



Date: 22 September 2025

Our ref: 06121

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

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. 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/25/1036
Location: Olivers Wine Agency Units 17 And 18 Borers Yard Borers Arms Road
Proposal: Proposed construction of a single storey front extension and raised seating area with enclosed railings

Thank you for consulting Place Services on the above application.

No ecological objection	☐
No ecological objection subject to attached conditions	☒
Further information required/Temporary holding objection	☐
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., May 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 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 BNG Exemption Statement (Arbtech Consulting Ltd., June 2025).

We note from the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., May 2025) that the internal roof void of Building B1 (two storey commercial building) was not accessible. However, we understand that Building B1 has negligible bat roost potential, the roof structure will not be impacted by the works, the gaps beneath the solar panels are covered in wire mesh to prevent birds or bats entering and the tiles are in good condition. We also note that no trees will be impacted by the works. We therefore agree that no further surveys for bats are required.

We support the Precautionary Method Statement for mobile protected species (including Hedgehog, which is a Priority and threatened species) in the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., May 2025). This should be secured by a condition of any consent and implemented in full.

We are satisfied that there is sufficient ecological information available to support determination of this application. 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 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 Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., May 2025) 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 and mobile protected species, including Hedgehog.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., May 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.

With regard to mandatory biodiversity net gains, we have reviewed the BNG Exemption Statement (Arbtech Consulting Ltd., June 2025). The de-minimis exemption, as set out under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, applies to development that does not impact a Priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats (e.g. hedgerows or watercourse)

The de-minimis threshold refers to impact and not size of the red-line boundary. A development 'impacts' a habitat if it decreases the biodiversity value.

Providing that the development does not affect any more than 25m², we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains.

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). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by 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

- 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 and Roost Assessment (Arbtech Consulting Ltd., May 2025), as already submitted with the planning

application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile protected species in the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., May 2025), which avoids impacts on protected species.

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).

2. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT LAYOUT

“Prior to beneficial use, a Biodiversity Enhancement Layout for protected, Priority and threatened species, prepared by a suitably qualified ecologist, in line with the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., May 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) detailed designs or product descriptions to achieve stated objectives;*
- b) locations of proposed enhancement measures by appropriate maps and plans (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).

3. 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 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 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).

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

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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.