



Date: 14 November 2025

Our ref: 10693

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By email only: Planning Department, [planninginfo@midsussex.gov.uk](mailto:planninginfo@midsussex.gov.uk)

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*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.*

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**Application:** DM/25/2634  
**Location:** Land Adjacent To Batchelors Farmhouse Keymer Road Burgess Hill  
**Proposal:** West Sussex  
Outline Planning Application with all matters reserved (except the means of access from the public highway) for residential development and the construction of up to 26 dwellings, with vehicular accesses, and new footpath links to Keymer Road, the provision of new landscape amenity space, areas of ecological enhancements, together with associated Highways, Drainage and Utilities works associated with the proposed development.

Thank you for consulting Place Services on the above outline application.

<b>No ecological objection</b>	<input type="checkbox"/>
<b>Recommend approval subject to attached conditions</b>	<input type="checkbox"/>
<b>Further information required/Temporary holding objection: Reptiles</b>	<input checked="" type="checkbox"/>
<b>Recommend Refusal</b>	<input type="checkbox"/>
<b>Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment</b>	<input type="checkbox"/>

## **Summary**

We have reviewed the Ecological Impact Assessment (The Ecology Co-op, March 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 Biodiversity Impact Calculation (The Ecology Co-op, April 2025) and Statutory Biodiversity Metric (April 2025). We note that the baseline habitats plan is shown as Figure 1 in the Biodiversity Impact Calculation (The Ecology Co-op, April 2025), the proposed habitats plan is shown in Figure 3 and Appendix 1 comprises the habitat condition assessments.

We are not satisfied that there is sufficient ecological information on protected species available for determination of this application. We recommend that further information on protected species is provided prior to determination. The reasons for this are outlined below:

### **Protected Species - reptiles**

We understand from Section 5.8.2 of the Ecological Impact Assessment (The Ecology Co-op, March 2025) that there is a good population of Slow Worm and a low population of Common Lizard on site. Therefore, we support the implementation of a reptile mitigation strategy, which may include the off-site translocation of reptiles to a location within Mid Sussex golf course, Pyescombe golf course or Plumpton College.

If translocation of reptiles to an off-site receptor site is required, we highlight that [Government Standing Advice](#) says:

- If translocating reptiles, the proposal needs a receptor site:
- close to the development site, and within the same LPA if possible
- that is at least the same size as the habitat that will be lost, and larger if the lost habitat is of high quality
- that will serve the same function as the habitat to be lost, for example it has hibernation features
- with similar habitat to the area that will be lost, including water bodies
- that does not currently support the same species, but can be improved to make it suitable
- that will be safe from future development and managed in the long term

This means that the receptor site must be identified and assessed to ensure it meets these requirements and it has sufficient carrying capacity for the translocated reptile populations. We recommend that the assessment is submitted to the LPA prior to determination.

The outline reptile mitigation strategy, including the translocation details, is required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate and deliverable mitigation via a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

**Additional Information – Protected and Priority species:**

We note from the Ecological Impact Assessment (The Ecology Co-op, March 2025) that the two agricultural buildings on site have been demolished under application DM/15/3955 and that these buildings had negligible bat roost potential. We also note from Section 3.4 that the large mature Oak tree in the northeast corner of the site has Potential Roost Features for Multiple bats (PRFs-M). We understand that the tree was subject to a climbing inspection with an endoscope in June, July and September 2025 and that no bats or evidence of bats was found. In addition, we understand from Section 3.4.5 of the Ecological Impact Assessment (The Ecology Co-op, March 2025) that the tree is to be retained. We therefore agree that no further surveys for bats are required.

We note from the Ecological Impact Assessment (The Ecology Co-op, March 2025) that a European Protected Species Mitigation Licence (EPSML) for Hazel Dormouse will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. This is because one Hazel Dormouse and one nest was found in 2018 and there is bramble scrub on site which will be removed as well as two sections of the eastern boundary. We support the outline measures to support the EPSML in Section 5.6.2 and the compensation measures in Section 5.6.4 of the Ecological Impact Assessment (The Ecology Co-op, March 2025).

We also support the implementation of the Precautionary Method Statement for mobile protected and Priority species (including Hedgehog, which is a Priority and threatened species) in Section 5.3.2 of the Ecological Impact Assessment (The Ecology Co-op, March 2025). This should be secured by a condition of any consent and implemented in full.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (The Ecology Co-op, March 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.

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](#).

#### **Additional comments - Mandatory Biodiversity Net Gains:**

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) and the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#).

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The [Biodiversity Net Gain Planning Practice Guidance \(PPG\)](#) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the submitted Biodiversity Impact Calculation (The Ecology Co-op, April 2025) and Statutory Biodiversity Metric (April 2025) and support the conclusions of the assessment.

As mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. 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](#) and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan prior to commencement, which 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:

- 0.124 ha of g3c – other neutral grassland (poor condition);
- 0.0411ha of g3c – other neutral grassland – SuDS (moderate condition);
- 0.324ha of h3h – mixed scrub (moderate condition);
- 25 small trees (0.1018ha) (moderate condition);
- 0.207km of h2a – species-rich native hedgerow (moderate condition).

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 draft heads of terms for this planning obligation at application stage, to be finalised 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 note that post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

- The Biodiversity Impact Calculation (The Ecology Co-op, April 2025) indicates a loss of -24.81% in habitat units and a gain of +19.62% in hedgerow 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 recommendation in the Biodiversity Impact Calculation (The Ecology Co-op, April 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%.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

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**  
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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.*