



Date: 11 April 2025

Our ref: 020960

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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. 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/25/0678
Location: West Hoathly Brickworks Hamsey Road Sharpthorne East Grinstead
Proposal: Discharge of condition nos. 15, 16 and 17 relating to planning application DM/23/0827

Thank you for consulting Place Services on the above discharge of condition application.

Conditions

Condition 15: Recommend Discharge

"Prior to commencement of any development, 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 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

Condition 16: **Recommend Discharge**

“Prior to the commencement of any development above ground/slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Assessment (Ecology Solutions, March 2023) shall be submitted to and approved in writing by the local planning authority. 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 the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 17: **Further information required**

“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following: a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) Details of the body or organisation responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

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 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

Comments

We have reviewed the Construction Environmental Management Plan (EcoSupport, February 2025) which has been submitted in order to discharge Condition 15.

We are satisfied that the submitted information includes the detail required by this condition.

We note that all of the information required by this condition has been provided in sufficient detail.

We have reviewed the Biodiversity Enhancement Layout (Residential) (Ecosupport, March 2025) and Biodiversity Enhancement Layout (Wide) (Ecosupport, March 2025), which have been submitted in order to discharge Condition 16.

We are satisfied that the submitted information includes the detail required by this condition.

We note that 5 Dormouse boxes are to be installed, which is more than the minimum of 3 recommended in the Ecological Assessment (Ecology Solutions, March 2023). This will have a positive impact on this protected species.

We have reviewed the Landscape and Ecological Management Plan (Ecosupport, March 2025), which has been submitted in order to discharge Condition 17.

We are not satisfied that the submitted information includes the detail required by this condition.

We note that no information on the mechanism(s) by which the developer will fund the implementation of the LEMP has been provided.

Recommendation

Subject to implementation in full of the submitted details, we recommend discharge of Condition 15 and Condition 16.

We are unable to recommend the discharge of condition 17 until the additional information outlined above has been provided.

Please do not hesitate to contact us if you have any queries in relation to this advice.

Hallie Rees MSci (Hons)

Assistant Ecological Consultant

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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.