AWDM/1394/22

20 Firle Road, Lancing, West Sussex

Proposed demolition of a single dwelling-house, creation of new onsite access road and erection of 7 new houses.

Review of submission documents:

- *Land North of 20 Firle Road, Lancing, West Sussex: Preliminary Ecological Appraisal. Rev 1* (CT Ecology, August 2022).
- *Land North of 20 Firle Road, Lancing, West Sussex: Protected Species Survey Report* (CT Ecology, July 2022).
- *No 20 Firle Rd + Land to the North, Lancing: Proposed Site Plan. Rev A* (LRA-R Retinue, August 2022).
- *No 20 Firle Rd + Land to the North, Lancing: Indicative Proposed Landscape Plan* (LRA-R Retinue, August 2022).
- *Land at 20 Firle Road, Lancing, BN15 0NY: Arboricultural Impact Assessment & Method Statement in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'* (Allpress, March 2022).

Ecological submission documents associated with a previous application for the site (AWDM/1942/17) were also considered in this review:

- *Land at 20 Firle Road, North Lancing, West Sussex: Preliminary Ecological Appraisal. Internal and External Bat Inspection* (The Ecology Partnership, August 2016).
- *Land at 20 Firle Road, North Lancing, West Sussex: Reptile Survey 2017* (The Ecology Partnership, September 2017).
- *Land at 20 Firle Road, North Lancing, West Sussex: Badger Monitoring 2017* (The Ecology Partnership, September 2017).
- *Land at 20 Firle Road, North Lancing, West Sussex: Bat Activity Survey 2017* (The Ecology Partnership, October 2017).

Designated areas

The application site is located adjacent to Lancing Ring Local Nature Reserve (LNR) and Lancing Ring Local Wildlife Site (LWS). The woodland, scrub and grassland habitats within the site provide supportive habitat to notable habitats within the LNR/LWS which include areas of deciduous woodland and lowland calcareous grassland listed on the Priority Habitat Inventory. Planning policy relevant to this designated area includes Policy 31 of the Adur Local Plan 2017 which protects both LNRs and LWSs from development that is likely to have an adverse effect both directly and indirectly.

We would expect to see a full assessment of the impacts of the development on these designated areas made. Notwithstanding the limited assessment of the effects of the proposals on the LNR/LWS there are apparent contradictions within the assessment. Section 5.6 of the Preliminary Ecological Appraisal (CT Ecology, 2022) states that: *'The current proposals will serve to retain the boundary features, providing a buffer between the development and the adjacent designated sites which will serve to alleviate any negative impacts such as increased light spill and noise occurring as a result of the proposals*.' However, both the Proposed Site Plan (LRA-R Retinue, 2022) and Indicative Proposed Landscape Plan (LRA-R Retinue, 2022) show the private rear gardens of the new houses extending to the site boundary (and boundary of the LNR/LWS). Subsequently there is no certainty of the long-term '*retention of boundary features'* or maintenance of a '*buffer between the development and adjacent designated sites'* which presents various risks of impacts to the LWS including loss of supportive habitat, fly tipping of garden waste and garden creep among others. The proposed development subsequently has the potential to cause direct and indirect effects on the LNR/LWS during the construction and operational phases.

- The design of the development should be altered to allow an appropriate stand-off zone from the edge of the LWS/LNR within which no construction of hardstanding or built development (including residential gardens) should take place. This is in order to protect the LWS/LNR and maintain supportive habitat in accordance with Policy 31 of the Adur Local Plan 2017. Further information should also be provided prior to determination on measures to protect the LWS during the construction and operation of the proposed development.

Habitats

The application site is currently dominated by dense scrub, trees and grassland, areas of which are identified on the Deciduous Woodland (north-western extent of site) and Lowland Calcareous Grassland (associated with northern fringe of the site) Priority Habitat Inventories. The Preliminary Ecological Appraisal (CT Ecology, 2022) identifies that '*these priority habitats are no longer considered to be supported at the site due to a mixture of on-going management and scrub encroachment.*'

Deciduous woodland

Section 3.2 (note there are two Section 3.2s in this report) of the Preliminary Ecological Appraisal (CT Ecology, 2022) states: '*looking at aerial imagery, the site appears to have supported areas of open grassland since at least 2001 however tree cover appears to have reduced since 2016'.* This assessment is further supported by comparing the habitat survey maps prepared for the previous planning application in 2017 (The Ecology Partnership, 2016), to the habitats recorded for the 2022 planning application. A review of the Preliminary Ecological Appraisal (CT Ecology, 2022) and Arboricultural Impact Assessment (Allpress, 2022) indicates that Deciduous Woodland is no-longer present on the site.

Lowland Calcareous Grassland

Section 3.7 of the Preliminary Ecological Appraisal (CT Ecology, 2022) states: '*At the time of the survey, the northern boundary was dominated by dense scrub and scattered trees which extended into the site by approximately 15m, covering the area formerly identified as lowland calcareous grassland. Areas of remaining grassland throughout the more central areas appeared to be more characteristic of neutral semi-improved grassland, with grassland species more characteristic of regular management and although forbs were abundant in places, overall, the sward supported a limited forb diversity.'* The Phase 1 habitat survey was carried out in February 2022, which is a sub-optimal time for carrying out botanical surveys however, the results of this survey largely correlate with the results of the grassland identification of the site carried out in August 2016 for the previous application (The Ecology Partnership, 2016). In view of this, on the basis of CT Ecology's observations it is considered that Lowland Calcareous Grassland is no-longer present on the site.

Notwithstanding this, it should be noted that a review of the Habitat Survey Map (Appendix B) and Photograph 6 (Appendix A) in the Preliminary Ecological Appraisal (CT Ecology, 2022) for the current application, the Preliminary Ecological Appraisal (The Ecology Partnership, 2016) carried out in 2016 for the previous application and aerial imagery of the site indicates that the site has been subject to on-going habitat removal over the past few years. Within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow planning authorities to recognise any habitat degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain. In order to ascertain the habitats present and their condition on 30th January 2020, aerial imagery or data sets from that time could be used. 30th January 2020 is the relevant date as it was the day the Bill entered Parliament.

- In order to quantify the biodiversity loss/gain as a result of the proposed development, a Biodiversity Impact Assessment calculation (Defra Metric 3.1) should be provided. This calculation should be carried out to demonstrate biodiversity net gain in accordance with

Paragraph 174 of the NPPF. In view of the on-going habitat works within the site, the date of the baseline habitat condition assessment for the site should be taken as at least 30th January 2020.

Protected and notable species

Bats

Roosting bats

The *Protected Species Survey Report* (CT Ecology, 2022) has used the Cowan Scale (Cowan, 2006) to assess the level of bat roost potential in trees rather than the standard *Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016).* Justification for this deviation should be provided.

Foraging and commuting bats

The *Preliminary Ecological Appraisal* (CT Ecology, 2022) identifies that the site was considered to provide high potential for foraging bats (*Section 3.38*) and subsequently further surveys in this regarded are recommended. However as identified in the *Protected Species Survey Report* (CT Ecology, 2022), only two activity transects have been carried out in May and June 2022. However, as identified in Table 8.3 of the *Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016),* sites with high suitability habitat for bats should be subject to the following surveys to achieve a reasonable survey effort:

1. Transect surveys – Up to two survey visits per month (April to October) in appropriate weather conditions for bats. At least one of the surveys should comprise dusk and pre-dawn (or dusk to dawn) within one 24-hour period.
2. Automated/static bat detector surveys – Three locations per transect, data to be collected on five consecutive nights per month (April to October) in appropriate weather conditions for bats.

The 2021 NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

Further information should be provided as to why such minimal bat activity survey effort was employed to allow consideration as to whether sufficient information is available to support determination of the application.

Reptiles

The reptile surveys carried out in both 2022 (CT Ecology, 2022) and 2017 (The Ecology Partnership, 2017) identified the present of a good population of Slow-worm and a low population of Common Lizard within the site. In 2017 an adult Adder was also recorded within the site.

It is recommended that measures to protect all three species of reptiles identified within the site is detailed within a *Detailed Reptile Mitigation Strategy*. This strategy should include identification of the proposed reptile receptor site and the habitat enhancement works proposed to the reptile receptor site to ensure its carrying capacity is sufficient to support the reptiles translocated from the site.

Badgers

The Badger surveys carried out in 2022 (CT Ecology, 2022) and 2017 (The Ecology Partnership, 2017) identified the presence of active outlying Badger setts within the site. In view of the overgrown nature of the site it is possible that some Badger setts have been overlooked. It is subsequently recommended

that the Badger survey is updated prior to development commencing and the measures to protect Badgers through the course of construction detailed within a *Detailed Badger Mitigation Strategy*.

Birds
Although the site is highly unlikely to support a significant assemblage of birds, there is potential for nesting birds to be present within the March-September bird breeding season. Measures to protect nesting birds through the course of construction should be detailed within an *Ecological Protection and Mitigation Plan*.

Advice:

- **Prior to determination** of the application the following information should be provided:
  - The design of the development should be altered to allow an appropriate stand-off zone from the edge of the LWS/LNR within which no construction of hardstanding or built development (including residential gardens) should take place. Further information should also be provided prior to determination on measures to protect the LWS during the construction and operation of the proposed development.
  - A *Biodiversity Impact Assessment* calculation to demonstrate that the proposed development will achieve a net gain for biodiversity. In view of the on-going habitat works within the site, the date of the baseline habitat condition assessment for the site should be taken as at least 30th January 2020.
  - Further information should be provided as to why such minimal bat activity survey effort was employed to allow consideration as to whether sufficient information is available to support determination of the application. If sufficient justification cannot be given, an appropriate suite of bat activity surveys of the site (including both activity transect and automated static detector surveys) should be undertaken to determine the status of bat foraging and commuting activity within the site. It is recommended that the bat survey static detector results are run through the free to use online Ecobat tool to provide a species by species activity level context. The results of the surveys should be used to provide impact assessment and detailed mitigation, compensation and enhancement measures.

  This information should be made available prior to determination of the planning application.

- **Prior to construction** commencing at the site, the following documents should be provided:
  - A *Detailed Reptile Mitigation Strategy* to demonstrate how reptiles associated with the site will be protected during the construction and operational phases of the development.
  - A *Detailed Badger Mitigation Strategy* (including updated Badger survey) to demonstrate how Badgers associated with the site will be protected throughout the development.
  - An *Ecological Protection and Mitigation Plan* to demonstrate how sensitive on-site and off-site habitats and species, including the off-site LNR/LWS, on-site scrub, trees and grassland, bats, Badgers, reptiles and nesting birds, will be protected throughout development and how spread of invasive species will be controlled. The *Ecological Protection and Mitigation Plan* should also include details of establishment and long-term maintenance of new habitats and ecological features (including provision of bat and bird boxes, reptile hibernacula, insect boxes and Hedgehog holes) proposed as part of the development.
  - A *Wildlife Friendly Lighting Scheme* following standard guidelines should be provided which identifies the environmentally sensitive zones within the site and demonstrates how light spillage into these zones will be avoided by the proposed lighting scheme.

  Provision of this information could be subject of conditions of planning consent.

Summary

In summary, review of the proposals and ecological submissions in support of the application has identified two areas in relation to the off-site LNR/LWS and foraging/commuting bats where baseline information and assessment is currently considered deficient to demonstrate compliance with Policy 31 of the Adur Local Plan 2017, the 2021 NPPF and nature conservation legislation. In addition, no information is provided to demonstrate a biodiversity net gain in accordance with the NPPF. We recommend that where appropriate the further information identified above is provided prior to determination of the application to fully assess the ecological impacts of the proposed development.

Notwithstanding this, the remainder of the submitted information which has been subject to review is sufficient to demonstrate compliance with nature conservation policy and legislation. We would however recommend that, where appropriate, the further information identified above is provided prior to construction commencing on site to allow full assessment of the likely ecological effects of the proposed development. This could be secured via condition(s) of any planning consent granted.

Clare Bird MCIEEM 15/11/2022