28 June 2024

Jason Hawkes
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

By email only

Thank you for requesting advice on this scoping opinion 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: **EIA/24/0003**
Location: **West of Ifield Development**
Proposal: **Environmental Impact Assessment Scoping Opinion Request (amended from previous Scoping Opinion made under EIA/23/0007) in relation to the proposed West of Ifield Development**

Dear Jason,

Thank you for consulting Place Services on the above EIA scoping opinion.

We have reviewed the submitted EIA Scoping Opinion Request Report (Homes England, May 2024) particularly chapter 7 Biodiversity and Appendix C Non-Technical Advice Note v3 (Ramboll, May 2024) in relation to Bechstein's bats.

Baseline Information:
We note that data has been purchased from both Sussex Biodiversity Records Centre (SxBRC) and Surrey Biodiversity Information Centre (SBIC) and has also been obtained from Multi Agency Geographic Information for the Countryside (MAGIC). We recommend that records from new or updated surveys undertaken should be shared with the relevant record centre when available.

We support the comment that the ES needs to refer to Priority habitats and species in order for the LPA to demonstrate compliance with its strengthened biodiversity duty to conserve and enhance biodiversity under s40 of the NERC Act 2006 (as amended).

Potential Impacts:
Designated sites and irreplaceable habitats

The development Site is within close proximity to Buchan Hill Ponds Sites of Special Scientific Interest (SSSI), Glover's Wood SSSI and House Copse SSSI. The ES should fully consider the potential for any direct and indirect effects to these sites. We note that the site lies outside the 12km wider conservation area for The Men's SAC as identified in the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol. We are therefore satisfied that this designated site is out of scope for the ES.

We note that four trees were identified as being veteran trees (T365, T368, T394 and T449) and there are areas of Ancient Woodland immediately adjacent to the north-western, western, south-western and south-eastern Site boundary. We highlight that any impacts on these irreplaceable habitats will require assessment in line with Government Standing Advice and will not be acceptable unless there are wholly exceptional reasons and there is a suitable compensation strategy in place. Any losses will need to be excluded from the BNG calculations.

Water Neutrality
For applications where increased demand for water resources is the only mechanism of impact, Natural England's advice is that such applications - **without mitigation** - will have a likely significant effect on the Arun Valley SAC/SPA/Ramsar site in combination with other developments in the Sussex North WSZ. Therefore, such applications, even where mitigation measures (minimising water use and water offsetting) are proposed, will progress directly to Stage 2 Appropriate Assessment to consider, with mitigation, the impacts of the development on mains water usage on the above designated sites, either alone or in combination with other plans and projects. 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. We advise that water quantity is a predicted significant effect for the operational phase of the Proposed Development and should be scoped into the ES.

Protected and Priority species
No up-to-date ecological surveys and assessment have currently been provided to support the EIA scoping opinion. However, we understand that ecological surveys have been undertaken and that protected species including bats, Great Crested Newt and common reptiles are known to be present, as well as breeding and wintering birds and terrestrial and aquatic invertebrates (EIA Scoping Opinion Request Report (Homes England, October 2023).

We note reference to a requirement for advanced techniques (trapping and radio-tracking) are to be employed during bat surveys to inform the Environmental Statement and are programmed to be undertaken during 2024. These will inform the mitigation to be embedded into the emerging masterplan following consultation with Natural England.

All survey results and full details of mitigation and any compensation measures will need to be submitted prior to determination to provide the LPA with certainty of likely impacts and inform the need for any licences from Natural England. We agree that it is reasonable to assume that dormice are absent from the Site and are therefore scoped out of full assessment, but appropriate mitigation in case they are found to be present would be implemented and will be described in the ES.

Methodology:

We welcome the comment relating to the study area in para 7.3.4. of the is the area within which habitat and targeted species surveys have been undertaken to date but may be extended at a later date for species with a larger range or complex population dynamics (e.g. Great crested newt) and will be variable depending on the species.

We note that the zone of influence describes the area over which the activities associated with the Proposed Development could result in impacts on ecological features. We accept that the study area and zone of influence have been established on the basis of a desk-based review of ecological features in the general vicinity of the Site boundary (up to date data for a 2km radius (5km for bats) around the Site have been obtained), together with the results of field surveys, and a review of the likely areas affected by the Proposed Development. We highlight that where bats form part of a Habitats site citation (for example designated Special Area of Conservation) or population meeting the criteria for a candidate SAC, then a study area radius of 30km would need to be used for this specific issue to identify the core sustenance zone.

We highlight that all Ancient Woodland will be retained through design and that the Ancient Woodlands at Ifield Mill Stream, Hyde Hill, The Grove and Ifield Wood need to be adequately protected and enhanced, as they are classified as irreplaceable and Priority habitat, and appropriate buffer zones from development will need to be implemented to prevent impact on this important habitat.

Nationally agreed guidelines should be followed for the ecology surveys and all survey work should be undertaken in the appropriate season by appropriately qualified ecological consultants.

In accordance with Regulation 14 of the EIA Regulations, we request a statement that information on Home England's lead EIA practitioners as well as the technical contributors to the EIA, will be included within the ES to demonstrate that they have relevant expertise or qualifications to act as competent experts involved in its preparation.

Any report on badgers should be submitted as a separate confidential appendix clearly marked as containing sensitive information.

We note that the scope of ecological features to be assessed are:

- Statutory Designated sites – we highlight that the Arun Valley SPA,SAC and Ramsar sites are predicted to be affected so these need to be within scope of the assessment. We note that Willoughby Fields LNR is within scope due to recreational pressure.
- Non-statutory sites including Local Wildlife Sites within the boundary of the Proposed Development and those nearby
- Ifield Brook and Rusper Ridge Biodiversity Opportunity Areas (BOAs) and using the Horsham District Nature Recovery Network (NRN)
- Priority habitats – we highlight that veteran trees (irreplaceable habitats) any candidate veteran trees need to be within scope as well as adjacent ancient woodland.
- Protected and Priority species – particularly foraging and commuting Bechstein's bats which are known to have a maternity roost outside of the Site which is part of the core sustenance zone and supports a day roost.

BNG

We highlight that Biodiversity Net Gain (BNG) calculations will need to be provided using the Statutory Metric and meet all mandatory requirements as set out in The Biodiversity Net Gain Planning Practice Guidance (PPG). This will support a transparent and robust quantitative measure of biodiversity change and include calculations for habitat, linear and river units. The findings of these surveys and calculation will be fed back to the design team and recommendations will be made to increase habitat value throughout the site to minimise any potential offsite BNG requirements. We welcome the commitment made for the proposed development to achieve a 10% plus additional 2% (i.e. 12%) BNG and expect to see how this will be delivered on site. Given certain elements of the proposed development will be based on outline parameters, a detailed BNG statement will be prepared separately in support of each phase of development. This will need to be secured by the mandatory Biodiversity Gain condition as a pre-commencement requirement as required by paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. In addition, a Habitat Management and Monitoring Plan should be secured for all significant on-site enhancements, as well as off-site enhancements. This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Opportunities:

To comply with NPPF, the ES should thoroughly explore all reasonable options to enhance the development for protected and Priority species and meet the requirements of mandatory Biodiversity Net Gain which are required at the time of submission of an application for any phase of development.

Conclusion:

We agree with the scope of ecological features and likely impact pathways which have identified in the EIA Scoping Opinion Request Report (Homes England, October 2023).

In addition to the EIA report, it will be necessary to also provide sufficient information on non-significant impacts on protected and Priority species (including bats, Great Crested Newt and reptiles) and habitats at submission either in a non EIA chapter or separate documentation. This is necessary in order that the LPA has certainty of all likely impacts, not just significant ones, from the development and can issue a lawful decision with any mitigation and compensation measures needed to make the development acceptable, secured by condition.

Please contact us with any further queries.

Yours sincerely,

Sue Hooton CEnv MCIEEM BSc (Hons)
Principal Ecological Consultant
Place Services at Essex County Council
placeservicesecology@essex.gov.uk

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.