



Date: 26 August 2025

Our ref: 06902

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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/24/3065
Location: Oaklands Farm Slaugham Lane Warninglid Haywards Heath
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

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. Insufficient Ecological Information on: • European Protected Species (bats)	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

As well as the Ecological Assessment Report (CSM Ecology, June 2017), we have now also reviewed the Preliminary Roost Assessment (Arbtech, May 2025) 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 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). Our comments relating to BNG below remain unchanged from previous.

We are still not satisfied that there is sufficient ecological information available for determination of this application. The reasons for this are outlined below:

European Protected Species: bats

Our previous comments stated further information was required as the submitted ecological report was out of date to support this planning application. We have now reviewed the Preliminary Roost Assessment (Arbtech, May 2025), however, this document has assessed the two buildings as having bat roost potential (low and moderate) and as such has recommended a further two bat emergence surveys to inform the requirement for a European Protected Species Mitigation Licence, any mitigation and or any compensation measures. Therefore, the results of the recommended further surveys are required prior to determination.

Additionally, we acknowledge that this application states there is a fallback position, under applications DM/18/2071 and DM/21/0711. However, as stated previously the ecological data supplied with those applications is now out of date and degradation of structures over time can be significant enough to form Potential Roost Features, which has been indicated within the updated Preliminary Roost Assessment (Arbtech, May 2025). As such even with the existing applications, the applicant has a legal duty to avoid harm upon protected species, following the mitigation hierarchy.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, European Protected Species. 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, 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).

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.

Additional Comments - Mandatory Biodiversity Net Gains:

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](#).

Please do not hesitate to contact us if you have any queries in relation to this advice.

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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.