



3rd May 2023

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/23/0406
Location: Land Parcel at 512270 115959 Park Lane
Proposal: Demolition of existing buildings and erection of 180 dwellings, sports pavilion, sport pitches and allotments; with associated access, landscaping, open space and infrastructure.

Thank you for consulting Place Services on the above application.

Recommended Refusal	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Further information required	
Recommended Discharge of condition	
Subject to Natural England's formal comments on the conclusion of the LPA's Water Neutrality Appropriate Assessment	Yes
Subject to Natural England's formal comments on the conclusion of the LPA's Bat Appropriate Assessment	Yes

Summary

We have reviewed the unredacted copy of the Ecological Appraisal (Aspect Ecology, Feb 2023) supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species, and identification of proportionate mitigation. We have also reviewed other



documents including Lighting Strategy Rev.R0 (MMA Lighting Consultancy Ltd, March 2023) and the Design and Access Statement (Feb 2023).

We note the submission of a Shadow HRA including an Appropriate Assessment (Aspect Ecology, Feb 2023) relating to water neutrality and leave Natural England to comment on the LPA's project level water neutrality HRA Appropriate Assessment.

However, as this document contains no reference to The Mens SAC, we advise that the LPA will still need to prepare a bat HRA Appropriate Assessment in order to assess any likely significant effects on Barbastelle bats which are qualifying feature of the Sussex bat SACs. This is in accordance with the Planning and Landscape scale Enhancement protocol as, at 11.4km from The Men's SAC, the site lies within the 12km wider conservation area. This is the full extent of the range of foraging areas required by the bats and any significant impacts or severance to flightlines need to be considered.

We are 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.

As the surveys recorded presence of Hazel Dormouse on the site in some of the boundary hedgerows, we support the mitigation and enhancement measures for this European Protected Species. We note that a Dormouse EPS mitigation licence will be needed to implement appropriate safeguarding measures during vegetation clearance and scheduled hedgerow removal. We therefore recommend that a copy of the Dormouse EPS mitigation licence is secured by a condition of any consent.

We welcome the retention of some areas of suitable reptile habitat and support the good practice measures during construction to protect mobile species including reptiles recorded on site are implemented. We recommend that these are included in a Construction Environment Management Plan (CEMP): Biodiversity to be secured by a condition of any consent.

We note that the small area of Priority Habitat 'Deciduous Woodland' (compartment 1b) will be retained in full and protected and a 15m buffer will be required for compartment C2 with ancient woodland indicator species. We fully support the recommendation for future management of this compartment to be based on minimal intervention with control of public access for safety reasons as well as protecting ground flora and potential bat roosts in trees. We support the retention of Forest School activities in the Priority Habitat as allocated by Policy Ash11 of the Ashington Neighbourhood Plan.

We support the statement that all treelines will be retained under the proposals and, where minor breaks in hedgerows are required to facilitate access, these will be compensated through new planting. We accept that the in house evidence base provided by Sussex BRC as viewed under licence does not include any local records of Barbastelle bats and that the, bat dusk and dawn activity surveys did not record any of these Appendix II species. However, to avoid impacts on bats and Dormice using the



retained woodland, trees & hedgerows, particularly from the multi use games area, we recommend that a final version of the Lighting Strategy is secured by a condition of any consent.

The mitigation and compensation measures identified in the Ecological Appraisal (Aspect Ecology, Feb 2023) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species. We recommend that a method statement for control of likely presence of invasive New Zealand Pygmyweed in Pond P1 as recommended at MM14 is included in the CEMP Biodiversity to avoid spread of this plant around the site, as it can survive in a terrestrial form.

We support the recommendations EE1-EE8 in the Ecology Appraisal for opportunities to deliver reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The full details of biodiversity enhancement measures to be delivered should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. These should include integrated bird and bat boxes as well as habitat creation and long term management of the retained woodland within a Landscape and Ecology Management Plan (LEMP) to also be secured by a condition of any consent.

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, compensation and enhancement measures and/or works shall be carried out in accordance with the details contained in section 7 of the Ecological Appraisal (Aspect Ecology, Feb 2023) already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may 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 OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF HAZEL DORMOUSE: 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.

3. 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) Containment, control and removal of any Invasive non-native species present on site in particular New Zealand Pygmyweed in Pond P1*
- f) The times during construction when specialist ecologists need to be present on site to oversee works.*
- g) Responsible persons and lines of communication.*
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- i) 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 (Priority habitats & species).

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

“A Biodiversity Compensation and Enhancement Strategy for protected and Priority species shall be prepared by a suitably qualified ecologist based on recommendations EE1 – E8 in Ecological Appraisal (Aspect Ecology, Feb 2023) and submitted to and approved in writing by the local planning authority.



The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measures;*
- b) Purpose and conservation objectives for the proposed enhancement measures;*
- c) detailed designs to achieve stated objectives;*
- d) locations of proposed compensation and enhancement measures by appropriate maps and plans;*
- e) persons responsible for implementing the compensation and enhancement measures;*
- f) 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).

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 any occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including retained reptile habitat, woodland areas & hedgerows.*
- 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



“Prior to occupation, an updated “lighting design strategy” for areas to be lit, based on applying recommendation MM6 of the Ecological Appraisal (Aspect Ecology, Feb 2023), 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 Hazel Dormouse that are likely to be disturbed 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 (Priority habitats & species).

Please contact me with any queries.

Yours sincerely

Sue Hooton CEnv MCIEEM BSc (Hons)

Principal Ecological Consultant

Place Services at Essex County Council

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.