



12th May 2025

Katherine Williams
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/25/0582
Location: Incorporate Ltd 34 Cyprus Road Burgess Hill West Sussex RH15 8DX
Proposal: Demolition of existing building, erection of a part 4, part 5 storey building for assisted living accommodation for up to 14 occupiers and on-site staff facilities (Use Class C2) and commercial space on the lower ground floor (Use Class E).

Dear Katherine

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 for European Protected Species (bats)	Yes
Recommend Refusal	
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	

Summary

We have reviewed the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., January 2025), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of appropriate mitigation measures.

In addition, we have reviewed the submitted Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., January 2025), Biodiversity Net Gain Statement (March 2025) and Statutory Biodiversity Metric (January 2025) relating to mandatory biodiversity net gains. We note that the Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., January 2025) includes Appendix 3: Baseline Habitat Plan, Appendix 4: Proposed Habitat Plan and Appendix 6: Habitat Condition sheets.



We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures for bats are required prior to determination. The reasons for this are outlined below:

European Protected Species: bats

We note from the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., January 2025) that the one-storey brick building has low potential for roosting bats. Therefore, we support the recommendation for one bat emergence survey between May and September to confirm the presence or likely absence of a bat roost in the building, in accordance with [Government Standing Advice](#).

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, which are European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should *"Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby"*.

The results of these surveys are required prior to determination because paragraph 99 of the 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 therefore required to provide the LPA with certainty of likely 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.

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented 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 is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Additional comments

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., January 2025), Biodiversity Net Gain Statement (March 2025) and Statutory Biodiversity Metric (January 2025). 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).

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 support the Precautionary Method Statement for mobile protected species (including Hedgehog, which is a Priority and threatened species) in the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., January 2025), which needs to be secured by a condition of any consent.

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](#).

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 contact us with any queries.

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.