



Date: 9 October 2025

Our ref: 06135

Stuart Malcolm
 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/25/1434
Location: Land Rear Of Chesapeake Reeds Lane Sayers Common Hassocks
Proposal: Proposed demolition of an existing dwelling house, stables and barn buildings and the proposed development of 27 dwellings, with a new vehicular access, associated landscaping, parking, open space, and all other associated development works.

Thank you for consulting Place Services on the above application.

Confidential information included

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 Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2025), Bat Emergence Survey Report (Lizard Landscape Design and Ecology, September 2023), Reptile Survey Report (Lizard Landscape Design and Ecology, August 2023) and Preliminary Ecological Appraisal (Lizard Landscape Design and Ecology, December 2022), 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 meet the requirements of mandatory biodiversity net gains, which includes the Statutory Biodiversity Metric – Calculation Tool (April 2025) and Biodiversity Net Gain Statement (Lizard Landscape Design and Ecology, April 2025), which contains the habitat condition assessments (Appendix A), Baseline Habitat Plan (Figure No. 01) and Proposed Habitat Plan (Figure No. 02).

We note from the Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2025) that a licence for bats will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. This is because the Bat Emergence Survey Report (Lizard Landscape Design and Ecology, September 2023) identified a Soprano Pipistrelle day roost in Tree T01 (mature Oak) and a Common Pipistrelle day roost in Tree T11 (standing deadwood) during surveys in June and July 2023. We note that the Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2025) stated that an updated Daytime Bat Walkover survey was undertaken in March 2025 which confirmed that the baseline conditions remain unchanged. We support the outline mitigation measures in Section 5.3.3 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2025) which should be secured by a condition of any consent and implemented in full.

We also note from the Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2025) that bat emergence surveys in June and July 2023 observed no evidence of roosts within Building B4 (dormer bungalow) and that the winter roost potential for this building is negligible. In addition, Buildings B1 (stable block), B2 (steel frame barn) and B3 (steel frame barn) have negligible bat roost potential.

We also note from the Reptile Survey Report (Lizard Landscape Design and Ecology, August 2023) that surveys during May and June 2023 concluded that there is a 'low' population of Grass Snake onsite. Therefore, we support the Precautionary Method Statement for reptiles in Section 5.3.2 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2025), which 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 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.

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 Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2025), Bat Emergence Survey Report (Lizard Landscape Design and Ecology, September 2023), Reptile Survey Report (Lizard Landscape Design and Ecology, August 2023) and Preliminary Ecological Appraisal (Lizard Landscape Design and Ecology, December 2022) 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, including bats, Badger, reptiles and mobile protected species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 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, it is highlighted that we generally support the submitted Statutory Biodiversity Metric – Calculation Tool (April 2025) and Biodiversity

Net Gain Statement (Lizard Landscape Design and Ecology, April 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) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) 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. [REDACTED]

- 0.003ha of Other Neutral Grassland in moderate condition, to replace areas of lost scrub within the south of the site. This will provide 0.02 habitat units.
- 0.031ha of Mixed Scrub in moderate condition, to comprise native shrub planting around the southeast of the site. This will provide 0.21 habitat units.
- 0.0529ha of Urban Trees accounting for the proposed planting of 13no. small-sized trees in moderate condition. This will comprise the planting of a mixture of native and non-native trees of known value to wildlife, to be planted in communal and publicly accessible areas. This will provide 0.16 habitat units.
- 0.028km of Species-rich Native Hedgerow (pH05) of good condition, to extend the length of Native Hedgerow H01 to the west, providing screening to adjacent gardens to the north. This will provide 0.22 hedgerow units.
- 0.022km of Species-rich Native Hedgerow (pH06) of good condition. To comprise planting along the east site boundary along the proposed access route into the site. This will provide 0.17 hedgerow units.
- 0.035km of Species-rich Native Hedgerow (pH07) of good condition along the west site boundary to replace losses and screening in place of the reduced Leylandii hedgerow (H04). This will provide 0.27 hedgerow units
- Enhancement of 0.029ha of Modified Grassland (GR03) to Other Neutral Grassland of moderate condition. This will deliver 0.18 habitat units.
- Enhancement of 0.092ha of Modified Grassland (GR04) to Other Neutral Grassland of moderate condition. This will deliver 0.57 habitat units.
- Enhancement of 0.027ha of Modified Grassland (GR05) to Other Neutral Grassland of moderate condition. This will deliver 0.17 habitat units.
- Enhancement of 0.093ha of Modified Grassland (GR06) to Other Neutral Grassland of moderate condition. This will deliver 0.63 habitat units.
- Enhancement of 0.151ha of Blackthorn Scrub (SC01) from moderate to good condition. This will deliver 1.75 habitat units.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of

significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 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 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

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 Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2025), Bat Emergence Survey Report (Lizard Landscape Design and Ecology, September 2023), Reptile Survey Report (Lizard Landscape Design and Ecology, August 2023) and Preliminary Ecological Appraisal (Lizard Landscape Design and Ecology, December 2022), 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 reptiles in Section 5.3.2 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 2025), which avoids impacts on 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 COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

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).

3. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS: SUBMISSION OF A COPY OF EPS MITIGATION LICENCE OR EVIDENCE OF SITE REGISTRATION UNDER A BAT MITIGATION CLASS LICENCE FOR BATS

“Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or*
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

4. 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 Ecological Impact Assessment (Lizard Landscape Design and Ecology, March 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) 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).

5. 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 (through provision of appropriate lighting contour plans and technical specifications) 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).

Optional condition:

Management and monitoring for significant on-site enhancements should be secured by planning obligation as part of the biodiversity gain condition, to allow aftercare and monitoring to be secured for the 30-year period and the LPA to cover its monitoring costs. However, if

the LPA would prefer that this is secured via a separate condition, the following pre-commencement condition could be used:

6. PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)

A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and*
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

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) 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

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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.