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Mid Sussex District Council  
Oaklands Road  
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West Sussex  
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Our ref: 12460  
Date: 28 May 2026

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.*

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**Application:** DM/25/3059  
**Location:** Badgers Brook London Road Bolney Haywards Heath  
**Proposal:** Demolition of existing dwelling and commercial building, with the erection of 4 x 4 Bedroomed Houses and 2 x 5 Bedroomed Houses

Thank you for re-consulting Place Services on the above 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:</b> <ul style="list-style-type: none"><li><b>Mandatory Biodiversity Net Gain</b></li></ul> | <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 Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Ltd., August 2024) and the Badger Survey Report (Co-ecology Ltd, February 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures

We have also reviewed the information submitted relating to mandatory biodiversity net gains, including the Small Sites Metric – Calculation Tool (November 2025), Biodiversity Net Gain Statement (DPS Sussex Ltd., November 2025), Biodiversity Gain Plan (DPS Sussex Ltd., November 2025) and Pre-Development Baseline Map and Post-Development Map (submitted November 2025).

We are still 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:

### **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.

We welcome the submission of the Small Sites Statutory Biodiversity Metric (November 2025) and confirm that condition assessments are not required for a Small Sites Metric. However, we are still not satisfied that appropriate information has been provided prior to determination. This is because of the reason set out below:

- We note that the Pre-Development Baseline Map (submitted November 2025) and Small Sites Statutory Biodiversity Metric (November 2025) indicate there is an area of 3110.8248 m<sup>2</sup> of broadleaved woodland in the west and south of the site, whilst the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Ltd., August 2024) show modified grassland in the same area with two lines of trees running north to south. In addition, the four buildings indicated on the Preliminary Roost Assessment (Arbtech Consulting Ltd., August 2024) are not shown on the Pre-Development Baseline Map (submitted November 2025). As a result, on further consideration, the baseline map and metric must be updated to account for the additional buildings on-site. The metric and mapping may also be required to be updated include correct on-site habitat and it is recommended that the

applicant's suitability qualified ecologist provides further clarification on the correct on-site habitat.

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. 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](#). However, Mid Sussex District Council has a position that significant onsite enhancements will not apply for minor development, so habitat creation / enhancement will not need to be monitored by the Council for a period of 30 years.

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:

- It is considered highly unlikely that on-site woodland can be enhanced to 'good condition'. Therefore, this enhancement option will not be considered acceptable as part of the Biodiversity Gain Condition.

### **Additional Comments:**

We note from the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Ltd., August 2024) that the following buildings have negligible bat roost potential:

- B1 (single storey portable structure)
- B2 (single storey stables)
- B3 (timber cabin)
- B4 (open sided shelter)

In addition, we understand that no trees to be removed have Potential Roost Features for bats and we therefore agree that no further surveys for bats are required.

As grassland will be removed from the site, we support the Precautionary Method Statement for reptiles outlined in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Ltd., August 2024).

We note that the Badger Survey Report (Co-ecology Ltd, February 2025) has identified one sett within the red line boundary which is currently disused and one active sett within 20m of the proposals which may require a precautionary approach during the construction phase. As a result, it is indicated that we support the recommendations within the ecology report, with measures to be finalised to be determined prior to commencement of any works.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Ltd., August 2024)), 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 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 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 recommend that NatureSpace is consulted on this application.

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 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.*