11 March 2024

William Omoma
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 William

Application: **DC/23/2280**
Location: **Ingfield Manor School Ingfield Manor Drive Five Oaks West Sussex RH14 9AX**
Proposal: **Erection of a prefabricated, single-storey building to provide 2No. classrooms (F1), with associated works.**

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)	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 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 bats.

All bat species are designated and protected as European Protected Species, protected 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, given the large number of surrounding trees and as there are more than ten Brown Long-eared bat and Common Pipistrelle bat records within 2km of the site (Sussex Biodiversity Information Centre – accessed under licence). In addition, the Arboricultural Report (Silverback Arboricultural Consultancy Ltd., October 2023) highlights that, although all trees will be retained on site, overhanging and low branches may be damaged by scaffolding during construction (Section 7.4). 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 in the trees in accordance with 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023) and to prepare a Preliminary Roost Assessment.This 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 and compensation required to avoid an offence.

The results of the above surveys for bats 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 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

In addition, as there is a pond within the school grounds, adjacent to the site, we recommend that the NatureSpace Partnership should be consulted about potential risks to Great Crested Newt.

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.