



5th February 2025

Caroline Grist
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/24/2799
Location: Land At Caldyne Park Wallage Lane Rowfant Crawley West Sussex RH10 4NQ
Proposal: Proposed new 4 bedroom dwelling. (Further ecology information received 06.01.2025)

Dear Caroline

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

Recommended Temporary Holding Objecton pending further information on European Protected Species (Hazel Dormouse), Irreplaceable Habitat (ancient woodland) and mandatory Biodiversity Net Gains	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

Summary

We have reviewed the Response to Ecologist's Comments (DD Architects, January 2025), Bat Survey Report (Verdant Ecology, January 2024), Dormouse Survey Report (Verdant Ecology, January 2024), Ecology/Arboricultural Summary (January 2024), Reptile Survey and Mitigation Report (Verdant Ecology, January 2024) and Ecological Scoping Study (Calumma Ecological Services, May 2014), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. We note that the Desktop Biodiversity Report (Sussex Biodiversity Record Centre, April 2014) was submitted on 6th January 2025.

We have also reviewed the Statutory Biodiversity Metric (DD Architects, November 2024) and BNG Statement (November 2024).

We are still not satisfied that there is sufficient ecological information available for determination. This is because we highlight that the Ecological Scoping Study (Calumma Ecological Services, May 2014),



submitted on 6th January 2025, is out of date to support this application, in line with CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. This is because the initial site walkover was undertaken in April 2014. In addition, the Desktop Biodiversity Report (Sussex Biodiversity Record Centre, April 2014) is similarly out of date to support this application and should be interpreted by a suitably qualified ecologist.

We note that the Ecological Scoping Study (Calumma Ecological Services, May 2014) recommended the following surveys in addition to those for reptiles and Hazel Dormouse, which have been undertaken:

- a full botanical survey to identify rare plants within the ancient woodland
- surveys to identify potential roost habitat for bats, although it appears from the submitted documents that no trees are being removed for the current application.

Further information is still required on European Protected Species (Hazel Dormouse) and Irreplaceable Habitat (ancient woodland) as outlined below:

European Protected Species - Hazel Dormouse:

As stated in our response dated 20th December, we recommend the implementation of a non-licensed Precautionary Method Statement for Hazel Dormouse in accordance with [Government Standing Advice](#). This is because the Dormouse Survey Report (Verdant Ecology, January 2024) states that the site offers suitable habitat for Hazel Dormouse and is surrounded by ancient woodland. We highlight that the outline measures for this should be prepared by a suitably qualified ecologist and submitted to the LPA prior to determination. This should then be secured by a condition of any consent.

The outline mitigation measures for Hazel Dormouse are required prior to determination because paragraph 99 of 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.

Ancient Woodland – Irreplaceable Habitat:

We note from the Proposed Site Plan Drawing No. 1608-SK20 Revision B (DD Architects, January 2021) that access to the site will be through ancient woodland (Irreplaceable Habitat) and that there are plans to plant within ancient woodland on the southwest boundary. We also note from the Ecology/Arboricultural Summary (January 2024) that the previously cleared areas were de-designated by Natural England in 2020. However, we highlight that assessment should be made of impacts that the development may cause to the ancient woodland by a suitably qualified ecologist in accordance with

¹ CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>



[Government Standing Advice](#), together with details of appropriate mitigation measures. These should be submitted to the LPA prior to determination.

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 Statutory Biodiversity Metric (DD Architects, November 2024) and BNG Statement (November 2024) 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.
- A habitat map of the pre-development baseline has not been supplied in line with the Biodiversity Net Gain PPG. This should ideally be in line with UK Habitats Classification v2 criteria.
- The BNG calculations should be completed by 'a competent person'. The guidance indicates that a 'competent person' is an individual being able to confidently identify the positive and negative indicator species for the range of habitats likely to occur in a given geographic location at the time of year the survey is undertaken. Therefore, we request that a competency statement should be submitted to the LPA.

We note that 1.69ha of ancient woodland is included in the calculations and is shown as being enhanced. We recommend that the BNG calculations are undertaken by a suitably qualified ecologist to ensure that the habitats are identified correctly and their condition has been appropriately identified.

Where 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, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).



- e) 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](#). The HMMP 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 – Protected and Priority species

European Protected Species – Bats

We understand from the Response to Ecologist's Comments (DD Architects, January 2025) that no trees will be removed and therefore agree that no further surveys for bats are required.

Reptiles and Common Toad

We agree that appropriate survey effort to establish the presence/likely absence of reptiles has been undertaken (Reptile Survey and Mitigation Report (Verdant Ecology, January 2024)). However, as the site is suitable for reptiles, and Common Toad was recorded onsite, we recommend the implementation of a Precautionary Method Statement for mobile protected species. This should be secured by a condition of any consent and implemented in full.

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](#).

Additional comments – Bespoke biodiversity enhancements:

We recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented 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 Strategy 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 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

Place Services at Essex County Council

placeservicesecology@essex.gov.uk



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.