

Our Ref: 3175/MY/LT20250717

17th July 2025

Development Management
Mid-Sussex District Council
Oaklands Road
Haywards Heath
West Sussex, RH16 1SS



Via Email: servicesupport@midsussex.gov.uk

Dear Sir/Madam,

DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF A CARE HOME (CLASS C2) AND ADDITIONAL CARE UNITS (CLASS C2): HIGHFIELDS, WEST HILL, EAST GRINSTEAD, RH19 4DL. MID-SUSSEX PLANNING REFERENCE: DM/24/3051 - RESPONSE TO ECOLOGY MATTERS

We act for Igloo Care Ltd (Developer) and EQ Care East Grinstead Ltd (Operator) in relation to their joint planning application for a care home and related development at Highfields, East Grinstead. We write in response to matters raised by Place Services (Ecology) and submit the following documents in response:

1. Method Statement and Working Practices* – June 2025
2. Ground Level Tree Assessment (Bats) Addendum* – June 2025
3. Badger Activity and Mitigation Proposals – June 2025
4. Revised Hard & Soft Landscape Plan (Pr-1045.HSLP.001 Rev D)

* Documents (1) and (2) were previously submitted to the Council, but are included again here as part of a consolidated package of further ecological information.

Officers will be aware that Badgers are a protected species pursuant to The Protection of Badgers Act 1992 and more generally, the Wildlife and Countryside Act 1981. It is accepted practice that documents containing specific information on the location Badgers and their Setts, should remain outside the public domain. Thus, we respectfully ask that the Council redacts document (3) from the public file (as indeed it did in respect of application DM/23/0007).

Background

Following initial comments and clarifications, Place Services (Ecology) provided their consultation response to the application on 1st April 2025. This acknowledged the Letter of Assurance (Leigh Ecology Ltd, December 2024) and agreed that the ecological status of the site had not altered since the 2022 appraisal.

Comments were raised in respect of the following five matters, to which we also set out responses.

Bats In Trees

Following representations from Westbournes, Place Services agree that the proposed felling of trees T1814 and T1841 are a matter of good arboricultural practice, as opposed to removed to facilitate the development. As such, no further survey work is required, subject to following ecological due diligence prior to their removal (see 'Summary').

A further tree, T1931, was considered to have bat roosting potential and a further survey was recommended. Accordingly, Leigh Ecology Ltd has provided a minor amendment to their earlier Ground Level Tree Assessment Addendum report to confirm that "*Despite the non-removal, [the tree] should still undergo further survey*" prior to the pollarding works.

To confirm, the recently submitted alterations to the proposed junction position and access road, have no implications for the trees referred to above, all being some distance from the works.

Bats In Buildings

There is agreement that none of the buildings to be demolished have bat roosting potential and, therefore, "*no further surveys are required for bats and buildings.*"

Dormouse

Whilst the site has low potential to support this species, Place Services recommends that a Precautionary Method Statement should be secured by condition.

Leigh Ecology Ltd has prepared 'Method Statement and Working Practices' report for a suite of species, including Hazel Dormouse. This outlines the approach to be taken, including updated surveys closer to commencement of work, search strategies, construction programming and, if necessary, seeking an appropriate Licence from Natural England.

Reptiles

Place Services accepts that ecological conditions for reptiles remain the same as in 2022 (when it was concluded that: "*Overall the site was assessed as having low potential to support reptiles*"). As such, Place Services are content to include Reptiles within a Precautionary Method Statement pursuant to a planning condition. We agree.

Notwithstanding this, Leigh Ecology Ltd has included within their 'Method Statement and Working Practices' report, an outline for 'Reptile Reasonable Avoidance Measures'. This exceeds the level of information requested at this stage and should, therefore, more than satisfy the Place Service's requirements.

Badgers

The planning application was submitted with an initial Badger Survey Report which concluded:

"...given that the proposed development plans will fall within the 30m buffer zone of the Sett, further monitoring must be undertaken to classify the sett and to assess its usage. This should be done in 2025 between February-May, the peak time for territorial activity."

Place Services acknowledged this and requested that surveys be undertaken in accordance with a standard methodology and submitted to the Council prior to a planning decision.

The surveys are now complete, with the results outlined in the submitted 'Badger Activity and Mitigation Proposals' report. This identifies two Setts (an annex Sett and a main Sett, both located on the perimeter of the site¹).

Because the Sett entrances are within 30m of the proposed development, a mitigation strategy is set out within the report. This involves closure of the annex Sett and the creation of an artificial Sett towards the far southern corner of the site, before closure of the main Sett.

The mitigation strategy includes a programme for delivering the mitigation, including the process for obtaining a License from Natural England, the timing of Sett creation and closure, and the extent of development work possible within each phase of the mitigation strategy.

Scheme Amendments

Because the creation of an artificial Badger Sett is 'development', details of the proposed location are identified on the Hard and Soft Landscape Plan (Pr-1045.HSLP.001 Rev D).

This includes a new mixed native hedgerow extending along the southwestern and eastern boundaries, maintaining a corridor between this feature and the boundary fencing in order to protect known Badger foraging routes. The garden behind the additional care building has been reduced and a new planted boundary introduced to provide clear separation from the Badger relocation area. This area would be sown with a shade tolerant species-rich wildflower meadow and fruit trees.

1. Given the restrictions on Badger information, detailed descriptions of the Setts are reserved for the Report itself.

Residents of the additional care building will continue to have access to high-quality landscaped amenity areas, both adjacent to the building and within the larger gardens rear of the principal care home. Such residents, being more ambulant, also have access to off-site amenity spaces, with many in close proximity.

Whilst the planting mix and extent has changed, no update to the BNG Metric is required, on the basis the score would only improve², significantly so, arising from: (a) the reduction in low scoring 'flowering lawn'; (b) the parallel increase in 'wildflower meadow'; (c) additional tree planting; and (d) the substantial increase in linear hedgerow.

On a practical matter, Rev D of the Hard & Soft Landscape Plan (Ref: Pr-1045.HSLP.001) supersedes the version (Rev C) submitted to the Council under cover of letter 23rd June 2025 in respect of amendments to the proposed junction position and access road.

Summary

The surveys and reports requested by Place Services (Ecology) have been submitted to the Council in respect of the protected species identified in their consultation response.

The proposals comply with the latest Natural England Guidance regarding the treatment of Badgers and their habitats in planning decisions and, furthermore, guidance in the NPPG in relation to protected species and development (following avoidance, mitigation, compensation and enhancement principles). We are not aware of any reason why the necessary Licenses would not be obtained from Natural England.

In addition to the standard BNG conditions, we recommend that the Council imposes separate planning conditions requiring the development to be carried out in accordance with each of the three reports submitted pursuant to this letter, to ensure that the grant of planning permission will not cause unacceptable harm to statutorily protected species.

Accordingly, the proposal is compliant with Policy DP38 (Biodiversity) of the District Plan and Paragraphs 192 and 193 of the National Planning Policy Framework.

Your sincerely,



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Director

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Cc: Joanna Fisher - Team Leader, Major Applications (MSDC)

2. Above the 14% (habitat units) and 27% (hedgerow units) increase already secured, noting that Place Services (Ecology) "...are satisfied that the submitted documents [for BNG] provide sufficient information at the application stage."