



Date: 6 October 2026
Our ref: 18856

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Mid Sussex District Council
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Haywards Heath
West Sussex
RH16 1SS

By email only: 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.

Application: DM/26/1377
Location: Land At Mill Lane Sayers Common West Sussex
Proposal: Proposal for 9 new build homes

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

No ecological objection	☐
No ecological objection subject to attached conditions	☒
Further information required/Temporary holding objection	☐
Recommend refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. We note that the Proposed OS Location and Block Plan Drawing No 1795 3.001_Rev H (Landivar Architects,

August 2026) has been revised to update the red line boundary, which now excludes the access road to the west.

We have also reviewed the information submitted relating to mandatory biodiversity net gains, including the Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., May 2026) and Statutory Biodiversity Net Gain – Calculation Tool (May 2026). We note that habitat degradation has occurred and the baseline biodiversity value has been taken from historic Google Earth images and evidence from the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026). We also note that Appendix 1 comprises the derived Baseline Habitat Plan, Appendix 2 comprises the Post Development Habitat Plan and Appendix 5a comprises the Baseline Habitat Condition Sheets in the Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., May 2026).

We note from the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026) that there are no buildings on site and that the scattered trees on site will be retained. Therefore, we agree that no further surveys for bats are required.

We support the non-licensed Precautionary Method Statement for Hazel Dormouse in the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026). This is because the broadleaved woodland previously on site would have provided suitable habitat for this species and there is suitable habitat connected to this site. This should be secured by a condition of any consent and implemented in full.

We also support the Precautionary Method Statement for reptiles and mobile protected and Priority species (including Hedgehog, which is a Priority and threatened species) in the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026). This is because the application will result in the loss of -0.5ha of other broadleaved woodland. This should be secured by a condition of any consent and implemented in full.

We are now satisfied that there is sufficient ecological information available to support determination of this application. However, please note that 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 designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality, including bats, Hazel dormouse, reptiles

and mobile protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026)) and is secured by a condition of any consent to avoid impacts to foraging and commuting bats. This must follow the [Guidance Note 8 Bats and artificial lighting](#) (The Institute of Lighting Professionals & Bat Conservation Trust). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:

- 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 biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., May 2026) and Statutory Biodiversity Net Gain – Calculation Tool (May 2026). 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 should include the following information for non-phased development:

- Biodiversity Gain Plan form, using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>.
- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.

- Completed pre-development and post-development habitat maps.
- Information regarding [Habitat degradation](#) (where required).
- Information regarding [Irreplaceable habitat](#) (where required).

In addition, the following information may also be required depending on whether the development contains significant on-site enhancements or whether off-site options or Statutory Biodiversity Credits are required:

- A [Habitat Management and Monitoring Plan](#) (HMMP) for significant on-site enhancements or offsite measures in blue line boundary land.
- Legal agreement for monitoring and management of significant on-site enhancements or off-site measures in blue line boundary land.
- Evidence of off-site units being allocated to a Biodiversity Gain Site on the [Biodiversity Gain Site Register](#).
- Evidence of proof of purchase of Statutory Biodiversity Credits.

It is highlighted that Mid Sussex are taking the approach that minor developments do not contain significant on-site enhancements and are not required to be monitored for a period of 30 years from the completion of development via a Habitat Management and Monitoring Plan (HMMP). As a result, we are satisfied an HMMP will not be required for the Biodiversity Gain Plan.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species which have been recommended in the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026) to secure net gains for biodiversity, as outlined in the National Planning Policy Framework (August 2026) N2 Part F. 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. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech Consulting

Ltd., March 2026), 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 and Precautionary Method Statement for reptiles and mobile protected and Priority species in the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026). 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 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 COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve 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).

3. **PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY MEASURES STRATEGY**

“Prior to any works above slab level, a Biodiversity Measures Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., March 2026) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Measures Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures or features;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations of proposed measures or features by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the measures or features; 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 support protected, Priority and threatened species and allow the LPA to discharge its duties under National Policy N2 1(f) of NPPF August 2026 and s40 of the NERC Act 2006 (as amended).

4. **PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and Hazel dormouse and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through provision of lighting layout plans, isolux contour plans, luminaire specifications, mounting heights, aiming angles, shielding measures, and lighting control strategies) so that it can be clearly demonstrated that areas to be*

lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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) 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 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



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.

We are unable to respond directly to applicants/agents or other interested parties. Any additional information, queries or comments on this advice that the applicant/agent or other interested parties may have, must be directed to the Planning Officer at the relevant LPA, who will seek further advice from us where appropriate.

Place Services have a policy relating to the use of AI. Unless otherwise stipulated, any AI use will be limited to basic proof-reading, grammar, and spelling correction. This response has been reviewed by the author(s). If you have any queries, please [contact us](#) for information about our AI guidance.