



8th May 2025

Hamish Evans
Mid Sussex District Council
Oaklands Road
Haywards Heath
RH16 1SS

By email only

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/25/0209

Location: Holly Tree House Cuckfield Road Burgess Hill West Sussex RH15 8RE

Proposal: Proposed 4 dwellings as 2 x pairs of semi detached properties (Additional ecology information received 18.03.2025)

Dear Hamish

Thank you for consulting Place Services on the above application.

Recommended Refusal	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Subject to Natural England's comments on the conclusion of the Water Neutrality AA	
Subject to Natural England's comments on the conclusion of the bat AA	
Further information required	
Recommended Discharge of condition	

Summary

We have reviewed the Preliminary Ecological Appraisal (JWK Wildlife Surveys, January 2025), relating to the likely impacts of development on designated sites, protected and Priority species & habitats with identification of appropriate mitigation measures.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Biodiversity Net Gain Assessment (JWK Wildlife Surveys, February 2025), Condition Assessments, Figure 1 Baseline Habitats, Figure 2 Post-Intervention Habitats, BNG Statement (JWK Wildlife Surveys, February 2025) and Statutory Biodiversity Metric (January 2025).



We note from the Preliminary Ecological Appraisal (JWK Wildlife Surveys, January 2025) that there are no buildings onsite and the two mature oak trees with ivy will not be removed. However, if the plans change and these trees will be impacted by works, then further surveys for bats will be required. We agree that under current proposals no further surveys for bats are required.

We understand that there will be no impact to boundary features of optimal importance for Hazel Dormouse. However, as there is some limited habitat suitable for this species onsite, we support the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 4.3.5 of the Preliminary Ecological Appraisal (JWK Wildlife Surveys, January 2025). This should be secured by a condition of any consent.

We note there is potential for reptiles and other mobile protected species (including Hedgehog, which is a Priority and threatened species)) to be onsite. As vegetation suitable to support these species will be removed, we also support the Precautionary Method Statements in Sections 4.3.2 and 4.3.6 of the Preliminary Ecological Appraisal (JWK Wildlife Surveys, January 2025). These should be secured by a condition of any consent.

We are satisfied that there is sufficient ecological information available for determination. However, please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the [NatureSpace Partnership](#).

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

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

The mitigation measures identified in the Preliminary Ecological Appraisal (JWK Wildlife Surveys, January 2025) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species, particularly bats, Hazel Dormouse and mobile protected species.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (JWK Wildlife Surveys, January 2025)), to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.



- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain Assessment (JWK Wildlife Surveys, February 2025), Condition Assessments, Figure 1 Baseline Habitats, Figure 2 Post-Intervention Habitats, BNG Statement (JWK Wildlife Surveys, February 2025) and Statutory Biodiversity Metric (January 2025). 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 note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. 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 support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended 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 Layout and should be secured by a condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:



Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (JWK Wildlife Surveys, January 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 4.3.5 and the Precautionary Method Statement for reptiles and mobile protected species in Sections 4.3.2 and 4.3.6 of the Preliminary Ecological Appraisal (JWK Wildlife Surveys, January 2025). This avoids impacts on European Protected Species and protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECOW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (JWK Wildlife Surveys, January 2025) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and*
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.*

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

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

3. PRIOR TO COMMENCEMENT: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances



should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended 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 District 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 contact us with any queries.

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.