



Date: 30 May 2025

Our ref: 04582

Hannah Darley
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By email only: Planning Department, planning@horsham.gov.uk

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.

Application: DC/25/0447
Location: Land at Hillybarn Farm The Mount Ifield West Sussex
Proposal: Erection of 4no. new build dwellings and amended access details.
(Alternative to permission granted under DC/22/1918 Prior Approval of Proposed Change of Use of Agricultural Building to form 5 dwellinghouses).

Thank you for consulting Place Services on the above full application.

No ecological objection	<input type="checkbox"/>
Recommend approval subject to attached conditions	<input type="checkbox"/>
Further information required/Temporary holding objection on European Protected Species (bats)	<input checked="" type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	<input type="checkbox"/>

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, 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 have been instructed to leave comments on Great Crested Newt, European Protected Species to the NatureSpace Partnership.

Despite a fallback position, we are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on roosting bats, European Protected Species, is provided prior to determination. The reasons for this are outlined below:

European Protected Species:

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats, European Protected Species. The submitted Bat Roost Potential Report (Sylvatica, July 2023) states that the “*endoscope inspection, should be repeated if a period of 12 months passes between this inspection and any demolition works*” and the ecological assessment Bat Roost Potential Report (Sylvatica, July 2023) is out of date to support this application, in line with CIEEM Guidance and paragraph 6.2.1 of British Standard (BS) BS42020 ‘Biodiversity – Code of practice for planning and development 2013’. This is because the site survey was undertaken on 15th June 2023, so the information was more than 18 months old when submitted to support the application.

As a result, we recommend that the applicant’s ecologist provides an ecological addendum or an updated ecological report to support this application, which should require an additional site visit and may require updated desk study information. The ecologist will be required to provide appropriate justification, on:

- The validity of the initial report;
- Which, if any, of the surveys need to be updated; and
- The appropriate scope, timing and methods for the update survey(s) for roosting bats.

If additional impacts to protected species are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination. This is necessary as the Government Circular 06/2005 identifies that 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. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.

The results of these surveys are required prior to determination because paragraph 99 of the 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 therefore required to provide the LPA with certainty of likely 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.

See Appeal Decisions Ref: APP/D3830/W/23/3320110 Land north of Staplefield Road, Slaugham, Haywards Heath, RH17 6AG and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

We look forward to working with the LPA and the applicant to receive the additional information on roosting bats required to support a lawful decision and overcome our holding objection.

Please do not hesitate to contact us if you have any queries in relation to this advice.

Sue Hooton CEnv MCIEEM BSc (Hons)

Principal Ecological Consultant

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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.