6th January 2025

Stephanie Bryant
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/24/0070**
Location: **Land at Gate Cottage The Street Thakeham West Sussex RH20 3EP**
Proposal: **Erection of two dwellings together with associated works.**

Dear Stephanie

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

a) No ecological harm/No objection	
b) Requires further information	
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 Technical Response (The Ecology Partnership, December 2024), Technical Response (The Ecology Partnership, July 2024) and Further Surveys (The Ecology Partnership, July 2022) and Biodiversity Enhancement Strategy (provided for consented application DC/20/1788) (PWJ Architects,

undated)), relating to the likely impacts of development on designated sites, protected and Priority species & habitats, and

identification of appropriate mitigation measures. We note that Appendix 1 of the Technical Response (The Ecology Partnership, December 2024) is the Preliminary Ecological Appraisal (The Ecology Partnership, September 2020). Please note that comments on mandatory Biodiversity Net Gain are provided by Horsham District Council in-house.

We note from the Technical Response (The Ecology Partnership July 2024) that the mature Beech tree and two Ash trees are to be retained. The Ash tree which underwent emergence surveys in 2022 has been identified as having low bat roost potential (Potential Roost Features for individual bats – PRFs-I) and is outside the red line boundary. Therefore no further surveys for bats are required for these trees. However, as six trees and a small group of immature trees will be felled, compensatory planting of an appropriate number of trees will be required in accordance with UK Bat Mitigation Guidelines (CIEEM (Reason and Wray, 2023)) and the works should be undertaken under a non-licensed Precautionary Method Statement for bats, which means that any PRF is inspected immediately before felling. We support the measures in Section 4.17 of Appendix 1 PEA of the Technical Response (The Ecology Partnership, December 2024), which should be secured by a condition of any consent. The details of the compensatory planting should be secured through a Biodiversity Compensation and Enhancement Strategy condition of any consent.

The site lies approximately 9.6km southeast of The Mens Special Area of Conservation (SAC) for which one of the the qualifying features is Barbastelle bat. Therefore, the site lies within the 12km Wider Conservation Area for the SAC (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. One of the qualifying features for the SAC is Barbastelle bats, but there are no records for this species within 2km of the site (Sussex Biodiversity Record Centre – accessed under licence). There are approximately 15 records of bats within 2km of the site, including Noctule, Serotine, Myotis sp., Soprano Pipistrelle, Common Pipistrelle and Brown Long-eared bat. Two European Protected Species Mitigation Licence have been granted within 2km of the site a) for Brown Long-eared and Common Pipistrelle bat in 2016 1.km to the southeast of the site and b) for Brown Long-eared bat in 2017 1.4km southeast of the site (MAGIC maps). The site lies 15.1km from Ebernoe Common SAC and is therefore outside the 12km Wider Conservation Area; and lies approximately 4.5km east of Arun Valley SAC, SPA and Ramsar site.

We understand from the submitted documents that the site of 0.13ha comprises of species-poor grassland and ruderal vegetation, with scattered trees to the east of the site. Six trees, including Ash, Oak and Field Maple and a small group of immature trees will be felled, with the remaining trees to be retained (Arboricultural Assessment and Outline Method Statement (Nicholas Jones Consultants Limited, September 2020). Compensatory planting will be undertaken for the trees to be felled (Technical Response (The Ecology Partnership, December 2024)) to be secured by a condition of any consent.

We note from the Technical Response (The Ecology Partnership, December 2024) that the site does not support suitable habitats for Hazel Dormouse. We therefore agree that no further information is required for this species.

We also note from the Technical Response (The Ecology Partnership, December 2024) that the site contains only edge habitats which are suitable to support reptiles and that there are no recent records of reptiles within 2km of the site. We therefore support the Precautionary Method Statement for reptiles in the Technical Response (The Ecology Partnership, December 2024) which should be secured by a condition of any consent.

If lighting is required and, as Barbastelle bats may use this habitat, we support the implementation of a Wildlife Sensitive Lighting Strategy is implemented for this application (Technical Response (The Ecology Partnership, December 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 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 consider that with mitigation, there will be no Adverse Effect on Integrity of The Men's SAC, either alone or in combination with other plans and projects. We advise the LPA to prepare a project level HRA Appropriate Assessment to record its decision and consult Natural England on the conclusion.

We are satisfied that there is sufficient ecological information available for determination of this application. However, please note that 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.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation and enhancement measures identified in the Technical Response (The Ecology Partnership, December 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 particularly those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements in Appendix 1 (PEA) of the Technical Response (The Ecology Partnership, December 2024) for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). We note that the biodiversity enhancement specifications and locations are identified in the Biodiversity Enhancement Strategy (provided for consented application DC/20/1788) (PWJ Architects, undated)).

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that 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 Technical Response (The Ecology Partnership, December 2024), Technical Response (The Ecology Partnership, July 2024) and Further Surveys (The Ecology Partnership, July 2022), 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 4.17 of Appendix 1 PEA of the Technical Response (The Ecology Partnership, December 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 ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY**
   "A Biodiversity Compensation and Enhancement Strategy for the loss of trees prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

   The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:
   a) *Purpose and conservation objectives for the proposed compensation and enhancement measures;*

b) *detailed designs or product descriptions to achieve stated objectives;*
c) *locations, orientations and heights of proposed compensation and enhancement measures by appropriate maps and plans (where relevant);*
d) *persons responsible for implementing the compensation and 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 the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

If external lighting is required:

3. **PRIOR TO OCCUPATION: 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) 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.