



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

Our ref: 03532
Date: 16 February 2026

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.

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	☐
No ecological objection subject to attached conditions	☒
Further information required/Temporary holding objection	☐
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the Ecological Addendum (Environmental Assessment Services Ltd., January 2026), Bat Activity Survey Report (Arbtech Consulting Ltd., October 2025), Proposed Lighting Plan Drawing Number 220725-01-07 (Glampitect Ltd., February 2024) 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 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 also note from the Preliminary Ecological Appraisal (Phlorum Ltd., November 2023) that no trees will be removed during the development. 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.

We support the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 5.33 of the Preliminary Ecological Appraisal (Phlorum Ltd., November 2023), which should be secured by a condition of any consent and implemented in full.

We also support the non-licensed Precautionary Method Statement for Otter in Sections 5.38 to 5.43 of the Preliminary Ecological Appraisal (Phlorum Ltd., November 2023), which should be secured by a condition of any consent and implemented in full.

We also support the Precautionary Method Statement for reptiles, mobile protected and Priority species (including Hedgehog, which is a Priority and threatened species) and Water Vole in Sections 5.13, 5.23, 5.35 and 5.36 of the Preliminary Ecological Appraisal (Phlorum Ltd., November 2023). This should be secured by a condition of any consent and implemented in full.

We are now satisfied that there is sufficient ecological information available to support determination of this application. However, 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](#).

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Addendum (Environmental Assessment Services Ltd., January 2026), Bat Activity Survey Report (Arbtech Consulting Ltd., October 2025) and Preliminary Ecological Appraisal (Phlorum Ltd., November 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality, including bats, Hazel Dormouse, Otter, reptiles, mobile protected and Priority species and Water Vole.

We agree with the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (Phlorum Ltd., November 2023) to avoid impacts from light disturbance and support the Proposed Lighting Plan Drawing Number 220725-01-07 (Glampitect Ltd., February 2024). This should be secured by a condition of any consent and implemented in full.

With regard to mandatory biodiversity net gains, we welcome the confirmation in the Ecological Addendum (Environmental Assessment Services Ltd., January 2026) that the pre-development baseline has not changed and therefore the biodiversity net gains documents remain valid. Therefore, we still support the submitted Statutory Biodiversity Metric – Calculation Tool and the Biodiversity Net Gain (BNG) Report (Lepus Ltd, November 2024) and acknowledge that the red line boundary only contains the area listed within the 'Location Plan' (Ref. 220725-01-01).

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also 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](#). 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 also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in the Preliminary Ecological Appraisal (Phlorum Ltd., November 2023) 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 Strategy and should be secured.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Addendum (Environmental Assessment Services Ltd., January 2026), Bat Activity Survey Report (Arbtech Consulting Ltd., October 2025), Proposed Lighting Plan Drawing Number 220725-01-07 (Glampitect Ltd., February 2024) and Preliminary Ecological Appraisal (Phlorum Ltd., November 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 5.33, the non-licensed Precautionary Method Statement for Otter in Sections 5.38 to 5.43, and the Precautionary Method Statement for reptiles, mobile protected and Priority species and Water Vole in Sections 5.13, 5.23, 5.35 and 5.36 of the Preliminary Ecological Appraisal (Phlorum Ltd., November 2023). This avoids impacts on European Protected Species and protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. **PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Phlorum Ltd., November 2023), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

Biodiversity Gain condition

Natural England advises that 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](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

“Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is

deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

Please 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.

We are unable to respond directly to applicants/agents or other interested parties. Any additional information, queries or comments on this advice that the applicant/agent or other interested parties may have, must be directed to the Planning Officer at the relevant LPA, who will seek further advice from us where appropriate.