



23rd December 2024

Andrew Watt
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/24/2733
Location: Rose Cottage Day Nursery The Old Sawmills Copyhold Lane Lindfield Haywards Heath West Sussex RH16 1XT
Proposal: Conversion of vacant adjoined barn into nursery space at ground floor level, alterations to ground floor layout and an increase of child numbers to 70 children.

Dear Andrew

Thank you for consulting Place Services on the above application.

Recommended 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 Ecological Impact Assessment (Arbtech Consulting Ltd., November 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We have also reviewed the information submitted information relating to mandatory biodiversity net gains.

We are not satisfied that there is sufficient ecological information available for determination. This is because further information is required on European Protected Species (bats). The reasons for this are outlined below:



European Protected Species – Bats

We note from the Ecological Impact Assessment (Arbtech Consulting Ltd., November 2024) that a licence for bats will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. This is because evidence of bats was found in the form of droppings in the south elevation of the building. Therefore, appropriate mitigation measures to support the licence application must be outlined and submitted to the LPA prior to determination.

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.

Additional comments – Protected and Priority species

We support the Precautionary Method Statement for reptiles and mobile protected species (such as Hedgehog) in the Ecological Impact Assessment (Arbtech Consulting Ltd., November 2024). This 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](#).

Additional comments - Mandatory Biodiversity Net Gain (BNG):

The de-minimis exemption, as set out under the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#), applies to development that does not impact a Priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats (e.g. hedgerows or watercourse)

The de-minimis threshold refers to impact and not size of the red-line boundary. A development 'impacts' a habitat if it [decreases the biodiversity value](#).

Providing that the development does not affect any more than 25m², we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains.

This is necessary to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under the NERC Act 2006 (as amended).

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

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.