



19 September 2023

Matthew Porter
Horsham District Council
Parkside,
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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 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 further re-consulting Place Services on the above application. Our response dated 26th July 2023 refers.

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 response to the bat HRA	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 updated Ecological Assessment Report Ref: DFA24061V3 (Derek Finnie Associates, June 2024) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation. We note that this ecological report updates the ecological surveys undertaken in 2013, 2014 and 2019 and relates to amendments to Phase 5 of the development, known as Broadacres, Southwater, including an increase of 14 homes on the site.

We understand from the updated Ecological Assessment Report Ref: DFA24061V3 (Derek Finnie Associates, June 2024) that a survey for reptiles is being undertaken to ascertain if the site has been re-colonised since the original translocation. However, to date, only a partial survey for reptiles has been undertaken in 2024 and the results will need to inform an updated reptile mitigation strategy to be secured by a condition of any consent.

We have no other comments in addition to our response dated 26th July 2023 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 updated Ecological Assessment Report Ref: DFA24061V3 (Derek Finnie Associates, June 2024), Ecology Update (Derek Finnie, 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 (as amended) and Policy 31 of the Horsham Development Framework.

2. PRIOR TO COMMENCEMENT: UPDATED REPTILE MITIGATION STRATEGY

"No development shall take place until an updated Reptile Mitigation Strategy, based on 2024 reptile surveys addressing the mitigation and translocation of reptiles, has been submitted to and approved in writing by the local planning authority.



The Reptile Mitigation Strategy 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 of the Receptor area(s).*
- i. *Details for monitoring and remedial measures.*
- j. *Details for disposal of any wastes arising from works.*

The Reptile Mitigation Strategy 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 Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended)

3. 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 (as amended) and s17 Crime & Disorder Act 1998.



4. 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 (as amended).

5. 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 (as amended).



6. 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 (as amended).

7. 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 (as amended) and Policy 31 of the Horsham Development Framework.

Please contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)

Ecological Consultant

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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.