



6th January 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/24/2830
Location: Orchard Farm Nash Lane Scaynes Hill Haywards Heath West Sussex RH17 7NJ
Proposal: Conversion of the existing barn and stable block to a residential property and creation of a new access. (Amended description 10.12.2024)

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 Combined Preliminary Ecological Appraisal and Bat Scoping Report (The Ecology Co-op, October 2024), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

In addition, we have reviewed the submitted Small Sites Metric – Calculation Tool (The Ecology Co-op, November 2024) and the Biodiversity Impact Calculation (The Ecology Co-op, November 2024), relating to mandatory biodiversity net gains.



We are not satisfied that there is sufficient ecological information available for determination of this application as we recommend that additional information on bats is provided prior to determination. The reasons for this are outlined below:

European Protected Species - Bats

It is not clear from the Combined Preliminary Ecological Appraisal and Bat Scoping Report (The Ecology Co-op, October 2024) if a Ground Level Tree Assessment (GLTA) for bats has been undertaken on trees to be affected. As it appears from the Site Plan Drg. No. 2416/PL.03 (Paul Hewett Architects, October 2024) and the Biodiversity Impact Calculation (The Ecology Co-op, November 2024) that a line of existing conifer trees is to be removed (w22), we request clarification as to whether these trees, together with any other trees to be removed, have been subject to a GLTA in line with the 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023) and in accordance with [Government Standing Advice](#).

The information on bats is 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 - Biodiversity Net Gain

We have reviewed the submitted Small Sites Metric – Calculation Tool (The Ecology Co-op, November 2024) and the Biodiversity Impact Calculation (The Ecology Co-op, November 2024) Biodiversity net gain is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. 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).

A [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Other neutral grassland. The HMMP should be completed alongside the provision of details relating to the Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Additional comments – Protected and Priority species

We note from the Combined Preliminary Ecological Appraisal and Bat Scoping Report (The Ecology Co-op, October 2024), that the Small Barn, Large Barn and Stables all have negligible bat roost potential. Therefore we agree that no further surveys for bats in buildings are required.

As reptiles may be present onsite, we support the precautionary method statement for reptiles in Section 4.8 of the Combined Preliminary Ecological Appraisal and Bat Scoping Report (The Ecology Co-op, October 2024). This should be secured by a condition of any consent and implemented in full.

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 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.