

From: Hamish Jackson - Senior Ecological Consultant <Hamish.Jackson@essex.gov.uk>
Sent: 24 November 2025 13:20:24 UTC+00:00
To: "Andy Watt" <Andy.Watt@midsussex.gov.uk>
Subject: RE: DM/25/2376 Relocation of childrens play area fence and construction of path on edge of village green. Construction of eighteen public car parking spaces within public highway boundary to replace existing footpath and verge.

Hi Andy,

I have re-assessed the Preliminary Ecological Appraisal (Coyne Environmental Ltd., August 2024) and I agree that the report actually does not recommend any mitigation measures for protected and Priority species. Therefore, it is agreed that impacts upon protected and Priority species are not likely to occur and it is considered not reasonable to include the proposed compliance condition (condition 1).

With regard to the proposed Biodiversity Enhancement Strategy (Condition 2), it is also agreed that the condition can not reference the previous Preliminary Ecological Appraisal (Coyne Environmental Ltd., August 2024), if no reasonable biodiversity enhancement measures have been proposed.

The purpose of the condition is to provide bespoke species enhancements for protected, Priority and threatened species, in line with paragraph 187d of the NPPF. Therefore, this matter is complete separate to mandatory biodiversity net gains and could include the provision of bird or bat boxes to meet the requirements. Nevertheless, it is up to the LPA decide where it would be reasonable to request bespoke species enhancements based on the application proposals.

As a result, if the LPA considers it reasonable to request bespoke enhancements, it is suggest that the following amended condition could be secured instead:

1. WITHIN THREE MONTHS OF CONSENT: BIODIVERSITY ENHANCEMENT STRATEGY

"Within three months of consent, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, 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).

Apologies for the errors in my previous response and let me know if you have any further queries.

Kind regards,

Hamish

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Senior Ecological Consultant

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From: Andy Watt <Andy.Watt@midsussex.gov.uk>

Sent: 14 November 2025 13:11

To: Place Services Ecology <PlaceServicesEcology@essex.gov.uk>

Subject: FW: DM/25/2376 Relocation of childrens play area fence and construction of path on edge of village green. Construction of eighteen public car parking spaces within public highway boundary to replace existing footpath and verge.

CAUTION: This is an external email.

Hi

Could I please have your comments on the agent's response to your recommended conditions?

Many thanks

Andy Watt, BSc (Hons), MTPL, MRTPI

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Working together for a Better Mid Sussex

From: Paul PBA <paul@pba-planning.co.uk>

Sent: 14 November 2025 12:05

To: Andy Watt <Andy.Watt@midsussex.gov.uk>

Cc: Worth Parish Clerk 1 <clerk@worth-pc.gov.uk>

Subject: DM/25/2376 Relocation of childrens play area fence and construction of path on edge of village green. Construction of eighteen public car parking spaces within public highway boundary to replace existing footpath and verge.

Dear Mr Watt,

I am writing regarding the conditions recommended by Places Services, which do not make sense to me and appear disproportionate to the proposal.

Recommended Condition1:

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 (Coyne Environmental Ltd., August 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

This may 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).

I have reviewed the PEA, and there are no mitigation measures stated, no details relating to the carrying out of the works, and no triggers relating to the circumstances when an ECoW would be required.

This condition appears to be unnecessary and/or imprecise because it refers to measures and details that don't exist and is unenforceable, as there are no triggers in the PEA, or the condition, setting out when an ECoW would be required.

Accordingly, it appears to fail at least three of the Para. 56 tests in the NPPF and will be unmanageable by my client during the construction phase.

Recommended Condition 2:

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 (Coyne Environmental Ltd., August 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).

There are no works above slab level, so the whole premise of this condition is not relevant to the development, and it fails the Para. 56 tests on that basis alone.

Biodiversity enhancement is being provided by off-site mitigation which will be secured through the BNG+ statutory condition. Even if this additional condition did not refer to work above slab level, it appears to be unnecessary and creates unreasonable costs and complexity causing further conflict with Para.56.

I am also mindful the previous consent did not include either of these conditions.

In conclusion, on behalf of my Client, we cannot agree to these conditions as the first one refers to measures in the PEA that don't exist, and the second one is premised on work being carried out above slab level which is not being proposed.

I will of course be happy to discuss this if necessary.

Best regards

Paul Budgen

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