

From: planninginfo@midsussex.gov.uk <planninginfo@midsussex.gov.uk>
Sent: 15 May 2025 13:05:41 UTC+01:00
To: "Joanne Fisher" <joanne.fisher@midsussex.gov.uk>
Subject: Mid Sussex DC - Online Register - Comments for Planning Application
DM/25/0445

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 15/05/2025 1:05 PM.

Application Summary

Address:	Land At Colwell Farm Lewes Road Haywards Heath West Sussex
Proposal:	Outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses. UPDATED INFORMATION of highways layby plan, Transport Note, response to Ecology consultation comments and updated Landscape Visual Impact Assessment.
Case Officer:	Joanne Fisher

[Click for further information](#)

Customer Details

Address:	8 Nettle Grove Lindfield
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Comments Details

Commenter Type:	Neighbour or general public
Stance:	Customer objects to the Planning Application

Reasons for comment:

Comments:	Dear Sir/Madam, I write to register a formal objection to the proposed development of 80 residential units on the land identified as ecologically significant and of notable local and county-wide biodiversity value.
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	This objection is submitted on legal, ecological and planning
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policy grounds.

1. Legal Protections for Species and Habitats

The ecological survey carried out on the site show that it supports a variety of protected and priority species including:

- Hazel dormouse - Hazel dormice, their breeding sites and resting places are protected by law. They are a European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017 (as amended). "It is an offence to damage or destroy a breeding site or resting place of this species."

Have the developers obtained the required licence from Natural England? Has this been seen by the council?

Once the license is obtained, they must follow strict guidance as set out by the government on mitigation and employ the help of experts. What proof has the developer put forward for such mitigation? Have they put forward a step-by-step plan that also meets the required timings of the year for such mitigation?

See more here: <https://www.gov.uk/guidance/hazel-dormice-protection-surveys-and-licences>

- Great crested newt - Also an EPS, with strict legal protections under the same Regulations.

The same questions posed for the dormouse above also apply here. Can these be answered by the developers? Have the council seen their licenses and plans?

- Bats (various species) - All bat species, their breeding sites and resting places are fully protected by law - they're European protected species. All bat species and their roosts are also protected under the Habitats Regulations and the Wildlife and Countryside Act. A mitigation license is required from Natural England for bats.

See more here: <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

For dormice, bats and great crested newts, the developers are liable to 6 months in prison and an unlimited fine for each offence they break if found guilty. Will the council see that this is implemented if the application is approved?

Things that would cause you to break the law include:

Dormice

- deliberately capture, injure or kill hazel dormice

- damage or destroy a dormouse resting place or breeding site
- deliberately or recklessly disturb a hazel dormouse while it's in a structure or place of shelter or protection
- block access to structures or places of shelter or protection
- possess, sell, control or transport live or dead hazel dormice, or parts of hazel dormice

Great Crested Newts

- damaging or destroying a breeding or resting place
- obstructing access to their resting or sheltering places (deliberately or by not taking enough care)

Bats

- deliberately capture, injure or kill bats
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places

Other protected species present at the site:

- Grass snake, slow worm and common lizard - Protected under the Wildlife and Countryside Act 1981 (as amended).
- Badgers - Protected under the Protection of Badgers Act 1992.
- Hedgehogs, lesser redpoll, song thrush and dunnock - All species of principal concern under Section 41 of the NERC Act 2006 and/or red/amber listed by the RSPB.

No development can lawfully proceed on this site without Natural England licences where required. Proceeding without such licences, or where mitigation is inadequate or ineffective, would expose the developer (and council?) to significant legal risk.

2. Conflict with National and Local Planning Policy National Planning Policy Framework (NPPF):

- Paragraph 179 of the NPPF mandates that local planning authorities protect and enhance biodiversity, including "refusing planning permission if significant harm to biodiversity cannot be avoided, mitigated or compensated."

- Paragraph 180 states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons.

There is no evidence that the proposed development satisfies these requirements. Furthermore, the requirement for net gain in biodiversity (as set out under Environment Act 2021, now enacted) has not been demonstrably addressed.

Mid Sussex District Plan and Local Biodiversity Action Plan (LBAP):

- The site falls within or adjacent to designated areas recognised for their biodiversity value. Any such development would be in clear breach of Policy DP37 (Biodiversity), which commits the

Council to protect sites of biodiversity importance and maintain connectivity between habitats.

- The Council's own LBAP identifies many of the species listed above as priority targets for conservation action.

3. Material Planning Considerations and Ecological Weight

The proposed development is not merely a minor ecological disturbance; it would result in the irreversible loss of vital habitat supporting multiple legally protected and conservation-priority species. The ecological value of this site gives it material planning weight, and any claim of mitigation must be assessed against the standard of "no net loss" and, post-2021, demonstrable net gain, as required under UK law.

Given the presence of EPS and red-listed species, the burden is on the developer to prove, beyond reasonable doubt, that there are no satisfactory alternatives and that the development is of overriding public interest. No such case has been made.

Conclusion

The site's ecological sensitivity, its support of multiple protected and declining species, and the clear conflict with national and local planning policy render this development unlawful and unsustainable in planning terms.

Accordingly, I urge the Planning Committee to refuse this application in its current form, and to require any future proposals to fully comply with ecological assessments, species licensing requirements, and biodiversity net gain obligations.

Kind regards