



Date: 3 August 2026
Our ref: 16135

Andrew Watt
Mid Sussex District Council
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Haywards Heath
West Sussex
RH16 1SS

By email only: 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.

Application: DM/26/0572
Location: 26 Kennedy Avenue East Grinstead West Sussex RH19 2DG
Proposal: Construction of new 3-bedroom house attached to end of existing terrace and associated external works.

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 on: • 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 Ground Level Tree Assessment (JWK Wildlife Surveys, June 2026), relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We have also reviewed the information submitted relating to mandatory biodiversity net gains, including the Biodiversity Gain Plan (February 2026), Baseline Map & Post-Development Plan (submitted March 2026) and Small Sites Statutory Biodiversity Metric (February 2026).

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 required to make this proposal acceptable. The reasons for this are outlined below:

European Protected Species:

As stated in our response dated 21st April 2026, we understand from the Design & Access Statement (submitted March 2026) that the new property will be attached to the existing building. Therefore, there may be impacts to roosting bats in any roof space in the existing building and a Preliminary Roost Assessment should be supplied. [Government Standing Advice](#) says you should ask for a survey if:

- *distribution and historical records suggest bats may be present*
- *the development site includes or is close to any built structures, on or underground, that provide commuting, foraging or roosting opportunities for bats*

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.

Additional comments – Protected Species:

We note from the Ground Level Tree Assessment (JWK Wildlife Surveys, June 2026) that Trees T1 (fruit tree), T2 (Ash) and Group G1 (non-native Cedar and Cypress) all have negligible bat roost potential. Therefore, we agree that no further surveys for bats and trees are required.

We support the proposed reasonable biodiversity enhancement, comprising a bat box, which has been recommended in the Design & Access Statement (submitted March 2026) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The location (including the installation height) and specification of the bat box should be outlined within a separate Biodiversity Enhancement Layout and needs to be secured by a condition of any consent.

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 Gain Plan (February 2026), Baseline Map & Post-Development Plan (submitted March 2026) and Statutory Small Sites Biodiversity Metric (February 2026) and are still satisfied that appropriate information has been provided prior to determination.

Where mandatory biodiversity net gains apply, 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.

As a result, a Biodiversity Gain Plan should be submitted prior to commencement which should include the following information for non-phased development:

- Biodiversity Gain Plan form, using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>.
- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- Completed pre-development and post-development habitat maps.
- Information regarding [Habitat degradation](#) (where required).
- Information regarding [Irreplaceable habitat](#) (where required).

In addition, the following information may also be required depending on whether the development contains significant on-site enhancements or whether off-site options or Statutory Biodiversity Credits are required:

- A [Habitat Management and Monitoring Plan](#) (HMMP) for significant on-site enhancements or offsite measures in blue line boundary land.
- Legal agreement for monitoring and management of significant on-site enhancements or off-site measures in blue line boundary land.
- Evidence of off-site units being allocated to a Biodiversity Gain Site on the [Biodiversity Gain Site Register](#).
- Evidence of proof of purchase of [Statutory Biodiversity Credits](#).

However, it is highlighted that Mid Sussex have taken the stance that significant on-site enhancements will not apply for minor development. Therefore, a legal agreement and a HMMP will not be required for on-site measures.

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)

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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.

We are unable to respond directly to applicants/agents or other interested parties. Any additional information, queries or comments on this advice that the applicant/agent or other interested parties may have, must be directed to the Planning Officer at the relevant LPA, who will seek further advice from us where appropriate.

AI may have been used in the preparation of this response, but its use will be limited to basic proof-reading, grammar, and spelling correction. This response has been reviewed by the author(s). If you have any queries, please [contact us](#) for information about our AI guidance.