



Date: 22 September 2025

Our ref: 09231

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

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. 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/25/1650
Location: Horncastle Care Centre Plawhatch Lane Sharpthorne East Grinstead
Proposal: Demolition of the remaining parts of the redundant buildings in the western and southern part of the site; the development of a new specialist dementia care home (Use Class C2); the retention of an existing acquired brain injury (ABI) unit in the northern part of the site (Use Class C2), a retained access from Plawhatch Lane and associated car and cycle parking and landscaping.

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	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the Bat Emergence Survey Report (PJC Consultancy Ltd., September 2024), Reptile Survey Report (PJC Consultancy Ltd., September 2024) and Preliminary Ecological Appraisal (PJC Consultancy Ltd., May 2024) relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of appropriate mitigation measures.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Biodiversity Net Gain Feasibility Assessment (PJC Consultancy Ltd., May 2025) (which includes Appendix I Pre Development Habitat Map, Appendix II Post Development Habitat Map and Appendix III Habitat Condition Assessments), and the Biodiversity Net Gain Statement (April 2025).

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that further information is provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

European Protected Species (Bats):

We note from the Preliminary Ecological Appraisal (PJC Consultancy Ltd., May 2024) that Building B4 (two storey storeroom) has moderate bat roost potential, but it does not appear that this building was assessed during the dusk emergence surveys detailed in the Bat Emergence Survey Report (PJC Consultancy Ltd., September 2024). As we understand that all buildings are to be demolished, we request clarification as to whether further surveys for bats have been undertaken on Building B4 and the submission of the results of any such surveys.

We understand from Table 7 of the Preliminary Ecological Appraisal (PJC Consultancy Ltd., May 2024) that multiple trees within the northern woodland parcel have Potential Roost Features for Multiple bats (PRFs-M) for which FAR (Further Assessment Required) would be needed if they are being removed in accordance with [Government Standing Advice](#). Therefore, we request confirmation as to which trees are being removed during the works and the results of any additional assessments undertaken.

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.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

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 - Mandatory Biodiversity Net Gains:

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 Biodiversity Net Gain Feasibility Assessment (PJC Consultancy Ltd., May 2025) and the Biodiversity Net Gain Statement (April 2025), as well as the Statutory Biodiversity Metric – Calculation Tool and are satisfied that appropriate information has been provided prior to determination.

As mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. 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](#) and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- 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.

Additional comments:

We note from the Bat Emergence Survey Report (PJC Consultancy Ltd., September 2024) that no roosting bats were observed during the single dusk emergence survey on Building B3 (single storey storeroom) and the two dusk emergence surveys on Building B5 (single storey storage room) in August 2024. We also note from the Preliminary Ecological Appraisal (PJC Consultancy Ltd., May 2024) that Building B1 (burnt down two-storey building), B2 (care home), B6 (care home) and B7 (care home) have negligible bat roost potential.

We also note that trees T2 and T6 (both Penduculate Oak) have Potential Roost Features for Individual bats (PRFs-I). We therefore highlight that 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) and the works need to be undertaken under a precautionary working method statement for bats. This which includes inspection of any affected trees by endoscope on the day and felling under the supervision of a licensed bat ecologist, as required in Table 6.3 of the 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023).

Therefore we agree that no further surveys are required for bats in relation to buildings B1, B2, B3, B5 or B6 or for trees T2 and T6.

We support the non-licensed Precautionary Method Statement for Hazel Dormouse in Appendix VII of the Preliminary Ecological Appraisal (PJC Consultancy Ltd., May 2024). This is because that there are records for Hazel Dormouse within 2km of the site, the site supports suitable habitat for this species including woodland, hedgerow, dense scrub, treeline with understorey and introduced shrubs and the proposals currently include the removal of 0.15ha of dense scrub. This needs to be secured by a condition of any consent and implemented in full.

We note from the Reptile Survey Report (PJC Consultancy Ltd., September 2024) that no evidence of reptiles was recorded during the seven survey visits in August and September 2024. We therefore agree that no further surveys for reptiles are required.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (PJC Consultancy Ltd., May 2024) 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 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 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 do not hesitate to contact us if you have any queries in relation to this advice.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
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 Place Services at Essex County Council
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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.



