



Date: 25 August 2026
Our ref: 20643

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

By email only: 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/26/1792
Location: Land South West Of Havelock Farm Selsfield Road Ardingly
Haywards Heath
Proposal: Installation of new structures and accessibility improvements to
create a new Wild Play facility and associated works.

Thank you for consulting Place Services on the above full application.

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

Summary

We have reviewed the Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the additional information submitted relating to mandatory biodiversity net gains, including the Condition Assessment Sheets, Biodiversity Net Gain Assessment (Surrey Wildlife Trust Ecology Services, July 2026) and Statutory Biodiversity Metric – Calculation Tool (July 2026). We note that the Biodiversity Net Gain Assessment (Surrey Wildlife Trust Ecology Services, July 2026) contains Figure 1 Baseline Habitat Survey.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on bats is provided prior to determination.

European Protected Species - bats:

We note from the Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024) that Building B3 (one storey toilet block) has low suitability for roosting bats and therefore we support the recommendation that a single emergence survey for bats should be undertaken between May to August. In addition, Trees T1, T3 and T4 (all Pedunculate Oak) have Potential Roost Features for multiple bats (PRFs-M) and therefore require further assessment.

We also note that Tree T2 (Beech) has been assessed in the Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024) as requiring further assessment (FAR), but the description also states 'there are no potential roosting features'. Therefore, we request clarification of the suitability of Tree T2 for roosting bats.

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

The results of these surveys 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 including the Favourable Conservation Status licensing test 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).

Additional Comments: Protected species

We understand from the Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024) that Buildings B1 and B2 (both wooden garden sheds) have negligible bat roost potential. Therefore, we agree that no further surveys for bats and these buildings are required.

We support the recommendation in Table 4 of the Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024) for the implementation of a non-licensed Precautionary Method Statement for Hazel Dormouse, which is a European Protected Species. This needs to be secured by a condition of any consent and implemented in full.

We also support the recommendation in Table 4 of the Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024) for the implementation of Badger walkover surveys three months, one month and one day prior to vegetation clearance. This needs to be secured by a condition of any consent and implemented in full.

We also support the recommendation for the implementation of a Precautionary Method Statement for reptiles and mobile protected and Priority species (including Hedgehog, which is a Priority and threatened species) in Table 4 of the Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024). This needs to be secured by a condition of any consent and implemented in full.

We also support the recommendation in Table 4 of the Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024) for a Construction Environmental

Management Plan: Biodiversity, which 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 (Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024)) 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 Ecology Report Version 1.0 (Surrey Wildlife Trust Ecology Services, November 2024) 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 Layout 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.

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](#). We recommend that the NatureSpace Partnership is consulted on this application.

Additional Comments - 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 submitted Condition Assessment Sheets, Biodiversity Net Gain Assessment (Surrey Wildlife Trust Ecology Services, July 2026) and Statutory Biodiversity Metric – Calculation Tool (July 2026). and are satisfied that appropriate information has been provided prior to determination.

As 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.

As a result, a Biodiversity Gain Plan should be submitted prior to commencement which should include the following information for non-phased development:

- Biodiversity Gain Plan form, using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>.
- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- Completed pre-development and post-development habitat maps.
- Information regarding [Habitat degradation](#) (where required).
- Information regarding [Irreplaceable habitat](#) (where required).

In addition, the following information may also be required depending on whether the development contains significant on-site enhancements or whether off-site options or Statutory Biodiversity Credits are required:

- A [Habitat Management and Monitoring Plan](#) (HMMP) for significant on-site enhancements or offsite measures in blue line boundary land.
- Legal agreement for monitoring and management of significant on-site enhancements or off-site measures in blue line boundary land.
- Evidence of off-site units being allocated to a Biodiversity Gain Site on the [Biodiversity Gain Site Register](#).
- Evidence of proof of purchase of [Statutory Biodiversity Credits](#).

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:

- Mixed scrub
- Other neutral grassland
- Rural tree
- Other mixed woodland

However, Mid Sussex are taking the approach that minor developments do not contain significant on-site enhancements and are not required to be monitored for a period of 30 years from the completion of development via a Habitat Management and Monitoring Plan (HMMP). As a result, we recommend that the applicant determines whether significant on-site enhancements are present for this application with the Council.

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 do not hesitate to contact us if you have any queries in relation to this advice.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
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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.

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.

AI may have been used in the preparation of this response, but its use will be limited to basic proof-reading, grammar, and spelling correction. This response has been reviewed by the author(s). If you have any queries, please [contact us](#) for information about our AI guidance.