



Date: 3 August 2026
Our ref: 14975

Steven King
Mid Sussex District Council
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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/26/0454
Location: Land Parcel At Bolney Road Ansty West Sussex
Proposal: Proposed erection of 34 new homes with access from Marwick Close, vehicle and cycle parking, landscaping, drainage, and associated infrastructure and highway works.

Thank you for re-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 and 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 Tree Planning Report & Arboricultural Method Statement (David Archer Associates, Revision June 2026), Preliminary Ecological Appraisal (The Ecology Partnership, June 2025), Bat Activity Surveys Report (The Ecology Partnership, December 2022), Dormouse Survey (The Ecology Partnership, November 2022) and Reptile Survey (The Ecology Partnership, June 2022), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We have also reviewed the information submitted relating to mandatory biodiversity net gains, including the Biodiversity Net Gain Feasibility Assessment & Outline Habitat Management and Maintenance Plan (The Ecology Partnership, February 2026) and Statutory Biodiversity Metric – Calculation Tool (February 2026). We note that the Biodiversity Net Gain Feasibility Assessment & Outline Habitat Management and Maintenance Plan (The Ecology Partnership, February 2026) contains Figure 4: On-Site Habitat Baseline and Appendix 1 Habitat Condition Assessments.

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

European Protected Species (Bats and Hazel Dormouse):

We understand from the Tree Planning Report & Arboricultural Method Statement (David Archer Associates, Revision June 2026) that additional trees will be removed due to the revised plans. We note that the following trees or groups of trees will be removed:

Group G1 T1

Group G1 T2

Group G7 partial removal

Group G8

Group G13

Tree 31

In addition, the revised plans could necessitate minor cutting back, coppicing to or removal of, Group G9.

Therefore, we request clarification as to whether these trees or groups of trees have been subject to a Ground Level Tree Assessment for impact to roosting bats.

We also note from the Dormouse Survey (The Ecology Partnership, November 2022) that evidence of Hazel Dormouse was found on site during the 2016 and 2022 surveys and the Preliminary Ecological Appraisal (The Ecology Partnership, June 2025) confirms that the conditions on site have not changed. As the revised plans could necessitate minor cutting back, coppicing to or removal of, Hedge 1 (Tree Planning Report & Arboricultural Method

Statement (David Archer Associates, Revision June 2026)), we request clarification as to whether there will be impact to Hazel Dormouse.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats and Hazel Dormouse, 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” and [Government Standing Advice](#) for Hazel Dormouse indicates that you should ask for a survey if “the development proposal will affect an area of woodland (including deciduous, conifer or mixed woodland), hedgerow or scrub”.

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 and Priority Species:

We understand from the Preliminary Ecological Appraisal (The Ecology Partnership, June 2025) that there are no buildings on site.

We note from the Preliminary Ecological Appraisal (The Ecology Partnership, June 2025) that two Silver birch trees in the western woodland to be removed have Potential Roost Features for individual bats (PRFs-I). We therefore highlight that appropriate compensation

will 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, which includes the measures in Section 4.6 of the Preliminary Ecological Appraisal (The Ecology Partnership, June 2025) and, in addition, inspection of any affected trees by endoscope on the day and felling under the supervision of a licensed bat ecologist. This is specified in Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023).

We note from the Bat Activity Surveys Report (The Ecology Partnership, December 2022) that the majority of bat passes were from Common and Soprano Pipistrelle, together with a small number of Myotis species bats, Serotine, Noctule, Leisler's and Brown Long-eared bats. We support the mitigation measures in Sections 4.12 to 4.18 of the Bat Activity Surveys Report (The Ecology Partnership, December 2022) which need to be secured by a condition of any consent and implemented in full.

We also note from the Reptile Survey (The Ecology Partnership, June 2022) that no evidence of reptiles was found on site during the 2016 and 2022 surveys and the Preliminary Ecological Appraisal (The Ecology Partnership, June 2025) confirms that the grazed grassland on site is unsuitable for reptiles and the conditions on site have not changed since these surveys. Therefore, we agree that no further surveys for reptiles are required.

We also support the Precautionary Method Statement for mobile protected and Priority species (including Hedgehog, which is a threatened and Priority species) in Section 4.18 of the Preliminary Ecological Appraisal (The Ecology Partnership, June 2025), which needs to be secured by a condition of any consent and implemented in full.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (The Ecology Partnership, June 2025) and Bat Activity Surveys Report (The Ecology Partnership, December 2022)), 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 Preliminary Ecological Appraisal (The Ecology Partnership, June 2025), Bat Activity Surveys Report (The Ecology Partnership, December 2022), Dormouse Survey (The Ecology Partnership, November 2022) and Reptile Survey (The Ecology Partnership, June 2022) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

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 submitted BNG information and are still 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 0.076ha (moderate condition)
- Traditional orchards 0.033ha (moderate condition)
- Other neutral grassland 0.03ha (poor condition)
- Other neutral grassland 0.122ha (moderate condition)
- Rural tree 0.061 (moderate condition)
- Species-rich native hedgerow 0.06km (moderate condition)

However, this will likely need to be amended following revised masterplan for the scheme.

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 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 loss of -1.79% habitat units. Therefore, the applicant will be required to secure off-site biodiversity units from a habitat bank registered on the Biodiversity Gain Site Register. Evidence that the off-site 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 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.