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

Our ref: 13857
Date: 18 May 2026

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.

Application: DM/25/3129
Location: Land At Borde Hill Lane Haywards Heath West Sussex
Proposal: Outline planning application for the erection of up to 125 dwellings, together with the provision of landscaping, open space, and associated development works, with access from Balcombe Road.
All matters reserved except for access

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

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

Summary

We have reviewed the Ecology Response Letter (The Ecology Co-op, April 2026), Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026) and Ecological Impact Assessment (The Ecology Co-op, December 2025) relating to the likely impacts of

development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We have also reviewed the information submitted relating to mandatory biodiversity net gains, including the Ecology Response Letter (The Ecology Co-op, April 2026), Biodiversity Impact Calculation (The Ecology Co-op, December 2025) and Statutory Biodiversity Metric – Calculation Tool (December 2025).

We are still not satisfied that there is sufficient ecological information available for determination of this application and recommend that outline mitigation measures for Hazel Dormouse and 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

We welcome the further information for bats in the Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026) and understand that the following oak trees have Potential Roost Features for individual bats (PRFs-I): Trees T1, T2, T3, T4, T5 and T6. We understand from the Ecology Response Letter (The Ecology Co-op, April 2026) that the trees proposed for removal have now been identified and that a further updated Ground Level Tree Assessment will be taking place and the results submitted to the LPA as an addendum.

We highlight that for trees with PRF-Is appropriate compensation will be required in advance of works to avoid loss of roost resource (Reason and Wray (2023) UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.1. Chartered Institute of Ecology and Environmental Management). In addition, a non-licensed Precautionary Working Method Statement would be required which includes inspection of any affected trees by endoscope on the day and felling under the supervision of a licensed bat ecologist, as required in Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023). If any trees have PRFs for multiple bats, then further assessment would be required.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, which are European Protected Species. The surveys for bats are required prior to determination. This is because [Government Standing Advice](#) for bats indicates that you should “Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”.

The results of the GLTA for roosting bats 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 Ecology Response Letter (The Ecology Co-op, April 2026), Biodiversity Impact Calculation (The Ecology Co-op, December 2025) and Statutory

Biodiversity Metric – Calculation Tool (December 2025) and recommend that the following additional information is now required:

- The Sussex Local Nature Recovery Strategy has been published. Therefore, the all biodiversity units for the pre-development baseline should be recorded as containing 'low strategic significance' in line with the Statutory Biodiversity Metric – User Guide. As a result, an updated and Statutory Biodiversity Metric – Calculation Tool should be submitted to account for this minor update to the pre-development baseline.

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](#). 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:

- Modified grassland to other neutral grassland – 2.511ha poor to good condition (enhanced)
- Other neutral grassland – 7.077ha poor to good condition (enhanced)
- Urban tree (small) – 0.4275ha moderate condition (created)
- Species-rich native hedgerow with trees – 0.394km moderate condition (created)

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. 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.

Our additional comments on mandatory biodiversity net gains have been addressed as follows and will need to be included as part of the biodiversity gain condition:

- We understand from the Ecology Response Letter (The Ecology Co-op, April 2026) that it will not be possible to achieve an increase in onsite watercourse condition and therefore 0.88 watercourse units will be obtained from an off-site provider.
- As mentioned in our previous response dated 16th February 2026, the applicant is proposing off-site enhancements in blue line boundary land. All offsite enhancements will need a legal agreement with the Council and be registered on the biodiversity gain site register before the discharge of the Biodiversity Gain Condition. This will also need to be supported by a HMMP which sets out the management and monitoring measures for the off-site enhancement measures, which will need to be secured for a 30-year period from the completion of development.
- It is indicated that all strategic significance scores will need to be based on the [West Sussex LNRS Map](#), based on specific strategic opportunity layers for specific habitat creation or enhancement. Therefore, the finalised Statutory Biodiversity Metric – Calculation Tool calculations and Biodiversity Gain Plan form, should include appropriate strategic significance scores for the post-intervention values.

Additional comments – Protected Species:

We note from the Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026) that no buildings will be impacted by the development and therefore agree that no further surveys for buildings and bats are required.

We understand from Section 4.6 of the Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026) that the presence of Hazel Dormouse was confirmed along the central hedgerow, the northern boundary hedgerow and the southwestern corner of the site. Therefore, we agree that a European Protected Species Mitigation Licence (EPSML) will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. We support the outline mitigation measures for Hazel Dormouse to support the EPSML application in Section 5.6.2 of the Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026).

We support the Precautionary Method Statement for reptiles and mobile protected and Priority species (including Hedgehog, which is a Priority and threatened species) in Sections 5.3 and 5.7 of the Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026). This needs to 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 Rev 02 (The Ecology Co-op, April 2026)) 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 in the Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026) 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 Strategy and should be 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 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.

