



6th January 2025

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 re-consulting Place Services on the above application.

a) No ecological harm/No objection	
b) Requires further information on European Protected Species (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 Additional Ecological Information (Sam Watson Ecology, December 2024) and Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September



2024), relating to the likely impacts of development on designated sites, protected and Priority species & 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 still not satisfied that there is sufficient ecological information available for determination.

Hazel dormouse:

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)) and welcome the clarification that a visit to the site on 9th September 2024 confirmed that there have been no significant changes to the habitats onsite (Additional Ecological Information (Sam Watson Ecology, December 2024)). We note that only a section of hedgerow H1 is to be removed and all other hedgerows are to be retained. However, as 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 recommend the implementation of a Precautionary Method Statement for Hazel Dormouse in accordance with [Government Standing Advice](#). The outline measures should be submitted to the LPA prior to determination.

Reptiles:

We welcome the preparation of a reptile mitigation strategy (Additional Ecological Information (Sam Watson Ecology, December 2024)). However, as explained in our response dated 12th November, the details of the receptor site must be identified and assessed prior to determination to ensure it meets the necessary requirements and has sufficient carrying capacity for the translocated Slow Worm and Common Lizard populations. We acknowledge that translocation of reptiles is an 'industry wide procedure', but in order to comply with [Government Standing Advice](#), the receptor site must be shown to be suitable prior to determination so that the LPA has certainty of impacts on protected species.

The information for the details for precautionary mitigation measures for Hazel Dormouse and 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 from the Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024)) that the site does not contain any built structures and that the Additional Ecological Information (Sam Watson Ecology, December 2024) clarifies that none of the trees to be



removed have Potential Roost Features. We therefore agree that no further surveys for bats are required. We also note from the Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024)) that the static detector surveys in 2022 registered Common Pipistrelle bat, Soprano Pipistrelle, Myotis sp., Noctule, Long-eared species, Serotine and Barbastelle bat onsite.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy 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

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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.