5th February 2025

Kate Turner
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/24/1551**
Location: **Land at Marches Road Warnham West Sussex**
Proposal: **Change of use of land for the siting of 2no. static caravans, 2no. touring caravans for habitation to be occupied by Gypsys and Travellers with associated parking and relocation of existing access. (Retrospective).**

Dear Kate

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

a) No ecological harm/No objection	
b) Requires further information	
c) Recommend grant permission subject to conditions	Yes
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 included with the application to help assess the potential use of the site by European Protected Species, Priority species and the presence of Priority habitats. Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house.

We understand that all of the works have already taken place.

We note that some trees onsite have already been felled. There are approximately eight records for bats within 2km of the site, including Noctule, Brown Long-eared and Common Pipistrelle (Sussex Biodiversity Record Centre – accessed under licence) and therefore roosting bats, which are European Protected Species, may have been present and affected by the development.

In addition, the removal of part of the hedgerow for a new highways access may have impacted Hazel Dormouse, which is a European Protected Species, as there appear to be good quality hedgerows around the site connected to ancient woodland to the north and south in the wider landscape. These hedgerows appear to provide suitable Hazel Dormouse habitat (MAGIC maps). Therefore, Hazel Dormouse may have been present and affected by the development.

All bat species and Hazel Dormouse are 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 these species and to damage or destroy their breeding sites and resting places (including access points even when individual bats are not present). It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly disturb bats or Hazel Dormouse while they occupy a structure or place used for shelter or protection or to obstruct their access.

We therefore recommend the implementation of a bespoke compensation package for the loss of native hedgerow and trees and in order to maintain connectivity of habitats within the landscape. The package should be appropriate for the site and the scale and nature of the development. The measures should be detailed within a Biodiversity Compensation and Enhancement Strategy to be secured by a condition of any consent. This should include the replanting of native hedgerow across the existing access to be closed and reasonable biodiversity enhancements for protected, Priority and threatened species (such as bird and bat boxes), as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024).

We also recommend that a Wildlife Friendly Lighting Strategy is implemented for this application to avoid impacts on nocturnal species from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.

- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

We are satisfied that there is sufficient ecological information available for determination of this retrospective application, excluding Great Crested Newt. We have been instructed to leave comments on this European Protected Species to the NatureSpacePartnership. With appropriate biodiversity compensation and enhancement measures secured, the development can be made acceptable.

Recommended conditions

1. **WITHIN THREE MONTHS OF CONSENT: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY**
   "A Biodiversity Compensation and Enhancement Strategy for protected and Priority species and habitats prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

   The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:
   a) *Purpose and conservation objectives for the proposed compensation and enhancement measures;*
   b) *detailed designs or product descriptions to achieve stated objectives;*
   c) *identification and numbers of native species to be planted;*
   d) *locations, orientations and heights of proposed compensation and enhancement measures by appropriate maps and plans (where relevant);*
   e) *persons responsible for implementing the compensation and enhancement measures; and*
   f) *details of initial aftercare and long-term maintenance (where relevant).*

   The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

   Reason: To compensate and enhance native hedgerow and woodland and protected, Priority and threatened species & habitats and allow the LPA to discharge its duties under the NPPF (December 2024) and s40 of the NERC Act 2006 (as amended).

2. **WITHIN THREE MONTHS OF CONSENT: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**
"*A lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.*

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

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.