



Date: 7 September 2026
Our ref: 21511

Andrew Horrell
Mid Sussex District Council
Oaklands Road
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/26/1690
Location: 77 Dunstall Avenue Burgess Hill West Sussex RH15 8PJ
Proposal: Proposed demolition of various outbuildings and erection of a 4 x bedroom part two storey detached house with a detached 2 bay garage and two parking spaces

Thank you for consulting Place Services on the above application.

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection on: • European Protected Species (bats) • Mandatory Biodiversity Net Gain	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. Unfortunately, no information has been submitted in relation to ecology, other than that for Biodiversity Net Gain.

We have also reviewed the additional information submitted relating to mandatory biodiversity net gains, including the Biodiversity Net Gain Plan Final v2 (Sevenoaks Environmental Consultancy Ltd., July 2026) and Biodiversity Net Gain Statement (August 2026). We note that the Figure 2 Baseline Layout v2), Figure 3 Proposed Layout v2 are included in the Biodiversity Net Gain Plan Final v2 (Sevenoaks Environmental Consultancy Ltd., July 2026).

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation and enhancement measures for bats are required to make this proposal acceptable. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

European Protected Species (Bats):

It appears from the Existing Site Plan Drawing No. JB 518/Planning Application 03) (James Breckell: Architects, July 2026) and the Biodiversity Net Gain Plan Final v2 (Sevenoaks Environmental Consultancy Ltd., July 2026) that out Buildings B1 (tarp structure), B2 (wood store), B3 (open shed), B4 (canopy) and 5 (wood clad shed) will be demolished. Therefore, a Preliminary Roost Assessment is required to assess the impact to roosting bats. This needs to be submitted to the LPA prior to determination.

In addition, it appears from the Design and Access Statement James Breckell: Architects, July 2026) and the Biodiversity Net Gain Plan Final v2 (Sevenoaks Environmental Consultancy Ltd., July 2026) that there are trees on site. Therefore, we request clarification as to whether any trees will be removed for development. We highlight that, if this is the case, a Ground Level Tree Assessment for roosting bats will be required and the results submitted to the LPA prior to determination.

These surveys for bats are required prior to determination because [Government Standing Advice](#) indicates that you should survey for bats if any of the following criteria apply:

- *distribution and historical records suggest bats may be present – you can [search the National Biodiversity Network Atlas](#) by species and location*
- *the development site includes or is close to [any built structures](#), on or underground, that provide commuting, foraging or roosting opportunities for bats*

- the development site includes or is close to [trees](#), shrubs, rock formations, quarries, natural cliff faces or water bodies that provide commuting, foraging or roosting opportunities for bats
- the development proposal includes lighting of buildings or green spaces close to habitats that bats tend to use

The results of these surveys are 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 mitigation either by a mitigation licence from Natural England or 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.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions including the Favourable Conservation Status licensing test and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

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 Biodiversity Net Gain Plan Final v2 (Sevenoaks Environmental Consultancy Ltd., July 2026) and Biodiversity Net Gain Statement (August 2026) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The application is not supported by a Statutory Biodiversity Metric – Calculation Tool (Excel version) or accompanying condition assessment. This is required to ensure that ensure that the habitats within the pre-development baseline have been recorded appropriately. We note that Section 2.3.1 of the Biodiversity Net Gain Plan Final v2 (Sevenoaks Environmental Consultancy Ltd., July 2026) states that the condition assessment sheets are provided in the appendix. However, they do not appear to have been included.
- We also note that Figure 2 Baseline Layout v2 in the Biodiversity Net Gain Plan Final v2 (Sevenoaks Environmental Consultancy Ltd., July 2026) does not appear to include any trees on site.

Where mandatory biodiversity net gains apply, 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.

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](#).

However, Mid Sussex District Council 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).

Additional comments:

We recommend the implementation of a Precautionary Method Statement for mobile protected and Priority species (including Hedgehog, which is a Priority and threatened species). This needs to be secured by a condition of any consent and implemented in full.

If external lighting is required, we recommend that a Wildlife Friendly Lighting Strategy is implemented for this application 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.

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified by a suitably qualified ecologist and implemented to secure net gains for biodiversity, as outlined in the National Planning Policy Framework (August 2026) N2 Part F. The reasonable biodiversity enhancement measures need to be outlined within a separate Biodiversity Enhancement Strategy and secured by a condition of any consent.

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](#).

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
 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.

AI may have been used in the preparation of this response, but its 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.



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