



Date: 20 November 2025

Our ref: 08561

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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/25/2073
Location: Rock Lodge Lewes Road Scaynes Hill Haywards Heath West Sussex RH17 7NG
Proposal: Proposed creation of new site access.

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: Mandatory Biodiversity Net Gains	☒
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 Report (Emma Waller, August 2025)

We are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

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 the application form, which confirms that the applicant considers this application is exempt under the de-minimis exemption. However, we are not satisfied that appropriate conclusion has been made and therefore mandatory BNG considerations are required prior to determination. This is because of the reasons set out below:

- The development proposes to remove trees as part of the creation of the new site access. The loss of any tree triggers mandatory biodiversity net gain requirements, as a small individual tree contains an area of '41m²', which is greater than de-minimis threshold of 25m². Therefore, the application will need to submit the following as part of the application prior to determination:
 - Biodiversity metric – calculation tool for the pre-development baseline (including condition assessment if the Statutory Biodiversity Metric – Calculation Tool is submitted)
 - Habitat Map of the pre-development baseline.

As mandatory biodiversity net gains applies, 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 this is a minor development, it is indicated that Mid Sussex's current position is that significant on-site enhancements will not be present. Therefore, a HMMP or legal agreement will not be required to be submitted for on-site measures for this scheme.

Additional comments - Bats:

We note that there are two trees (T2 and T3) that have been classified as 'Low' suitability to support a bat roost. In line with up-to-date bat survey guidelines¹, we presume that these are meant to be classified as trees with 'PRF-I' roost features, which are only capable of supporting low numbers of individual bats. Therefore, in line with bat mitigation guidelines², a Precautionary Working Method Statement should be secured as a pre-commencement condition, along with proportionate compensation (e.g. bat boxes) prior to the felling of the trees.

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.

¹ Collins, J. (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines. 4th edition. Bat Conservation Trust, London.

² Reason, P.F. and Wray, S. (2025). UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.2. Chartered Institute of Ecology and Environmental Management, Ampfield.