



Date: 16 December 2025

Our ref: 03532

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

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/24/2762
Location: Wintons Fishery Folders Lane Burgess Hill West Sussex
Proposal: Siting of 3x timber cabins for overnight guest use, external timber decking areas, permeable footpaths and associated works. Existing access, parking and turning area and recycling/refuse storage will be utilised.

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Further information required/Temporary holding objection: Out of date ecological assessment	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the Bat Activity Survey Report (Arbtech Consulting Ltd., October 2025) and Preliminary Ecological Appraisal (Phlorum Ltd., November 2023) relating to the likely impacts of development on designated sites, protected and Priority species & 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, which includes the Statutory Biodiversity Metric – Calculation Tool and the Biodiversity Net Gain (BNG) Report (Lepus Consulting Ltd., November 2024). We note that the baseline habitats are shown in Figure 4.1, the proposed habitats are shown in Figure 4.2 and the habitat condition assessments are shown in Appendix C of the Biodiversity Net Gain (BNG) Report (Lepus Consulting Ltd., November 2024).

We are not satisfied that there is sufficient ecological information on protected species and designated sites available for determination. This is because the Preliminary Ecological Appraisal (Phlorum Ltd., November 2023) is out of date to support this application, in line with CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning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 September 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).

Additional Comments – European Protected Species:

We note from the Bat Activity Survey Report (Arbtech Consulting Ltd., October 2025) that two walked transect surveys (Nighttime bat walkover surveys) and static detector surveys undertaken in August and September 2025 recorded the presence of Common Pipistrelle, Soprano Pipistrelle, Nathusius' Pipistrelle, Noctule and Brown Long-eared Bat with the most activity observed on the northern and eastern treelines. We therefore agree that no further bat activity surveys are required and the proposed lighting strategy can be supported based on the results of the Bat Activity Survey Report, as the proposals are unlikely to impact the local bat assemblage.

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

Please note we have no comments to make with regard to Great Crested Newts, as we have been instructed to leave this for the NatureSpace Partnership by the Council.

Additional comments – BNG:

With regard to mandatory biodiversity net gains, it is highlighted that we still support the submitted Statutory Biodiversity Metric – Calculation Tool and the Biodiversity Net Gain (BNG) Report (Lepus Ltd, November 2024) in principle and acknowledge that the red line boundary only contains the area listed within the 'Location Plan' (Ref. 220725-01-01).

However, it is also highlighted that Schedule 7A of the Town and Countryside Act 1990 (As amended) states that the pre-development baseline should be taken from the date of submission, or in any other case, the date on which the planning permission is granted. Therefore, the baseline value of the site should be from November 2024, unless the site has increased in ecological value and the LPA feels that the baseline value should be taken as near as possible to the application determination date. Consequently, as the submitted Statutory Biodiversity Metric – Calculation Tool and the Biodiversity Net Gain (BNG) Report (Lepus Ltd, November 2024) is based on calculations from November 2023, it is recommended that the ecological addendum or updated PEA also confirms that the pre-development baseline has not changed. If the ecological value has increased, then an updated Statutory Biodiversity Metric – Calculation Tool, baseline habitat map and condition assessments should be supplied by the applicant.

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). As a result, if the LPA is minded to approve this application, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following information:

- 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](#). This could consist of 'Other neutral grassland (poor to good condition) and rural tree planting in line with Government Guidance. We acknowledge that Mid Sussex Council typically does not consider the significant on-site enhancements are present for minor development. Nevertheless, these enhancements could be secured via a HMMP condition if the LPA does not want to secure this via a legal agreement.

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)
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.