



22 December 2023

Steve Ashdown
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 Steve

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

Thank you for 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 elements of the Environmental Statement, supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, with identification of proportionate mitigation:



- 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 are not satisfied that there is sufficient ecological information available for determination of this application as we note from ES Volume 4 November 2023 Appendix G: Ecology and Biodiversity Ecological Impact Assessment (The Ecology Co-op, October 2023) 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 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

We welcome the indicated Biodiversity Net Gain of 18.04% (Biodiversity Impact Calculation). However, we request that the Defra Metric Excel spreadsheet is submitted to enable a full review of these calculations.



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 note that we have been instructed to leave comments on Great Crested Newt 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)

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.