



12 November 2024

Stephanie Bryant
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Horsham District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Dear Stephanie,

Application: DC/24/1538
Location: Land To The South of Furners Lane Henfield West Sussex BN5 9HS
Proposal: Erection of 29 dwellings with associated landscaping, open space, parking and creation of new vehicular access

Thank you for consulting Place Services on the above application.

a) No ecological harm/No objection	
b) Requires further information on European Protected Species (bats and Hazel Dormouse) and protected species (reptiles)	Yes
c) Recommend grant permission subject to conditions	
d) Recommend refusal	
e) Subject to Natural England's formal comments on the conclusion of the Water Neutrality Appropriate Assessment	Yes
f) Discharge of condition	

Please note that following receipt of Natural England's position statement on developments in the Sussex North Water Supply Zone, decisions on planning applications should await the completion of a Sussex North water neutrality strategy.

Summary

We have reviewed the Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024) supplied by the applicant, relating to the likely impacts of development on



protected & Priority species and habitats, and identification of proportionate mitigation. Please note that comments on mandatory Biodiversity Net Gain are provided by Horsham District Council in-house.

We understand that protected species surveys were undertaken in February and August 2022 and updated during a desk study in September 2024.

We are not satisfied that there is sufficient ecological information available for determination.

This is because it is not clear from the Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024) if Ground-level Tree Assessment for bats has been undertaken for the trees to be removed. We understand from the Arboricultural Impact Appraisal and Method Statement (Barrell Tree Consultancy, September 2024) that the following trees will be impacted:

H8 Hawthorn (fell part for access)

T25 Ash (fell)

T26 Ash (fell)

T27 Oak (Ash adjacent) (fell)

G36 Elm (fell for management, dying)

The trees must be checked in accordance with 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023) to establish whether Potential Roost Features (PRFs) for individual (PRF-Is) or multiple (PRF-Ms) bats are present. The results need to be submitted to the LPA for review prior to determination so that the LPA has certainty of likely impacts on protected species in accordance with [Government Standing Advice](#).

We understand that surveys undertaken for Hazel Dormouse in 2022 found no evidence of this species (Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024)). We also note that only a section of hedgerow H1 is to be removed and all other hedgerows are to be retained. However, the site has the potential to support this species, the surveys were undertaken over two years ago, and there is bramble scrub adjacent to Hedgerows H1, H3, H4 and H5. We therefore request clarification as to whether the scrub is to be removed and measures which will be taken to protect Hazel Dormouse (European Protected Species) onsite. This should be submitted to the LPA for review prior to determination so that the LPA has certainty of likely impacts on protected species in accordance with [Government Standing Advice](#).

In addition, the Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024) states in Section 5.10 that an off-site reptile translocation site will be required as there are breeding populations of Slow Worm and Common Lizard onsite. We therefore highlight that [Government Standing Advice](#) says:

If translocating reptiles, the proposal needs a receptor site:

- *close to the development site, and within the same LPA if possible*
- *that is at least the same size as the habitat that will be lost, and larger if the lost habitat is of high quality*
- *that will serve the same function as the habitat to be lost, for example it has hibernation features*
- *with similar habitat to the area that will be lost, including water bodies*
- *that does not currently support the same species, but can be improved to make it suitable*
- *that will be safe from future development and managed in the long term*

This means that the receptor site must be identified and assessed to ensure it meets these requirements and it has sufficient carrying capacity for the translocated Slow Worm and Common Lizard populations. We recommend that this information is submitted to the LPA prior to determination.



We also recommend the implementation of a mitigation strategy for reptiles which needs to be submitted to the LPA prior to determination. This should then be secured by a condition of any consent.

The results of surveys for bats, clarification on Hazel Dormouse, and information for the reptile translocation receptor site are required prior to determination because paragraph 99 of ODPM Circular 06/2005 highlights that: *"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."*

This information is required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

This further information is therefore required to provide the LPA with certainty of impacts on legally protected species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended).

Additional information

We note that the site does not contain any built structures and that static detector surveys in 2022 registered Common Pipistrelle bat, Soprano Pipistrelle, Myotis sp., Noctule, Long-eared species, Serotine and Barbastelle bat onsite (Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024)).

We support the proposed reasonable biodiversity enhancements in Section 7.2 of the Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024), which includes bird, bat and insect boxes and Hedgehog gaps in fencing. These enhancements have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.

Please note that we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the [NatureSpace Partnership](#).

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

Please contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)

Ecological Consultant

Place Services at Essex County Council

placeservicesecology@essex.gov.uk

Place Services provide ecological advice on behalf of Horsham District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.