



Date: 10th June 2025

Our ref: 04593

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By email only: Planning Department, planning@horsham.gov.uk

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Horsham 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: DC/25/0151
Location: Land To The North and South of Mercer Road Warnham West Sussex
Proposal: Redevelopment of the site to provide 304 residential units, parking, a retail unit, public car park, public open space, attenuation basins and landscaping

Thank you for consulting Place Services on the above application.

No ecological objection	<input type="checkbox"/>
No ecological objection subject to attached conditions	<input checked="" type="checkbox"/>
Further information required/Temporary holding objection	<input type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Subject to Natural England's comments on the conclusion of the Water Neutrality AA	<input checked="" type="checkbox"/>

Please note that following receipt of Natural England's position statement on developments in the Sussex North Water Supply Zone, decisions on planning applications should await the completion of a Sussex North water neutrality strategy.

Summary

We have reviewed the following documents relating to the likely impacts of development on designated sites, protected and Priority species & habitats, and identification of appropriate mitigation measures. Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house.

- Bat Activity Surveys Report (Ecology Partnership, December 2024).
- Breeding Bird Survey 2024 (Ecology Partnership, December 2024).
- Dormouse Survey Report (Ecology Partnership, December 2024).
- Location Plan (CMYK, June 2024).
- Preliminary Ecological Appraisal (Ecology Partnership, December 2024).
- Ecological Impact Assessment (EclA) (Ecology Partnership, December 2024).
- Reptile Presence / Likely Absence Survey (Ecology Partnership, December 2024).
- Planning Statement (CMYK, December 2024).
- Landscape Masterplan (ACD Environmental, December 2024).

Please note that we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the [NatureSpace Partnership](#).

Designated Sites:

The site is approximately 15.3 kilometres from The Men's SAC and 20km from Ebernoe Common SAC. Therefore, we note that the site lies outside the 12km wider conservation area for the Sussex bat SACs and therefore no project level HRA is triggered.

Regarding other designated sites and non-statutory designated sites, we are satisfied the recommended pollution control measures, which the EclA recommends be detailed within a Construction Environmental Management Plan (CEMP): Biodiversity are secured by a condition of any consent.

European Protected Species: Bats

We are satisfied bats, their roosts and foraging and commuting grounds have sufficiently been assessed.

An increase in artificial light would negatively impact bats. We recommend lighting details are outlined within a wildlife sensitive lighting scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals¹ and secured by a condition of any consent.

European Protected Species: Dormouse

The Dormouse surveys detailed within the Dormouse Survey Report (Ecology Partnership, December 2024) did not identify any dormice evidence on site. We are satisfied the assessment was undertaken following best practice and we are satisfied with the proposed enhancement of the hedgerows. We recommend the mitigation measures identified in the Dormouse Survey Report (Ecology Partnership, December 2024) should be secured by a condition of any consent and implemented in full.

Protected Species: Reptiles

¹ <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

The reptile surveys conducted over 2024, found that the site supported a 'low' population of common lizards, slow worms and grass snakes. We are satisfied the mitigation and compensation measures detailed within the Reptile Presence / Likely Absence Survey (Ecology Partnership, December 2024) are appropriate. However, the document does not include a detailed location plan of the proposed compensation or areas to be mitigation. We recommend the finalised details of reptile mitigation and compensation are detailed within a Reptile Mitigation and Compensation Strategy and secured by a condition of any consent.

Priority Species: Birds

We are satisfied breeding birds have been sufficiently assessed. Enhancements of the sites habitats and artificial nesting opportunities proportionate to the scale of the site should be provided. We recommend these enhancements are detailed within a Biodiversity Enhancement Strategy and secured by a condition of any consent.

Priority habitat/ Irreplaceable habitat: Ancient Woodland and Veteran Trees

The Ecological Impact Assessment (EclA) (Ecology Partnership, December 2024) states the following "The ancient and semi-natural woodland along the northern boundary of the site is being fully buffered, with a 15m buffer zone being implemented between the development and the woodland to further reduce any potential indirect impacts such as, light pollution, disturbance and garden encroachment. Dust from site should be prevented from entering the habitat following a CEMP document." Additionally, the document states the same mitigation measures for an onsite veteran tree. We are satisfied the ancient woodland and veteran tree are being sufficiently protected and a CEMP: Biodiversity should be secured by a condition of any consent.

Schedule 9 Species: Giant Hogweed

The site survey identified Giant Hogweed along the onsite stream. This should be appropriately removed and disposed of. We recommend this is detailed within the CEMP: Biodiversity and secured by a condition of any consent.

As such, we are satisfied that there is sufficient ecological information available to support determination of this application.

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 Ecological Impact Assessment (EclA) (Ecology Partnership, December 2024), Reptile Presence / Likely Absence Survey (Ecology Partnership, December 2024), Preliminary Ecological Appraisal (Ecology Partnership, December 2024), Dormouse Survey Report (Ecology Partnership, December 2024), Bat Activity Surveys Report (Ecology Partnership, December 2024) and the Breeding Bird Survey 2024 (Ecology Partnership, December 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.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework

(December 2024). 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 LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

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 measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (EclA) (Ecology Partnership, December 2024), Reptile Presence / Likely Absence Survey (Ecology Partnership, December 2024), Preliminary Ecological Appraisal (Ecology Partnership, December 2024), Dormouse Survey Report (Ecology Partnership, December 2024), Bat Activity Surveys Report (Ecology Partnership, December 2024) and the Breeding Bird Survey 2024 (Ecology Partnership, December 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 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. 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.*
- i) *Containment, control and removal of any Invasive non-native species present on site*

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).

3. PRIOR TO COMMENCEMENT: REPTILE MITIGATION AND COMPENSATION STRATEGY

“No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) *Purpose and conservation objectives for the proposed works.*
- b) *Review of site potential and constraints.*
- c) *Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) *Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) *Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) *Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) *Persons responsible for implementing the works.*
- h) *Details of initial aftercare and long-term maintenance of the Receptor area(s).*
- i) *Details for monitoring and remedial measures.*
- j) *Details for disposal of any wastes arising from works.*

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended)

4. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the (Ecological Impact Assessment (EclA) (Ecology Partnership, December 2024), Reptile Presence / Likely Absence Survey (Ecology Partnership, December 2024), Preliminary Ecological Appraisal (Ecology Partnership, December 2024), Dormouse Survey Report (Ecology Partnership, December 2024), Bat Activity Surveys Report (Ecology Partnership, December 2024) and the Breeding Bird Survey 2024 (Ecology Partnership, December 2024)), 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 or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through 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 the above species using their territory or having access to their breeding sites and resting places.*

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).

Please do not hesitate to contact us if you have any queries in relation to this advice.

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Place Services provide ecological advice on behalf of Horsham 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.