

From: Sue Hooton - Principal Ecological Consultant <Sue.Hooton@essex.gov.uk>
Sent: 04 April 2025 18:09:30 UTC+01:00
To: "Andy Watt" <andy.watt@midsussex.gov.uk>
Cc: "Place Services Ecology" <PlaceServicesEcology@essex.gov.uk>
Subject: RE: DM/24/2214 - Lingworth Haywards Heath - due 28th March

Hi Andy

DM/24/2214

Change of use from dwelling (Use Class C3) to care home (Use Class C2) including erection of side and rear extensions to the main building and roof extension above existing garage to the coach house (Amended plans received 20 February 2025) Lingworth 17 Oathall Road Haywards Heath West Sussex RH16 3EG

As Gen has now retired from Place Services, I have now picked this one up as a very experienced bat ecologist.

We note the request in the Cover Letter (DMH Stallard, 20th February 2025) that the further bat surveys should be secured by condition.

It is not considered lawful to condition further bat surveys because the survey results are required prior to determination. This is because paragraph 99 of the ODPM Circular 06/2005 says: "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." The Phase 1 Bat Survey (Batscan Ltd., November 2024) concluded that the main house provides moderate bat roost potential and therefore two presence/absence or dusk emergence checks should be carried out between May and August. In addition, the Coach House could not be fully inspected during the survey and therefore this building also requires surveys to check for the presence of bat roosts. In addition, the Phase 1 Bat Survey (Batscan Ltd., November 2024) recommends that any trees to be removed should be included in the Phase 2 surveys. This comprises a Ground Level Tree Assessment for bats, as advised in our response dated 21st October 2024 since the Tree Protection Plan (Absolute Arboriculture, August 2024) shows that two trees will be removed.

Without these further bat surveys & assessments, the LPA does not have certainty of impacts on legally protected species and a lawful decision could not be made. The information is required to 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.

See Appeal Decision APP/D3830/W/23/3320110 Slaugham, Haywards Heath, which was dismissed as the Inspector concluded that there was potential to adversely affect protected species in the absence of the recommended further surveys. We also highlight that this information is also being requested by Inspectors at appeal even where ecology has not been a reason for refusal.

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.

We also highlight that we are not satisfied there is sufficient biodiversity net gain baseline information available because the application is not supported by a Statutory Biodiversity Metric – Calculation Tool (Excel version) or accompanying condition assessment. This information needs to be submitted with the application for review prior to determination.

Only if evidence of a bat roost is found and the ecologist has confidence in the mitigation measures needed to support a licence application, would we be willing to secure a final survey by a condition of any consent. I would be happy to discuss this with the applicant's ecologist in line with Natural England's licensing Policy 4 if surveys provide certainty of presence/absence of bat roosts on site.

I hope this advice is clear, but please contact us if we can help further

Best wishes
Sue

Sue Hooton CEnv MCIEEM BSc (Hons)
Principal Ecological Consultant at Place Services

(she/her/Mrs)

email: sue.hooton@essex.gov.uk / PlaceServicesecology@essex.gov.uk

web: www.placeservices.co.uk

linkedin: uk.linkedin.com/in/sue-hooton-04811178



-----Original Message-----

From: mpc@midsussex.gov.uk <mpc@midsussex.gov.uk>

Sent: 07 March 2025 11:27

To: Place Services Ecology <PlaceServicesEcology@essex.gov.uk>;
planningsystemssupport@midsussex.gov.uk

Subject: Planning application consultation - DM/24/2214 - Lingworth 17 Oathall Road Haywards Heath West Sussex RH16 3EG

CAUTION: This is an external email.

Please find attached a consultation letter from Mid Sussex District Council. Ref: DM/24/2214. This is sent from an unmonitored address. Please do not respond to this email address.

Please email your comments to the case officer andy.watt@midsussex.gov.uk

Regards

Service Support Team, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.