as amended) Schedule 9, Section 14.	It is illegal to plant or otherwise cause these species to grow in the wild.	Any contaminated soil or plant material is classified as controlled waste and should be disposed of in a suitably licensed landfill site, accompanied by appropriate Waste Transfer documentation, and must comply with Section 34 of the Environmental Protection Act 1990. Guidance documents: How to stop invasive non-native plants from spreading (NE, Defra & Environment Agency 2022) Guidance on section 14 of the Wildlife and Countryside Act (Defra 2011) GB Non-Native Species Secretariat
rhododendron, Himalayan balsam	The Invasive Alien Species (Enforcement and Permitting) Order 2019	It is an offence to plant, cause to grow in the wild or intentionally release into the environment the plant species listed in Schedule 2, Part 2. It is an offence to intentionally release or permit Invasive Alien Species listed in Schedule 2, Part 1 to reproduce.	

Summary of relevant habitats and species legislation in England

Habitats & Species	Legislation	Guidance
Species and Habitats of Principal Importance for the Conservation of Biodiversity 'priority habitats and species'	Natural Environment & Rural Communities Act 2006 (as amended) Section 40	Section 40 of the NERC Act 2006 (as amended) sets out the duty for public authorities to conserve biodiversity in England. Habitats and species of principal importance for the conservation of biodiversity are identified by the Secretary of State for England, in consultation with NE, are referred to in Section 41 of the Act for England. The list of habitats and species can be found here: Guidance on habitats and species of principal importance in England (NE 2022) . The list is used as a guide for decision makers such as public bodies, including local and regional authorities, in implementing their duty under Section 40 of the Act to



Habitats & Species	Legislation	Guidance
		have regard to the conservation of biodiversity in England when carrying out their normal functions. Ecological impact assessments should include an assessment of the likely impacts to these habitats and species. The Environment Act 2021 has made amendments to this legislation in which public authorities must have regard to the conservation of biodiversity when delivering their functions, and through the production of biodiversity reports detail the action they have taken in accordance with the biodiversity duty and its objectives.

Summary of relevant Biodiversity Net Gain legislation and guidance in England

Legislation	Guidance
Environment Act 2021 Schedule 14 (Primary legislation)	Biodiversity Net Gain (BNG) became mandatory for non-Development Consent Order (DCO) planning permissions from 12 February 2024. Through site selection and layout, developers should avoid or reduce any negative impact on biodiversity. They must deliver at least 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat as measured by the statutory biodiversity metric. The Act makes provision for a biodiversity gain to be a statutory condition of planning permission in England through amendment of the Town and Country Planning Act 1990 (Schedule 7A Biodiversity in England). These regulations commence biodiversity gain for most types of new planning applications into force on the 12th of February 2024. This primarily includes commencement of the following: • Provision for a statutory condition to apply to all planning permissions granted in England (not including exceptions*) to ensure the biodiversity gain objective is met. • A net gain in biodiversity cannot be achieved on areas of development which result in the loss of irreplaceable habitat. However, the Secretary of State can make regulations that modify or exclude the application of the general condition to irreplaceable habitat. • Significant increases in onsite biodiversity value can only be considered part of the post-development biodiversity value if habitat secured for at least 30 years after the completion of development. • Provision for a public register to record off-site biodiversity gain sites and the allocation of any habitat enhancement from that site to any development. • Provision for the creation of a system to sell a supply of statutory biodiversity credits to the habitat compensation market. • Net Gain will also apply to Nationally Significant Infrastructure Projects (NSIPs) and Brownfield Sites. • Developments on statutory protected sites are not exempted from the net gain requirement. • The mitigation hierarchy still applies avoidance, mitigation and compensation for biodiversity loss, and all existing legal protections, and requirements for protected species and habitats still stand. * Exceptions where biodiversity gain is not a statutory condition for planning applications are: • Planning permission is granted for a development by a development order. • Planning permission is granted for a development under section 293A (urgent Crown development). • A development granted exemption from the requirement by power of the Secretary of State. Guidance documents: Guidance on biodiversity net gain (NE 2024) This online guidance provides detailed advice to planners and developers on BNG during the planning process and information required for submission. It also details explanatory notes on; phased



Legislation	Guidance
	development, exemptions, determination of applications, appeals, relationship with existing planning policy and rules and best practice that should be applied. The guidance also provides the Biodiversity Gain Mitigation Hierarchy, which sets out a list of priority actions: - First, in relation to onsite habitats which have a medium, high and very high distinctiveness, the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and - Then, in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits. The Biodiversity Gain Hierarchy has been designed for the purpose of the statutory framework for discharge of the Biodiversity Gain condition to reflect the habitat categories in the biodiversity metric and the type of ways that the objective of at least a 10% gain can be achieved. Planning authorities must consider how the Biodiversity Gain Hierarchy has been applied. The Biodiversity Gain Hierarchy is distinct from the mitigation hierarchy set out in the National Planning Policy Framework.
The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (Secondary Legislation)	These regulations provide exemptions for categories of development to which biodiversity gain does not apply; this includes the following: • Householder development as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. • Development granted planning permission by a development order under section 59. This includes permitted development rights. • Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g., 5 m by 5 m) of habitat, or 5 metres of linear habitats such as hedgerows. • Self-build and custom build development - development which: consists of no more than 9 dwellings and is carried out on a site which has an area no larger than 0.5 hectares, and those defined under the Self-build and Custom Housebuilding Act 2015. • Urgent Crown development granted under s293A Town and Country Planning Act 1990. • Development of a biodiversity gain site - development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development. • Development related to the high-speed railway transport network – under the High-Speed Rail (Preparation) Act 2013.
The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations (2024) (Secondary Legislation)	These regulations set out the following: • Provisions related to planning applications and the Biodiversity Gain Plan. • Provision of Biodiversity Gain as a condition of planning permission. • Modifications and explanatory notes of how Biodiversity Gain is applied for phased development. The condition requires a biodiversity gain plan to be submitted and approved by the planning authority before development can lawfully be begun. The biodiversity gain plan must contain an assessment of the value of habitats before development and after development and ensure that at least a 10% net gain is achieved.
The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations (2024) (Secondary Legislation)	The regulations set out that developments for which planning permission is granted to increase the biodiversity value of the development through mandatory gain is disapplied for irreplaceable habitats. Alternative arrangements must be made for the purpose of minimising the adverse effect of the development on the biodiversity of the onsite habitat where that habitat is deemed irreplaceable, such as bespoke compensation agreed with the local planning authority, or if the development is able to demonstrate that the irreplaceable habitat will be enhanced. The regulations set out the list of irreplaceable habitats provided below: • Ancient woodland



Legislation	Guidance
	• Ancient and veteran trees • Blanket bog • Limestone pavements • Coastal sand dunes • Spartina saltmarsh swards • Mediterranean saltmarsh scrub • Lowland fens



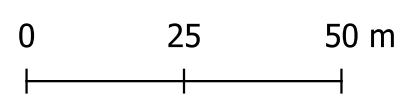
Appendix E. Survey Data

E.1 Habitat Survey Plan





- ### Legend
-  Draft red line boundary
 -  Site boundary - survey area
 -  Target Note (TN)
 -  Individual tree
- ### UKHab Area Habitats
-  g4 - modified grassland
 -  u1: 828: vegetated garden
 -  u1b - developed land; sealed surface
 -  u1b5 - buildings
 -  u1b6 - other developed land
 -  u1c - artificial unvegetated unsealed surface
 -  r1g - other standing water (ornamental pond)
- ### UKHab Linear Habitats
-  h2a - native hedgerow
 -  h2b - other hedgerow



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AtkinsRéalis Woodcote Grove Ashley Road Epsom England KT18 5BW	Project: Homefield Primary School	Title: UKHab Habitat Survey Plan	Original scale: 1:1200	Drawn by: TC	Checked by: JB	Reviewed by: MN
	Client: West Sussex County Council	Drawing number: Figure E-1		Date: 03/03/2026	Date: 04/03/2026	Date: 04/03/2026

E.2 Target Note Descriptions and Photographs

Table E-1 - Target note descriptions and photographs

Reference	Photograph	Description
TN1		Ornamental pond. Plastic liner. INNS present - Parrots feather. Emergent and floating plants including iris, hard rush. Potential for amphibians, including great crested newts.
TN2		Vegetated areas of school grounds including pond, surrounding overgrown garden areas, scrub planting and modified grass (very worn/bare). Some potential for amphibians, nesting birds and reptiles (e.g. slow worm).

Reference	Photograph	Description
TN3		Row of sycamore growing between school boundary fence and railway fence. Appear to be outside school ownership boundary. Retained in current design with tree protection measures in place. Unable to view from north aspect as located on active railway line. Assessment for roosting bats undertaken from school side of fence and no features observed. Potential for nesting birds.
TN4		INNS: Virginia creeper on fencelines to west and south of proposed development area. Also growing over shed as shown in this image (Building B2)
TN5		This area of grass, and other small planting areas are below minimum mapping unit / too small in size to map for UKHab or BNG baseline purposes. They are included as part of the developed land.

Reference	Photograph	Description
TN6		Garden area with planters, greenhouse and grass.
TN7		Small area of modified grass included as part of vegetated garden habitat category.
TN8		A row of small cherry trees is present along the fence. Grass beneath trees is worn as this area is part of a regular play space. Trees have negligible potential for roosting bats. Potential for nesting birds
TN9	No photograph available.	Very narrow strip between school fence and adjacent

Reference	Photograph	Description
TN10		properties. Occasional sycamore growth and tall herbs. Cut back to fence Modified grassland playing field. Dominated by rye-grass with occasional daisy, germander speedwell. Regularly cut. Outside of the proposed construction area.

E.3 Preliminary Bat Roost Assessment and Daytime Bat Walkover Results

E.3.1 Daytime bat walker

Date of survey	29/10/2025
Weather conditions	12°C, light rain during survey, calm
Surveyors	VH (level 2 bat licence), JB
Survey limitations	None.
Surrounding environment	
Description of habitats	School site – building, playground, hardstanding, and playing field to east. Some trees present along boundary.
Wider area	Railway line immediately north of Site, with vegetated corridor (mix of grassland, scrub and trees). Residential housing in all directions. Potential connectivity to open habitat east of the Site via railway corridor / residential gardens
External lighting / disturbance	Regular noise and vibration from railway line and due to active school site with outdoor play times. External lights all around buildings (attached). Unknown if these are in operation throughout the night.
Overall foraging and commuting suitability within the site.	Low
Roosting opportunities	
Structures	Negligible for Buildings B1, B2 and B3 (see Preliminary Roost Assessment results in Section E.3.2). Note: Not all structures were surveyed as part of this assessment (i.e. Building B4) (see Section C.5). Survey undertaken at location of proposed works.
Trees	Potential. Group of sycamore adjacent to north boundary (TN3 located in north-west corner of the Site) are present no potential roosting features observed but unable to view north facing side of trees. See results in Section E.3.3 Note: Not all trees within or adjacent to the whole school Site were surveyed as part of this assessment (see Section C.5). Survey undertaken at location of proposed works.



E.3.2 Structures

Date of survey	29/10/2025
Weather conditions	12C, light rain during survey, calm
Surveyors	VH (level 2 bat licence), JB
Survey limitations	None

Building ref	Description	Roosting suitability	Further survey
B1a	Section of main school building complex in regular use. Single story. Brick constructions in good condition. Pitched roof with tiles. Suspended ceiling. UPVC/Plastic soffit box. Windows present on north and west side with UPVC window frames. One door on north side. External lights present. Attached to other sections of building on east and south side. Lead flashing present where roofs join, appears well sealed with no gaps. No potential roosting features or potential access points observed.	Negligible	None required at present. Update inspection 18 months after survey <i>if</i> structure affected by any proposed works.



Building ref	Description	Roosting suitability	Further survey
B1b	Section of main school building complex in regular use. Single story. Brick construction with flat roof. Unable to observe covering on roof. Soffit boards are well sealed. Numerous doors and windows along western side of building. All other sides are attached to other building sections. UPVC window frames. No loft present. No potential roosting features or potential access points observed.	Negligible	None required at present. Update inspection 18 months after survey <i>if</i> structure affected by any proposed works.
			

Building ref	Description	Roosting suitability	Further survey
B2	Shed. Single story wooden shed with pitched roof and roofing felt. Some vegetation growing across roof (Virginia creeper). No potential roosting features or access points observed. 	Negligible	None required at present. Update inspection 18 months after survey <i>if</i> structure affected by any proposed works.
B3	Wooden structure with roof, open on all sides. Outdoor classroom area. Exposed to wind. No photograph.	Negligible	None required.
B4	Not surveyed – outside of scope of survey.	-	-

E.3.3 Trees

Date of survey	29/10/2025
Weather conditions	12C, light rain during survey, calm
Surveyors	VH (level 2 bat licence), JB
Survey limitations	TN3 - Only able to observe from south, west and east sides. Not possible to view from north side as located on railway corridor.

Tree ref	Description	Roosting suitability	Further survey / recommendations
Group 1 - TN3	Trees located directly adjacent to Site boundary along railway corridor. Ownership uncertain. Growing between two fences. No potential roosting features observed. Ivy covers lower sections of trunk(s). Considering age and structure of trees risk of roosting bats considered low. However, limitations to survey meant that north facing side of trees could not be observed and features could be present.	FAR (further assessment required), although no features visible during survey.	Removal of overhanging branches on south side of trees (if required) would not affect any potential roosting features. If trees require complete removal or pollarding, further assessment required at time of work (if no advance access is possible). Carry out works under a precautionary approach with suitably qualified ecologist present to advise.



Tree ref	Description	Roosting suitability	Further survey / recommendations
			
All other trees in draft red line boundary	No other trees with potential roosting features were identified.		



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