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Date: 8 April 2025 Our ref: 01876

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By email only: Planning Department, planning@horsham.gov.uk

Thank you for requesting advice on this discharge of condition 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: DISC/25/0069
Location: Oaklands Henfield Road Small Dole West Sussex
Proposal: Approval of details reserved by conditions 3 and 4 to approved application DC/24/1134.

Thank you for consulting Place Services on the above discharge of condition application.

Conditions

Condition 3: **Further Information Required**

"Pre-commencement Condition: 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 Local Planning Authority 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 and Policy 31 of the Horsham Development Framework.

Condition 4: **Recommend discharge**

"Pre-commencement (Slab Level) Condition: Prior to any works above slab level 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 Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

Comments

We have reviewed the Biodiversity Enhancement Strategy (Lizard February 2025) and the Letter Regarding Discharge of Condition 3 (Lizard February 2025).

Condition 3: We are not satisfied there is sufficient evidence available to ensure bats will be suitably mitigated, as required by Condition 3. The Letter Regarding Discharge of Condition 3 (Lizard February 2025) states "I can confirm that we have been commissioned to submit the bat licence application, which shall be in place prior to demolition of the existing dwelling. Natural England however will not issue a licence more than 3 months in advance of the start of works which impact a bat roost (e.g. demolition of the existing property) and as such it is not possible to have the licence in place pre-commencement of the new dwelling. Evidence of site registration under the Earned Recognition scheme shall be provided to the council prior to demolition of the existing dwelling to allow discharge of the above condition."

Whilst we acknowledge the intent is to register the site under the Earned Recognition Scheme, this is not sufficient proof to ensure the site has been successfully registered. Upon successful registration Natural England will supply the registered person with an email stating whether or not the site has been successfully registered and provide a registration number, how long the registration is valid for and whether or not the site registration includes additions conditions. We are unable to recommend discharge of Condition 3 without such evidence.

Condition 4:
We are satisfied that the submitted information includes the detail required by condition 4.

Recommendation
Condition 3: We are unable to recommend the discharge of condition 3 until the additional information outlined above has been provided.

Condition 4: Subject to implementation in full of the submitted details, we recommend discharge of Condition 4.

Please do not hesitate to contact us if you have any queries in relation to this advice.

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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.