28th January 2025

Shazia Penne
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/24/1715**
Location: **Pilgrims Rest Cox Green Rudgwick West Sussex RH12 3DE**
Proposal: **Demolition of existing dwelling and erection of a self-build dwelling and garage.**

Dear Shazia,

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

Recommended Temporary Holding Objection	
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 Protected Species – reptiles - Response (The Ecology Co-op, January 2025), Bat Survey Report (AEWC, October 2024) and Reptile Survey Report (AEWC, September 2024), relating to the likely impacts of development on designated sites and protected and Priority species & habitats, and

identification of appropriate mitigation measures. Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house.

We note from the Bat Survey Report (AEWC, October 2024) 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 emergence surveys in June, July and August 2024 confirmed the presence of a Common Pipistrelle bat day roost on the southwest elevation of the main house. We support the outline mitigation measures in Section 6.11 of the Bat Survey Report (AEWC, October 2024). We also note that no emergences by bats were recorded from the garage outbuilding and therefore agree that no further surveys are required for this building.

The site lies approximately 9.9km northeast of The Mens Special Area of Conservation (SAC) and the site is therefore within the 12.0km Wider Conservation Area for the SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The qualifying feature for The Mens SAC is Barbastelle bats, but this species has not been recorded within 2km of the site (MAGIC maps and Sussex Biodiversity Record Centre – accessed under licence). There are approximately 25 records of bats within 2km of the site, including Bechstein's bat, Common Pipistrelle, Serotine, Natterer's, Whiskered/Brandt's, Soprano Pipistrelle, Noctule and Brown Long-eared bat. One European Protected Species Mitigation Licence (EPSML) was granted for Common Pipistrelle 0.5km to the south of the site in 2017 and one EPSML was granted for Common Pipistrelle bat 1.1km to the north of the site in 2014 (MAGIC maps).

The site lies approximately 12.6km northeast of Ebernoe Common Special Area of Conservation (SAC) and the site is therefore outside the 12km Wider Conservation Area for this SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The site lies approximately 16.6km north of Arun Valley SAC, SPA and Ramsar site.

We understand from the submitted documents that the site comprises a residential property and a garage outbuilding, which will be demolished. We note from the Arboricultural Report (RCG Arboriculture, October 2024) that the following trees will be removed and compensatory planting will take place: T1 Common Hawthorn, T2 Crab Apple, T3 Hazel, T5 Goat Willow, T6 Flowering Cherry, T8 Ash, T9 Cherry Laurel, T11 Apple, T12 Common Oak, T13 Apple; and hedgerows 1 and 2 (both Cherry Laurel) and Leyland Cypress hedge 3 will be retained.

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.

It is recommended in the Bat Survey Report (AEWC, October 2024) that a sensitive lighting scheme is implemented for this application to mitigate against the increase in light measures following Bat Conservation Trust advice and The Institution of Lighting Professionals.

As there is a potential for habitat fragmentation from light spill of potentially functionally linked land for Barbastelle bats, this has been screened in and will need to be considered at Stage 2 Appropriate Assessment of the LPA's project level Habitats Regulations Assessment (HRA).

As Barbastelle bats may use the onsite habitat, we support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Bat Survey Report (AEWC, October 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 believe that, with mitigation, there will be no Adverse Effect on Integrity of the SAC. We advise the LPA to prepare a project level HRA Appropriate Assessment to record its decision and consult Natural England on the conclusion.

We note from the Bat Survey Report (AEWC, October 2024) that three trees onsite have been inspected with an endoscope and contain Potential Roost Features for Individual bats (PRF-Is). Therefore we support the non-licensed Precautionary Method Statement for bats in Section 7 of the Bat Survey Report (AEWC, October 2024) and agree that appropriate compensation for loss of roost resource must be provided prior to works commencing and the works should be undertaken under the supervision of a suitably qualified ecologist (UK Bat Mitigation Guidelines CIEEM Version 1.1 (Reason and Wray, 2023)). This should be secured by a condition of any consent.

As the site supports an exceptional population of Slow Worm and a low population of Grass Snake, we support the implementation of the outline reptile mitigation strategy in the Protected Species – reptiles - Response (The Ecology Co-op, January 2025). This includes the onsite receptor site for any translocated reptiles. This should be secured by a condition of any consent and implemented in full.

We now 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 recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

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 Protected Species – reptiles - Response (The Ecology Co-op, January 2025), Bat Survey Report (AEWC, October 2024) and Reptile Survey Report (AEWC, September 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 bats in Section 7 of the Bat Survey Report (AEWC, October 2024), which avoids impacts on European 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) and Policy 31 of the Horsham Development Framework.

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

"No development shall take place until a Reptile Mitigation Strategy addressing the mitigation measures for Slow Worm and Grass Snake has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- *a) Purpose and conservation objectives for the proposed works.*
- *b) Review of site potential and constraints.*
- *c) Detailed design(s) and/or working method(s) to achieve stated objectives.*
- *d) Extent and location/area of proposed works on appropriate scale maps and plans.*
- *e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- *f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- *g) Persons responsible for implementing the works.*
- *h) Details of initial aftercare and long-term maintenance of the Receptor area(s).*
- *i) Details for monitoring and remedial measures.*
- *j) Details for disposal of any wastes arising from works.*

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

4. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened 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 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 paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity 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, Isolux drawings 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.