

Ecology Statement of Common Ground

Mid Sussex District Council

And

Gladman Developments Ltd

Land off Scamps Hill Road, Lindfield, West Sussex RH16 2GT

7th January 2025

PINS Ref: APP/D3830/W/24/3350075

LPA Ref: DM/24/0446

CONTENTS

1.0 INTRODUCTION1

2.0 POINTS OF AGREEMENT3

3.0 CONDITIONS5

4.0 CONCLUSIONS5

5.0 CONFIRMATION SIGNATURES6

Referenced Documents:

CD1	Application Documents
1.9	Ecological Appraisal
CD2	Additional & amended Reports submitted after validation
2.1	Lindfield Biodiversity Metric Calculation Tool
2.3	Ecological Impact Assessment Rev A
CD4	Consultation Responses
4.3	04.04.24 MSDC Newt Consultant
4.13	19.03.24 Ecology
	Post Appeal Submission
4.31	30.08.24 Place Services Ecology
CD10	Ecology
10.1	Letter to Place Services (08.10.24)
10.2	Email from Gen Broad to Suzanne Mansfield (10.10.24)
10.3	Email from Suzanne Mansfield to Gen Broad (14.10.24)
10.4	Dormouse Outline Mitigation Strategy (16.10.24)
10.5	Email from Gen Broad to Suzanne Mansfield and Stuart Malcolm (17.10.24)

Rev	Issue Status	Prepared / Date	Approved / Date
	Draft	AU / 19.11.24	SMM/20.11.24
A		AU / 27.11.24	SMM/27.11.24
B		AU / 06.01.25	SMM / 06.01.25

1.0 INTRODUCTION

1.0 This Ecology Statement of Common Ground (ESoCG) relates to a Town and Country Planning Act 1990 Section 78 Planning Appeal lodged by Gladman Development Ltd following the failure of Mid Sussex Borough Council to determine an outline planning application within the statutory period for 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 (Ref: DM/24/0446).

1.1 This ESoCG addresses Ecology only and for clarity, this document should be read in combination with the Planning SoCG prepared for the inquiry. FPCR are acting on behalf of Gladman Development Ltd and the contents of this ESoCG have been compiled following discussions with Place Services, advising on Ecology matters acting on behalf of Mid Sussex Council.

1.2 The Statement records the matters upon which the parties have agreed with the intention of avoiding the production of evidence by both parties in relation to ecology matters thus saving time and resources at the inquiry.

1.3 Mid Sussex District Council raised ecology reasons for refusal (RfR) as follows:

3) There is insufficient ecological information available on protected species for determination of this application. There is outstanding survey work on hazel dormice, otters, water voles and great crested newts (with no information either regarding the district licence on the great crested newts) meaning there is no certainty on the likely impacts from the development on these protected species. The application therefore conflicts with Policy DP38 of the District Plan and the NPPF.

4) In the absence of a signed legal agreement, the proposal fails to secure the required infrastructure contributions, the necessary affordable housing and the delivery and monitoring of the biodiversity net gain. The application therefore conflicts with Policies DP20, DP24, DP31 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions' and the NPPF.

1.4 The parties disagreed on the ecological impact of the proposed development. An Ecological Impact Assessment (CD2.3) was submitted to the Council seeking to address the matters outlined in the consultee response (CD4.13). Two subsequent holding objections from the Council's Ecology Consultants were received from Place Services (regarding general ecology matters) and NatureSpace (regarding Great Crested Newts).

1.5 Following correspondence with Place Services by email (CD10), the outstanding survey work requested on hazel dormice, otters and water voles and the current Statutory Biodiversity Metric has been provided and accepted. Furthermore, the scheme has made payment to enter the NatureSpace District Level Licence Scheme and subsequently been accepted.

1.6 Accordingly, and subject to the imposition of the relevant conditions, both parties consider agreement has been reached so that RfR 3) has been adequately addressed and will fall away. The Council wrote to the Planning Inspector on the 28th November 2024 confirming that, in light of the additional information provided by the appellant, they would no longer be pursuing the ecological reason for refusal.

1.7 Furthermore, subject to a signed and dated Section 106 Legal Agreement, that is acceptable to the Council, both parties consider that RfR 4), which includes reference to ecological matters, will also have been adequately addressed.

- 1.8 It is agreed that all on-site ecology matters are dealt with, and the survey work has demonstrated compliance with the National Planning Policy (NPPF, 2023) and planning policies within the Mid Sussex District Plan (2018), relating to ecology and the natural environment.

Site Context

- 1.9 The Appellant lodged an appeal against the Council's failure to determine the application within the prescribed period. The site is located on the south-west edge of the village of Lindfield, West Sussex. The survey area (red line boundary) measures approximately 6.6ha and is comprised of three grassland field compartments bounded by mature hedgerows and trees. This site is surrounded by residential development, woodland and agricultural land. Northlands Brook runs along the south-east boundary and Scrase Stream lies to the north. Scamps Hill Road demarcates the southern boundary and Little Walstead Wood (ancient woodland) demarcates the north-east boundary.

Survey Background

- 1.10 The Ecological surveys have been completed by FPCR Environment & Design Ltd. The surveys comprised a habitat survey including initial observations of suitable habitats for, or evidence of, protected or notable species undertaken in November 2020. This survey informed the need for specific species surveys completed during the 2021, 2023 and 2024 survey seasons. An updated habitat survey following the UKHAB methodology was also further completed in October 2023.

- 1.11 The ecological surveys have detailed the following:

- The site comprised three fields with species-poor neutral grassland bounded by mature hedgerows and tree lines. All hedgerows were habitats of principal importance (NERC S41). Small areas of scrub and scattered trees were also present.
- Some evidence of badger foraging has been identified on site, but no setts.
- Moderate levels of common and widespread bat species have been shown to use the linear habitats on site, along with a single barbastelle.
- 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.
- Three ponds and one ditch were located within 250m of the red line boundary; all of which returned negative eDNA results for great crested newts (GCN) in 2021.
- The hedgerows, scrub and neighbouring woodland have the potential to support dormice. Surveys were completed throughout 2024, and evidence of dormouse was confirmed by observation of a nest, during the October 2024 survey.
- A single grass snake was found in the north, indicating a low reptile population on site.
- Two surveys of the Scrase Stream and Northland Brooks, completed in May and August 2024 found no evidence of riparian mammals.
- The proposals provide a biodiversity net gain (BNG) of 13.55% for habitats and 19.7% for hedgerows, as demonstrated by the Statutory Metric.

2.0 POINTS OF AGREEMENT

Reason for Refusal (3):

3) There is insufficient ecological information available on protected species for determination of this application. There is outstanding survey work on hazel dormice, otters, water voles and great crested newts (with no information either regarding the district licence on the great crested newts) meaning there is no certainty on the likely impacts from the development on these protected species. The application therefore conflicts with Policy DP38 of the District Plan and the NPPF.

Hazel Dormouse

- 2.0 The final dormice survey was completed on 2nd October 2024 and a nest with an adult was confirmed, found on the northeastern boundary. The presence of dormouse on site has been considered throughout design of the scheme, particularly within the suitable habitats such as hedgerows. Measures have been taken to mitigate dormice through the retention and buffering of most of the hedgerow network. Although a small section of the southern boundary hedgerow will be lost for access onto Scamps Hill and within the central hedgerow for access between plots the losses have been compensated through the creation of native species-rich hedgerows on site and the enhancement of existing, maintaining connectivity around the site and with the wider landscape. Buffering of the ancient woodland to the northeast has been achieved through native shrub planting set within the POS. Considering the extensive landscaping provision within the GI, it is considered that an EPSL license will be possible, and this has been demonstrated through the provision of the Hazel Dormouse Outline Mitigation Strategy (CD10.4).
- 2.1 The council has considered the outstanding survey results, and the Dormouse Mitigation Strategy provided and is satisfied with the survey effort and mitigation proposals to overcome RfR 3) subject to being adequately secured through condition.

Riparian Mammals

- 2.2 No evidence of otter or water vole was observed during the initial survey undertaken on 30th May 2024, followed by a second survey undertaken on 7th August 2024 which also found no evidence. The section of Scrase Stream within the site is considered to be sub optimal habitat due to the presence of engineered bank sides and shallow water levels. A significant buffer has been provided between the built development and Scrase Stream. Whilst there will be an outfall from the proposed SUDs, this will be sensitively placed, with further surveys of the specific areas recommended at Reserved Matters.
- 2.3 The council has considered the outstanding survey results provided and is satisfied with the survey effort and mitigation proposals to overcome RfR 3) subject to being adequately secured through an appropriate condition.

Great Crested Newts (GCN)

- 2.4 eDNA surveys conducted in nearby ponds yielded negative results for GCN, and historical records indicated GCN occurrences >250m from the site boundary, separated by significant barriers to dispersal. However, feedback from the MSDC Newt Consultant (CD4.3) indicated that for the planning submission determination, it was essential to either update the eDNA results in accordance with CIEEM Guidelines or to engage with the NatureSpace District Licence Scheme. Although the likelihood of GCN presence on the site is assessed as very low, and a traditional European Protected Species Licence (EPSL) could be easily accommodated within the layout, the decision was made to proceed with the NatureSpace Licensing Scheme for efficiency. Payment has been processed, and NatureSpace has confirmed entry into the scheme through the provision of the NSP Report (the requisite report for planning determination).

- 2.5 The Council has accepted and is satisfied with the scheme's entry into the NatureSpace District Licensing, to overcome RfR 3) with regards to Great Crested Newts.

Reason for Refusal (4):

4) In the absence of a signed legal agreement, the proposal fails to secure the required infrastructure contributions, the necessary affordable housing and the delivery and monitoring of the biodiversity net gain. The application therefore conflicts with Policies DP20, DP24, DP31 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions' and the NPPF.

BNG Assessment & Delivery

- 2.6 The results of a Biodiversity Net Gain Assessment (CD2.1) have been submitted and reviewed by Place Services and are contained in the submitted Ecological Impact Assessment (Rev A July 2024). The indicative proposals have been assessed using the Statutory Biodiversity Metric tool and this has demonstrated that the proposals (as detailed in the Illustrative Framework Plan, FPCR, Drawing Number 9432-L-02) will lead to a habitat net gain score of +13.55% and a hedgerow net gain score of +19.22% (see Appendix M – BNG Report, of the submitted EclA Rev A for full calculations).
- 2.7 Proposed habitats in the application area should provide higher ecological value than the current habitats and the site can deliver Biodiversity Net Gain in excess of 10%.
- 2.8 It will be necessary to demonstrate at the detailed reserved matters stage that at least the area of habitat shown within the Development Framework Plan is created to a high specification.
- 2.9 A Habitat Management and Monitoring Plan (HMMP) will provide detailed management prescriptions to ensure the existing and created habitats reach the desired condition, in adherence with that described in the approved Statutory Metric submitted with any Reserved Matters Scheme.
- 2.10 The council has considered the BNG Metric and is satisfied with the proposals.
- 2.11 Delivery of BNG and the associated monitoring fees will be secured through the Section 106 Legal Agreement.
- 2.12 It is anticipated that, upon completion of the legal agreement that will secure the required delivery and monitoring of the biodiversity net gain, reason for refusal 4, which includes reference to ecological matters amongst others, will have been overcome.

3.0 CONDITIONS

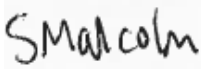
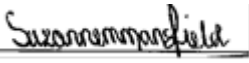
- 3.0 It is agreed that there should be a schedule of ecology conditions agreed between the parties, for discussion with the Inspector during the Inquiry. The following conditions should include:
- A condition to demonstrate that the area of open space showing in the illustrative master plan will be created.
 - A condition requiring an updated ecological survey and mitigation strategy submitted with the reserved matters application.
 - A lighting scheme with lux contour plan will be part of the Reserved Matters package and the scheme has been designed to adequately buffer the retained hedgerows and ancient woodland.

- All protective and mitigation measures would be outlined within a CEMP, conditioned for Reserved Matters. This would include but is not limited to mitigation for passive displacement methods for reptiles and vegetation clearance outside the bird breeding season (March – August).
- A condition requiring a Habitat Management and Monitoring Plan.
- A condition requiring a Biodiversity Enhancement Layout.
- A condition for the hazel dormouse licence.
- The three conditions outlined in the Naturespace GCN District Licence Report which need to be used in verbatim.

4.0 CONCLUSIONS

- 4.0 The parties agree that matters in relation to ecology have been addressed in full and as such the matters referred to in RfR 3 are no longer reasons for refusal. There is no conflict with Policy DP38 of the District Plan and the NPPF with regards to ecology, subject to the imposition of the relevant conditions and the signing of the legal agreement.

5.0 CONFIRMATION SIGNATURES

Signed	Signed
	
<p>Name Stuart Malcolm, Sustainable Communities Development Delivery Manager, MSDC</p>	<p>Name Dr Suzanne Mansfield, Senior Ecology Director FPCR Environment & Design Ltd</p>
<p>On behalf of: Mid Sussex District Council, Place Services</p>	<p>On behalf of: Gladman Developments Ltd</p>
<p>Date: 7th January 2025</p>	<p>Date: 7th January 2025</p>