



21<sup>st</sup> March 2025

Andy Watt  
Mid Sussex District Council  
Oaklands Road  
Haywards Heath  
RH16 1SS

By email only

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*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.*

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**Application:** DM/25/0388  
**Location:** Central Sussex College Queensmere House 49 Queens Road East Grinstead West Sussex RH19 1BG  
**Proposal:** Conversion of a D1 Educational Building to 24no. Residential Apartments (32 Bedrooms) with infilling of existing undercroft areas, associated car parking, landscaping, cycle spaces, amenity areas, 1.1m high metal fence and new ramp.

Dear Andy

Thank you for consulting Place Services on the above application.

Recommended Temporary Holding Objection pending further information on European Protected Species (bats) and 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 Scoping Report (Practical Ecology, November 2024), 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 Biodiversity Net Gain Feasibility Stage Report (Practical Ecology, January 2025), relating to securing mandatory biodiversity net gains.

We are not satisfied that there is sufficient ecological information available for determination of this application as we recommend that additional information on bats and biodiversity net gain is provided prior to determination. The reasons for this are outlined below:



### **European Protected Species - Bats**

We note from the Ecological Impact Assessment Scoping Report (Practical Ecology, November 2024) that the four storey brick building and undercover car park on site has high suitability for roosting bats with multiple roost features and hibernation potential. Therefore we support the recommendation that three emergence/re-entry surveys for bats should be undertaken between May and September and, to assess the hibernation potential, static detector surveys should be conducted between November and March. The results of the surveys for bats, including any mitigation and enhancement measures required to make this proposal acceptable and support a lawful decision, need to be submitted to the LPA prior to determination, in accordance with [Government Standing Advice](#).

The information on bats is 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).

### **Biodiversity Net Gain**

As of 2<sup>nd</sup> April 2024, all minor development, as defined under [Article 2 Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#), 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 Stage Report (Practical Ecology, January 2025) (including the Pre- and Post-Development Habitat Classifications plans) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The application is not supported by a Statutory Biodiversity Metric – Calculation Tool (Excel version) or accompanying condition assessment. This is required to ensure that ensure that the habitats within the pre-development baseline have been recorded appropriately.

This is necessary to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under the NERC Act 2006 (as amended).

#### **Additional Comments**

We note that the multi-stemmed Sycamore tree on the northerwestern boundary of the site is considered to have Further Assessment Required (FAR) for potential roost features, but the tree is being retained under current plans (Ecological Impact Assessment Scoping Report (Practical Ecology, November 2024)). We understand that no other trees on site have potential roost features for bats and therefore agree that no further surveys for bats and trees are required.

We also note that there are records for Hazel Dormouse in the locality and the site contains small areas of suitable habitat to support this species. Therefore we support the implementation of a Precautionary Method Statement for Hazel Dormouse with the outline measures provided in Section 5.7.2 of the Ecological Impact Assessment Scoping Report (Practical Ecology, November 2024)).

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment Scoping Report (Practical Ecology, November 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 be secured by a condition of any consent.

Please note 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

**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.