



Date: 13 October 2025

Our ref: 07588

Susan Dubberley
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
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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/24/3077
Location: Sussex House Perrymount Road Haywards Heath West Sussex
Proposal: Demolition of the existing buildings and construction of a new food store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works. (Amended plans received 4/08/2025 including a 'Copenhagen' crossing along the site entrance, the installation of cricket nets, amendments to the landscaping strategy and updated Retail Impact Assessment.)

Thank you for re-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 (roosting bats)	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have re-assessed the submitted ecological information relating to designated sites, protected and Priority species / habitat, as well as mandatory biodiversity net gains.

In addition, we have reviewed the technical specifications with regard to the proposed cricket nets.

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 & enhancement measures are required to make this proposal acceptable/additional information on bats is provided prior to determination. The reasons for this are outlined below:

European Protected Species - bats:

We note from the Ecological Impact Assessment Revision 4 (ECOSA, July 2025) that Buildings B1 (Budgeons convenience store) and B3 (Collinsons – interior design showroom) have moderate bat roost potential, although no evidence of roosting bats was recorded during the survey. We therefore recommend that, in accordance with the 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023), two further bat surveys need to be undertaken to assess the presence/likely absence of bats in these two buildings, unless further professional justification can be provided. Please note that the buildings are incorrectly labelled in Table 1 of the Ecological Impact Assessment Revision 4 (ECOSA, July 2025).

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, which are 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.

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).

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 Design Stage Report Revision 2 (ECOSA, July 2025) and the associated Statutory Biodiversity Metric – Calculation Tool and are satisfied that appropriate information has been provided prior to determination.

As mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#) and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- 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).

We note that the Biodiversity Net Gain Design Stage Report Revision 2 (ECOSA, July 2025) indicates a net gain of 1,169.78% habitat units and 1,664.84% hedgerow units, while the previous Biodiversity Net Gain Design Stage Report (ECOSA, December 2024) indicates a net gain of 928.39% habitat units and 1,544.44% hedgerow units. Therefore, it would be useful to clarify this matter as part of the Biodiversity Gain Plan.

Additional Comments – Cricket Netting:

We note that the proposed cricket net will be 28m long and 14 metres high, with a 3m gap at the base of the netting. In addition, we note that the polypropylene net meshing containing 50mm gaps a high tension.

It is indicated that there is limited scientific research relating to the impacts of cricket netting. However, the majority of the issues relate to mammals getting tangled at the base of netting. Therefore, as the netting contains a 3m gap, we are satisfied that this will avoid any impacts to mammals (e.g. Hedgehog and foxes).

There is still a very low risk of impacts upon flying birds and bats. However, it is unlikely that the species will become tangled, as the netting will be kept at high tension. In addition, it is indicated that the netting will likely be highly visible to birds and bats, based on the specifications.

As a result, we have no objections to the proposed netting in principle at an ecological perspective.

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.

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.