



6th January 2020

Matthew Porter
Horsham District Council

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 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	

Summary

We have reviewed the Ecological Assessment by Derek Finnie Associates (2019) submitted with the planning application. A reptile mitigation strategy will be required and a condition to secure this is recommended. We note the LAP has been moved to the previously created Ecological Mitigation Area and as such compensation for loss of this habitat will be required elsewhere on site. Details of the necessary compensation can be provided as part of an appropriately worded condition, as recommended below (number 3).

In addition, we note 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. 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.

We are satisfied that sufficient information has been provided to provide certainty to the LPA of likely impacts from the development and that any necessary mitigation will be effective and can be secured either by condition of any consent or by a licence from Natural England.

Biodiversity enhancements will be required and should be secured by condition to allow the LPA to discharge its statutory duty to ensure biodiversity net gain is achieved in line with the NPPF.

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

Submission for approval and implementation of the details below should be a condition of any consent if granted.

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 Ecological Appraisal (Derek Finnie Associates, 2019) as 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. Appropriate compensation for the loss of previously created Ecological Mitigation Area in line with the Ecological Appraisal (Derek Finnie Associates, 2019) shall also be implemented on site."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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

4. PRIOR TO OCCUPATION: 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 and compensation measures by appropriate maps and plans;*
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- e) persons responsible for implementing the enhancement measures;*
- f) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details 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 occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including the native planting palette to be used.*
- 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 UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Yours sincerely,

Lucy Addison Grad CIEEM MSc BSc (Hons)

Senior 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.