



21st October 2024

Andrew Watt
Mid Sussex District Council
Oaklands Road
Haywards Heath
RH16 1SS

By email only

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.

Dear Andrew,

Application: DM/24/2214
Location: Lingworth 17 Oathall Road Haywards Heath West Sussex RH16 3EG
Proposal: Change of use from dwelling (Use Class C3) to care home (Use Class C2) including erection of side and rear extensions to the main building and roof extension above existing garage to the coach house.

Thank you for consulting Place Services on the above application.

Holding objection pending further information on; European Protected Species (bats); and Mandatory Biodiversity Net Gain.	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

We have reviewed the Biodiversity Net Gain Report (EAS Ltd, September 2024), Arboricultural Impact Assessment (Absolute Arboriculutre, May 2024), Tree Protection Plan (Absolute Arboriculutre, August 2024) and the relevant plans supplied by the applicant, relating to the likely impacts of development on protected species & Priority species and habitats, and identification of proportionate mitigation and mandatory Biodiversity Net Gain.

We are not satisfied that there is sufficient ecological information available for determination of this application.

**European Protected Species (bats):**

The proposals include the alteration of an existing building, including extensions to the roof structures of the buildings. Additionally, the Tree Protection Plan (Absolute Arboriculture, August 2024) shows two trees will be removed. Buildings and trees can both possess features suitable for use by roosting bats. Furthermore, aerial imagery shows the site is bordered by woodland, which is optimal habitat for use by bats. Therefore, we recommend a Preliminary Roost Assessment, which includes a Ground Level Tree Assessment for bats is undertaken to inform the impacts from the proposals. This assessment can be undertaken at any time of year. The results are required prior to determination.

To fully assess the impacts of the proposal the LPA need 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 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.

Mandatory Biodiversity Net Gain:

As of 2nd April 2024, all minor development, as defined under [Article 2 Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#), 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.

We have reviewed the Biodiversity Net Gain Report (EAS Ltd, September 2024). We are not satisfied there is sufficient baseline information available at the application stage. The submitted information does not include a copy of the metric spreadsheet or condition sheets (if relevant, depending on metric used). This information needs to be submitted with the application for review prior to determination.

Additionally, no biodiversity enhancement measures are identified in the documents provided. We recommend that, to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework December 2023, biodiversity enhancement measures will need to be provided.



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.

Please contact us with any queries.

Yours sincerely,

Hayley Dean ACIEEM MSc BSc (Hons)

Ecological Consultant

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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.