



5<sup>th</sup> December 2024

Steve Ashdown  
Mid Sussex District Council  
Oaklands Road  
Haywards Heath  
RH16 1SS

By email only

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*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.*

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**Application:** DM/23/2866  
**Location:** Land East Of Ansty Way Cuckfield Bypass Cuckfield West Sussex  
**Proposal:** **Outline planning application (All matters reserved except for access) for the redevelopment of land to the east of Ansty to create a new Garden Community, comprising of the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (C2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces, and landscaping. (Additional information received on 8th November 2024).**

Dear Steve

Thank you for re-consulting Place Services on the above outline application.

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 following documents, relating to the likely impacts of development on designated sites, protected and Priority species & habitats, with identification of appropriate mitigation measures and Biodiversity Net Gain:

- Biodiversity Impact Calculation (The Ecology Co-op, October 2023) submitted November 2024 as a separate document. Already included in the ES Volume 4 Part 1 – 9 November 2023 Appendix G: Ecological Impact Assessment (Ecologic, October 2023)



- Volume 4 November 2023 Appendix G: Ecology and Biodiversity Ecological Impact Assessment (The Ecology Co-op, October 2023),
- Appendix G2: Bat trapping and Radiotracking Report (Temple Group Ltd., February 2023),
- ES 3 (EcoLogic LLP (undated),
- Appendix 6 Proposed Management Action Plan (EcoLogic LLP (February 2023))
- Volume 2 Chapter 2: The Site (Temple Group Ltd., November 2023)
- Habitat & Ecological Restoration Management Plan Rev A, (Tadorna Consulting Ltd., March 2023)
- Biodiversity Impact Calculation - Habitat & Ecological Restoration Management Plan Rev A, (Tadorna Consulting Ltd., March 2023)
- Non-Technical Summary (Temple Group Ltd., November 2023)
- Volume 2 Chapter 11: Ecology and Biodiversity (Temple Group Ltd., November 2023)
- Volume 2: Main Text (Temple Group Ltd., November 2023)

We note this application is related to outline planning application DM/23/2867 which refers to the creation of the Beechy Bottom Parkland Reserve. We note the submitted Biodiversity Chapter of the Environmental Statement includes separate ecological reports for both application sites. We have only reviewed the ecological documents relevant to this site, please see our submitted comments in relation to the ecological documents submitted with related application DM/23/2867.

We are still not satisfied that there is sufficient ecological information available for determination of this application. As noted in our response dated 22<sup>nd</sup> December 2023, ES Volume 4 November 2023 Appendix G: Ecology and Biodiversity Ecological Impact Assessment (The Ecology Co-op, October 2023) states that Hazel Dormouse is present in areas of woodland, scrub and trees, particularly on the northern boundary, and therefore a European Protected Species Mitigation Licence (EPSML) will be required. Although recommendations for compensation have been included in section 5.6.4 of the ES Volume 4 November 2023 Appendix G: Ecology and Biodiversity Ecological Impact Assessment (The Ecology Co-op, October 2023), outline details of the mitigation measures to inform the EPSML method statement must be submitted to the LPA for review prior to determination so that the LPA has certainty of likely impacts on protected species.

The outline mitigation measures for Hazel Dormouse to support a lawful decision need to be submitted to the LPA, according to [Government Standing Advice](#).

To fully assess the impacts of the proposal the LPA needs additional ecological information for the site, particularly for Hazel Dormouse, which are European Protected Species.

The mitigation measures 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 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**

As noted in our response dated 22<sup>nd</sup> December 2023, we welcome the indicated Biodiversity Net Gain of 18.04% (Biodiversity Impact Calculation) and a small net gain of 0.89% in Linear Units. However, the assessment has still not been submitted with the corresponding full Defra Metric Excel spreadsheet to enable proper review of the results. We acknowledge that mandatory Biodiversity Net Gain does not apply to this application as it pre-dates the introduction of mandatory BNG on 12<sup>th</sup> February 2024.

We welcome the submission of the Biodiversity Impact Calculation (The Ecology Co-op, October 2023) submitted November 2024 as a separate document as this now refers correctly to the Ansty Garden Community rather than the Beechy Bottom Parkland Reserve as shown in the ES Volume 4 Part 1 – 9 November 2023 Appendix G: Ecological Impact Assessment (Ecologic, October 2023).

### **Additional Comments**

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

### **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.