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Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Our ref: 12460
Date: 21 January 2026

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.

Application: DM/25/3059
Location: Badgers Brook London Road Bolney Haywards Heath
Proposal: Demolition of existing dwelling and commercial building, with the erection of 4 x 4 Bedroomed Houses and 2 x 5 Bedroomed Houses

Thank you for consulting Place Services on the above application.

No ecological objection	<input type="checkbox"/>
Recommend approval subject to attached conditions	<input type="checkbox"/>
Further information required/Temporary holding objection: <ul style="list-style-type: none">• European Protected Species (bats)• Mandatory Biodiversity Net Gain	<input checked="" type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	<input type="checkbox"/>

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. Unfortunately, no information has been submitted in relation to ecology, other than that for Biodiversity Net Gain.

We have also reviewed the information submitted relating to mandatory biodiversity net gains, including the Biodiversity Net Gain Statement (DPS Sussex Ltd., November 2025), Biodiversity Gain Plan (DPS Sussex Ltd., November 2025) and Pre-Development Baseline Map and Post-Development Map.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation and enhancement measures are required to make this proposal acceptable. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

European Protected Species: bats

We note from the Design and Access Statement (DPS Architectural Consultants, submitted November 2025) that the existing bungalow and commercial building will be demolished. Therefore, an assessment of the impact on roosting bats needs to be made. In addition, the proposal includes the removal of four trees (T2 Common Ash, T7 Unknown, T9 Common Oak and T14 Common), a group of trees (G4), the partial removal of a group of trees (G2) and some pruning work (G3, G5 and T4 Wild Cherry). Therefore, a Ground Level Tree Assessment (GLTA) for Potential Roost Features (PRFs) for bats is required. We highlight that appropriate compensation will be required in advance of works for any trees with PRFs for individual bats to avoid loss of roost resource (Reason and Wray (2023) UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.1. Chartered Institute of Ecology and Environmental Management). We also highlight that a non-licensed Precautionary Working Method Statement would be required prior to works which includes inspection of any affected trees by endoscope on the day and felling under the supervision of a licensed bat ecologist, as required in Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023). If any trees have PRFS for multiple bats, then further assessment would be required.

We note that Section 6 of the Design and Access Statement (DPS Architectural Consultants, submitted November 2025) states that an ecological consultancy has been instructed to carry out a comprehensive report, but this does not appear to have been submitted.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, which are 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.

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.

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 Biodiversity Net Gain Statement (DPS Sussex Ltd., November 2025), Biodiversity Gain Plan (DPS Sussex Ltd., November 2025) and Pre-Development Baseline Map and Post-Development Map 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 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.

Please note that if the Statutory Biodiversity Metric – Calculation Tool is submitted (rather than the Small Site Metric), a condition assessment will be required for the ‘Other woodland; Broadleaved’.

As mandatory biodiversity net gains applies, 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. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan prior to commencement, which includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government’s template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) 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](#). However, Mid Sussex have a position that significant on-site enhancements will not apply for minor development, so habitat creation / enhancement will not need to be monitored by the Council for a period of 30 years.

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 if you have any queries in relation to this advice.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
Senior Ecological Consultant
 Place Services at Essex County Council



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.

