Place Services
Essex County Council
County Hall, Chelmsford
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Date: 14 November 2025

Our ref: 10656

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

CONTAINS CONFIDENTIAL INFORMATION

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/25/2474
Location: Land South Of Hammerwood Road Ashurst Wood West Sussex
Proposal: The erection of twelve houses, comprising 4x two bedroom houses, 4x three bedroom houses & 4x four bedroom houses, with associated access (Via Yewhurst Close) and parking

Thank you for 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 Dormouse Survey Report Version 01 (Deepdene Ecology, October 2025), Bat Survey – 2024 Activity Surveys (The Ecology Partnership, July 2025) and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of appropriate mitigation measures.

We have also reviewed the information submitted to meet the requirements of mandatory biodiversity net gains, which includes the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025) and Statutory Biodiversity Metric (September 2025). We highlight that the habitat baseline plan is shown in Figure 14, the proposed habitat creation is shown in Figure 15 and the habitat condition assessments are shown in Appendix 3 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025).

We note from the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025) that there are no buildings on site and the Ground Level Tree Assessment for bats concluded that the majority of trees do not support potential bat roost features. We also note from the Bat Survey – 2024 Activity Surveys (The Ecology Partnership, July 2025) that the site supports low levels of bat activity in general, although several bat species commute and forage along the boundary features. We therefore support the recommendation in Section 4.4 of the Bat Survey – 2024 Activity Surveys (The Ecology Partnership, July 2025) that these features should be maintained as dark corridors. We also support the creation of the 'hop overs' recommended in Section 4.6 of the Bat Survey – 2024 Activity Surveys (The Ecology Partnership, July 2025).

We note from the Dormouse Survey Report Version 01 (Deepdene Ecology, October 2025) that the Hazel Dormouse survey undertaken between June and September 2025 concludes that this species are highly unlikely to be present in the woodland. We therefore agree that no further surveys for Hazel Dormouse are required.

We note from the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025) [redacted] prior to commencement of works. We also support the Precautionary Method Statement for [redacted] small mammals (including Hedgehog, which is a Priority and threatened species) in Sections 4.21 and 4.22 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025), which should be secured by a condition of any consent and implement in full.

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

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Bat Survey – 2024 Activity Surveys (The Ecology Partnership, July 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.
- 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 Dormouse Survey Report Version 01 (Deepdene Ecology, October 2025), Bat Survey – 2024 Activity Surveys (The Ecology Partnership, July 2025) and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025) 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, which includes bats, [redacted] and small mammals. 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.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025) and Statutory Biodiversity Metric (September 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) A Biodiversity Gain Plan form (Ideally using the Government's template: https://www.gov.uk/government/publications/biodiversity-gain-plan)
b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.

c) Pre and post development habitat plans.
d) Legal agreement(s)
e) Biodiversity Gain Site Register reference numbers (if using off-site units).
f) 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. Based on the submitted post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, it is suggested that this includes the following habitats:

- Mixed Scrub 0.0214ha (moderate condition)
- Individual trees 0.0163 (moderate condition) (See query regarding post-intervention values)
- Individual trees 0.0651 (See query regarding post-intervention values)

The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure these requirements as part of the s.106 agreement at application or a standalone s.106 agreement as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- The Statutory Biodiversity Metric (September 2025) indicates a loss of -13.84% in habitat units which is contrary to the Mid Sussex District Plan 2021-2039 DPN2, current legislation and national policy which all require an increase of 10% BNG. We therefore support the recommendations in the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025) for the purchase of biodiversity units from a habitat bank registered on the biodiversity gain site register to achieve a net gain of at least 10% and satisfy trading rules. Alternatively, Statutory Biodiversity Credits could be secured from the Government at a last resort.
- The metric states that trees will be created 30 years advance of the metric, presumably because they are being retained as part of the woodland habitat to be removed. The Statutory Biodiversity Metric – User Guide does not provide guidance on how address remaining trees following woodland clearance. However, it is not considered reasonable to list them as created habitat. As a result, it is recommended that retained individual trees are recorded separately in the baseline, as part of the Biodiversity Gain Condition. Alternatively, the applicant could seek clarification of this approach via Natural England (biodiversitynetgainenquiries@naturalengland.org.uk).

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). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as 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 Dormouse Survey Report Version 01 (Deepdene Ecology, October 2025), Bat Survey – 2024 Activity Surveys (The Ecology Partnership, July 2025) and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for [redacted] small mammals in Sections 4.21 and 4.22 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025), which avoids impacts on 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 ENHANCEMENT STRATEGY

"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025), 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).

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 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 appropriate lighting contour plans and technical specifications) 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)
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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.