



13<sup>th</sup> January 2025

Anna Tidey  
Mid Sussex District Council  
Oaklands Road  
Haywards Heath  
RH16 1SS

By email only

---

*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/24/2912  
**Location:** Equestrian Yard London Road Balcombe West Sussex  
**Proposal:** Proposed conversion of stables and timber barn to one residential dwelling and change of use of land to residential curtilage.

Dear Anna

Thank you for consulting Place Services on the above application.

|                                                                                                                          |     |
|--------------------------------------------------------------------------------------------------------------------------|-----|
| Holding Objection pending further information pending further information on European Protected Species (Hazel Dormouse) | Yes |
| No ecological objections                                                                                                 |     |
| Recommended Approval subject to attached conditions                                                                      |     |
| Recommended Discharge of condition                                                                                       |     |

### Summary

We have reviewed the Ecological Impact Assessment (Kent Sussex Ecology, September 2024) and Preliminary Ecological Appraisal (Kent Sussex Ecology, December 2023), relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We have also reviewed the submitted information relating to mandatory biodiversity net gains, which is included in the Ecological Impact Assessment (Kent Sussex Ecology, September 2024).

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on Hazel Dormouse is provided prior to determination. The reasons for this are outlined below:



### **European Protected Species – Hazel Dormouse**

We note that the woodland habitat on the verge running alongside the B2026 road provides suitable habitat for Hazel Dormouse and is connected to woodland in the wider landscape. As the Ecological Impact Assessment (Kent Sussex Ecology, September 2024) states that if works are required to the roadside vegetation for access/sightlines then a survey or mitigation measures for Hazel Dormouse will be required. We therefore request clarification as to whether there will be works to the roadside vegetation and whether surveys/precautionary measures for Hazel Dormouse will be required. This is in accordance with Government Standing Advice which says: *"You should ask for a survey if the development will affect an area of woodland, hedgerow or scrub suitable for dormice."*

The above information for Hazel Dormouse is required prior to determination because paragraph 99 of 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 required to provide the LPA with certainty of 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 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

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 – European Protected Species**

We note from the Ecological Impact Assessment (Kent Sussex Ecology, September 2024) that two emergence surveys for bats were undertaken on Buildings B2 (timber barn), B3 (timber stable) and B5 (timber stable) in July and August 2024. We understand that no evidence of bats was found and therefore agree that no further surveys for bats in buildings are required. We note that a Ground Level Tree Assessment for bats was undertaken and the large mature trees on the boundary will be retained. We therefore agree that no further surveys for bats in trees are required.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (Kent Sussex Ecology, September 2024)) 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.

### **Biodiversity Net Gain**

The de-minimis exemption, as set out under the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#), applies to development that does not impact a Priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats (e.g. hedgerows or watercourse)

The de-minimis threshold refers to impact and not size of the red-line boundary. A development 'impacts' a habitat if it [decreases the biodiversity value](#).

Providing that the development does not affect any more than 25m<sup>2</sup>, we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains.

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.

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](#).

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

Yours sincerely

**Genevieve Broad MCIEEM MSc BSc (Hons)**

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.