



29th November 2024

Andy 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/24/2214
Location: Lingworth 17 Oathall Road Haywards Heath West Sussex RH16 3EG
Proposal: Change of use from dwelling (Use Class C3) to care home (Use Class C2) including erection of side and rear extensions to the main building and roof extension above existing garage to the coach house.

Dear Andy,

Thank you for re-consulting Place Services on the above application.

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

We have reviewed the Phase 1 Bat Survey (Batscan Ltd., November 2024), Arboricultural Impact Assessment (Absolute Arboriculture, May 2024), Tree Protection Plan (Absolute Arboriculture, August 2024) and the relevant plans supplied by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats, and identification of appropriate mitigation measures.

In addition, we have reviewed the Biodiversity Net Gain Report (EAS Ltd, September 2024), relating to securing mandatory biodiversity net gains.



We are still not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation and enhancement measures are required to make this proposal acceptable 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)

We note from the Phase 1 Bat Survey (Batscan Ltd., November 2024) that the main house provides moderate bat roost potential and therefore two presence/absence or dusk emergence checks should be carried out between May and August. In addition, the Coach House could not be fully inspected during the survey and therefore this building should be included in the further assessments for bats to be undertaken on the main house.

In addition, the Phase 1 Bat Survey (Batscan Ltd., November 2024) recommends that any trees to be removed should be included in the Phase 2 surveys. This comprises a Ground Level Tree Assessment for bats, as advised in our response dated 21st October 2024 since the Tree Protection Plan (Absolute Arboriculture, August 2024) shows that two trees will be removed. This assessment can be undertaken at any time of year and should be undertaken in accordance with the 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023). The results are required prior to determination to inform the need for mitigation and potentially a licence from Natural England.

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 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 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.

Mandatory Biodiversity Net Gain:

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.

As advised in our response dated 21st October 2024, we are not satisfied there is sufficient baseline information available at the application stage because the application is not supported by a Statutory Biodiversity Metric – Calculation Tool (Excel version) or accompanying condition assessment. This is required to ensure that ensure that the habitats within the pre-development baseline have been recorded appropriately. This information needs to be submitted with the application for review prior to determination.

Bespoke species enhancements

As also advised in our response dated 21st October 2024, we recommend that reasonable biodiversity enhancements for protected and Priority species should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraphs 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level.

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,

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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.