



Date: 8 May 2025

Our ref: 03542

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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/25/0896
Location: Greenworld Cansiron Lane Ashurst Wood East Grinstead
Proposal: Refurbishment of an existing dwelling, conversion of existing accommodation and carport, erection of a garden shed

Thank you for consulting Place Services on the above householder application.

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection • European Protected Species - Bats	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. This includes the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Ltd, February 2025).

We are not satisfied that there is sufficient ecological information available for determination of this application due to insufficient information on European Protected Species (bats). The reasons for this are outlined below:

European Protected Species - Bats:

The Preliminary Ecological Appraisal and Roost Assessment (Arbtech Ltd, February 2025) identifies that the building contains a confirmed bat roost. As a result, it has been recommended that three bat emergence surveys are required during the active bat season (optimal May to August, suboptimal September) to characterise the roosts present, with at least two of the surveys should be completed during the optimal survey period mid-May to August inclusive. This proposal is in line with BCT Guidelines¹.

Consequently, 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:

With regard to mandatory biodiversity net gains, it is highlighted that 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. As a result, we are satisfied that this application is exempt from mandatory biodiversity net gains, as the development meets the householder exemption.

¹ Collins, J. (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines. 4th edition. Bat Conservation Trust, London.

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,

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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.