



13th February 2025

Nicola Pettifer
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.

Application: DC/23/0406
Location: Land To The West of Ashington C of E School Park Lane Ashington West Sussex
Proposal: Demolition of existing buildings and erection of 180 dwellings, all-weather sport pitch, sports pavilion and allotments; with associated access, landscaping, open space and infrastructure (amended plans)

Dear Nicola,

Thank you for further re-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)	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) Subject to Natural England's formal comments on the conclusion of the Bat Appropriate Assessment	Yes
g) 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

Further to our previous comments (July 2024), we have reviewed the Response to Ecology (Aspect Ecology, September 2024), Ecological Addendum Technical Note 01 (Aspect Ecology, June 2024) and the unredacted copy of the Ecological Appraisal (Aspect Ecology, Feb 2023), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of appropriate mitigation measures. Please note that comments on mandatory biodiversity net gain are provided by Horsham District Council in-house.

We are not satisfied that there is sufficient ecological information available for determination of the application and recommend that additional information on bats still needs to be provided prior to determination. The reasons for this are outlined below:

European Protected Species – bats

We note from the Response to Ecology (Aspect Ecology, September 2024) that additional trees proposed for removal have been subject to a Ground Level Tree Assessment for bats. Tree 65 Oak and Tree 66 Oak both have Potential Roost Features for multiple bats (PRFs-M). According to the 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023) 'Further Assessment is Required' (FAR) by inspection at height. If the features are not scoped out, a further two visits will be required between May and August. However, if there is no safe access to the trees, three emergence surveys for bats will be required (Tables 6.4 and 7.1-2 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)). The results need to be submitted to the LPA, including any mitigation measures to support a lawful decision, according to [Government Standing Advice](#).

We highlight that for any trees with PRFs for individual bats (PRFs-I), then no surveys are needed, but appropriate compensation would be required in advance of works to avoid loss of roost resource (*UK Bat Mitigation Guidelines*. Chartered Institute of Ecology and Environmental Management (Reason and Wray (2023))). In addition, any trees with PRF-Is must be felled under the supervision of a licensed bat ecologist under a non-licensed Precautionary Working Method Statement for bats (Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)).

We also note that the surveys for roosting bats in the two buildings onsite were undertaken in February 2022 and are therefore now three years old. This means the ecological assessment is out of date to support this application, in line with CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. We therefore recommend that a further Preliminary Roost Assessment should be undertaken on these buildings to support a lawful decision.

In addition, we note from the Response to Ecology (Aspect Ecology, September 2024) that a European Protected Species Mitigation Licence (EPSML) for Hazel Dormouse will be required for this application. Therefore, we highlight that appropriate outline mitigation and compensation measures to support the EPSML application to Natural England should be submitted to the LPA prior to determination, including any mitigation measures to support a lawful decision, according to [Government Standing Advice](#).

¹ CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>



The results of the bat surveys and the outline measures for Hazel Dormouse 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.

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, as 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).

Additional Comments

The site lies approximately 11.4km from The Mens Special Area of Conservation (SAC) for which one of the qualifying features is Barbastelle bat. The site lies within the 12km Wider Conservation Area for the SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and therefore may be within the range of foraging areas required by the bats. This is the full extent of the range of foraging areas required by the bats and any significant impacts or severance to flightlines need to be considered. The LPA may need to amend the previous project level HRA (May 2023) to assess the likely effects from this development on the bats of the Sussex bat SAC.

We support the implementation of the Precautionary Method Statement for mobile protected species, including Hedgehog (which is a Priority and threatened species) in Sections 7.1.11 and 7.1.21 of the Ecological Appraisal (Aspect Ecology, Feb 2023). This should be secured by a condition of any consent.

Please note 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.