



30 August 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 re-consulting Place Services on the above outline application.

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

Summary

Further to our comments dated 19th March 2024, we have reviewed the Ecological Impact Assessment (Ecia) (FPCR Environment and Design Ltd., July 2024) and its appendices, supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats, with identification of proportionate mitigation and mandatory Biodiversity Net Gains.



We are still not satisfied that there is sufficient ecological information available for determination of this application.

European Protected Species (Hazel Dormouse & Otter) and protected species (Water vole):

The hedgerows, scrub and neighbouring woodland have the potential to support dormice. Surveys to date have not found any evidence of this species, but surveys will continue until October 2024 to achieve an adequate survey effort score. The results of the full suite of surveys are needed prior to determination to inform the need for mitigation and potentially a licence from Natural England. We acknowledge that if dormice are found to be present on site, as part of an EPS mitigation licence, all suitable vegetation removal will be undertaken following precautionary measures, that will also be outlined in a CEMP Biodiversity to be secured by a condition of any outline consent.

A survey of the Scrase Stream and Northland Brooks did not find any evidence of riparian mammals including Otter & Water vole). A second survey is scheduled for August 2024. The results of the second survey are needed prior to determination to inform the need for mitigation and potentially a licence from Natural England. However, we acknowledge that the proposals will provide significant buffers to Scrase Stream and Northland Brooks (both offsite within blue line land) so no direct impacts on riparian mammals are predicted.

The results of the further surveys for Hazel Dormouse, Otter and Water Vole are required by the Local Planning Authority (LPA) before determination under paragraphs 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).

Additional information:

Bats

We note that the EclA confirms that bat surveys have identified moderate levels of common and widespread bat species use the linear habitats on site, along with a single Barbastelle. No roosts are to be lost on site and those trees identified as having roosting bat potential will be retained and should be protected from any impacts. Most commuting and foraging habitats (hedgerows and tree lines) will be retained. However, a small section of hedgerow H1 will be lost, severing this corridor. Whilst hedgerow planting will compensate for the loss in the mid- to long-term, H1 will remain fragmented by the access road. Appendix F Bat Survey Report confirms that the static detector record for Barbastelle is not related to H1 so we are satisfied that evidenced foraging /commuting routes for this Appendix II species will not be severed. We support the recommendation for a wildlife sensitive lighting scheme secured by a condition of any outline consent. This should be supported by submission of a lux contour lighting plan produced by a qualified lighting engineer at Reserved Matters in consultation with an ecologist. The lighting scheme should meet the target Lux levels on the habitat features described in the impact assessment in the EclA (FPCR Environment and Design Ltd., July 2024), to ensure the features described remain accessible to light-sensitive bats.



Reptiles and breeding birds

A single grass snake was found in the north, indicating a low reptile population on site and the bird assemblage found using the site was made up of common and widespread species which are typical of grassland and edge-of-woodland habitat. The EclA (Table 5) states that there is, however, a risk that habitat removal will lead to killing or injury of individuals during the construction phase but no mitigation for construction is recommended. We advise that precautionary measures are included in the CEMP Biodiversity to be secured by a condition of any outline consent.

BNG:

We welcome the Biodiversity Net Gain Report in Appendix M of the Ecological Appraisal (FPCR Environment and Design Ltd., July 2024). However, please note that the Biodiversity metric Excel spreadsheet should still also be submitted to the LPA - it does not appear on the planning portal - so that the baseline assessment for this application can be fully reviewed.

We look forward to working with the LPA and the applicant to receive the additional information required on protected species to overcome our holding objection to support a decision.

Please contact us with any queries.

Yours sincerely

Sue Hooton CEnv MCIEEM BSc (Hons)

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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.