



Date: 25 September 2025

Our ref: 08953

Joanne Fisher
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

By email only: planninginfo@midsussex.gov.uk

Contains Sensitive Information

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/24/3051
Location: Highfields West Hill East Grinstead West Sussex
Proposal: Demolition of existing dwelling and the erection of a care home (Class C2) and a separate building with additional care units (Class C2).
UPDATED drainage strategy details submitted 4th September 2025.

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

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|--|-------------------------------------|
| No ecological objection | <input type="checkbox"/> |
| Recommend approval subject to attached conditions | <input type="checkbox"/> |
| Further information required/Temporary holding objection <ul style="list-style-type: none">• European Protected Species (bats) | <input checked="" type="checkbox"/> |
| Recommend Refusal | <input type="checkbox"/> |
| Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment | <input type="checkbox"/> |

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We welcome the correspondence from Westbournes (March 2025) and appreciate the PEA Assurance Letter dated 5th December 2024. We acknowledge that the original Preliminary Ecological Appraisal has been revalidated, and that a further walkover survey was undertaken in line with CIEEM guidance on the lifespan of ecological reports.

We also welcome the submission of the Badger Activity and Mitigation Proposals (Leigh Ecology Ltd, June 2025), which sets out the impacts upon Badger for the proposed application.

We are still not satisfied that there is sufficient ecological information available for determination of this application upon roosting bats (European Protected Species) and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable. The reasons for this are outlined below:

European Protected Species (Bats):

The revised Ground Level Tree Roost Assessment (Leigh Ecology Ltd, June 2025) identifies three trees with potential roost features (PRFs), including two proposed for removal and one for pollarding. The report recommends aerial inspection surveys by a licensed bat surveyor and tree climber prior to any works, citing best practice guidance from the Bat Conservation Trust (2023)¹. These surveys are necessary to determine the presence or likely absence of roosting bats and to inform appropriate mitigation. No further survey data has been submitted to demonstrate that these recommendations have been followed. Therefore, this information is required prior to determination to ensure that the LPA has certainty of likely impacts upon this protected species.

In line with best practice guidance, it is highlighted that trees containing features classed as 'PRF-I' will only need to be subject to precautionary working method statement prior to any felling or works, whereas features classed as 'PRF-M' will need to be subject to three bat emergence surveys, if aerial inspections cannot be completed. Therefore, it is recommended that any updated bat assessment should provide further clarification on the potential roost feature classifications.

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

¹ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn). The Bat Conservation Trust, London

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 bats 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 - Badger

In relation to badgers, we note the Badger Activity and Mitigation Proposals (Leigh Ecology Ltd, June 2025) confirms that both the Main and Annex Setts contain active Badger populations. Therefore, the proposed apartment building and car park will be located within 30m of the sett entrances, and above the tunnels and chambers that lead from the entrances.

As a result, it has been proposed to close down the annex sett to the north of the main sett, which would be undertaken via Natural England Licence. As a result, we support this proposal, with finalised measures to safeguard the existing badger sett secured via a Construction Environmental Management Plan as a pre-commencement condition of any consent.

Additional comments - Mandatory Biodiversity Net Gains:

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Baseline Habitat Map and the Statutory Biodiversity Metric – Calculation Tool. 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. 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, it is suggested that this includes the following habitats: Other neutral grassland, Urban tree.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. 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 during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

However, if the LPA classifies the scheme as minor development, it is indicated that no HMMP will be required, as the Council has made the stance that no significant on-site enhancements are present for minor development.

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.

Hamish Jackson ACIEEM BSc (Hons)
Senior Ecological Consultant
 Place Services at Essex County Council
 Email: 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.