



Date: 20 May 2025

Our ref: 03584

Stefan Galyas
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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/25/0934
Location: East Grinstead Sports Clun Saint Hill Road East Grinstead West Sussex
Proposal: Proposed Additional 37 Vehicle Parking Spaces adjacent to existing main car-park

Thank you for consulting Place Services on the above application.

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

Summary

We have reviewed the Preliminary Ecological Appraisal (JWK Wildlife Surveys, March 2025) supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

In addition, we have reviewed the Pre-Development and Post Development Plans (submitted 4th April 2025) and Biodiversity Net Gain Statement (28th April 2025) relating to securing 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 protected species is provided prior to determination. The reasons for this are outlined below:

European Protected Species – bats

We note that a suitably qualified ecologist has completed a Ground Level Tree Assessment (GLTA) to determine the suitability of the tree to support roosting bats. Further aerial inspections have been recommended to further identify or categorise any potential roost sites identified within 'Tree 1', as well as identify the presence / likely absence of roosting bats, in line with [Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition](#). As a result, this further aerial inspection will be required prior to determination of this application to allow the LPA to have certainty of likely impacts upon European Protected species.

If a tree is categorised as containing a 'PRF-I' roost feature (roost feature suitable for low numbers of bats), a precautionary working method statement should be conducted by a suitably qualified ecologist and compensation for the loss of the roost feature should be provided prior to tree works.

If a tree is categorised as containing a 'PRF-M' roost feature (roost feature suitable for multiple bats), then at least three aerial inspections or bat emergence / re-entry surveys should be completed with 3 visits between May and September with at least two in the period of May to August. Where a likely absence is confirmed, a precautionary working method statement should be conducted by a suitably qualified ecologist and compensation for the loss of the roost feature should be provided prior to tree works. In addition, we are not satisfied that appropriate information regarding mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, a European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should *"Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby"*.

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.

See Appeal Decisions Ref: APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector 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.

Mandatory Biodiversity Net Gains:

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](#).

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 statement and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- No Biodiversity Net Gain condition assessment has been submitted.

Additional comments - GCN

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 do not hesitate to contact us if you have any queries in relation to this advice.

Beth Archer BSc (Hons)
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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.