

**Subject – Application RR/2022/2620/P**

**Address – Land at Mill Farm, Whatlington Road, Whatlington**

**Proposal – Change of use of land at Mill Farm for the stationing of 3 shepherd huts for tourism use and associated works.**

A consultation response was received from East Sussex County Council Ecology on 6<sup>th</sup> March with the following recommendation:

- **Recommend for approval in principle subject to the imposition of conditions**

*“The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions which are outlined in this response.”*

The following five conditions and one informative note are recommended to be attached, if the Council recommends the application for approval:

*Lighting Design Strategy for Light-sensitive Biodiversity (can be included as part of the EDS)*

*Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

*a) identify those areas/features on site that are particularly sensitive for bats and dormice that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*

*b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and/or technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. This will include no direct lighting of boundaries with light spill onto ASNW avoided and spill onto other habitats reduced to acceptable levels.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.*

*Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.*

*Ecological Design Strategy*

*No development shall take place until an ecological design strategy (EDS) addressing compensation for the loss of habitat, protection of retained habitat (fencing and buffer planting to ASNW), bird and bat box specifications, grassland restoration, details of signage*

*and Site Information Pack wording and enhancement of the site to provide measurable biodiversity net gain, in line with the recommendations in the PEA (PJC, November 2022, Ref: 4823E/22) 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 ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy EN5 of Rother's Core Strategy 2014.*

*Biodiversity Method Statement (can be included as part of the CEMP)*

*No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of a) badgers b) reptiles c) amphibians d) watercourses and e) ASNW, has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:*

- 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 the works.*

*The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.*

*Reason: To protect habitats and species identified in the PEA from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.*

#### *Construction Environmental Management Plan (Biodiversity)*

*No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:*

- a) risk assessment of potentially damaging construction activities;*
- b) identification of “biodiversity protection zones”;*
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);*
- d) the location and timing of sensitive works to avoid harm to biodiversity features;*
- e) the times during construction when specialist ecologists need to be present on site to oversee works;*
- f) responsible persons and lines of communication;*
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;*
- h) use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.*

*Reason: To ensure that any adverse environmental impacts of development activities are mitigated.*

#### *Landscape and Ecological Management Plan*

*A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of development]. The content of the LEMP shall include the following:*

- a) description and evaluation of features to be managed;*
- 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, together with a plan of management compartments;*
- 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 plans 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: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.*

#### *Informative – breeding birds*

*The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present adjacent to the works and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. In summary, provided the recommended mitigation and compensation measures are carried out, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The provision of bird boxes, bat boxes and recommended log piles and brash piles will help enhance the site for biodiversity in line with the N*