



16th January 2024

Susan Dubberley
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/24/3077
Location: Sussex House Perrymount Road Haywards Heath West Sussex RH16 1DN
Proposal: Demolition of the existing buildings and construction of a new food store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works

Dear Sue

Thank you for consulting Place Services on the above application.

Temporary Holding Objection pending further information on European Protected Species (Hazel Dormouse)	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

Summary

We have reviewed the Ecological Impact Assessment Revision 1 (ECOSA, November 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

In addition, we have reviewed the submitted Biodiversity Net Gain Design Stage Report (ECOSA, December 2024) and Statutory Biodiversity Metric (ECOSA, November 2024) relating to mandatory biodiversity net gains.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results for Hazel Dormouse are required to make this proposal acceptable prior to determination. The reasons for this are outlined below:



European Protected Species – Hazel Dormouse

We note from the Ecological Impact Assessment Revision 1 (ECOSA, November 2024) that nine European Protected Species Mitigation Licences have been granted for Hazel Dormouse within 2km of the site, there are an additional five records for this species within 2km of the site and there is suitable habitat in the line of trees on the eastern boundary to support this species. Although it appears from the submitted documents that this line of trees will be retained, there may be accidental damage to the trees during works (Section 5.4.1 Ecological Impact Assessment Revision 1 (ECOSA, November 2024)).

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for Hazel Dormouse, European Protected Species. These surveys are required prior to determination because [Government Standing Advice](#) says you should ask for a survey if:

- distribution and historical records suggest dormice may be present
- the development will affect an area of woodland, hedgerow or scrub suitable for dormice

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 will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Additional comments

We note from the Ecological Impact Assessment Revision 1 (ECOSA, November 2024) that no evidence of roosting bats was recorded in Buildings B1 (convenience store) and B3 (office). Building B2 (showroom) and the trees onsite have negligible bat roost potential. We therefore agree that no further surveys for bats are required.

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](#).



With regard to mandatory biodiversity net gains, it is highlighted that we support the Biodiversity Net Gain Design Stage Report (ECOSA, December 2024) and Statutory Biodiversity Metric (ECOSA, November 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.

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#).

We also 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 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 overcome our holding objection.

Please contact us with any queries.

Yours sincerely,

Genevieve Broad MCIEEM MSc 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.