



Horsham
District
Council

HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Land North of East Street Ruster West Sussex
DESCRIPTION:	Erection of 18no. 2, 3 and 4 bedroom dwellings, (including 6no. affordable housing units), together with access from East Street, vehicle and cycle parking, landscaping and open space, and sustainable drainage.
REFERENCE:	DC/25/0523
RECOMMENDATION:	Holding Objection / Modification Holding Objection / More Information

SUMMARY OF COMMENTS & RECOMMENDATION:

The Ecology Partnership have responded to the comments below with detail, which is appreciated, and amendments have been made to the metric tool, which now demonstrates the development will have a -28.70% net loss (-1.04 units) in area habitat and a 46.83% net gain (+0.77 units) in hedgerows. However, the baseline assessment is still deemed incorrect as there is still evidence missing relating to tree specification which is requested prior to grant of planning permission.

In January 2025, vegetation clearance works were undertaken on the southern boundary for the proposed vehicular access point. As such, there are concerns with regards to impacts had on protected species, and the baseline assessment for BNG. Further compensation and modifications are requested prior to any grant of planning permission. Note that the application does not meet the 10% requirement for area habitats on-site, and therefore off-site units will need to be purchased.

MAIN COMMENTS:

In light of the recent works undertaken to date and the findings of my site visit, the comments below relate to the impacts that the works have likely had on ecology and the BNG requirement. Place Services will also provide comments on ecology.

Ecology

One of the trees (T22) along the southern boundary has a single PRF-M (Potential Roosting Feature – Maternity), a rot hole on a major limb on the south-western aspect of the tree approximately 4m above ground level. This appeared to lead into a small cavity within the limb (Para 3.14 of the PEA, Ecology Partnership, Jan 2025). Para 4.10 states that as this tree is to be retained, no further survey will be necessary. However, Para 4.11 goes on to say that the tree should be protected during construction.

It is disappointing that current works to date (January 2025) have involved limb removal of the tree, exposing the PRF and as a result potentially changing the microclimate of the

roost feature. If these works were communicated with the ecologists, it is likely that further survey would have been strongly advised. In the absence of any evidence to suggest bats are not using this roost for whatever purpose, it cannot be ruled out that an offence under the Conservation of Habitats and Species Regulations 2017 may have been committed.



Photographs showing T22 limb removal above the bat PRF-M.

The southern boundary is also likely to provide good foraging habitat and commuting opportunities for bats to and from suitable roosting sites in the surrounding area (Para 3.16 of the PEA).

Para 4.20 and 4.21 of the PEA suggests that due to the proximity of the site to a confirmed GCN pond, separated only by suitable ponds and terrestrial habitat, the site is likely to contain GCN. The likelihood of GCN is greater within the tree line and mixed scrub than the modified grassland. As such the PEA continues to advise that the project apply for a district licence through NatureSpace. This needed to be applied for and approved prior to the works commencing. In the absence of certification, it cannot be ruled out that an offence under the Conservation of Habitats and Species Regulations 2017 may have been committed.

The tree line and mixed scrub habitat along the south has potential to support nesting birds (Para 3.22) and hedgehog (Para 3.24) and has limited potential for hazel dormice and reptiles (Paras 3.20 and 3.21 of the PEA). Badgers are also likely to be traversing the site. It is not known whether the works carried out to date were undertaken in line with any Precautionary Method Statements (or 'Reasonable Avoidance Measures (RAMs)') for these species.





Photographs showing the extent of vegetation removal for the vehicular access point.

No further works should be undertaken on site without seeking ecological advice. Given the impacted PRF is that for multiple bats (potential maternity (+) value), it is expected that compensation be provided through provision of multiple bat boxes, that cater for both day/night/transitional roosts and maternity/hibernation roosts. This should be forthcoming in a Biodiversity Enhancement Strategy and should also include the recommended artificial house sparrow and swift nest boxes and log piles, as per Paras 4.25-4.29 of the PEA. The locations of these should be annotated on landscaping plans.

Resulting from further survey and the potential impacts to date, the ecologist recommends a large bat box (examples provided include Large Multi Chamber WoodStone Bat Box and 1FS Schwegler Large Colony Bat Box) be installed on the adjacent mature ash tree as soon as possible, in addition to the proposed bat boxes throughout the site. This is agreed, and such details are requested in a Biodiversity Enhancement Plan secured via condition.

BNG

The BNG proposals have an overall combined unit net change of 1.79 units (+2.20 hedgerow units and -0.41 area habitat units) and propose creation of habitats of medium distinctiveness. As such, it is considered significant on-site BNG and will therefore require a S106 legal agreement to secure. Monitoring reports should be submitted to HDC in years 1,2,5,10,15,20,25 and 30.

Trees

The metric accounts for 6 trees to be removed from the tree line, including 4x small, 1x medium and 1x large. However, during my site visit after the works were carried out, I accounted for 15x cut trees with a DBH of 7.5cm or greater, for the purposes of the vehicular access point. The Arboricultural Report also states T46 (hornbeam), G2 (various group of trees, with max DBH of 30cm), T12 and T14 (ash) within the red line boundary are also recommended to be removed. These removals (excluding G2) do not appear to be accounted for within the metric. Confirmation is also requested as to whether T47 and T48 (sycamores) in the southern boundary are to be retained.

Please can the metric be modified to reflect the correct number of trees to be lost to the development (including those that already have been removed), and a complete list of trees for removal accompany this amendment. Note the loss of small trees within a habitat whereby the classification is dependent on the presence of trees, does not need to be separately accounted for within the metric as per the user guide (see Page 55 of the metric user guide).

The ecologist confirms that trees T25-T33 have been removed, with the loss of trees T31-T33 previously accounted for. As T26 and T27 are medium sized trees, these have been added separately to the baseline. The ecologist also states that T25 and T28 are hawthorns, which are considered a scrub species, and T29 and T30 are small, and therefore the loss of these trees does not require accounting for separately. Whilst this method is agreed, the tree schedule submitted to HDC does not contain any information on trees T26-T33 and appear to be omitted given the date of the Arboricultural Method Statement is November 2024 (prior to vegetation clearance works). As such, we request the tree schedule information for T26-T33. A total of 5x trees (4x medium and 1x large as per the metric entries) are accounted for in the ecologist's explanation, however at least 10x trees with an approximate DBH of medium or higher were identified during the site visit undertaken by me and the HDC Arboricultural Officer. Therefore, this tree schedule information is essential to ascertain the correct number.

The ecologist also confirms that all other Category U trees on site are to be retained. If any works are required to these trees in the future, crown reduction and monolithic works should be pursued over complete removal, with such details being incorporated into the HMMP. Please can this be added to the HMMP prior to signing of a legal agreement.

Photographs of the tree stumps with a pen for size reference (14.5cm) have been sent separately to the Case Officer. These comprise approximately 2x large (DBH >60cm and ≤90cm), 8x medium (DBH >30cm and ≤60cm) and 5x small trees (DBH >7.5cm and ≤30cm).

As per the metric user guide, the 'delay in starting habitat creation or enhancement' function should be amended to reflect the number of years the habitat is absent i.e., from clearance (January 2025) to the start of habitat compensation for the loss.

A delay of 1 year has been entered into the metric. Given that 1 year since clearance is January 2026, this time will need to be increased at submission of the Biodiversity Gain Plan to discharge the condition.

Ditch

Further information is requested with regards to assessment of the roadside ditch, whereby the riparian zone (5m) lies within the red line boundary of the site.

The ecologist provides justification as to why this is not considered a watercourse as per the metric user guide. Concern resolved, with thanks.

Condition Assessments

Please can the condition assessments for the baseline native-hedgerow and ecologically valuable line of trees be provided.

These have been provided within the BNG Report. Concern resolved, with thanks.

Landscape Masterplan and Post-development Habitat Map

Please can confirmation be requested on whether the mapped species-rich hedgerows adjacent to the dwellings are within the private ownership of those dwellings. If this is the case, these must be counted as 'vegetated garden' only. This includes the introduced shrub.

Note that on the Landscape Plan Sheets, some mixed native hedgerows within the residential development area are proposing less than 5 woody species, whereas to meet the classification of a species-rich native hedgerow (the only hedgerow type proposed within the metric and mapped within the post-development habitat map in the BNG Report), a minimum of 5 woody species is required. Please can this be amended, or alternatively, change the classification where species lists are less than 5 to native hedgerow or ornamental non-native hedgerow as appropriate.

It is recommended a maintenance buffer is implemented between hedgerows and introduced shrub for effective management. This is also the case for the mixed scrub in the north-west corner of the site, where the habitat parcel is wedged directly next to a dwelling and the existing hedgerow.

It is also recommended that the trees surrounding the attenuation basin should be moved further away from any slopes to ensure room for root growth.

Outline HMMP

Note that the modified grassland is not included within the HMMP. This should be added prior to signing of any legal agreement.

The ecologist has confirmed that the hedgerows are to be located outside of private garden space. All other concerns are to be addressed once detailed landscaping has been finalised. Note that these must be within the HMMP, and any amendments reflected in the legal agreement where required.

ANY RECOMMENDED CONDITIONS:

If minded to approve:

3.12 Ecology – Biodiversity Enhancement Scheme

Informative: Scenario 1: BNG Required

NAME:	Linsey King Ecology Officer (Planning)
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DEPARTMENT:	Strategic Planning - Specialists
DATE:	29/04/2025 <u>11/11/2025</u>