



24<sup>th</sup> December 2024

Rachel Richardson  
Mid Sussex District Council  
Oaklands Road  
Haywards Heath  
RH16 1SS

By email only

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*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.*

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**Application:** DM/24/2874  
**Location:** Twineham Court Farm Bob Lane Twineham Haywards Heath West Sussex RH17 5NH  
**Proposal:** Proposed removal of the modern disused and redundant agricultural buildings and creation of an events venue through the erection of an events barn and open barn. Proposed use of redundant Grade II Listed farmhouse and Curtilage Listed Building to provide ancillary accommodation to serve the events venue. Proposed erection of estate barn to assist with operation of events venue and retained agricultural land. Creation of new vehicular access onto Bob Lane and provision of driveway and parking area, plus ancillary infrastructure including surface and foul water drainage strategy. Provision of ecological enhancements and hard and soft landscaping.

Dear Rachel

Thank you for consulting Place Services on the above application.

Recommended Temporary Holding Objection pending further information on European Protected Species, protected species and habitats and mandatory Biodiversity Net Gain	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

### **Summary**

We have reviewed the Preliminary Ecological Appraisal and Preliminary Roost Assessment (CT Ecology, Arbtech Consulting Ltd., February 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 information submitted information relating to mandatory biodiversity net gains, which includes the Biodiversity Net Gain Assessment Revision 1 (CT Ecology, November 2024).

We are not satisfied that there is sufficient ecological information available for determination. This is because the Preliminary Ecological Appraisal and Preliminary Roost Assessment (CT Ecology, Arbtech Consulting Ltd., February 2023) is out of date to support this application, in line with CIEEM Guidance<sup>1</sup> and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. This is because the initial site walkover was undertaken in January 2023.

As a result, we recommend that the applicant's ecologist provides an ecological addendum or an updated ecological report to support this application, which should require an additional site visit and may require updated desk study information. The ecologist will be required to provide appropriate justification, on:

- The validity of the initial report;
- Which, if any, of the surveys need to be updated; and
- The appropriate scope, timing and methods for the update survey(s).

If additional impacts to protected species are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination. This is necessary as the Government Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.

Therefore, this further information is required to provide the LPA with certainty of impacts on protected and priority species and enable it to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006 (as amended).

### **Mandatory Biodiversity Net Gains**

Additionally, as of 2<sup>nd</sup> April 2024, all minor development, as defined under [Article 2 Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#), 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

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<sup>1</sup> CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>



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 the Biodiversity Net Gain Assessment Revision 1 (CT Ecology, November 2024) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The application is not supported by a Statutory Biodiversity Metric – Calculation Tool (Excel version) or accompanying condition assessment. This is required to ensure that ensure that the habitats within the pre-development baseline have been recorded appropriately.

**Additional comments**

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](#).

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 contact us with any queries.

Yours sincerely

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

Ecological Consultant

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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.