17th January 2025

Steve Astles
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/24/1962**
Location: **Kettlesbridge Farm West Chiltington Lane Coneyhurst West Sussex RH14 9DN**
Proposal: **Conversion and alteration of existing stable block building to create a dwelling. Creation of parking, gardens and landscaping with use of access to West Chiltington Lane.**

Dear Steve

Thank you for consulting Place Services on the above 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) Discharge of condition	
g) Subject to Natural England's formal comments on the conclusion of the Bat HRA	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 unless they can demonstrate water neutrality.

Summary

We have reviewed the documents supplied by the applicant, but unfortunately there is an absence of ecological information included with the application to help assess the potential use of the site by bats. Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on bats is provided prior to determination. The reasons for this are outlined below:

European Protected Species - bats

A bat survey is required as the stable block is being converted and bats may be present and affected by the works. There are over 35 records for bats within 2km of the site, including Brown Long-eared bat, Common Pipistrelle and Soprano Pipistrelle (Sussex Biodiversity Record Centre – in-house records).

All bat species are designated and protected as European Protected Species 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 a structure is being converted. This request for information is justified, and therefore reasonable, as protected species are a material consideration for planning.

In addition, the site lies approximately 7.7km east of the The Mens Special Area of Conservation (SACs) for which one of the the qualifying features is Barbastelle bats. Therefore 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 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.

The site lies approximately 12.4km east of Ebernoe Common Special Area of Conservation (SAC) and the site is therefore outside the within the 12km Wider Conservation Area for this SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The site lies approximately 8.6km northeast of Arun Valley SAC, SPA and Ramsar site.

It is therefore reasonable for a suitably qualified ecologist to check for any potential roost features in the stables, and a Ground Level Tree Assessment for bats in accordance with 4th Ed. Bat Survey Guidelines for Professional Ecologists BCT (Collins ed., 2023) should be undertaken for any trees to be removed. A Preliminary Roost Assessment should be prepared 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 therefore required to provide the LPA with certainty of likely 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 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Additional comments
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.

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.

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.