



21st March 2025

Joanne Fisher
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/25/0445
Location: Land At Colwell Farm Lewes Road Haywards Heath West Sussex
Proposal: Outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses.

Dear Joanne

Thank you for consulting Place Services on the above outline application.

Recommended Temporary Holding Objection pending further information on European Protected Species (bats), protected species (reptiles) and mandatory biodiversity net gain	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

Summary

We have reviewed the Ecological Impact Assessment (Ecosupport Ltd., January 2025), relating to the likely impacts of development on designated sites, protected and Priority species & habitats with identification of appropriate mitigation measures and Biodiversity Net Gain.

In addition, we have reviewed the BNG Assessment and HMMP (Ecosupport, January 2025) and Statutory Biodiversity Metric, relating to securing mandatory biodiversity net gains.

We note the concerns of a local resident that this application does not meet the requirements of the NPPF (December 2024), S41 of the NERC Act (Priority species and habitats), the Habitats Regulations, the Badger's Act (1992) and the Wildlife & Countryside Act 1981. We agree that, without mitigation, this



development would have impacts on protected species and habitats.

We provide ecological advice to Mid Sussex District Council with the aim of ensuring that all developments meet legal requirements to protect wildlife and habitats, as specified in Policy DP38 of the Mid Sussex District Plan 2014-2031. The information requested in this temporary holding objection will ensure that appropriate mitigation measures are in place for protected species and habitats prior to determination to enable the LPA to make a lawful decision.

European Protected Species -Bats

We note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that a 'non-exhaustive Ground Level Tree Assessment of trees to be removed' was undertaken and Section 6.1 states that 'the full suite of phase II surveys have not yet been completed'. It is not clear from Section 6.2.1 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025) whether any additional trees other than those already assessed are to be removed.. Therefore we request clarification as to which trees will be removed and highlight that Ground level Tree Assessment for roosting bats needs to be undertaken in accordance with the 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)) and the results submitted to the LPA prior to determination. This is in accordance with [Government Standing Advice](#).

We also note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that four trees have Potential Roost Features for Individual bats (PRF-Is), although these have not been identified. Therefore appropriate compensation will be required in advance of works to avoid loss of roost resource (Reason and Wray (2023) *UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.1.* Chartered Institute of Ecology and Environmental Management). In addition, any tree affected must be inspected by endoscope on the day and felled under the supervision of a licensed bat ecologist under a non-licensed Precautionary Working Method Statement for bats (Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)). This non-licensed Precautionary Working Method Statement for bats should be submitted to the LPA prior to determination to provide certainty of likely impacts on these European Protected Species.

Protected Species - Reptiles

In addition, the seven reptile surveys in April and May 2024 concluded that there are low populations of Slow Worm, Common Lizard and Grass Snake on site and therefore off-site habitat will need to be provided for reptile translocation (Ecological Impact Assessment (Ecosupport Ltd., January 2025)). We generally support the Reptile Mitigation Strategy in Section 6.4, but we highlight that as a translocation receptor site has not yet been identified, [Government Standing Advice](#) says:

If translocating reptiles, the proposal needs a receptor site:

- *close to the development site, and within the same LPA if possible*
- *that is at least the same size as the habitat that will be lost, and larger if the lost habitat is of high quality*
- *that will serve the same function as the habitat to be lost, for example it has hibernation features*
- *with similar habitat to the area that will be lost, including water bodies*
- *that does not currently support the same species, but can be improved to make it suitable*



- *that will be safe from future development and managed in the long term*

This means that the reptile receptor site must be identified and assessed to ensure it meets these requirements and it has sufficient carrying capacity for the translocated reptile populations. We recommend that this information is submitted to the LPA prior to determination.

The clarification of trees to be removed, the outline measures for the Precautionary Working Method Statement for bats and identification of the reptile translocation receptor site are required prior to determination because paragraph 99 of ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

This information is required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Mandatory Biodiversity Net Gain

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 BNG Assessment and HMMP (Ecosupport, January 2025) and Statutory Biodiversity Metric and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The following habitats are shown in Appendix 1 – Baseline Habitats Map of the BNG Assessment and HMMP (Ecosupport, January 2025), but have not been included in the Statutory Biodiversity Metric and there are no habitat condition assessments:
 - Lowland mixed deciduous woodland
 - A ditch is shown in Figure 4 as 'one of the ditches present on site' and the locations of two ditches are shown on the Baseline Habitats Map.



- 'Bracken' cover on the boundaries of the site (Section 3.4.2 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025) and the report also refers to the removal of bramble scrub in Section 6.6.1.

Additional Information

We note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that there are no buildings on site and therefore agree that no surveys for roosting bats in buildings are required.

We note that the rare Barbastelle bat has been recorded on site and therefore we support the implementation of dark corridors as embedded mitigation to avoid impacts to this species (Section 6.2.4 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025)).

We note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that a licence for Hazel Dormouse will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. This is because Hazel Dormouse nests were found on site during survey and the proposed plans will require removal of hedgerow / mature trees and bramble scrubs, although we understand that the plans for vegetation clearance have not been finalised at this stage. We support the outline mitigation measures in Section 6.6.2 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025).

We recommend the implementation of a Precautionary Working Method Statement to protect mobile protected species (including Hedgehog, which is a Priority and threatened species). This should be secured by a condition of any consent and implemented in full.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (Ecosupport Ltd., January 2025) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by [Guidance Note:08/23 \(Institute of Lighting Professionals\)](#) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.



- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

We also support the recommendation that a buffer of 15m between any works and the ancient woodland (irreplaceable habitat) is required (Ecological Impact Assessment (Ecosupport Ltd., January 2025) in accordance with [Government Standing Advice](#).

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). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and should be secured by a condition of any consent.

Please note we do not provide 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 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.