

19 March 2024

Stuart Malcolm
 Mid Sussex District Council
 Oaklands Road
 Haywards Heath
 RH16 1SS

By email only

Thank you for requesting advice on this outline 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 Stuart

Application: DM/24/0446
Location: Land Off Scamps Hill Scaynes Hill Road Lindfield West Sussex
Proposal: The erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

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

Temporary Holding Objection pending further information on European Protected Species (bats, Hazel Dormouse, Otter) and protected species (Water Vole, reptiles, breeding birds)	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

Summary

We have reviewed the Ecological Appraisal (FPCR Environment and Design Ltd., February 2024) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, with identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application as we note that, following a single automated survey for bats in October 2023, the Ecological Appraisal (FPCR Environment and Design Ltd., February 2024) recommends that



monthly surveys for bats should be undertaken to inform mitigation and enhancement recommendations. The results of the survey, including any mitigation and enhancement measures required to make this proposal acceptable, should be provided to the LPA according to [Government Standing Advice](#).

In addition, the Ecological Appraisal (FPCR Environment and Design Ltd., February 2024) recommends a presence/likely absence survey for Hazel Dormouse, with dormouse tubes to be checked each month between May and October. This is because the blackthorn and bramble scrub and hedgerows within the site have the potential to support Hazel Dormouse and there are several nearby records for the species (Ecological Appraisal (FPCR Environment and Design Ltd., February 2024)). This is in accordance with [Government Standing Advice](#).

The Ecological Appraisal (FPCR Environment and Design Ltd., February 2024) also recommends a further two surveys for Otter (European Protected Species) and Water Vole (protected species). This is because there are potential impacts to Scrase Stream and there is a record for Water Vole within 1km of the site (Ecological Appraisal (FPCR Environment and Design Ltd., February 2024)). This is in accordance with Government Standing Advice for [Otter](#) and [Water Vole](#).

In addition, the Ecological Appraisal (FPCR Environment and Design Ltd., February 2024) recommends that a reptile presence/absence survey should be undertaken between April and October. This is because there is suitable habitat for reptiles on site, including grassland, woodland edges, scrub and hedgerows and there are records for Grass Snake and Common Lizard within 1km of the site (Ecological Appraisal (FPCR Environment and Design Ltd., February 2024)). Reptiles are protected from killing and injury (schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Priority species under Section 41 of the Natural Environment and Rural Communities Act (2006) (see [Government Standing Advice for reptiles](#)).

The Ecological Appraisal (FPCR Environment and Design Ltd., February 2024) also recommends a full suite of breeding bird surveys are undertaken during six survey visits from mid-March to mid-July. The results of the survey, including any mitigation and enhancement measures required to make this proposal acceptable, should be provided to the LPA in accordance with [Government Standing Advice](#).

The results of the further surveys for bats, Hazel Dormouse, Otter, Water Vole, reptiles and breeding birds are required by the Local Planning Authority (LPA) before determination under paragraph 99 of the ODPM Circular 06/2005 which 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 further information is therefore required to provide the LPA with certainty of impacts on legally protected species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended).

We welcome the Biodiversity Net Gain Report in Appendix F of the Ecological Appraisal (FPCR Environment and Design Ltd., February 2024). However, please note that the Biodiversity metric Excel spreadsheet should also be submitted to the LPA so that the application can be fully reviewed.



Please note that we no longer provide comments on Great Crested Newt as we have been instructed to leave these to the [NatureSpace Partnership](#).

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

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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.