



Date: 25 September 2025

Our ref: 08937

Stefan Galyas
Mid Sussex District Council
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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/25/2231
Location: Stonehurst Selsfield Road Ardingly Haywards Heath
Proposal: Reinstatement of observatory tower, proposed construction of orangery and associated works, including removal of hanging tiles.

Thank you for consulting Place Services on the above application.

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection for European Protected Species (Bats)	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the Bat Scoping Report (The Ecology Co-op, September 2024), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of appropriate mitigation measures.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required.

We are 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 Bat Scoping Report (The Ecology Co-op, September 2024) that a European Protected Species Mitigation Licence (EPSML) for bats will be required. This is because the building is a confirmed Brown Long-eared bat roost. It appears from the Planning & Heritage Statement Revision 1 (Whaleback June 2025) states that three emergence surveys for bats were undertaken in June and July 2025, which confirmed that a total of nine bat roosts may be impacted by the development, but the report for these surveys is not available on the website.

In addition, the outline mitigation measures to determine whether an EPSML can be secured is also required to be submitted to the LPA prior to determination to support the provision of the licence. This is because, 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, as 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.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, which are European Protected Species. The results of the surveys for bats and the outline measures for the EPSML are required prior to determination in line with [Government Standing Advice](#).

The results of these surveys and the additional information 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.

Additional Comments:

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](#).

With regard to mandatory biodiversity net gains, it is highlighted that 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](#). As a result, we are satisfied that this application is exempt from mandatory biodiversity net gains, as the development meets the householder exemption.

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented 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 needs to be outlined within a separate Biodiversity Enhancement Strategy and secured by a condition of any consent.

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.

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.