



The countryside charity  
Sussex

CPRE Sussex  
Brownings Farm  
Blackboys  
East Sussex TN22 5HG  
Telephone 01825 890975  
info@cpresussex.org.uk  
www.cpresussex.org.uk

Attention: Case Officer Mr Robert Hermitage

Horsham District Council  
Parkside  
Chart Way  
Horsham  
West Sussex  
RH12 1RL

10 April 2022

Dear Mr Hermitage,

Representation for and on behalf of CPRE Sussex objecting to:

**DC/22/0511**

**Change of use of woodland for the siting 5 No. eco-lodges as part of a farm diversification scheme**

**Land at 519997 129583, Hammerpond Road, Horsham, West Sussex, RH13 6PJ**

CPRE Sussex's concerns and reasons for objecting to the proposed development in Ancient Woodland within the Area of Outstanding Natural Beauty and the Sussex North Water Supply Zone are explained below.

**1. Ancient Woodland is irreplaceable. Accordingly, whether the proposed scheme could or would harm or result in the loss of the Ancient Woodland's flora, fauna and habitats within and outside of the site is a significant material consideration in the deciding of this application.**

1.1 Natural England and the Forestry Commission require Local Planning Authorities (LPSs) to take in to account their 'Standing Advice': 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (updated 22 January 2022)', which is a material planning consideration when making planning decisions on proposals that affect ancient woodland, ancient trees or veteran trees.

<https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

1.2 The NPPF stipulates at paragraph 18 c) that

*"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".*

To promote, enhance and protect a thriving countryside for everyone's benefit

President: Lord Egremont

Campaign to Protect Rural England Sussex Branch CIO | Registered charity number: 1156568

Facebook : [www.facebook.com/CPRESussex](http://www.facebook.com/CPRESussex) | Twitter : @cpresussex

1.3 The HDPF recognises that *“There is a continued need to protect and enhance nationally and locally designated landscapes, habitats, species and ancient woodland;”* (Chapter 9: Conserving and Enhancing the Natural and Built Environment, page 95, sixth bullet).

1.4 The HDPF recognises that Ancient Woodland is irreplaceable:

*“The nature of the habitats and species found across the District is very varied, but key characteristics include the network of woodland habitats, which is particularly dense in the north of the district. Much of this woodland has been present since at least 1600. Designated as ancient woodland, these areas are of particular importance to wildlife and are irreplaceable”* (HDPF, paragraph 9.30).

1.5 HDPF Policy 31 Green Infrastructure and Biodiversity stipulates, at section 4.a)

*“Particular consideration will be given to the hierarchy of sites and habitats in the district as follows:*

*“iii. Sites of Nature Conservation Importance (SNCl)s, Local Nature Reserves (LNRs) and any areas of Ancient woodland, local geodiversity or other irreplaceable habitats not already identified in i & ii above”.*

1.6 NPPF paragraph 176 states:

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas”.*

**2. CPRE Sussex is very concerned that the Preliminary Ecological Appraisal commissioned by the applicant and submitted with the application, neither identifies nor considers the impacts that residential use of the site, post construction, including recreational pressure and soil trampling, could or would have on the Ancient Woodland’s fauna, flora, soils and habitats.**

2.1 Potential impacts need therefore to be identified, consequences assessed, and mitigation measures determined for decision-takers to consider in the deciding of this application.

**3. The applicant’s ecological appraisal being a preliminary appraisal is very limited in scope.**

3.1 Its limitations are acknowledged in the Appraisal at paragraph 2.3:

*“It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site”.*

*“This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records”.*

*“The survey was completed during the sub-optimal survey period limiting the identification of ground flora species. These limitations have been taken into*

*account during the evaluation of the site and requirement for further surveys and mitigation.”*

**4. Contrary to the Preliminary Ecological Appraisal’s recommendation, the application bundle does not include a Phase 2 botanical survey report.**

4.1 The Appraisal stipulates at page 4:

*“A Phase 2 botanical survey will be required. This survey must be undertaken between April-May by a suitably qualified ecologist or botanist.”*

*“The LPA may also request a Woodland Enhancement and Management Plan to mitigate any impacts to the woodland, following the assessment from the botanical survey”.*

And at page 21:

*“A Phase 2 botanical survey will be required to determine if the ground flora of the woodland on the site is a habitat of principal importance. This survey must be undertaken between April-May in accordance with current survey guidelines. The survey is likely to be required before planning permission can be granted”.*

4.2 A Phase 2 botanical survey should therefore be undertaken between April-May and the resultant report provided for the consideration of decision takers.

4.3 This data is needed to enable compliance with Government Circular 06/2005: ‘Biodiversity and Geological Conservation-Statutory Obligations and their impact within the planning system’.

4.3.1 Circular 06/2005 states:

Paragraph 98: *“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.”*

Paragraph 99: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted”.*

4.4 Natural England and Defra in their Guidance Protected species and development: advice for local planning authorities’ (updated 14 January 2022) advise that LPAs should not usually attach planning conditions that ask for surveys because the full impact of a proposal on protected species needs to be considered before planning permission can be granted. In addition, the Guidance stipulates that LPAs should:

- Make sure developers use a suitably qualified and licensed ecologist to carry out surveys at the right time of year using appropriate methods.
- Not decide planning applications until they have received all the necessary surveys.

[www.gov.uk/guidance/protected-species-how-to-review-planning-applications](http://www.gov.uk/guidance/protected-species-how-to-review-planning-applications)

**5. CPRE Sussex is therefore concerned that no on-site across-seasons field surveys have been undertaken to identify and record the site's fauna to determine which protected species are present.**

5.1 This data is needed to enable compliance with Government Circular 06/2005: 'Biodiversity and Geological Conservation-Statutory Obligations and their impact within the planning system' and Natural England's Standing Advice on Protected Species.

5.2 The need for on-site field survey to record species on the site is highlighted, for example, in respect of birds. The Preliminary Ecological Appraisal advises:

At page 19:

*"There are 124 bird species recorded in 2km of the site. Schedule 1 species such as red kite *Milvus milvus* and honey buzzard *Pernis apivorus* are listed, of which the site provides suitable nesting habitat for".*

*"A bird nest (pictured below) was recorded on site, located within a tree approximately 1.5m from ground level. The material make-up and size is suggestive of a song thrush *Turdus philomelos* nest".*

*"The woodland, scrub and dense low vegetation on site have excellent nesting value for birds. The small ephemeral pools, running water and decaying trees offer good foraging potential for birds, due to the attraction of invertebrate populations to the area. The vegetation also provides fruits suitable for birds to feed on".*

At page 28:

*"The woodland offers many nesting opportunities in trees and scrub vegetation. The ephemeral pools and vegetation also offer foraging value. There is also excellent connectivity to the wider landscape through further woodland, connecting hedgerows and treelines".*

5.3. Natural England's Standing Advice: 'Guidance Wild birds: advice for making planning decisions How to assess a planning application when there are wild birds on or near a proposed development site (14 January 2022) stipulates that LPAs should ask for a survey if the proposal site is likely to affect:

- breeding birds
- wintering birds
- barn owls and other birds listed in Schedule 1 of the Wildlife and Countryside Act.
- birds listed in Section 41 of the Natural Environment and Rural Communities Communities Act 2006
- Red and Amber list birds of Conservation Concern.

<https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions>

5.3.1 Natural England's Standing Advice is a material consideration for LPAs. This formal advice is provided in place of an individual response to a consultation on a planning application and should be taken into account when making decisions on development proposals.

<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

5.4 The need for an-site bird survey to identify bird species that breed, nest and forage on the site is needed for this application together with an assessment of the impact that the proposed scheme would have on them is highlighted by the disturbing findings of the Fifth Review of Birds of Conservation Concern in the UK, Channel Islands and Isle of Man, published December 2021, which shows ‘a continuing decline in the status of our bird populations, in total 70 species (29% of those assessed) are now on the Red list, up from 36 species in the first review in 1996.

5.4.1 The review also presents the second International Union for Conservation of Nature (IUCN) Regional Red List assessment of extinction risk for Great Britain, which shows that 46% of 235 regularly occurring species, and 43% of 285 separate breeding and non-breeding populations, are assessed as being threatened with extinction. (The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second ICUN Red List assessment of extinction risk for Great Britain, December 2021).

**6. Net Gain: The Preliminary Ecological Appraisal neither considers nor recommends how Net Gains for the woodland’s biodiversity could be achieved. Furthermore, there is no commitment to achieving biodiversity net gain in the applicant’s Planning Statement.**

6.1 HDPF Policy 31 Green Infrastructure and Biodiversity stipulates at section 2 that

*“Development proposals will be required to contribute to the enhancement of existing biodiversity.”*

6.2 NPPF paragraph 174 stipulates that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”*

6.3 Considering the Environment Act, the net gain in biodiversity should be at least 10%.

6.4 Please note the guidance given under the heading *“How can biodiversity net gain be achieved?”* in Natural England and Defra ‘Guidance Natural environment Explains key issues in implementing policy to protect and enhance the natural environment, including local requirements’, that

*“Care needs to be taken to ensure that any benefits promised will lead to genuine and demonstrable gains for biodiversity. Discussions with local wildlife organisations can help to identify appropriate solutions, and tools such as the Defra biodiversity metric can be used to assess whether a biodiversity net gain outcome is expected to be achieved”.*

*“Planning authorities need to make sure that any evidence and rationale supplied by applicants are supported by the appropriate scientific expertise and local wildlife knowledge’. When assessing opportunities and proposals to secure biodiversity net gain, the local planning authority will need to have regard to all relevant policies, especially those on open space, health, green infrastructure, Green Belt and landscape. It will also be important to consider whether provisions for biodiversity net gain will be resilient to future pressures from further development or climate change and supported by appropriate maintenance arrangements”*  
(Paragraph: 023 Reference ID: 8-023-20190721).

**7. Water Neutrality: Whether the mitigation measures presented in the applicant's Water Neutrality Statement would really achieve water neutrality is questionable and should be determined by Natural England.**

7.1 The site falls within the Sussex North Water Supply Zone.

7.2 Natural England is concerned that abstraction of water within the zone is having an adverse impact on the protected sites and habitats within the Arun Valley. This includes the Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site.

7.2.1 Natural England therefore stipulates that new development within the zone should achieve water neutrality such that water use is equal to, or less than what it was before the development took place.

7.3 HDPF Policy 31 Green Infrastructure and Biodiversity, 4 a) and b), and 5, establishes that permission will be refused where development is anticipated to have an adverse impact on biodiversity sites such as SPAs and SACs, unless appropriate mitigation measures are provided.

7.4 The Planning Inspector who dismissed Appeal Ref: APP/Z3825/W/21/3281657 Longlands, West Chiltington Road, Pulborough, RH20 2EE (Decision date: 18 March 2022), for which Water Neutrality was a significant issue, advised at paragraph 18 that "*there is currently no general mitigation solution*" and at Paragraph 19 that "*At present there is insufficient certainty as to how water neutrality can be achieved.*"

7.5 Whether the mitigation measures presented in the Water Neutrality Statement submitted for DC/22/0511 would really achieve water neutrality is therefore questionable. This most crucial issue should be determined by Natural England.

**8. Sewage and Foul Water: Clarification and details of how and where sewage and foul water from the cabins would be treated is essential and must be provided.**

8.1. Plans and imagery of the proposed cabins submitted by the applicant show that they would be equipped with lavatories, showers, kitchen sinks and washing machines.

8.2 The Planning Statement omits to explain how and where foul water and sewage from the cabins would be treated.

8.3 It is stated in the Preliminary Ecological Appraisal that the survey was required to inform a planning application for the addition of five eco-lodges at the site, to be used as holiday lets with associated services and connection to mains sewage through the central track.

8.3.1 One site plan submitted by the applicant has marked on it a '*Trench for sewage, water, electricity and internet connected*' through the central track.

8.4 However, the Appraisal at pages 21, 23 and 26 also advises that a sewage treatment plant is to be installed at the site.

8.5 Clarification and details of how and where sewage and foul water from the cabins would be treated is essential and must be provided.

8.6 Any seepage of untreated or partially treated sewage and foul water would contaminate soils and water courses causing unconscionable environmental harm to irreplaceable Ancient Woodland, its biodiversity, including great crested newt (see the Appraisal, page 21) and ecology within and outside of the site.

In conclusion, CPRE Sussex asks that the application be refused for the reasons explained above.

Yours faithfully,

Dr R F Smith DPhil, BA (Hons), FRGS  
Trustee CPRE Sussex

Copy to Director CPRE Sussex