



Date: 5 December 2025

Our ref: 11056

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Haywards Heath
West Sussex
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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/25/2720
Location: Kilnwood Apartments Rocky Lane Haywards Heath West Sussex
Proposal: Proposed 6 two-bedroom apartments within a 3-storey apartment block.

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 protected species (Reptiles)	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. This includes the Preliminary Ecological Appraisal (CSA Environmental Ltd, September 2025) and the Bat Survey Report (CSA Environmental Ltd, October 2025).

In addition, we have reviewed the information relating to mandatory biodiversity net gains. This includes the Statutory Biodiversity Metric – Calculation Tool and the Biodiversity Net Gain Assessment: Design Stage CSA Environmental Ltd, October 2025).

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that further information on reptiles is required prior to determination. The reasons for this are outlined below:

Protected Species (Reptiles):

The Preliminary Ecological Appraisal (CSA Environmental Ltd, September 2025) confirms that Common Lizard and Slow-worm are present on-site. As a result, Reptile presence/absence surveys is required to determine the population of on-site reptiles and inform an appropriate mitigation scheme.

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.”*

If an off-site receptor site is required, we would expect an outline strategy to be provided, to ensure that proposals are deliverable. Any reptile receptor site should be in line with Government Standing Advice: <https://www.gov.uk/guidance/reptiles-advice-for-making-planning-decisions>.

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 by 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.

Additional comments – protected species:

We note that the Preliminary Ecological Appraisal (CSA Environmental Ltd, September 2025) also recommends a Ground Level Tree Assessment to be completed if trees are to be removed or impacted by the proposals. However, as the arboriculture report shows that no trees will be impacted, we are satisfied that this assessment is not required.

Please also note that we have no comments to make on Great Crested Newt, as we have been instructed by the Council to leave this to [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 Statutory Biodiversity Metric – Calculation Tool and the Biodiversity Net Gain Assessment: Design Stage CSA Environmental Ltd, (October 2025) and are 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. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan prior to commencement, which includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) 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](#). However, as the development is a minor development, it is the LPA's position that significant on-site enhancements do not apply. As a result, a HMMP or legal agreement will not be required for this application.

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,

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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.