



Date: 25 November 2025

Our ref: 11164

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

By email only: Planning Department, planninginfo@midsussex.gov.uk

CONFIDENTIAL INFORMATION

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/25/2626
Location: 42 Hurst Road Hassocks West Sussex BN6 9NL
Proposal: Subdivision of the existing residential plot to create 2no residential dwellings, alongside retention of existing dwelling

Thank you for consulting Place Services on the above application.

No ecological objection	<input type="checkbox"/>
No ecological objection subject to attached conditions	<input checked="" type="checkbox"/>
Further information required/Temporary holding objection	<input type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	<input type="checkbox"/>

Summary

We have reviewed the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024), relating to the likely impacts of development on designated



sites, protected and Priority species & habitats with 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 report (Environmental Assessment Services Ltd., August 2025) which includes Appendix A – the Pre-development and Post-development Habitat maps, and Statutory Biodiversity Metric (August 2025). We note that there are no condition sheets as the existing habitats comprise only developed land: sealed surface and vegetated garden.

We note from the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024) that the existing dwelling is to be retained and that the side extension, garage, pool and pool house which are to be removed all have negligible bat roost potential. In addition, we note that all of the trees to be removed (Lawson cypress tree, Magnolia, Catalpa, Palm and Cherry) have negligible bat roost potential. We therefore agree that no further surveys for bats are required. However, as the existing dwelling to be retained does have Potential Roost Features for bats, we support the non-licensed Precautionary Method Statement for bats in Section 4.5 of the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024). This should be secured by a condition of any consent and implemented in full.

As there are records for Hazel Dormouse within 1km of the site and there is a line of Hazel on the northern boundary, we also support the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 4.7 of the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024). This should be secured by a condition of any consent and implemented in full.

We support the checks for Badger prior to the start of works and the Precautionary Method Statement for Badger in Section 4.6 of the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024) as this species may use the site. This should be secured by a condition of any consent and implemented in full.

We also support the Precautionary Method Statement for reptiles in Section 4.3 of the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024). This is because there are records for Grass Snake, Viviparous Lizard and Adder within 1km of the site and there is suitable habitat for reptiles on site. This should be secured by a condition of any consent and implemented in full.

We are satisfied that there is sufficient ecological information available for determination. However, 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](#).

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

The mitigation measures identified in the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024) should be secured by a condition of any consent

and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality, which includes bats, Hazel Dormouse, Badger and reptiles.

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

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain report (Environmental Assessment Services Ltd., August 2025) and Statutory Biodiversity Metric (August 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](#). However, it is indicated that the LPAs position is that significant on-site enhancements does not apply for minor development. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- The Statutory Biodiversity Metric (September 2025) indicates a loss of -11.34% in habitat 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 Net Gain report (Environmental Assessment Services Ltd., August 2025) for the purchase of units to achieve a net gain of at least 10% and satisfy trading rules. This should be secured via a habitat bank registered on the biodiversity gain site register. Alternatively, Statutory Biodiversity Credits could be secured from the government at a last resort.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024) 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. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the non-licensed Precautionary Method Statements for bats and for Hazel Dormouse, and the Precautionary Method Statements for Badger and reptiles in the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024). This avoids impacts on European Protected Species and protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

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).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Environmental Assessment Services Ltd., November 2024), 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).

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.