17 May 2024

Robert Hermitage
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

By email only

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*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.*

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Dear Robert

**Application:** **DC/23/1865**
**Location:** **Harwoods Garages Ltd London Road Pulborough West Sussex RH20 1AR**
**Proposal:** **Demolition of the existing car showroom and ancillary buildings and the erection of a new car dealership building and standalone workshop structure, and the reconfiguration of the car parking layout associated hard and soft landscaping.**

Thank you for consulting Place Services on the above application.

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| a) No ecological harm/No objection | |
| b) Requires further information on European Protected Species | |
| 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.**

**Summary**

We have reviewed the Ecological Impact Assessment (Lizard Landscape Design and Ecology, September 2023) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation. We have also reviewed the Biodiversity Net Gain Assessment (Lizard Landscape Design and Ecology, October 2023) in general terms, but the accompanying BNG Metric spreadsheet was not available for review.

We note from the Ecological Impact Assessment (Lizard Landscape Design and Ecology, September 2023) that Building B1 (existing showroom), Building B2 (workshop) and Building B3 (workshop, semi-permanent) all have negligible bat roost potential. In addition, there are no trees on site (Ecological Impact Assessment (Lizard Landscape Design and Ecology, September 2023)) and we therefore agree that no further surveys for bats are required.

The site lies approximately 3.6km southeast of The Mens Special Area of Conservation (SAC) and approximately 9.2km southeast of Ebernoe Common SAC. The site therefore falls within the 6.5km Key Conservation Area for The Mens SAC and within the 12m Wider Conservation Area for Ebernoe Common SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). One of the qualifying features for the SACs is Barbastelle bats, but there are no records for this species within 2km of the site (Sussex Biodiversity Record Centre (SxBRC) - accessed under licence) and MAGIC maps.

There are also approximately 25 records for bats within 2km of the site, including Common Pipistrelle, Soprano Pipistrelle, Brown Long-eared, Natterer's, Brandt's/Whiskered and Daubenton's bat (SxBRC - accessed under licence). In addition, a European Protected Species Mitigation Licence (EPSML) was granted in 2016 for Soprano Pipistrelle bat 601m southwest of the site and an additional EPSML was granted in 2016 for Soprano Pipistrelle 795m southwest of the site (MAGIC maps). The site lies approximately 1.1km north of the Arun Valley SAC, SPA and Ramsar.

The site comprises artificial sealed surface and buildings, surrounded by arable land, woodland and mature tree/hedgerows to the north, residential housing and a treeline to the south and woodland to the east (Ecological Impact Assessment (Lizard Landscape Design and Ecology, September 2023). As no trees will be removed during the development, 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.

If external lighting is required for this application, and as Barbastelle bats may use the surrounding habitat, we support the recommendation in Section 5.3.3 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, September 2023) that a Wildlife Friendly Lighting Strategy is implemented for this application, to avoid impacts from light disturbance. In particular, light spill onto the tree line in the south and woodland to the east will be avoided (Section 5.3.3 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, September 2023)). The lighting strategy should be secured by a condition of any consent and implemented in full. 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 GN: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 therefore be no Adverse Effect on Integrity of the bat SAC. We advise the LPA to prepare a project level HRA Apporpriate Assessment report and consult Natural England.

We are 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.

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 Ecological Impact Assessment (Lizard Landscape Design and Ecology, September 2023) 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 support the habitat enhancements in Section 6.1 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, September 2023). We also recommend that reasonable biodiversity enhancements for protected and Priority species should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 180[d] 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 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 Ecological Impact Assessment (Lizard Landscape Design and Ecology, September 2023) 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 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 2021 and s40 of the NERC Act 2006 (as amended).

3. **PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**
   "*A lighting design scheme for biodiversity based on GN: 08/23 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

**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.