23 May 2024

Jacques Burrowes
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 Jacques

Application: **DC/24/0347**
Location: **Lawsons Farm Two Mile Ash Horsham West Sussex RH13 0PG**
Proposal: **Extension with replacement of windows to the existing house (Householder Application).**

Thank you for re-consulting Place Services on the above Householder 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) 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 unless they can demonstrate water neutrality.

Summary

We have reviewed the Update Preliminary Ecological Appraisal (JWK Wildlife Surveys, May 2024) and Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation. We understand from the Update Preliminary Ecological Appraisal (JWK Wildlife Surveys, May 2024) that there have been no significant changes to habitats or species on the site from the previous surveys.

We note from the Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022) that a licence for bats will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. This is because the three dusk emergence and dawn re-entry bat surveys in July and August 2023 confirmed the presence of six Common Pipistrelle bat day roosts and three Myotis species bat day roosts beneath the hanging tiles. We support the Outline Bat Mitigation Strategy in the Recommendations of the Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022).

The site lies approximately 10.5km east of The Mens Special Area of Conservation (SAC) (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and therefore falls within the 12 km Wider Conservation Area for the SAC. The qualifying feature for the SAC is Barbastelle bat, but there are no recent records for this species within 2km of the site (Sussex Biodiversity Record Centre (SxBRC) – accessed under licence). However, there is a record for Barbastelle bat from 2011 (Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022)).

There are more than 30 recent records for bats within 2km of the site, including Natterer's, Common Pipistrelle, Soprano Pipistrelle and Brown Long-eared bat (SxBRC – accessed under licence). The bat records from 2011 also include Bechstein's bat, Serotine, Daubenton's, Whiskered/Brandt's bat and Noctule (Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022)). In 2015, three European Protected Species Mitigation Licences (EPSMLs) were granted for Brown Long-eared and Common Pipistrelle within 2 km of the site; and in 2017, a Brown Long-eared and Common Pipistrelle EPSML was granted 1.5km northeast of the site (MAGIC maps).

The site lies approximately 15.6km east of Ebernoe Common SAC and is therefore outside the Wider Conservation Area for the SAC. The sites lies approximately 12.1km northeast of the Arun Valley SAC, SPA and Ramsar.

The majority of the site comprises amenity garden with buildings and developed land and a small horticultural area (Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022)). There are no trees or hedgerows on site.

The Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022)) recommends that the landscaping scheme should include a significant proportion of native species-rich planting, including trees, shrubs and wildflowers and aim to improve connectivity with the wider environment through green corridors, including the minimisation of light spill onto boundaries. Therefore, there will be no severance to the flight lines of foraging or commuting bats from the SAC and habitat connectivity within the site will be maintained.

We understand that the proposals include only limited external lighting. However, as Barbastelle bats may use the surrounding habitat, we support the sensitive lighting measures to avoid impacts from light disturbance in the Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022)), as recommended by GN:08/23 (ILP). These should be secured by a condition of any consent and implemented in full.

We therefore believe there will therefore be no Adverse Effect on Integrity of the bat SAC. We advise the LPA to prepare a project level HRA screening report to record its decision.

We now have no objections on ecological matters excluding Great Crested Newt. We have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership. We recommend that the NatureSpace Partnership is consulted on this application.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

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

The mitigation measures identified in the Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We also support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023). The specifications of the enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent and implemented in full.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**
   "All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Bat Roost Report (JWK Wildlife Surveys, September 2022), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason*:* To conserve and enhance protected and Priority species and 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.

2. **PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS**
   "Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence *unless the local planning authority has been provided with either:*

   a) *a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
   b) *evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or*
   c) *a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."*

   Reason: To conserve protected species and 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 s17 Crime & Disorder Act 1998.

3. **PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT**
   "A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Appraisal Report (Wychwood Environmental Ltd., January 2024), shall be submitted to and approved in writing by the local planning authority.

   The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

   Reason: To enhance protected and Priority species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended).

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.