5th December 2024

Nicola Pettifer
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

By email only

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.

Dear Nicola,

Application: **DC/24/0887**
Location: **Hilland House New Road Billingshurst West Sussex RH14 9AA**
Proposal: **Outline Application for redevelopment of the site to provide up to 117 private and affordable dwellings and parking together with an access from New Road, new landscaping and open space, an ecological and woodland park together with associated works, with all matters reserved except access.**

Thank you for further re-consulting Place Services on the above outline application.

a) No ecological harm/No objection	
b) Requires further information	
c) Recommend grant permission subject to conditions	Yes
d) Recommend refusal	
e) Subject to Natural England's formal comments on the conclusion of the Water Neutrality Appropriate Assessment	Yes
f) Subject to Natural England's formal comments on the conclusion of the Bat Appropriate Assessment	Yes
g) Discharge of condition	

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 Illustrative Masterplan Number DLA.2198.L.05.P03 1:1250 (Davies Landscape, dated August 2024, submitted November 2024) and Illustrative Masterplan Number DLA.2198.L.05.P03 1:2500 (Davies Landscape, dated August 2024, submitted November 2024).

We have no comments in addition to our response dated 8th November 2024 and are still satisfied that there is sufficient ecological information available for determination. 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.

As previously advised, 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 and enhancement measures and/or works shall be carried out in accordance with the details contained in the Response to Ecology Comments (Philips Ecology, September 2024), Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Final Report (Philips Ecology, July 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for reptiles in Section 19.8 of the Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Final Report (Philips Ecology, July 2024), which avoids impacts on protected species.

   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 and enhance 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) and Policy 31 of the Horsham Development Framework.

2. **ACTION REQUIRED: CONTROL OVER EXTERNAL LIGHTING**
   "The roadside footway on the northern boundary of the site shall not be externally lit between the sunset and sunrise unless otherwise agreed in writing by 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).

3. **CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED: SUBMISSION OF A COPY OF THE EPS LICENCE FOR HAZEL DORMOUSE**
   "Any works which will impact the breeding / resting place of Hazel Dormouse shall not in in any circumstances commence unless the local planning authority has been provided with either:
   - *a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*

b) *a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."*

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

4. **CONCURRENT WITH RESERVED MATTERS 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.*

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).

5. **CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: BIODIVERSITY ENHANCEMENT LAYOUT**

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Extended Phase 1 Ecological Assessment and Phase 2 Ecological Surveys Final Report (Philips Ecology, July 2024) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

6. **CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

"*A lighting design scheme for biodiversity for the application site shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used*

for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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) and Policy 31 of the Horsham Development Framework.

7. **CONCURRENT WITH RESERVED MATTERS: TIME LIMIT ON DEVELOPMENT BEFORE FURTHER SURVEYS FOR PROTECTED SPECIES ARE REQUIRED**
   "If the development hereby approved does not commence within 1 year from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

   The review shall be informed by further ecological surveys commissioned to:
   - *i. establish if there have been any changes in the presence and/or abundance of Hazel Dormouse and*
   - *ii. identify any likely new ecological impacts that might arise from any changes.*

   Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development.

   Works will then be carried out in accordance with the proposed new approved ecological measures and timetable."

   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 contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)
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.