



26 July 2023

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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 Matthew

Application: DC/19/2464

Location: Berkeley Homes Development Site Worthing Road Southwater RH13 9BT

Proposal: Erection of 80 dwellings with associated access, parking and landscaping at Land West of Worthing Road (Phase 5), Southwater

Thank you for re-consulting Place Services on the above application. Our response dated 11th August 2022 refers.

Recommended Refusal	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Subject to Natural England's response to the bat HRA	Yes
Recommended Discharge of condition	

Summary

We have reviewed the Southwater Phase 5 Reptile Translocation letter (Derek Finnie, September 2022) and are satisfied that the translocation has been undertaken in accordance with the Reptile Mitigation Strategy (Derek Finnie Associates, July 2022) and that therefore the works can commence as the site can be considered free of reptiles. The reptile fencing needs to be maintained to keep it free of protected species.



Our previous comments dated 11th August 2022 are shown below:

We have reviewed the Ecology Update (Derek Finnie, July 2022), the Reptile Mitigation Strategy (Derek Finnie Associates, July 2022) and the Ecological Assessment (Derek Finnie Associates,

November 2019) supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, particularly bats and reptiles, and identification of proportionate mitigation.

The site falls within the 12 km wider conservation area for the The Mens, Ebernoe Common and Singleton and Cocking Tunnels Special Areas of Conservation (SACs) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The qualifying features for the SACs are Bechstein's and Barbastelle bats, but the only species recorded during the bat activity and static detector surveys were Common and Soprano Pipistrelle, Noctule, Serotine and Myotis sp. (Ecological Assessment (Derek Finnie Associates, November 2019)).

In addition, it appears that only two small sections of Priority hedgerow habitat to the east (H3) would need to be removed for access during the development and the remaining hedgerows will be largely unaffected by the proposal (Ecological Assessment (Derek Finnie Associates, November 2019)). As the majority of the registrations were associated with the mature tree belts, particularly along the western boundary of the Site, this indicates there will be minimal severance to the flight lines of foraging and commuting bats from the SACs. We believe that there will therefore be no Likely Significant Effect on the bat SACs and the LPA can record this as its decision in the HRA screening report.

We note that a Reptile Mitigation Strategy (Derek Finnie, July 2022) has been submitted to reduce the possibility of any accidental harm, injury or death to the onsite populations of Grass Snake, Common Lizard and Slow Worm. The Reptile Mitigation Strategy (Derek Finnie, July 2022) should be secured by a condition of any consent and implemented in full.

We note that the concerns in our response of January 2020 that the LAP has been moved to the previously created Ecological Mitigation Area have still not been addressed. The compensation for loss of this habitat will be required elsewhere on site. Details of the necessary compensation will need to be provided as part of an appropriately worded condition, as recommended below (number 2).

We are now satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Ecology Update (Derek Finnie, July 2022), the Reptile Mitigation Strategy (Derek Finnie Associates, July 2022) and the Ecological Assessment (Derek Finnie Associates, November 2019) 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 bats and reptiles.

We welcome the inclusion of the Ecological Mitigation Area identified in the Design and Access Statement Part 3 Landscaping (December 2019). The proposed creation of habitats, including species rich scrub planting, wildflower seeding, scattered native trees and two storm water

detention ponds should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent.

However, we note that our concerns that the planting palette within the Design and Access Statement does not reflect the native species planting recommended within the Ecological Assessment (Derek Finnie Associates, 2019) and required for ecological mitigation within the Ecological Mitigation Area, particularly in relation to trees and marginal planting has not been addressed. As such, we recommend a condition to amend the planting palette and resubmit as part of a planning condition for a combined Landscape and Ecology Management Plan (LEMP) with combined input from the applicant's ecologist to ensure the mitigation area benefits biodiversity in line with the NPPF and approved plans / reports.

In addition, the LEMP must include compensation for the loss of the H3 Priority hedgerow sections used by foraging and commuting bats.

We also support the recommendation for the implementation of the Wildlife Friendly Lighting Strategy shown in Appendix 1 - Proposed Lighting Layout (Ecological Assessment (Derek Finnie Associates, November 2019) for this application. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We recommend that reasonable biodiversity enhancements, including bird and bat boxes integrated into dwellings, should be implemented to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.



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 Ecology Update (Derek Finnie, July 2022), the Reptile Mitigation Strategy (Derek Finnie Associates, July 2022) and the Ecological Assessment (Derek Finnie Associates, November 2019) 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 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 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

2. PRIOR TO COMMENCEMENT: BIODIVERSITY METHOD STATEMENT

"No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species (reptiles and compensation of lost Ecological Mitigation Area) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;*
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*
- c) extent and location of proposed works shown on appropriate scale maps and plans;*
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- e) persons responsible for implementing the works;*
- f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from works.*

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

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, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

3. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY



"A Biodiversity Enhancement Strategy for protected and Priority species 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 to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) persons responsible for implementing the enhancement measures;*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details prior to occupation and 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 s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO OCCUPATION: ECOLOGICAL DESIGN STRATEGY FOR LOSS OF ECOLOGICAL MITIGATION AREA TO LOCAL AREA PLAY

"No development shall take place until an ecological design strategy (EDS) addressing the compensation of the recently created ecological mitigation area to the proposed LAP has been submitted to and approved in writing by the local planning authority.

The EDS 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.*
- i) Details for monitoring and remedial measures.*
- j) Details for disposal of any wastes arising from works.*

The EDS 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

5. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.



The content of the LEMP shall include the following:

- a) Description and evaluation of features to be compensated and managed to include hedgerow habitat*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

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 (Priority habitats & species).

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity as shown in Appendix 1 - Proposed Lighting Layout (Ecological Assessment (Derek Finnie Associates, November 2019) 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 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

Please contact us with any queries.

Yours sincerely





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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.