



Date: 7 May 2025

Our ref: 03606

Katherine Williams  
Mid Sussex District Council  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

By email only: Planning Department, [planninginfo@midsussex.gov.uk](mailto:planninginfo@midsussex.gov.uk)

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*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.*

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**Application:** DM/25/0274  
**Location:** Bacons Farm Sloop Lane Scaynes Hill Haywards Heath West Sussex RH17 7NP  
**Proposal:** Proposed Winery Building for Existing Vineyard

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

|                                                                                                           |                                     |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>No ecological objection</b>                                                                            | <input type="checkbox"/>            |
| <b>Recommend approval subject to attached conditions</b>                                                  | <input checked="" type="checkbox"/> |
| <b>Further information required/Temporary holding objection</b>                                           | <input type="checkbox"/>            |
| <b>Recommend Refusal</b>                                                                                  | <input type="checkbox"/>            |
| <b>Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment</b> | <input type="checkbox"/>            |

### **Summary**

Place Services previously recommended a holding objection due to potential impacts upon roosting bats for this application. We have now reviewed the further email clarification which confirms that the proposed trees to be impacted contain negligible roosting potential for bats,

as they are recently planted young trees. As a result, we are satisfied that this provides certainty of likely impacts upon this European Protected Species.

In addition, we have re-assessed the Statutory Biodiversity Metric (January 2025), Biodiversity Net Gain Assessment (JWK Wildlife Surveys, January 2024) and Condition Sheets, Figure 1 Baseline Habitat Plan (JWK Wildlife Surveys January 2025) and Post-Intervention Habitat Plan (JWK Wildlife Surveys, January 2025), relating to mandatory biodiversity net gains.

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We are still satisfied that the pre-development baseline is appropriate. Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- 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).

We are satisfied that the post-intervention values are realistic and deliverable and we are satisfied that the proposals do not contain significant on-site enhancements.

However, we note that the proposals include off-site enhancements. This will need to be registered with the biodiversity gain site register and will require a Habitat Management and Monitoring Plan (HMMP) and legal agreement to secure the enhancements for the 30-year period. As a result, the applicant is advised that it may be preferable to approach an off-site provider to meet the 10% biodiversity net gain requirement. This matter will need to be addressed as part of the biodiversity gain condition.

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

### **Recommended conditions**

#### **1. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

*“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Strategy shall include the following:*

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”*

**Reason:** To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

### **Biodiversity Gain condition**

Natural England advises that 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](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

#### ***“Biodiversity Net Gain***

*The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:*

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

*The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex Council.*

*There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.*

*Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”*

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](mailto: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.*