



23rd December 2024

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.

Dear Caroline

Thank you for consulting Place Services on the above application.

Recommended Temporary Holding Objection pending further information on European Protected Species (bats and 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 Bat Survey Report (Verdant Ecology, January 2024), Dormouse Survey Report (Verdant Ecology, January 2024), Ecology/Arboricultural Summary (January 2024) and Reptile Survey and Mitigation Report (Verdant Ecology, January 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We are not satisfied that there is sufficient ecological information available for determination. This is because further information is required on European Protected Species (bats and Hazel Dormouse) and Irreplaceable Habitat (ancient woodland). The reasons for this are outlined below:

European Protected Species – Bats

It is not clear from the Bat Survey Report (Verdant Ecology, January 2024) if Ground Level Tree Assessment for roosting bats has been undertaken in accordance with the 4th Ed. Bat Surveys for Professional Ecologists



Bat Conservation Trust (Collins ed., 2023). The report identifies that the development must be designed to retain trees with bat roost potential, but the design cannot be left to a later stage, we recommend that the details are clarified and submitted to the LPA prior to determination in accordance with [Government Standing Advice](#).

European Protected Species - Hazel Dormouse

We agree that appropriate survey effort to establish the presence/likely absence of Hazel Dormouse has been undertaken (Dormouse Survey Report (Verdant Ecology, January 2024). However, as 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 recommend the implementation of a non-licensed Precautionary Method Statement for Hazel Dormouse in accordance with [Government Standing Advice](#). The outline measures for this should be submitted to the LPA prior to determination and should be secured by a condition of any consent.

The results of the assessments for roosting bats and 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

The site is surrounded by ancient woodland, which is Irreplaceable Habitat (Compasses Wood) ([MAGIC maps](#)), although we 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 in accordance with [Government Standing Advice](#) and details of appropriate mitigation measures identified and 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 Biodiversity Net Gain Statement and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The application is not supported by a Statutory Biodiversity Metric – Calculation Tool (Excel version) or accompanying 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.

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

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 Biodiversity Enhancement Strategy and secured by a condition of any consent for discharge prior to slab level.

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

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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.