**AWDM/0183/24**

**Forest Barn, Forest Lane, Worthing, BN13 3FD**

*Extension to existing dwelling (Forest Barns) and the subdivision of existing residential curtilage and erection of 1no. 3-bedroom chalet bungalow, retention of existing access, provision of landscaping*

**Review of submission documents:**

- Planning, Design and Heritage Statement: Forest Barns (ECE Planning, February 2024)
- Proposed Site Plan: Forest Barn, Forest Barn Lane, Goring, West Sussex, BN12 3FD (Turner Associates, 2023)
- Site Location Plan: Forest Barn, Forest Barn Lane, Goring, West Sussex, BN12 3FD (Turner Associates, 2023)
- Preliminary Ecological Appraisal and Bat Roost Assessment: Forest Barn, Worthing (JWK Wildlife Surveys, 7th January 2024)
- Great Crested Newt and Bat Survey Report: Forest Barn, Worthing (JWK Wildlife Surveys, 18th January 2024)
- Forest Barn, Worthing: Biodiversity Net Gain Assessment (JWK Wildlife Surveys, 30th January 2024)
- The Statutory Biodiversity Metric -Technical Annex 1: Condition Assessment Sheets and Methodology (JWK Wildlife Surveys, 30th January 2024)

**Ecological submission documents associated with a previous application for the site were also considered in this review:**

AWDM/1471/22

- Preliminary Ecological Appraisal and Bat Roost Assessment: Forest Barn, Worthing (JWK Wildlife Surveys, 13 October 2022)

***Habitats***

No Habitats of Principal Importance are present within the development area and the area subject to survey is predominantly comprised of tall herb vegetation, mixed scrub and two disused buildings. These are habitats of limited value in their own right and their loss to the proposed development is not likely to be significant in a local context.

The *Proposed Site Plan* shows a ditch/seasonal stream on the eastern site boundary and it is not clear from the proposals whether this will ultimately lie within private residential gardens or outside of these areas. There is no detailed description or assessment of the potential value of this feature in its own right, or the potential for effects of development on the habitat integrity or connectivity provided by this feature. We would expect the ecological assessment to provide an assessment of the current value of the seasonal stream and consider if there would be any effects from the proposals, during both construction and operation, on this feature, together with any measures required for its protection.

In accordance with the request as part of the previous planning application (AWDM/1471/22), a BNG assessment has been undertaken. However in order to review this BNG assessment the following is required:

- The Biodiversity Impact Assessment Calculator in excel format.
- A plan showing baseline habitats and condition scores for the site.
- A plan showing proposed/retained habitats for the site and associated condition scores. The proposals need to be based on landscape proposals submitted with the planning application to give reassurance that these landscape proposals will be delivered and can subsequently be monitored.
- Completed habitat condition assessment forms for the proposed habitats, including full justification for how habitat type and condition scores have been reached for proposed

habitats[1]. For example, if a habitat is proposed for enhancement which condition scores will be enhanced to achieve this condition and how. In addition, confidence is needed that these areas won't be damaged/lost as a result of the construction works e.g. access/site compounds/storage have been taken into consideration.

- The inclusion of watercourse habitats within the Biodiversity Impact Assessment calculator. To include:
    - Justification is required as to why the ditch/stream (it is referred to as both in the application) has been classed in the calculation as a ditch rather than a seasonal stream in the Biodiversity Impact Assessment calculator, in particular as it is apparent from historical maps that it has been a feature of the landscape for a considerable number of years (its clearly shown on the 1875 OS Map for the area)[2].
    - A plan showing watercourse habitats and condition scores for both the baseline and proposed habitats within the site.
    - Completed habitat condition assessment forms for the watercourse proposed habitats (or screen shots of the River Condition Assessment for baseline and proposed habitats to show how the 10% net gain in watercourses will be achieved).

***Protected and Notable Species***

*Bats*

The updated *Preliminary Ecological Appraisal and Bat Roost Assessment* identifies that between the building inspection undertaken on the 26th September 2022 (during which evidence of roosting bats was recorded in the main house (Building 1)) and the building inspection undertaken on the 29th June 2023, structural works have been carried out on the buildings within the site including:

- Main house (Building 1)
    - removal of the chimney including the removal of the raised lead flashing around the chimney base identified as a potential bat roosting feature;
    - removal of all windows on the southern dormers resulting in the loss of gaps below the dormer window roof overhangs identified as potential bat roosting features; and
    - removal of the roof section connecting Building 1 to Building 2.
- Outhouse (Building 2)
    - Removal of remaining roof sections
    - Removal of the majority of the timber plank walls and timber framed windows on the western elevation and
    - Removal of timber barge boards on the upper sections of the western wall.

Phase 2 roost surveys have subsequently been undertaken which have identified an individual Common Pipistrelle roosting within the Main House (Building 1).

[1] Please note that although it has not been possible to carry out a thorough assessment of the BNG calculation based on the information given. It is noted that the *'Proposed Site Plan'* is showing grassland, scrub retention/enhancement, new tree planting and the enhanced ditch/stream within the gardens of the proposed residential dwellings (and there is no proposed vegetated gardens within *Table 1: Habitat Areas* included within the *Biodiversity Net Gain Assessment* provided). Due to uncertainties in achieving biodiversity within residential gardens (which will be at the prerogative of the homeowners to maintain) habitats within proposed gardens should be classed as 'Urban – Vegetated Garden' and any tree planting within the created garden should not be included within the metric (See Page 55 of The Statutory Biodiversity Metric: User Guide (February 2024)).

[2] Please note if clear justification is not available for classifying the feature as a ditch rather than a seasonal stream, then the calculation should on a precautionary basis be based on the higher distinctiveness habitat (i.e 'other river and stream'). In addition, if the feature is classified as a stream then the individual carrying the MORPH5 assessment should be a qualified assessor to undertake a river condition assessment (see Page 7 of the Statutory Biodiversity Metric: User Guide (February 2024)).

The findings of the previous and updated survey work confirm that a bat roost is present in association with the roof of the Main House (Building 1). In view of the works undertaken and the current application:

- It appears that the works undertaken to the roof of the Main House (between September 2022 and June 2023) would have required a derogation licence from Natural England for disturbance/ damage to the roost site. It is requested that a copy of the Natural England derogation licence under which the works were undertaken be provided to ensure that the proposed development is compatible with the legally binding requirements of the licence.
- The Phase 2 roost surveys have identified an individual Common Pipistrelle roost within the Main House and as such an EPS licence will similarly be required for the current application. The level of detail provided to date is insufficient to demonstrate that the favourable conservation status of bats at the site will be maintained in order for the planning authority to meet its legal obligations in this regard. This should include information on timing of works, approach to works and replacement roost provision (as a minimum).

The *Great Crested Newt and Bat Survey Report* identified an individual Common Pipistrelle roosting within the Main House and as such an EPS licence will be required for works to the building. An outline bat mitigation strategy has been included however it is extremely brief. To ensure the favourable conservation status can be maintained, a detailed bat mitigation strategy is required to inform an assessment of the impact and detailed mitigation, compensation and enhancement measures. This can either be provided as a revision to the *Great Crested Newt and Bat Survey Report* or as a stand-along Detailed Bat Mitigation Strategy and must be made available prior to determination.

*Hazel Dormouse*

Although it is unlikely that Hazel Dormice would be encountered at the site, the applicant's ecology submissions identify that the application site has limited potential to support this species, and records of the species have been made locally. The precautionary measures to protect Hazel Dormice through the course of site clearance outlined within the *Preliminary Ecological Appraisal and Bat Roost Assessment* should be reflected within an *Ecological Protection and Mitigation Plan*.

*Badgers*

No signs of Badger have been recorded at the site however habitats at the site provide potential sett-building and foraging habitat for this species. Badgers are very mobile animals and occasionally setts may be abandoned and new setts created elsewhere. In the event that more than 12 months elapses between the date of the *Preliminary Ecological Appraisal and Bat Roost Assessment* and the commencement of works it is recommended that the site is re-surveyed prior to commencement of development to ensure that the status of Badgers has not changed.

*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*.

*Reptiles*

Although a significant population of reptiles at the site is highly unlikely, the applicant's ecology submissions identify that the application site has potential to support small numbers of common and widespread reptile species. Measures to protect reptiles through the course of construction should be detailed within an *Ecological Protection and Mitigation Plan*.

*Great Crested Newts*

The West Durrington application carried out Great Crested Newt surveys on the ponds in proximity to Forest Barn and recorded a medium meta-population of Great Crested Newts in association with P6, P7 and P3 (the dotted line on the image below is the 50m buffer from these ponds), with Great Crested Newt surveys most recently carried out in 2020:




In view of the: (i) known presence of a moderate meta-population of Great Crested Newts in 3 ponds in close proximity to the Forest Barn land (between 40-60m from the site); (ii) only one of these ponds previously recorded as supporting Great Crested Newts was accessed to carry out an Great Crested Newt eDNA survey in 2023; (iii) the acknowledged connectivity along the eastern and southern boundaries of the site with habitats in the surrounding area[3]; and (iv) the presence of suitable terrestrial habitat within the site including scrub and tall ruderal vegetation; it is considered that the mitigation strategy proposed in the *Great Crested Newt and Bat Survey Report* would not maintain the favourable conservation status of this species. We consider there is a moderate risk of Great Crested Newts being present within the site, and this is backed up by the *Rapid Risk Assessment* provided within *Natural England's Great Crested Newt Method Statement for EPS Licence Application* which indicates that loss or damage of 001-0.1ha of land within 100m of breeding ponds would comprise a likely offence. As such we would suggest that an appropriate EPS licence is required before works commence.

Further to this it is understood that works have recently been undertaken (removal of vegetation and an earth embankment) and therefore it is likely that the legislation in relation to Great Crested Newt has been breached as terrestrial habitat likely associated with the Great Crested Newt population has been destroyed. No further clearance should be undertaken until an appropriate EPS licence is in place for these works.

**Advice:**

- **Prior to determination** of the application the following documents should be provided:
  - Consideration of the effects of the proposals on the stream during both the construction and operational phases of the proposed development.
  - A copy of the Natural England bat licence under which the works to the main house (Building 1) have been undertaken, including details of mitigation commitments.
  - Impact assessment and detailed mitigation, compensation and enhancement measures for the bat roost identified.

[3] Please note it is not considered that close board fence lines would preclude access for Great Crested Newts (usually close board fencing is mounted at least 2 inches off the ground to reduce swelling and rotting).

- Appropriate level of survey, impact assessment and detailed mitigation, compensation and enhancement measures for the known Great Crested Newt population in the vicinity of the site.
- A revised *Biodiversity Impact Assessment* calculation to demonstrate that the proposed development will achieve a net gain for biodiversity.

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

- **Prior to construction** commencing at the site, the following documents should be provided:
  - An *Ecological Protection and Mitigation Plan* to demonstrate how sensitive on-site and off-site habitats and species, including the stream and retained vegetation, bats, Dormice, Badgers, reptiles, Great Crested Newts 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, wildlife kerbs, off-set gulley pots or gully pot ladders, 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.
  - A *Landscape and Ecological Management Plan* (LEMP) detailing measures for the implementation, establishment and management of habitats, together with monitoring to ensure the predicated BNG is achieved.

Provision of this information could be subject of a condition of planning consent.

**Summary**

In summary, review of the proposals and ecological submissions in support of the application has identified several areas where baseline information and assessment is insufficient to demonstrate compliance with Policies DM18 and DM19 of the Worthing Borough Council Local Plan 2020-2036, the 2023 NPPF and nature conservation legislation. 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 and, in the case of bats and Great Crested Newts, comply with nature conservation legislation.

Please note that the above fundamental observations are based on an initial review of the documents provided and require response prior to a more detailed review, which may identify additional areas of concern.

In the event that planning consent is granted following the above matters being properly addressed, where identified above further information should also be provided prior to construction commencing on site in order to allow full assessment of the likely ecological effects of the proposed development. These elements could be secured via condition(s) of any planning consent granted.

Clare Bird MCIEEM 21/03/2024