09 October 2024

Alice Johnson
Horsham District Council
Parkside,
Chart Way,
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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 Alice

Application: **DC/24/0862**
Location: **South House Farm Marringdean Road Billingshurst RH14 9HH**
Proposal: **Erection of 1No. dwelling (in the alternative to permission granted under DC/22/0435 - Prior Notification for the change of use of an agricultural building to residential (Class C3) to form 1no. dwellinghouse).**

Thank you for further re-consulting Place Services on the above application.

Temporary Holding Objection pending further information	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Recommended Discharge of condition	
Subject to Natural England's formal comments on the conclusion of the Water Neutrality Appropriate Assessment	Yes
Subject to Natural England's formal comments on the conclusion of the Bat Appropriate Assessment	Yes

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 submitted Bat Emergence Survey Report (Sylvatica Ecology, September 2024), Preliminary Ecological Assessment (Sylvatica Ecology, July 2024) and Preliminary Bat Roost Potential Report (Sylvatica Ecology, June 2021) relating to the likely impacts of development on designated site and protected species and identification of appropriate mitigation measures. Please note that we have been instructed to provide no comments on Mandatory Biodiversity Net Gain as these will be provided by Horsham District Council in-house ecologist.

We note from the Bat Emergence Survey Report (Sylvatica Ecology, September 2024) that a single Brown Long-eared bat was recorded at a feeding perch in the barn during the emergence surveys undertaken in July and August 2024. We understand that the works will be undertaken under a Bat Mitigation Class Licence. Therefore the site must be registered before commencement of any works and we recommend that evidence of site registration by an individual registered to use the Bat Mitigation Class Licence, or a copy of a full EPS mitigation licence, is secured by a condition of any Consent. We support the outline mitigation measures in Section 5.6 of the Bat Emergence Survey Report (Sylvatica Ecology, September 2024).

The site lies approximately 6.5km east of The Mens Special Area of Conservation (SAC) and is therefore within the 6.5km Key Conservation Area (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). One of the qualifying features for the SAC is Barbastelle bats and, in the Key Conservation Area, all impacts must be considered as habitats within this zone are considered critical for sustaining the populations of bats within the SACs (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). However, there are no records for this species within 2km of the site (Sussex Biodiversity Information Service (SBIS) – accessed under licence) and no European Protected Species Mitigation Licences (EPSML) have been granted within 2km of the site (MAGIC maps).

There are records for Noctule bat, Common Pipistrelle, Soprano pipistrelle and Brown Long-eared bat within 2 km of the site (Preliminary Bat Roost Potential Report (Sylvatica Ecology, June 2021). The site also lies approximately 11.2km southeast of Ebernoe Common SAC and therefore lies within the Wider Conservation Area for this SAC. The site lies approximately 6.7km northeast of the Arun Valley SAC, SPA and Ramsar.

The site comprises the southern part of a larger hay meadow with a barn in the southeast of the site (Preliminary Ecological Assessment (Sylvatica Ecology, July 2024)). Modified grassland is intersected by a native species hedgerow with mature trees, there is a small patch of ruderal habitat around the barn and some scattered Ash, Oak and Sycamore trees to the south of the hedgerow. We understand from the submitted documents that the hedgerow is 112m in length and comprises Hazel, Hawthorn, Elder, Bramble, Privet, Blackthorn, Ash, Oak and Sycamore.

We understand that no trees will be impacted by the works, that the hedgerow will be retained and that the plans include new native tree and hedgerow planting. We also note that any access routes would use pre-existing routes into the site (Preliminary Ecological Assessment (Sylvatica Ecology, July 2024)). 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.

As Barbastelle bats may use this habitat, we support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Bat Emergence Survey Report (Sylvatica Ecology, September 2024)), to avoid impacts 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 therefore consider that there will 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.

As Hazel Dormouse has been recorded in the area, we support the Non-licensed Precautionary Method Statement for Hazel Dormouse in Section 6.12 of the Preliminary Ecological Assessment (Sylvatica Ecology, July 2024). This should be secured by a condition of any consent.

We also support the implementation of the Precautionary Method Statement for mobile species in Section 6.16 of the Preliminary Ecological Assessment (Sylvatica Ecology, July 2024) as there may be reptiles, amphibians and Hedgehog, a Priority species, on site. This should be secured by a condition of any consent.

We are now satisfied that there is sufficient ecological information available for determination. We have no objections on ecological matters excluding Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

We also recommend that reasonable biodiversity enhancements for protected and Priority species are identified to secure net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

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.

The mitigation and enhancement measures identified in the Bat Emergence Survey Report (Sylvatica Ecology, September 2024) and Preliminary Ecological Assessment (Sylvatica Ecology, July 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species.

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

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 compensation measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence Survey Report (Sylvatica Ecology, September 2024) and Preliminary Ecological Assessment (Sylvatica Ecology, July 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Non-licensed Precautionary Method Statement for Hazel Dormouse in Section 6.12 and the Precautionary Method Statement for mobile species in Section 6.16 of the Preliminary Ecological Assessment (Sylvatica Ecology, July 2024). This avoids impacts on European Protected Species and protected species.

   This will 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).

2. **PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS: SUBMISSION OF A COPY OF EPS MITIGATION LICENCE FOR BATS OR EVIDENCE OF SITE REGISTRATION UNDER A BAT MITIGATION CLASS LICENCE**
   "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 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 STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:
a) *Purpose and conservation objectives for the proposed enhancement measures;*
b) *detailed designs or product descriptions to achieve stated objectives;*
c) *locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);*
d) *persons responsible for implementing the enhancement measures; and*
e) *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 enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

4. PRIOR TO OCCUPATION: 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).

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.