



Date: 12 June 2025

Our ref: 03532

Joanne Fisher
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

By email only: Planning Department, planninginfo@midsussex.gov.uk

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Mid Sussex District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DM/24/2762
Location: Wintons Fishery Folders Lane Burgess Hill West Sussex
Proposal: Siting of 3x timber cabins for overnight guest use, external timber decking areas, permeable footpaths and associated works. Existing access, parking and turning area and recycling/refuse storage will be utilised.

Thank you for consulting Place Services on the above full planning application.

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection • Protected species (bats)	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. This includes the Preliminary Ecological Appraisal (Phlorum Ltd,

November 2023) and the Great Crested Newt eDNA Survey (Phlorum Ltd, August 2024). However, please note that we have no comments to make on Great Crested Newt as we have been instructed to leave this for NatureSpace Partnership.

We have also reviewed the Statutory Biodiversity Metric – Calculation Tool and the Biodiversity Net Gain (BNG) Report (Lepus Ltd, November 2024) relating to mandatory biodiversity net gains.

We are not satisfied that there is sufficient ecological information available for determination of this application, due to insufficient information on foraging and commuting bats. The reasons for this are outlined below:

Protected Species:

We note that the Preliminary Ecological Appraisal (Phlorum Ltd, November 2023) has recommended that a Bat Activity Survey should be completed for this application. However, this assessment has not been included in the planning documents. These further surveys are considered necessary by the applicant's ecologist to confirm the likely impacts off foraging and commuting bats from the proposals.

We note that a lighting strategy (GLAMPITECT Ltd) has been included with the application, which sets out the lighting bollards will be installed around the fishing lakes. These will be fitted with PIR Sensors, warm white lights and will be only 40cm high with no upward lighting. It is highlighted that lighting bollards can be negative to bats, as they attract insects to lower levels. However, it is considered that the proposals may appropriate for this scheme to avoid potential impacts upon foraging and commuting bats. Nevertheless, we recommend that the lighting strategy is informed by the further Bat Activity Surveys, unless further professional justification can be provided by a suitably qualified ecologist on why the LPA has certainty of likely impacts upon bat species.

The results of these surveys and / or further clarification are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Additional Comments - Mandatory Biodiversity Net Gains:

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) and the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#).

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The [Biodiversity Net Gain Planning Practice Guidance \(PPG\)](#) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the submitted information and are satisfied that appropriate information has been provided prior to determination.

As mandatory biodiversity net gains apply, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#) and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). This could consist of 'Other neutral grassland (poor to good condition) and rural tree planting in line with Government Guidance. We acknowledge that Mid Sussex Council typically does not consider the significant on-site enhancements are present for minor development. Nevertheless, these enhancements could be secured via a HMMP condition if the LPA does not want to secure this via a legal agreement.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please do not hesitate to contact us if you have any queries in relation to this advice.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
Senior Ecological Consultant

Place Services at Essex County Council

Email: PlaceServicesEcology@essex.gov.uk



Place Services provide ecological advice on behalf of Mid Sussex District Council.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

