



Date: 25 September 2025

Our ref: 09407

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By email only: Planning Department, [planninginfo@midsussex.gov.uk](mailto:planninginfo@midsussex.gov.uk)

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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/25/2066  
**Location:** Lullings Cottage West Hill Ardingly Haywards Heath West Sussex RH17 6QY  
**Proposal:** Demolition of the existing property and adjacent sheds and replacement with a new single storey residential dwelling with two parking spaces

Thank you for consulting Place Services on the above application.

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

### **Summary**

We have reviewed the File Note Report (Arbtech Consulting Ltd., July 2025), Bat Emergence and Re-Entry Surveys (Arbtech Consulting Ltd., July 2024), Preliminary Ecological Appraisal and Bat Building Survey (Phlorum Limited, November 2022) and Bat Emergence and Re-

entry Surveys (Arbtech Consulting Ltd., November 2022), 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. This includes the Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., May 2025) and Statutory Biodiversity Metric – Calculation Tool.

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 Section 5.1 of the Preliminary Ecological Appraisal and Bat Building Survey (Phlorum Limited, November 2022) that the habitats to be impacted include scattered trees, but it does not appear that a Ground level Tree Assessment (GLTA) has been undertaken. We highlight that if any of the trees to be removed contains Potential Roost Features for Individual bats (PRF-Is), then appropriate compensation will be required in advance of works to avoid loss of roost resource (Reason and Wray (2023) UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.1. Chartered Institute of Ecology and Environmental Management). The felling needs to be undertaken under a non-licensed Precautionary Working Method Statement for bats which includes inspection of any affected trees by endoscope on the day and felling under the supervision of a licensed bat ecologist, as required in Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023).

In addition, we note that the File Note Report (Arbtech Consulting Ltd., July 2025) supports the implementation of a non-licensed Precautionary Method Statement for bats for the demolition of building B2. The general outline details of this Method Statement need to be provided to the LPA prior to determination.

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 GLTA survey results and the general outline non-licensed Precautionary Method Statement for bats 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).

#### **Additional Comments – Protected and Priority species:**

We note from the Bat Emergence and Re-Entry Surveys (Arbtech Consulting Ltd., July 2024) that the dusk emergence surveys undertaken in May 2024 on Buildings B1 (cottage) and B2 (wooden barn) observed no bats emerging from these two buildings and concluded the likely absence of roosting bats. We also note that the File Note Report (Arbtech Consulting Ltd., July 2025) confirms that the habitats and suitable roost features for bats remain the same as described in the Preliminary Ecological Appraisal and Bat Building Survey (Phlorum Limited, November 2022). The Preliminary Ecological Appraisal and Bat Building Survey (Phlorum Limited, November 2022) confirms that Buildings B3 (shed) and B4 (shed) have negligible bat roost potential. We therefore agree that no further surveys for bats and buildings are required.

We support the Precautionary Method Statement for mobile protected species (including Hedgehog, which is a Priority and threatened species) in Section 5.19 of the Preliminary Ecological Appraisal and Bat Building Survey (Phlorum Limited, November 2022). This needs to be secured by a condition of any consent and implemented in full.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (File Note Report (Arbtech Consulting Ltd., July 2025) and Bat Emergence and Re-Entry Surveys (Arbtech Consulting Ltd., July 2024)), to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.

- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

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](#).

### **Additional Comments - 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 submitted Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., May 2025) and Statutory Biodiversity Metric – Calculation Tool and are satisfied that appropriate information has been provided prior to determination. However, we highlight that the Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., May 2025) indicates a loss of -8.78% which is contrary to the Mid Sussex District Plan 2021-2039 DPN2, current legislation and national policy which all require an increase of 10% BNG. We therefore support the recommendations in the Biodiversity Net Gain Assessment (Arbtech Consulting Ltd., May 2025) for additional landscaping to achieve a net gain of at least 10%.

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).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). However, as this is a minor development, no significant on-site enhancements are considered to be present.

**Additional comments - Bespoke biodiversity enhancements:**

We 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.

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,

**Hamish Jackson ACIEEM BSc (Hons)**  
**Senior Ecological Consultant**

Place Services at Essex County Council

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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.*