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Our ref: 15427
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By email only: Planning Department, planninginfo@midsussex.gov.uk

Thank you for requesting advice on this discharge of condition 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/26/0628
Location: Sandhill Farm Sandhill Lane Crawley Down Crawley
Proposal: Discharge of conditions 6 and 7 to planning reference DM/24/3104

Thank you for consulting Place Services on the above discharge of condition application. We can only comment on conditions related to ecology.

Conditions

6) *Prior to occupation of the mobile, a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal Report (ROAVR Group, November 2024), 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).

7) Prior to occupation of the mobile, 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 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 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).

Comments

We have reviewed the documents which has been submitted in order to discharge condition 6 and 7. This includes the following:

- Biodiversity Net Gain Layout Plan
- Proposed Habitat Map
- Statutory Biodiversity Metric – Calculation Tool
- External Lighting Plan
- Block Plan showing lighting location

Condition 6

Condition 6 relates to the provision of bespoke biodiversity enhancements for protected, Priority and threatened species, in line with the paragraph 187d of the NPPF. Therefore, it is a separate matter to securing mandatory biodiversity net gains.

This should be in line with the recommendations included in the Preliminary Ecological Appraisal Report (ROAVR Group, November 2024). Therefore, it is highlighted that this includes the following bespoke enhancements:

- Two bat boxes

- Two bird boxes
- One invertebrate box

As a result, it is recommended that the finalised product details, locations, heights and orientations of the proposed boxes should be supplied to meet the requirements of condition 6.

Condition 7

We note that the external lighting will consist of a bulk head light on the new caravan accommodation. This will be installed with warm-white light and PIR Sensors with two minute timers and is unlikely to result in impacts upon roosting, foraging and commuting bats.

As a result, we are satisfied that the LPA can demonstrate compliance with its statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) with regard to this European Protected Species.

Recommendation

Subject to implementation in full of the submitted details, we recommend discharge of Condition 7.

Further information should be supplied to meet the requirements of Condition 6.

Additional comment – Biodiversity Gain Condition

It is highlighted that the Biodiversity Gain Condition must be discharged via a separate discharge of condition application.

It is indicated that [Paragraph 14\(2\) of Schedule 7A of the Town and Country Planning Act 1990 \(as amended\)](#) and [Articles 37C\(2\) and 37C\(4\) of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) sets out the requirements of the Biodiversity Gain Condition, which secures a 'Biodiversity Gain Plan'.

Therefore, in summary, the submission of a Biodiversity Gain Plan will consist of the following information:

- A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- The completed biodiversity metric - calculation tool (& condition assessment if using Statutory Biodiversity Metric – Calculation Tool)
- Completed pre-development and post-development habitat maps

In addition, the following additional information may be required:

- A Habitat management and monitoring plan (for [significant on-site enhancements](#) or off-site measures in land owned by the applicant)
- Legal agreement for monitoring and management of significant on-site enhancements or off-site measures in land owned by the applicant (if required by the LPA).
- Evidence of allocation onto the [Biodiversity Gain Site Register](#) for any off-site enhancements
- Evidence of proof of purchase if [Statutory Biodiversity Credits](#) from the Government are secured.

It is highlighted that significant on-site enhancements are typically not considered to be present for minor development. However, as this application is proposing to secure Lowland Meadow Priority habitat on-site, we would recommend that this is considered a significant on-site enhancement and long-term monitoring should be secured for a 30-year period, if this grassland enhancement is proposed.

This is because this habitat contains a very high distinctiveness and is extremely difficult habitat to create. The habitat requires 16 species per m² with species that reflect specific grassland communities (e.g. NVC MG5), with at least four positive indicators for lowland meadows present within the sward. As a result, the habitat is not likely to be realistic or deliverable, unless further clarification with regard to soil type, phosphorus levels can be provided. In addition, information on how the ground will be nutrient stripped and prepared before implementation must be provided. Furthermore, a pre-requisite of the planting should be the sowing of green hay on proposed habitat location, ideally from a local source.

As a result, as the provision of Lowland meadow is a significant commitment for the applicant and LPA based on the scale of the proposal, we would recommend that enhanced Other neutral grassland is ideally secured for the post-intervention values instead. If a measurable biodiversity net gain can not be achieved following this amended post-intervention values, then off-site gains should be secured via an off-site habitat bank registered on the Biodiversity Gain Site Register.

Please contact us if you have any queries in relation to this advice.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
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 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.