



14th November 2024

Joseph Swift
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/23/2610
Location: Land South Of Hanlye Lane Longacre Crescent Cuckfield West Sussex
Proposal: Residential development of 55 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works

Dear Joe,

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

Holding Objection pending further information	
No ecological objection	
Recommended Approval subject to attached conditions	Yes
Recommended Discharge of condition	

Summary

We have reviewed the Agent Response (23rd October 2024), Agent Response (Urban Edge Environmental Consulting, 30th September 2024), Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), Confidential Technical Note – Badger Survey (Urban Edge Environmental Consulting, June 2024), Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024) and Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, October 2023) supplied by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of proportionate mitigation.



We have also reviewed the information submitted to meet the requirements of mandatory biodiversity net gains. This includes the Statutory Biodiversity Metric (June 2024) and Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, June 2024).

We note from the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024) that no roosting bats were recorded using tree TN1 (Black Pine), which is due to be removed. We therefore agree that no further surveys for bats are required for this tree. We also understand from the Agent Response (Urban Edge Environmental Consulting, 30th September 2024) that all trees with bat roost potential will be retained. We therefore agree that no further surveys are required for bats.

We also note from the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024) that a European Protected Species Mitigation Licence for Hazel Dormouse will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. We support the outline mitigation measures in Section 5.2.15 of the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024).

We also support the recommendation in the Confidential Technical Note – Badger Survey (Urban Edge Environmental Consulting, June 2024) for a pre-commencement check prior to commencement of works.

We also support the outline measures for the Reptile Mitigation Strategy in Section 5.2.17 of the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024). We understand that the receptor site will be located within the southern boundary field and is considered suitable with sufficient carrying capacity for the translocation. The Reptile Mitigation Strategy should be secured by a condition of any consent and implemented in full.

We understand that there were no records for Brown Hairstreak butterfly during the invertebrate survey, although we welcome the incorporation of habitat management for this species in Sections 5.2.9 to 5.2.12 of the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024). We understand from the Agent Response (Urban Edge Environmental Consulting, 30th September 2024) that the majority of habitat suitable for Purple Emperor butterfly, including mature Oak trees, will be retained and buffered. We also understand that the deadwood habitat for Stag beetle around the edges of the site, particularly on the southern boundary, will be retained and protected. We therefore agree that no further surveys are required for these species.

We note that ancient woodland (irreplaceable habitat) lies adjacent to the south and the east of the site (Horsgate West and Horsgate East respectively). We welcome the installation of a c 125m buffer between the works and the woodlands (Table 6.1 Section 6.3 of the Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024). This is in accordance with [Government Standing Advice](#) which recommends a buffer of at least 15m between any works and an ancient woodland.

We are satisfied that there is sufficient ecological information available for determination of this application. We have no objections on ecological matters excluding Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the [NatureSpace Partnership](#).



This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), Confidential Technical Note – Badger Survey (Urban Edge Environmental Consulting, June 2024), Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species, particularly those recorded in the locality. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024) 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.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Biodiversity Metric (June 2024) and Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, June 2024). We note that there will be a net loss of -34.39% for habitat units, but we understand that the BNG Letter (Batcheller Monkhouse, 9th October 2024) confirms the availability of Biodiversity Net Gain Units at Beeches Farm Ecosystems Ltd., within the High Weald National Character Area and that this is acceptable to the LPA. Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- 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.

We also support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), Confidential Technical Note – Badger Survey (Urban Edge Environmental Consulting, June 2024), Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Reptile Mitigation Strategy in Section 5.2.17 of the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), which avoids impacts on protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).



2. ACTION REQUIRED: SUBMISSION OF A COPY OF THE EPS LICENCE FOR HAZEL DORMOUSE

"Any works which will impact the breeding / resting place of Hazel Dormouse shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."*

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

3. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

4. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*



- b) *detailed designs to achieve stated objectives;*
- c) *locations of proposed enhancement measures by appropriate maps and plans;*
- d) *persons responsible for implementing the enhancement measures;*
- e) *details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended).

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

Biodiversity Gain condition

Natural England advises that 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](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

Local planning authority are strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

"Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and*



(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

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.