

Liz Hobden
Head of Development Control
Brighton & Hove City Council
Kings House
Grand Avenue
Hove
BN3 2LS

Date: 26 April 2021

please contact
Dr Kate Cole
Environment Team

our ref
BH2021/01089

your ref
BH2021/01089

For the attention of: Ben.Daines@brighton-hove.gov.uk

Dear Ms Hobden

APPLICATION FOR PERMISSION IN PRINCIPLE FOR DEMOLITION OF EXISTING THREE BEDROOM DWELLING (C3) AND ERECTION OF 2NO THREE BEDROOM HOUSES - SEMI-DETACHED (C3) WITH LANDSCAPING, PARKING AND CYCLE STORAGE.

GLEN O FEN, WESTFIELD AVENUE NORTH, SALTDEAN, BRIGHTON BN2 8HQ

ECOLOGICAL CONSULTATION

With reference to your email of 01 April 2021, I have now had the opportunity to consider the above application and offer the following comments on ecological issues.

This advice is provided to the Local Planning Authority by the County Ecologist in line with the Service Level Agreement and is not a statutory consultation response.

Policy Context

1. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

2. The National Planning Policy Framework (NPPF, 2018) states that “*the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ... sites of biodiversity or geological value...*” and “*minimising impacts on and providing net gains for biodiversity ...*” (paragraph 170).
3. The NPPF sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity; these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity (paragraph 175).
4. Policy CP10 of Brighton & Hove City Council’s City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development.

Potential impacts on biodiversity

5. The proposed development is adjacent to the South Downs National Park and Coombe Farm Local Wildlife Site (LWS). Three other LWS lies within 500m of the site. There are multiple records of protected and notable species from the adjacent LWS and the surrounding area, including bats, reptiles, birds and invertebrates. The site offers the potential to support protected species. Given that the proposed development is not for a change of use and could potentially have a similar footprint to the existing dwelling on site, permission in principle can be supported from an ecological perspective. The detailed design should be informed by technical details on biodiversity.
6. In light of the above, and in line with BS42020:2013 *Biodiversity – code of practice for planning and development* and Annex 3 of SPD11 *Nature Conservation and Development*, the technical details consent stage should be informed by an Ecological Impact Assessment (EclA). Ecological impacts should be assessed, and recommendations for appropriate mitigation, compensation and enhancement made in accordance with CIEEM guidance. The assessment should consider the proposed development and the surrounding area, and should include a data search from the Sussex Biodiversity Record Centre. In line with the NERC Act, the NPPF and local planning policy, it should consider the existing nature conservation resource of the site, identify impacts and assess the need for avoidance, compensation and new benefits for biodiversity, including the potential to create and/or strengthen connectivity between existing habitats and to provide measurable biodiversity net gain. Surveys should be carried out in accordance with national best practice guidance and Natural England’s standing advice. The cumulative and in combination effects of this development with other local developments/plans/projects should be considered.
7. The EclA should be written such that it is clear and unambiguous as to what measures will be implemented by the applicant to mitigate any impacts and to provide a net gain for biodiversity in line with Section 40 of the NERC Act, paragraphs 170 and 175 of the NPPF and Policy CP10 of CPP1.

Summary

In summary, permission in principle can be supported from an ecological perspective.

Yours sincerely



Dr Kate Cole MCIEEM
County Ecologist, East Sussex County Council