



24th March 2025

Steven King
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/25/0016
Location: Land West Of Turners Hill Road And North Of Huntsland Turners Hill Road Crawley Down West Sussex
Proposal: Outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 150 dwellings, a 65 bed care home, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works

Dear Steve

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

Holding Objection pending further information on European Protected Species (bats) and mandatory biodiversity net gains	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

Summary

We have reviewed the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) and Confidential Appendix: Badger Survey Results and Assessment (Aspect Ecology, December 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats, and identification of appropriate mitigation measures.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This



includes the Statutory Biodiversity Metric (January 2025) and Biodiversity Net Gain Assessment (Aspect Ecology January 2025).

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on bats is provided prior to determination. 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 Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) that the following trees require further assessment (FAR) or have Potential Roost Features for multiple bats (PRFs-M). We highlight that this assessment must be undertaken in accordance with 4th Ed. Bat Survey Guidelines Collins ed. (Bat Conservation Trust, 2023) and should take place prior to determination in accordance with [Government Standing Advice](#):

T1 (5163) Oak PRF-M
T7 (713) Ash FAR
T9 (5357) Oak FAR
T10 (5346) Oak FAR
T14 (1068) Oak PRF-M
T15 (4720) Oak FAR
T16 (2744) Oak PRF-M
T17 (2743) Oak PRF-M
T18 (6000) Oak PRF-M
T19 (858) Oak FAR
T22 (3268) Ash PRF-M
T23 (3267) Ash PRF-M
TG24 (3261-3265) Ash FAR
TG25 (3259-3260) Ash PRF-M
TG26 (G54) Willow, Birch, Ash FAR
TG28 Various FAR
T30 (5164) Oak FAR
T31 (5160) Oak FAR
Other woodland and trees FAR

However, Section 5.3.19 of the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) states that trees T16, T17 and T18 will be retained. We therefore request clarification as to which of these trees will be removed during the development. We highlight that these further assessments must be undertaken in accordance with the guidelines to establish whether potential roost features (PRFs) for individual (PRF-Is) or multiple (PRF-Ms) bats are present and the results need to be submitted to the LPA prior to determination. It is not lawful for these assessments of PRFs for bats to be left to Reserved Matters stage.

For the trees where only PRF-Is are present, then no surveys are needed, but appropriate compensation would be required in advance of works 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). In addition, the trees must be inspected by endoscope on the day and felled under the supervision of a licensed bat ecologist under a non-licensed Precautionary Working Method Statement for bats (Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)). This non-licensed Precautionary Working Method Statement for bats should be secured by a condition of any consent and implemented in full.

Where PRFs-M are present, further assessment will be required during aerial inspections if the trees are to be removed. We also understand from Section 6.1.1 of the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) that trees will be removed from woodland W8 and W13 and climbing inspections will be undertaken if necessary. Therefore, we request clarification as to which trees will be removed during the development and highlight again that these inspections must take place prior to determination to give the LPA certainty of likely impacts on protected species in order to make a lawful decision and must not be left to Reserved Matters stage.

The results of the further tree assessments for Potential Roost Features for bats 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.

See Appeal Decisions Ref: APP/D3830/W/23/3320110 Land North of Staplefield Road, Slaugham, Haywards Heath RH17 6AG and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

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



Mandatory Biodiversity Net Gain (BNG)

As of 12th February 2024, all major development, as defined under [Article 2 Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#), is 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 Statutory Biodiversity Metric (January 2025) and Biodiversity Net Gain Assessment (Aspect Ecology January 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The submitted Statutory Biodiversity Metric – Calculation Tool is not accompanied by condition assessment. This is required to ensure that the habitats within the pre-development baseline have been recorded appropriately.

Therefore, we are not satisfied that sufficient information is available for determination until further the condition assessments have been provided.

In addition, post development, we query the ability to make lowland mixed deciduous grassland and recommend some justification over the creation of other broadleaved woodland. Similarly we request further details of creating traditional orchard, a specific Priority habitat. We highlight that tall forbs cannot be enhanced to grassland as these are not the same broad habitat type, this would be creation and not enhancement.

As mandatory BNG applies, it is highlighted that 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](#). As a result, government have recommended that it is not included in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be implemented via a separate section of the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the finalised full Small Sites Metrics or Statutory Biodiversity Metric – Calculation Tool.

In addition, a [Habitat Management and Monitoring Plan](#) should be secured for all [significant on-site enhancements](#), as well as off-site enhancements. This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent



for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Additional comments

We note from the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) that all buildings are located outside of the red line boundary and therefore agree that no bat surveys are required for the buildings.

We note that there are no records of Hazel Dormouse within 2km of the site and that Hazel Dormouse surveys undertaken in 2022 and 2023 found no evidence of this species (Ecological Appraisal (Aspect Ecology, January 2025)). Therefore we agree that no further surveys for Hazel Dormouse are required.

Although Grass Snake was recorded in 2023 in the southern area, this species was not recorded within this application boundary. Therefore, we support the Precautionary Method Statement for mobile protected species in Section 6.1.8 of the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025)). including reptiles and Hedgehog (which is a Priority and threatened species), which should be secured by a condition of any consent and implemented in full.

We support the implementation of a 15m buffer zone between the development and ancient woodlands W9 and W10 in accordance with [Government Standing Advice](#), and the planting of thorny species, including Hawthorn, Blackthorn and Holly, together with fencing and signage, to discourage access to the ancient woodland (Section 4.7.6 of the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025)).

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by [Guidance Note:08/23 \(Institute of Lighting Professionals\)](#) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.



- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

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 should be secured by a condition of any consent.

Please note that 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 support a lawful decision and 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.