12 September 2024

Hannah Darley
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

By email only

Thank you for requesting advice on this outline 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/24/1163**
Location: **Bucks Green Pig Farm Bucks Green Rudgwick West Sussex RH12 3JJ**
Proposal: **Outline Application for the erection of dwellings and associated garages, parking and landscaping with all matters reserved.**

Thank you for consulting Place Services on the above outline 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) Subject to Natural England's formal comments on the conclusion of the Bat Appropriate Assessment	
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.

Summary

We have reviewed the documents supplied by the applicant, but unfortunately there is an absence of detailed ecological information included with the application to help assess the potential use of the site by bats. As there appear to be scattered trees on the site (Ecology and Tree Statement, submitted 30th July 2024) which will be removed, we recommend a Ground Level Tree Assessment for bats is undertaken in accordance with 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023). This will establish whether Potential Roost Features (PRFs) for individual (PRF-Is) or multiple (PRF-Ms) bats are present. If only PRF-Is are present, then no surveys are needed. However, appropriate compensation will be required in advance of works which will need to be undertaken under a Precautionary Working Method Statement for bats which means that any PRF is inspected immediately before felling.

A European Protected Species licence for Common Pipistrelle bats was granted approximately 1.4km from the site to the northeast in 2017 (MAGIC maps https://magic.defra.gov.uk/MagicMap.aspx) and there are approximately 23 records for bats, including Bechstein's (1.57km from the site) Soprano Pipistrelle, Brown Long-eared, Noctule/Serotine, Common Pipistrelle, Natterer's, Whiskered/Brandt's and Daubenton's bats, (Sussex Biodiversity Record Centre – accessed under licence).

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 by the development, given that there are trees on site. This request for information is justified, and therefore reasonable, as protected species are a material consideration for planning.

In addition, the site lies approximately 8.0km northeast of The Mens Special Area of Conservation (SAC) and approximately 10.7km northeast of Ebernoe Common SAC for which the qualifying features are Barbastelle and Bechstein's bats. The site lies within the 12km Wider Conservation Area for the SACs (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and therefore may be within the range of foraging areas required by the bats. The LPA will need to prepare a project level HRA to assess the likely effects from this development on the bats of the Sussex bat SACs.

It is therefore reasonable for a suitably qualified ecologist to check for any potential roost features (PRFs) in any trees to be removed and prepare a Preliminary Roost Assessment 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 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.

Additional information
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.

Please also note that we have been instructed to provide no comments on Mandatory Biodiversity Net Gain. These comments will be provided by Horsham District Council in-house.

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.