24 April 2024

Hannah Darley
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 Hannah

Application: DC/23/2303
Location: Shuckers Farm Copsale Road Maplehurst West Sussex RH13 6QY
Proposal: Extension of outdoor arena and parking area.

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)	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 unless they can demonstrate water neutrality.

Summary

We have reviewed the documents supplied by the applicant, but unfortunately there is an absence of ecological information submitted with the application to help assess the potential use of the site by bats. We understand from the Application Form that there are no trees on site. However, as there appear to be adjacent trees to the south, within the blue line boundary (Google maps Maplehurst 24/04/2024), and an additional six floodlights will be erected (Design and Access Statement (DS Equine, undated), a bat survey may be required in accordance with Government Standing Advice for bats.

There are at least 10 records for bats within 2km of the site, including Common Pipistrelle, Soprano Pipistrelle and Brown Long-eared bat (Sussex Biodiversity Information Service – accessed under licence).

All bat species are designated and protected as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). This means that it is an offence to deliberately kill, injure, disturb or capture bats and to damage or destroy bat breeding sites and resting places (including access points even when bats are not present). It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly disturb bats while they occupy a structure or place used for shelter or protection or to obstruct their access. This is considered a reasonable request as bats may be present and affected by the development, given that there are trees adjacent to the site. This request for information is justified, and therefore reasonable, as protected species are a material consideration for planning.

It is therefore reasonable for a suitably qualified ecologist to check for any potential roost features (PRFs) in any trees to be impacted and prepare a Ground Level Tree Assessment for roosting bats as well as assessing if any features used by foraging bats will be impacted. This assessment can be undertaken at any time of the year and the results need to be submitted to the LPA together with full details of any mitigition required to avoid an offence.

In addition, the increased lighting may impact Hazel Dormouse as this species may be present in the adjacent woodland to the south of the site. A European Protected Species Mitigation Licence for Hazel Dormouse was granted in 2016 approximately 2km to the west of the site (MAGIC maps https://magic.defra.gov.uk/MagicMap.aspx). Therefore, a suitably qualified ecologist should assess any impacts to this European Protected Species and submit the results to the LPA together with details of any mitigation which may be required to avoid an offence in accordance with Government Standing Advice for Hazel Dormouse.

The results of the above assessments for bats and Hazel Dormouse 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.

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)
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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.