

Date: 17 December 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 West Sussex  
**Proposal:** 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 re-consulting Place Services on the above outline planning application.

<b>No ecological objection</b>	<input type="checkbox"/>
<b>No ecological objection subject to attached conditions</b>	<input checked="" type="checkbox"/>
<b>Further information required/Temporary holding objection</b>	<input 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) and the letter relating to reptile mitigation (The Ecology Co-op, December 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 re-assessed 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 are now satisfied that there is sufficient ecological information available to support determination of this application, following the submission of the letter relating to reptile mitigation (The Ecology Co-op, December 2025). This document demonstrates an appropriate mitigation strategy in line with Government Standing Advice for reptiles and gives the LPA that appropriate options are available for the applicant. The finalised strategy should be secured via a Reptile Method Statement to be secured as a condition of any consent.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Impact Assessment (The Ecology Co-op, March 2025) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality. We recommend that the finalised measures should be secured via a Construction Environmental Management Plan (CEMP: Biodiversity) prior to commencement. In addition, a separate condition should be secured by the LPA to ensure a copy of the European Protected Species Mitigation Licence (EPSML) for Hazel Dormouse, which will be required prior to removal of any suitable habitat for Hazel Dormouse.

We also still recommended that a Wildlife Friendly Lighting Strategy is implemented for this application in line with the 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.

However, 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](#).

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Impact Calculation (The Ecology Co-op, April 2025) and Statutory Biodiversity Metric (April 2025). Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also 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 should secure a planning obligation at application stage or as part of the biodiversity gain condition to secure the long-term monitoring delivery and associated costs. 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 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). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

### **Recommended conditions**

**1. PRIOR TO COMMENCEMENT: OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF HAZEL DORMOUSE: SUBMISSION OF A COPY OF EPS MITIGATION LICENCE**

*“Any works which will impact the breeding / resting place of Hazel Dormouse, shall not in any circumstances commence unless the local planning authority has been provided with either:*

- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended); or*
- a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

**Reason:** To conserve protected 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 s17 Crime & Disorder Act 1998.

## 2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

*“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Impact Assessment (The Ecology Co-op, March 2025)*

*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 (as amended).

## 3. PRIOR TO COMMENCEMENT: REPTILE METHOD STATEMENT

*“No development shall take place (including any demolition, ground works, site clearance) until a Reptile Method Statement has been submitted to and approved in writing by the local planning authority.*

The content of the Reptile Method Statement shall include the following:

- a) *purpose and objectives for the proposed works;*
- b) *detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*
- c) *extent and location of proposed works shown on appropriate scale maps and plans;*
- d) *timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- e) *persons responsible for implementing the works;*
- f) *initial aftercare and long-term maintenance (where relevant);*
- g) *disposal of any wastes arising from works.*

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

**Reason:** To conserve protected and Priority species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and s17 Crime & Disorder Act 1998.

#### **4. PRIOR TO ANY WORKS ABOVE SLAB LEVEL AND CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY**

*“Prior to any works above slab level and concurrent with reserved matters, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Impact Assessment (The Ecology Co-op, March 2025), shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Strategy shall include the following:*

- a) *Purpose and conservation objectives for the proposed enhancement measures;*
- b) *detailed designs or product descriptions to achieve stated objectives;*
- c) *locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) *persons responsible for implementing the enhancement measures; and*
- e) *details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”*

**Reason:** To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

#### **5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

- a) *identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) *show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”*

**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 (as amended).

**Optional condition:**

Management and monitoring for significant on-site enhancements should be secured by planning obligation (either at application stage or the Biodiversity Gain Condition), to allow aftercare and monitoring to be secured for the 30-year period and the LPA to cover its monitoring costs. However, if the LPA would prefer that this is secured via a separate condition, the following pre-commencement condition could be used:

**6. PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)**

*A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:*

- a) a non-technical summary;*
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*
- e) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- f) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

*Notice in writing shall be given to the Council when the:*

- initial enhancements, as set in the HMMP, have been implemented; and*
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

*The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.*

*Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 3, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.*

*The Council shall only issue approval of the habitat creation and enhancement works until:*

- *the habitat creation and enhancement works set out in the approved HMMP have been completed; and*
- *a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.*

**Reason:** To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

### **Biodiversity Gain condition**

Natural England advises that 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](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

#### ***“Biodiversity Net Gain***

*The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:*

- (a) Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

*The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.*

*There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.*

*Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”*

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.*