



Date: 9 October 2025

Our ref: 03535

Steven King
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

By email only: Planning Department, 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. 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/25/0827
Location: Land East Of Lunce's Hill Fox Hill Haywards Heath West Sussex
Proposal: Outline planning application for the erection of up to 130 dwellings, together with the change of use of an existing barn for a flexible community and/or commercial use, along with associated outdoor space and landscaping, drainage infrastructure, hard and soft landscaping, parking, access and associated works (all matters reserved except for access).

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 for further information on European Protected Species (bats) and 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 Ecological Assessment Report Ref: DFA24115V4 (Derek Finnie Associates, September 2025) and Ecological Assessment Report Ref: DFA24115V2 (Derek Finnie Associates, January 2025), relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Biodiversity Net Gain within the Ecological Assessment Report Ref: DFA24115V4 (Derek Finnie Associates, September 2025), Biodiversity Net Gain within the Ecological Assessment Report Ref: DFA24115V2 (Derek Finnie Associates, January 2025), Biodiversity Net Gain Report Ref: DFA24116V2 (Derek Finnie Associates, January 2025) and Statutory Biodiversity Metric – Calculation Tool (Derek Finnie, December 2024).

We are not satisfied that there is sufficient ecological information available for determination of this application as we recommend that additional information on bats and biodiversity net gain is provided prior to determination. The reasons for this are outlined below:

European Protected Species - Bats

We note from Section 5.3.7 of the Ecological Assessment Report Ref: DFA24115V4 (Derek Finnie Associates, September 2025) that Brown Long-eared bats are roosting as well as feeding in the barn. As it appears that the barn is undergoing change of use for community or commercial use, we request further information as to why an application for a European Protected Species Mitigation Licence for bats is not required.

In addition, we understand that a Ground Level Tree Assessment for potential bat roosts has not been undertaken as no trees had been identified for removal (Section 4.6.12 Ecological Assessment Report Ref: DFA24115V4 (Derek Finnie Associates, September 2025). However, the Arboricultural Impact Assessment (Environmental Dimension Partnership Ltd., August 2025) states that the following trees are being removed for development purposes: partial removal of Common Ash, Common Hawthorn, Common Holly and Goat Willow in hedgerows H15, H19, H27, H28, H33 and removal of group G29 (Common Hawthorn and English Oak). Therefore, a Ground Level Tree Assessment for potential bat roosts needs to be undertaken on the affected trees.

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 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 within the Ecological Assessment Report Ref: DFA24115V4 (Derek Finnie Associates, September 2025) and Statutory Biodiversity Metric – Calculation Tool (Derek Finnie, December 2024) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The Native Hedgerow and River condition assessment sheets have not been provided to support the assessment of the pre-development baseline.
- In the absence of a Sussex Local Nature Recovery Strategy, it is recommended that further professional justification should be provided for the use of 'medium significance' for the strategic significance scores in the metric.

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, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.

- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) 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](#). The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which 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, 2, 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.

Additional comments:

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Assessment Report Ref: DFA24115V4 (Derek Finnie Associates, September 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

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). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and be secured by a condition of any consent.

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 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.

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.