



Date: 28 July 2025

Our ref: 07089

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By email only: Planning Department, [planninginfo@midsussex.gov.uk](mailto:planninginfo@midsussex.gov.uk)

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*Thank you for requesting advice on this outline 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.*

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**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. ADDITIONAL INFORMATION of a further Transport Note in response to the Highways Authority consultation.

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

|                                                                                                           |                                     |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>No ecological objection</b>                                                                            | <input type="checkbox"/>            |
| <b>No ecological objection subject to attached conditions</b>                                             | <input checked="" type="checkbox"/> |
| <b>Further information required/Temporary holding objection</b>                                           | <input type="checkbox"/>            |
| <b>Recommend Refusal</b>                                                                                  | <input type="checkbox"/>            |
| <b>Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment</b> | <input type="checkbox"/>            |

### Summary

We have reviewed the Further information regarding Dormice (Ecosupport Ltd, July 2025), Response to Ecology Comments (Ecosupport, April 2025) and the Ecological Impact

Assessment (Ecosupport Ltd., January 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted relating to mandatory biodiversity net gains, including the revised BNG Assessment and HMMP (Ecosupport, June 2025) and the Statutory Biodiversity Metric Rev 03 (April 2025).

We are satisfied that there is sufficient ecological information available to support determination of this application.

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.

As per our previous response, we support the recommendations outlined in the Response to Ecology Comments (Ecosupport, April 2025) and the Ecological Impact Assessment (Ecosupport Ltd., January 2025). As a result, finalised mitigation measures should be set out within a Construction Environmental Management Plan should be secured as a pre-commencement condition of any consent. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

As Hazel Dormouse have been identified within the red line boundary and the proposals will include the removal of hedgerow / mature trees and bramble scrub, it is indicated that a European Protected Species Mitigation Licence for Hazel Dormouse will be required prior to commencement and a copy of the licence should be submitted to the LPA. We welcome the submission of the Further information regarding Dormice (Ecosupport Ltd, July 2025) which sets further clarification on the survey methodology, mitigation and compensation to be secured under licence.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted BNG Assessment and HMMP (Ecosupport, June 2025) and the Statutory Biodiversity Metric Rev 03 (April 2025) and are satisfied that the calculations now match. 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) 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).

We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- A 10% biodiversity net gain will need to be demonstrated, as well as trading rules met, when submitting information relating to the biodiversity gain condition.

- The Temporal multiplier will need to be completed for the finalised Statutory Biodiversity Metric – Calculation Tool.

In addition, a finalised [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values, it is suggested that this includes the following habitats: 'Other neutral grassland' and 'urban tree' creation. However, the decision on whether significant on-site enhancements are present is up to the LPA.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure this as a planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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 Strategy 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. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY**

*"Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Impact Assessment (Ecosupport Ltd., January 2025) and the Response to Ecology Comments (Ecosupport, April 2025).*

*The CEMP (Biodiversity) shall include the following.*

- a) *Risk assessment of potentially damaging construction activities.*
- b) *Identification of "biodiversity protection zones".*

- c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) *The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) *The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”*

**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 COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF HAZEL DORMOUSE: SUBMISSION OF A COPY OF EPS MITIGATION LICENCE**

*“Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:*

- a) *a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) *a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

**Reason:** To conserve protected 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 s17 Crime & Disorder Act 1998.

## 3. **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 (Ecological Impact Assessment (Ecosupport Ltd., January 2025), 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).

#### 4. **PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

- a) *identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) *show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”*

**Reason:** To 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 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 do not hesitate to contact us if you have any queries in relation to this advice.

**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.*