26 April 2024

Tamara Dale
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 Tamara

Application: **DC/23/1777**
Location: **Land To The West of South Hill Farm Storrington Road Thakeham Pulborough West Sussex RH20 3EN**
Proposal: **Erection of 5No. residential dwellings with associated access, car ports, and landscaping.**

Thank you for re-consulting Place Services on the above 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 unless they can demonstrate water neutrality.

Summary
We have reviewed the Ground Level Tree Assessment Report (aLyne Ecology Ltd., March 2024), Hazel Dormouse Mitigation & Compensation Strategy (aLyne Ecology Ltd., March 2024) and Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., January 2023), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We note from the Ground Level Tree Assessment Report (aLyne Ecology Ltd., March 2024) that the trees with potential roost features for an individual number of bats (PRF-Is) (T6 - hybrid Black Poplar, T7 - Goat Willow and T14 - Horse Chestnut) will all be retained within the development. We understand that the remaining trees have no potential roost features and therefore agree that no further surveys for bats are required.

The site lies approximately 9.1km southeast of The Mens Special Area of Conservation (SAC) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and therefore falls within the 12 km Wider Conservation Area for the SAC. The qualifying feature for the SAC is Barbastelle bat, but there are no records for this species within 2km of the site (Sussex Biodiversity Information Service (SBIS) – accessed under licence) and no European Protected Species Mitigation Licences (EPSML) have been granted for this species within 2km of the site.

Other species of bat recorded within 2km of the site include Common Pipistrelle, Soprano Pipistrelle, Myotis sp., Serotine and Noctule (Sussex Biodiversity Information Service (SBIS) – accessed under licence). A European Protected Species Mitigation Licence (EPSML) was granted in 2015 for Brown Long-eared and Common Pipistrelle bat 1.4km southwest of the site and a further EPSML granted in 2016 for Brown Long-eared bat 1.9km southeast of the site (MAGIC maps https://magic.defra.gov.uk/MagicMap.aspx). The site lies 14.7km southeast of Ebernoe Common SAC and is therefore outside the 12km Wider Conservation Area for this SAC and 4.3km east of Arun Valley SAC (MAGIC maps https://magic.defra.gov.uk/MagicMap.aspx).

The habitats on site include modified grassland, scrub, a line of trees, hedgerows and broadleaved trees. It appears from the submitted documents that a line of trees (trees T33 to T54) and a hedgerow will be removed (Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., January 2023)). However gaps in retained hedgerows will be interplanted with native species, hedgerows will be managed to form an 'A' profile, buffer zones of grassland will be planted adjacent to hedgerows, a species-rich hedgerow will be planted on the western boundary, a wildlife pond planted with native aquatic species and SuDS will be created, a biodiverse roof will be installed, wildflower mix will be used in open spaces and the scrub and remaining trees will be retained on the boundaries (Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., January 2023)). Therefore, there will be no severance to the flight lines of foraging or commuting bats from the SAC and habitat connectivity within the site will be maintained.

As Barbastelle bats may use this habitat, we support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ground Level Tree Assessment Report (aLyne Ecology Ltd., March 2024) and Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., January 2023)), to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. 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 recommended by GN:08/23 (ILP) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- 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 a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

We therefore believe there will therefore be no Adverse Effect on Integrity of the bat SAC. We advise the LPA to prepare a project level HRA Appropriate Assessment to record its decision and consult Natural England on the conclusion.

We support the implementation of the Hazel Dormouse Mitigation & Compensation Strategy (aLyne Ecology Ltd., March 2024) as the hedgerows on site provide potential to support this species, there is connectivity to woodland within the wider landscape and there are Dormouse records within 2km of the site. This should be secured by a condition of any consent.

We also support the implementation of a Precautionary Method Statement for amphibians (Section 7.4 of the Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., January 2023)) and recommend that the NatureSpace Partnership should be consulted on this application. Please note that we do not provide comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

We are 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 amended).

The mitigation measures identified in the Ground Level Tree Assessment Report (aLyne Ecology Ltd., March 2024), Hazel Dormouse Mitigation & Compensation Strategy (aLyne Ecology Ltd., March 2024) and Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., January 2023), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided

in a Construction and Environmental Management Plan (CEMP) - Biodiversity to be secured as a pre-commencement condition of any consent.

The proposed habitats, including the interplanting of gaps in retained hedgerows with native species, planting of buffer zones of grassland adjacent to hedgerows, the planting of a species-rich hedgerow on the western boundary, the creation of a wildlife pond planted with native aquatic species, the installation of a biodiverse roof and the planting of wildflower mix in open spaces 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.

We also support the proposed reasonable biodiversity enhancements in Section 9 of the Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., January 2023), which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023). The specifications of the enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent and implemented in full.

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 Ground Level Tree Assessment Report (aLyne Ecology Ltd., March 2024), Hazel Dormouse Mitigation & Compensation Strategy (aLyne Ecology Ltd., March 2024) and Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., January 2023), 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 (as amended) and Policy 31 of the Horsham Development Framework.

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.

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 ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal Report (aLyne Ecology Ltd., January 2023), 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 and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended).

4. 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 managed.*
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 to deliver the required condition of habitats created."

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).

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"*A lighting design scheme for biodiversity based on GN: 08/23 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 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.

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.