



28th January 2025

Anna Tidey
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/24/2999
Location: 1A Lodgelands Ardingly Haywards Heath West Sussex RH17 6SD
Proposal: Proposed demolition of existing garages and erection of a pair of 3 bedroom semi-detached houses with on plot parking for two vehicles together with a replacement detached double garage.

Dear Anna

Thank you for consulting Place Services on the above application.

Holding Objection pending further information on European Protected Species (bats) and mandatory Biodiversity Net Gain	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

Summary

We have reviewed the documents supplied by the applicant, but unfortunately there is an absence of ecological information included with the application to help assess the potential use of the site by bats and Priority species and the presence of Priority habitats. Please note that the Biodiversity Net Gain Assessment (JWK Wildlife Surveys, December 2024) relates to habitats only and not to protected species.

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 Assessment (JWK Wildlife Surveys, December 2024), habitat condition assessment sheets, Baseline Habitat Plan Fig 1 (JWK Wildlife Surveys, December 2024) and Post-Intervention Habitat Plan Fig 2 (JWK Wildlife Surveys, December 2024).



We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on bats 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

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that *"A survey is needed if one or more of the following applies:*

- *distribution and historical records suggest bats may be present*
- *the development site includes buildings or other built structures, underground structures or trees that provide roosting opportunities for bats*

As existing garages are being demolished and two European Protected Species Mitigation Licence have been granted within 2.0km of the site: a) for Common Pipistrelle approximately 600m to the north in 2020; and b) for Common Pipistrelle, Daubenton's and Whiskered bat approximately 1.7km to the southwest in 2014 ([MAGIC maps](#)), we recommend that bat surveys are undertaken. The results need to be submitted to the LPA, including any mitigation measures to support a lawful decision, in accordance with [Government Standing Advice](#).

All bat species are designated and protected as European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017 (as amended). This means that it is an offence to deliberately kill, injure, disturb or capture bats; or to damage or destroy bat breeding sites and resting places (even when bats are not present).

We also recommend that the site should also be assessed by a suitably qualified ecologist for impacts to protected and Priority species & habitats with identification of appropriate mitigation measures. A Preliminary Ecological Assessment report should then be submitted to the LPA prior to determination to inform the need for any mitigation and compensation.

To fully assess the impacts of the proposal the LPA needs additional ecological information for the site, particularly for bats (European Protected Species) and protected and Priority species and habitats.

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

Mandatory Biodiversity Net Gain

Additionally, as of 2nd 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. We note that the Biodiversity Net Gain Assessment (JWK Wildlife Surveys, December 2024), habitat condition assessment sheets, Baseline Habitat Plan Fig 1 (JWK Wildlife Surveys, December 2024) and Post-Intervention Habitat Plan Fig 2 (JWK Wildlife Surveys, December 2024) have been submitted. The application is not supported by a Statutory Biodiversity Metric – Calculation Tool (Excel version). This is required to ensure that the habitats within the pre-development baseline have been recorded appropriately.

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

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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.