



12<sup>th</sup> June 2025

Joanne Fisher  
Mid Sussex District Council  
Oaklands Road  
Haywards Heath  
RH16 1SS

By email only

---

*Thank you for requesting advice on this outline 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/25/1129  
**Location:** Land At Foxhole Farm Foxhole Lane Bolney West Sussex  
**Proposal:** Outline application (appearance, landscaping, layout and scale reserved), for the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers.

Dear Joanne,

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

Recommended Refusal	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Subject to Natural England's comments on the conclusion of the Water Neutrality AA	
Further information required	
Recommended Discharge of condition	

### **Summary**

We have reviewed the Ecological Appraisal (Aspect Ecology, April 2025), Draft Landscape and Ecological Management Plan (LEMP) (SLR Consulting Ltd., April 2025), Appendix D Predicted Light Spillage (RSK submitted April 2025) and Lighting Impact Assessment (Nature Positive, April 2025), relating to the likely



impacts of development on designated sites, protected and Priority species & habitats with 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 Biodiversity Net Gain Assessment (Aspect Ecology, April 2025) and Statutory Biodiversity Metric (Aspect Ecology, April 2025). We note the baseline and post development habitat plans are contained within the Biodiversity Net Gain Assessment (Aspect Ecology, April 2025) (Plan 6481/BNGA1 and Plan 6481/BNGA2 respectively) and that the habitat condition sheets comprise Appendix 6481/7 of the Ecological Appraisal (Aspect Ecology, April 2025).

We note from the Ecological Appraisal (Aspect Ecology, April 2025) that the building onsite (derelict open sided barn) has negligible bat roost potential. We also note that the only tree to be removed (T5 - Holly) has Potential Roost Features for individual bats (PRF-Is). We agree that no further surveys are required for tree T5 and support the appropriate compensation in Section 6.1.10 of the Ecological Appraisal (Aspect Ecology, April 2025) 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.* CIEEM). We also support the non-licensed Precautionary Working Method Statement in Sections 6.1.8 and 6.1.9 which includes 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 therefore agree that no further surveys for bats are required.

We note from the Ecological Appraisal (Aspect Ecology, April 2025) that a licence for Hazel Dormouse 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 Hazel Dormouse has been recorded onsite and will be affected by the removal of sections of hedgerows H2, H7 and H9. We support the outline Method Statement for Hazel Dormouse in Section 6.1.19 of the Ecological Appraisal (Aspect Ecology, April 2025), which should be secured by a condition of any consent.

We understand from the Ecological Appraisal (Aspect Ecology, April 2025) that there is a good population of Slow Worm and a low population of Grass Snake onsite and therefore we support the reptile translocation to an onsite receptor site on the northern and northwestern boundaries and within the central area (Sections 6.1.23 to 6.1.30 of the Ecological Appraisal (Aspect Ecology, April 2025). This should be secured by a condition of any consent.

We also support the implementation of the Precautionary Method Statement for mobile protected species (including Hedgehog, which is a Priority and threatened species) in Section 6.1.34 of the Ecological Appraisal (Aspect Ecology, April 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 for determination. 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 protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Appraisal (Aspect Ecology, April 2025), Draft Landscape and Ecological Management Plan (LEMP) (SLR Consulting Ltd., April 2025), Appendix D Predicted Light Spillage (RSK submitted April 2025) and Lighting Impact Assessment (Nature Positive, April 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, including bats, Hazel Dormouse and reptiles. 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.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Appraisal (Aspect Ecology, April 2025) to avoid impacts from light disturbance. In general terms, we support Appendix D Predicted Light Spillage (RSK submitted April 2025) and Lighting Impact Assessment (Nature Positive, April 2025) and recommend these should be secured by a condition of any consent and implemented in full. However, we also recommend that 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 and which 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 support the submitted Biodiversity Net Gain Assessment (Aspect Ecology, April 2025) and Statutory Biodiversity Metric (Aspect 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 the submitted documents provide 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](#). Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Other neutral grassland, Traditional orchards, Mixed scrub, Urban trees and Species-rich Native Hedgerow.

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 to 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 Layout and should be secured by a condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

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 Appraisal (Aspect Ecology, April 2025), Draft Landscape and Ecological Management Plan (LEMP) (SLR Consulting Ltd., April 2025), Appendix D Predicted Light Spillage (RSK submitted April 2025) and Lighting Impact Assessment (Nature Positive, April 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 Section 6.1.34 of the Ecological Appraisal (Aspect Ecology, April 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 OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF HAZEL DORMOUSE**

*"Any works which will impact the breeding / resting place of Hazel Dormouse bats, shall not 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) 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.

## **3. 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.*
- i) Containment, control and removal of any Invasive non-native species present on site*

*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).

**4. CONCURRENT WITH RESERVED MATTERS PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT**

*“A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Appraisal (Aspect Ecology, April 2025) shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Layout shall include the following:*

- a) detailed designs or product descriptions for biodiversity enhancements; and*
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.*

*The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”*

**Reason:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

**5. CONCURRENT WITH RESERVED MATTERS 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 for 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).

**4. ACTION REQUIRED CONCURRENT WITH RESERVED MATTERS: TIME LIMIT ON DEVELOPMENT BEFORE FURTHER SURVEYS ARE REQUIRED**



*If the outline application hereby approved does not commence within one year from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.*

*The review shall be informed by further ecological surveys commissioned to:*

- i. establish if there have been any changes in the presence and/or abundance of protected species and*
- ii. identify any likely new ecological impacts that might arise from any changes.*

*Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers.*

*Works will then be carried out in accordance with the proposed new approved ecological measures and timetable."*

**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:

**4. 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 contact us with any queries.

Yours sincerely

**Hamish Jackson ACIEEM BSc (Hons)**

**Senior Ecological Consultant**

Place Services at Essex County Council

[placeservicesecology@essex.gov.uk](mailto:placeservicesecology@essex.gov.uk)

**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.