



Date: 29 September 2026
Our ref: 22286

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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/26/2115
Location: Land To South Of Crabtree Park Equestrian Centre Turners Hill Road Turners Hill
Proposal: Construction of a padel tennis facility (Use Class E(d)) with ancillary offices, changing facilities and studio, member shop and café (all within Use Class E), car and cycle parking, bin storage, with associated access and works.

Thank you for consulting Place Services on the above application

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection on: European Protected Species (bats & Hazel Dormouse)	☒
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 (Arbtech Consulting Ltd., July 2025) 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 information submitted relating to mandatory biodiversity net gains, including the Biodiversity Net Gain Assessment Issue 1.2 (Arbtech Consulting Ltd., August 2026) and Statutory Biodiversity Metric (August 2026). We note that Appendix 1: Baseline Habitat Plan, Appendix 2: Post-Development Habitat Plan and Appendix 5a: Baseline Habitat Condition Assessment Sheets are included within the Biodiversity Net Gain Assessment Issue 1.2 (Arbtech Consulting Ltd., August 2026).

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable for bats Hazel Dormouse. The reasons for this are outlined below:

European Protected Species:

We also note that 0.007ha of other broadleaved woodland and 0.027ha of bramble scrub may provide suitable habitat for Hazel Dormouse. The applicant's ecologist has identified five European Protected Species licence applications for Hazel Dormouse within 2km of the site. However, the report concludes that *"the loss of such habitats is likely to be inconsequential to local dormouse populations owing to their low value and the presence of more extensive habitat locally"* and, on this basis, recommends the use of non-licensed precautionary working methods to minimise the risk of killing or injuring this European Protected Species.

The Dormouse Mitigation Handbook (Wells et al., 2025¹) supports the use of precautionary methods of working without a licence where professional judgement, supported by appropriate evidence, demonstrates that the proposed works are suitable for such an approach and that the risk of impacts to Hazel Dormouse is low. However, we do not consider that sufficient information has been provided at this stage to justify the proposed non-licensed approach. Given the known local records, and the proposed loss of approximately 340m² of potentially suitable habitat, there remains a reasonable possibility that Hazel Dormouse could be present within the affected areas and that the clearance works could impact upon their breeding and resting places. Furthermore, the on-site bramble scrub particularly appears to provide suitable habitat for this European Protected Species.

¹ Wells, D., Chanin, P. & Gubert, L. (2025) Hazel Dormouse Mitigation Handbook. The Mammal Society. | SBN: 978-1-0687982-2-1

As a result, we recommend that further presence/likely absence surveys are undertaken in accordance with current best-practice survey methodology, unless additional evidence and professional justification are submitted to robustly demonstrate that a non-licensed precautionary approach is appropriate and that impacts to Hazel Dormouse can be reasonably ruled out.

In addition, as the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., July 2025) has recommended the area of other broadleaved woodland will be removed for the development. It is indicated that a Ground Level Tree Assessment will be required to assess any potential impact to roosting bats.

We also highlight that, for any trees with Potential Roost Features (PRFs) for individual bats, appropriate compensation would 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 for bats would be required, which would need to include 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). We also highlight that any trees to be removed which contain PRFs for multiple bats would require further assessment.

The results of these surveys and information 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 and Priority species

We also support the Precautionary Method Statement for reptiles, common amphibians and mobile protected and Priority species (including Hedgehog, which is a Priority and threatened species) in the Preliminary Ecological Appraisal (Arbtech Consulting Ltd., July 2025). This should 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 (Preliminary Ecological Appraisal (Arbtech Consulting Ltd., July 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.

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](#).

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 Biodiversity Net Gain Assessment Issue 1.2 (Arbtech Consulting Ltd., August 2026) and Statutory Biodiversity Metric (August 2026) and we are satisfied that submitted information provides sufficient information at application stage.

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 current proposals, we would recommend that the following habitat proposals would be considered a significant on-site enhancements:

- Biodiverse green roof, 0.029ha
- Urban tree, 0.0814ha
- Mixed scrub, 0.005ha
- Modified grassland to Other neutral grassland (enhancement), 0.571ha
- Bramble scrub to Mixed scrub (enhancement), 0.057ha

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 at application stage or concurrent with the discharge of the Biodiversity Gain Condition. The management and monitoring of significant on-site enhancements could also be secured as a condition of any consent, but a mechanism to secure monitoring costs should be identified by the Council. 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.

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 current calculations indicate there will be a gain of 15.41% onsite habitat units. However, the trading rules have not been met due to the loss of medium distinctiveness habitats and two urban trees in good condition. This is contrary to the Mid Sussex District Plan 2021-2039 DPN2, current legislation and national policy. Therefore, we support the recommendation in the Biodiversity Net Gain Assessment Issue 1.2 (Arbtech Consulting Ltd., August 2026) for the purchase of offsite biodiversity units from a habitat bank registered on the Biodiversity Gain Site Register to satisfy trading rules. Evidence that the offsite units have been allocated to the relevant habitat bank will be required prior to the discharge of the Biodiversity Gain Condition. Alternatively, the applicant could secure Statutory Biodiversity Credits via 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 (Arbtech Consulting Ltd., July 2025) to secure net gains for biodiversity, as outlined under the National Planning Policy Framework (August 2026) N2 Part F. The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Measures Strategy and should be secured by a condition of any consent.

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)
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.

Place Services have a policy relating to the use of AI. Unless otherwise stipulated, any AI 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.