



4th March 2025

Katherine Williams
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/25/0274
Location: Bacons Farm Sloop Lane Scaynes Hill Haywards Heath West Sussex RH17 7NP
Proposal: Proposed Winery Building for Existing Vineyard

Dear Katherine

Thank you for consulting Place Services on the above application.

Temporary Holding Objection pending further information on European Protected Species (bats)	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 impacts on ecology by the development. We highlight that the biodiversity net gain information provided relates to habitats and not to protected species.

In addition, we have reviewed the Statutory Biodiversity Metric (January 2025), Biodiversity Net Gain Assessment (JWK Wildlife Surveys, January 2024) and Condition Sheets, Figure 1 Baseline Habitat Plan (JWK Wildlife Surveys January 2025) and Post-Intervention Habitat Plan (JWK Wildlife Surveys, January 2025), relating to mandatory biodiversity net gains.

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. The reasons for this are outlined below:



European Protected Species - bats

We note from the Condition Assessment sheets and Figure 1 Baseline Habitat Plan (JWK Wildlife Surveys January 2025) that there are ten trees onsite (T1 to T10). It appears from Figure 2 Post-Intervention Habitat Plan (JWK Wildlife Surveys, January 2025) that these trees will be removed and therefore a Ground Level Tree Assessment for bat roost potential is required to inform the need for further assessment. This is because bats may be present and affected by the works.

All bat species are designated and protected as European Protected Species 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 and to damage or destroy bat breeding sites and resting places (including access points even when bats are not present). It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly disturb bats while they occupy a structure or place used for shelter or protection or to obstruct their access. This is considered a reasonable request as bats may be present and affected by the development, given that there are trees onsite. This request for information is justified, and therefore reasonable, as protected species are a material consideration for planning.

It is therefore reasonable for a suitably qualified ecologist to undertake a Ground Level Tree Assessment for bats for any trees to be removed in accordance with 4th Ed. Bat Survey Guidelines for Professional Ecologists BCT (Collins ed., 2023). A Preliminary Roost Assessment should be prepared as well as assessing if any features used by foraging bats will be impacted. This tree assessment can be undertaken at any time of the year and the results need to be submitted to the LPA together with full details of any mitigation and compensation required to avoid an offence. This is in accordance with [Government Standing Advice](#).

The results of the above surveys for bats 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 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.

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

We are satisfied that the pre-development baseline is appropriate. Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). Therefore, we are satisfied that submitted information provides sufficient information at application stage. However, as mentioned above, the Condition Assessment sheets state that there are ten trees onsite in moderate condition (T1 to T10), which are also shown on the Baseline Habitat Plan (January 2025) although they are not described in the key. However, we highlight that the Biodiversity Net Gain Assessment (JWK Wildlife Surveys, January 2024) states that the site comprises only 'a small section



of grazed agricultural land, an area of managed amenity grassland and existing area of chipped gravel forming parking and access areas to an offsite, adjacent agricultural barn'. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- 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.

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.

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 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.