



8th April 2025

Katherine Williams
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.

Application: DM/25/0458
Location: 12 And 14 Eastern Road Haywards Heath West Sussex RH16 3NN
Proposal: Proposed demolition of existing lean to stores at the rear of each house and erection of two storey rear and side extensions with recessed balconies in order to enlarge the existing 4x flats. Loft conversions and roof extensions that include front dormers and rooflights. New dropped kerb and parking area to the front for 5 cars.

Dear Katherine

Thank you for consulting Place Services on the above application.

Recommended Temporary 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	

Summary

We have reviewed the documents supplied by the applicant, but unfortunately there is an absence of ecological information included with the application to help assess the potential impacts on ecology by the development. We highlight that the biodiversity net gain information provided relates to habitats and not to protected species.

In addition, we have reviewed the Pre-Development and Post Development Plans (submitted 25th February 2025), Biodiversity Gain Plans (February 2025) and Biodiversity Net Gain Statement (February 2025), relating to securing mandatory biodiversity net gains.



We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on bats and mandatory biodiversity net gain is provided prior to determination. The reasons for this are outlined below:

European Protected Species - bats

We note from the Design and Access Statement (Tim Deacon Architect, February 2025) that an existing rear lean-to store will be removed and that there will be demolition within the house, including chimney breasts on the second floor (Proposed Second Floor Plans & Section A-A Drg No. 183.PL.04 (Wooton & Bean, February 2025). Therefore a Preliminary Roost Assessment is required to inform the need for further assessment. This is because bats may be present and affected by the works.

All bat species are designated and protected as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). This means that it is an offence to deliberately kill, injure, disturb or capture bats and to damage or destroy bat breeding sites and resting places (including access points even when bats are not present). It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly disturb bats while they occupy a structure or place used for shelter or protection or to obstruct their access. This is considered a reasonable request as bats may be present and affected by the development, given that there are trees onsite. This request for information is justified, and therefore reasonable, as protected species are a material consideration for planning.

It is therefore reasonable for a suitably qualified ecologist to undertake a Preliminary Roost Assessment for bats in accordance with 4th Ed. Bat Survey Guidelines for Professional Ecologists BCT (Collins ed., 2023). This assessment can be undertaken at any time of the year and the results need to be submitted to the LPA together with full details of any mitigation and compensation required to avoid an offence. This is in accordance with [Government Standing Advice](#).

The results of the above surveys for bats is therefore required prior to determination because paragraph 99 of 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 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.

Biodiversity Net Gain

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 thePre-Development and Post Development Plans (submitted 25th February 2025), Biodiversity Gain Plans (February 2025) and Biodiversity Net Gain Statement (February 2025), and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The application is not supported by a Statutory Biodiversity Metric – Calculation Tool (Excel version) or accompanying condition assessment. This is required to ensure that ensure that the habitats within the pre-development baseline have been recorded appropriately.

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 should be outlined within a separate Biodiversity Enhancement

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](#).

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

Please contact us with any queries.

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.