



4th January 2024

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/23/2867

Location: Land East Of Ansty Way Cuckfield Bypass Cuckfield West Sussex

Proposal: Change of use of farmland and woodland to parkland reserve to include public access and instigation of long-term management and rewilding regime, including establishment of pedestrian and cycle tracks, with new pedestrian and cycle access points off Cuckfield Road to the south and Staplefield Road to the north. Proposals to include the addition of two wooden viewing platforms and two hides. Sports pitches at Beech Farm Field to remain in sports use.

Thank you for consulting Place Services on the above application.

Holding Objection pending further information on European Protected Species (Bats)	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

Summary

We have reviewed the following documents supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, with identification of proportionate mitigation:

- Site Location Plan (Fairfax, Rev P01);
- Detailed Masterplan (Fairfax, Rev P04);
- Design and Access Statement (Fairfax, November 2023);



- ES Volume 2 Chapter 11: Ecology and Biodiversity (Temple Group Ltd., November 2023);
- ES Volume 4 Part 1 – 9 November 2023 Appendix G: Ecological Impact Assessment (Ecologic, October 2023).

This application is related to the Antsy Garden Community application DM/23/2866. 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/23/2866.

We are not satisfied that there is sufficient ecological information available for determination of this application. Further information relating bats prior to determination so that the LPA has certainty of likely impacts on protected species, see specific comments relating to bats below.

Bats:

The site provides high quality habitat for use by foraging, commuting and roosting bats. There is one building present on site, the EcIA states it supported a large number of bat roost features. The document states *“A single degraded bat dropping was recorded lying on the edge of the southern facing open area within the building... It is considered highly likely that the building supports unknown numbers of roosting crevice dwelling bat species including both day and night roosting.”* The document has assessed the building as *“no more than Parish Importance for roosting bats,”* without further bat surveys we are not satisfied there is sufficient information to support this statement regarding the level of importance assigned. The EcIA states the building will not be impacted by the proposals, however, the Habitat & Ecological Restoration Management Plan states *“The only building on Site, a 19th century barn located on the edge of Grassland Compartment E is to be partially converted for the use by the proposed ranger. It is envisaged that the building will be utilised as an office and as a store and will also act as a hub for visitors with a sheltered area for people to eat.”* Therefore, if the barn is proposed to be impacted, further information to provide certainty regarding the type of bat roost occupying the building is required prior to determination in order to inform a European Protected Species Mitigation Licence.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats are a European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should and *“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 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.

**Biodiversity Net Gain:**

We have reviewed Appendix G4 of Volume 4 of the ES which refers to Biodiversity Net Gain across both application sites. Whilst we welcome the indicated Biodiversity Net Gain of 18.04% in Habitat Units and a small net gain of 0.89% in Linear Units, the assessment has not been submitted with the corresponding full Defra Metric Excel spreadsheet to enable proper review of the results. We recommend the Defra Metric Excel spreadsheet is submitted for review.

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

Hayley Dean ACIEEM 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.