



26th March 2025

Caroline Grist
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/24/3070
Location: The Old Lodge Ditton Place Brantridge Lane Balcombe Haywards Heath West Sussex RH17 6JR
Proposal: Proposed single storey field shelter on land adjacent to, and subordinate to, The Old Lodge. The proposal also comprises the addition of native hedging and trees around the proposed shelter and boundary. (Biodiversity Enhancement Strategy Report and Ecological Appraisal received 05.03.2025)

Dear Caroline

Thank you for re-consulting Place Services on the above application.

Recommended Temporary Holding Objection	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Recommended Discharge of condition	

Summary

We have reviewed the Ecological Appraisal (Libby Morris Ecologist, March 2025) and Biodiversity Enhancement Strategy Report (Libby Morris Ecologist, February 2025) 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 relating to mandatory biodiversity net gains, which includes the Biodiversity Enhancement Strategy Report (Libby Morris Ecologist, February 2025), Biodiversity Impact Calculation Report (Libby Morris Ecologist, January 2025) and the Statutory Biodiversity Metric (January 2025).



We note from the Ecological Appraisal (Libby Morris Ecologist, March 2025) that no buildings or trees with bat roost potential will be impacted by the works and therefore agree that no further surveys for bats are required.

However, we note that trees G1 (Common Ash), Tree 3 (Common Ash), Tree 6 (Common Ash) and Tree 8 (Common Ash) all have advancing Chalara disease and are recommended for felling (Arboricultural Impact Assessment & Method Statement (Arbotrack Services, October 2023)). As these trees are being felled for safety reasons, they lie outside of the planning system, but we highlight that they should still be subject to due diligence checks for the presence of roosting bats.

We also note from the Ecological Appraisal (Libby Morris Ecologist, March 2025)) that there is a pile of dead wood on the northern boundary which may be used as a refuge by mobile protected species, including Hedgehog (which is a Priority and threatened species), reptiles and common amphibians. Therefore we support the removal of this wood under the Precautionary Method Statement in Section 4.3 of the Ecological Appraisal (Libby Morris Ecologist, March 2025) for mobile protected species. This should be secured by a condition of any consent.

We understand that ancient woodland (irreplaceable habitat) lies 70m to the east (Biodiversity Impact Calculation Report (Libby Morris Ecologist, January 2025)). However, this lies outside the 15m buffer zone for ancient woodland required under [Government Standing Advice](#).

We are now satisfied that there is sufficient ecological information available to support determination of this application. 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 Appraisal (Libby Morris Ecologist, March 2025)) 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.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Enhancement Strategy Report (Libby Morris Ecologist, February 2025), Biodiversity Impact Calculation Report (Libby Morris Ecologist, January 2025) and the Statutory Biodiversity Metric (January 2025). Biodiversity net gain 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) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) 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, we note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years. 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

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). We note that the reasonable biodiversity enhancement measures have been outlined in the Biodiversity Enhancement Strategy Report (Libby Morris Ecologist, February 2025) and should be secured by a condition of any consent.

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 Appraisal (Libby Morris Ecologist, March 2025) and Biodiversity Enhancement Strategy Report (Libby Morris Ecologist, February 2025), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement in Section 4.3 of the Ecological Appraisal (Libby Morris Ecologist, March 2025) for mobile protected species, which avoids impacts on protected species.

This may 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).

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) 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 with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)

Ecological Consultant

Place Services at Essex County Council

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.