



19<sup>th</sup> March 2025

Susan Dubberley  
Mid Sussex District Council  
Oaklands Road  
Haywards Heath  
RH16 1SS

By email only

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*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.*

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**Application:** DM/24/3065  
**Location:** Oaklands Farm Slaugham Lane Warninglid Haywards Heath West Sussex RH17 5TJ  
**Proposal:** Re-positioning and minor amendments to the owners/ managers house, already permitted under planning application (Reference No: DM/18/2071). Resubmission of DM/21/0711

Dear Sue

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

|                                                                                                 |     |
|-------------------------------------------------------------------------------------------------|-----|
| Recommended Temporary Holding Objection pending further information on protected species (bats) | Yes |
| No ecological objections                                                                        |     |
| Recommended Approval subject to attached conditions                                             |     |
| Recommended Discharge of condition                                                              |     |

### **Summary**

We have reviewed the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., December 2024) and Ecological Assessment Report (CSM Ecology, June 2017), relating to the likely impacts of development on designated sites, protected and Priority species & habitats with identification of appropriate mitigation measures.

We have also reviewed the information submitted relating to mandatory biodiversity net gains, which includes the reviewed the Statutory Biodiversity Metric (Arbtech Consulting Ltd., December 2024) and Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., December 2024).

We welcome the updated ecology report following our comments dated 27<sup>th</sup> January 2025, but whilst we appreciate that there is a fallback position in principle, we are still not satisfied that there is sufficient



ecological information available for determination of this application and recommend that additional information on bats is provided prior to determination. The reasons for this are outlined below:

#### **European Protected Species - bats**

We note from the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., December 2024) that further surveys for roosting bats are required on the two buildings on site, which are to be demolished. This is because a Preliminary Roost Assessment for bats was not undertaken on Buildings B1 (single storey residential building) and B2 (livestock shelter) and the previous bat emergence survey undertaken on B1 in 2017 is more than three years old. Therefore the report is out of date ([CIEEM Guidance](#)<sup>1</sup> and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013').

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.

See Appeal Decisions Ref: APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

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).

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<sup>1</sup> CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>



### **Additional comments – Protected species**

We support the Precautionary Method Statement for mobile protected species (including reptiles and Hedgehog, which is a protected and threatened species) in the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd., December 2024), which should be secured by a condition of any consent.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and should be secured by a condition of any consent.

### **Mandatory Biodiversity Net Gain:**

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Biodiversity Metric (Arbtech Consulting Ltd., December 2024) and Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., December 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](#) and we are satisfied that submitted information provides sufficient information at application stage, although clarification will be required as to whether Scenario A or B will be implemented, particularly as Scenario A does not meet the trading rules. 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).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values for Scenario A, it is suggested that this includes the following habitats: other neutral grassland and urban tree. The HMMP should be in line with the approved 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 and will be required to be submitted concurrent with the discharge of the biodiversity gain condition. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. 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.

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 overcome our holding objection.

Please contact us with any queries.



Yours sincerely

**Genevieve Broad MCIEEM MSc BSc (Hons)**

Ecological Consultant

Place Services at Essex County Council

[placeservicesecology@essex.gov.uk](mailto:placeservicesecology@essex.gov.uk)

**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.