

Bat Emergence Survey Report

The Maples, Spencers Place,
Horsham, West Sussex, RH12 2EZ

May 2025

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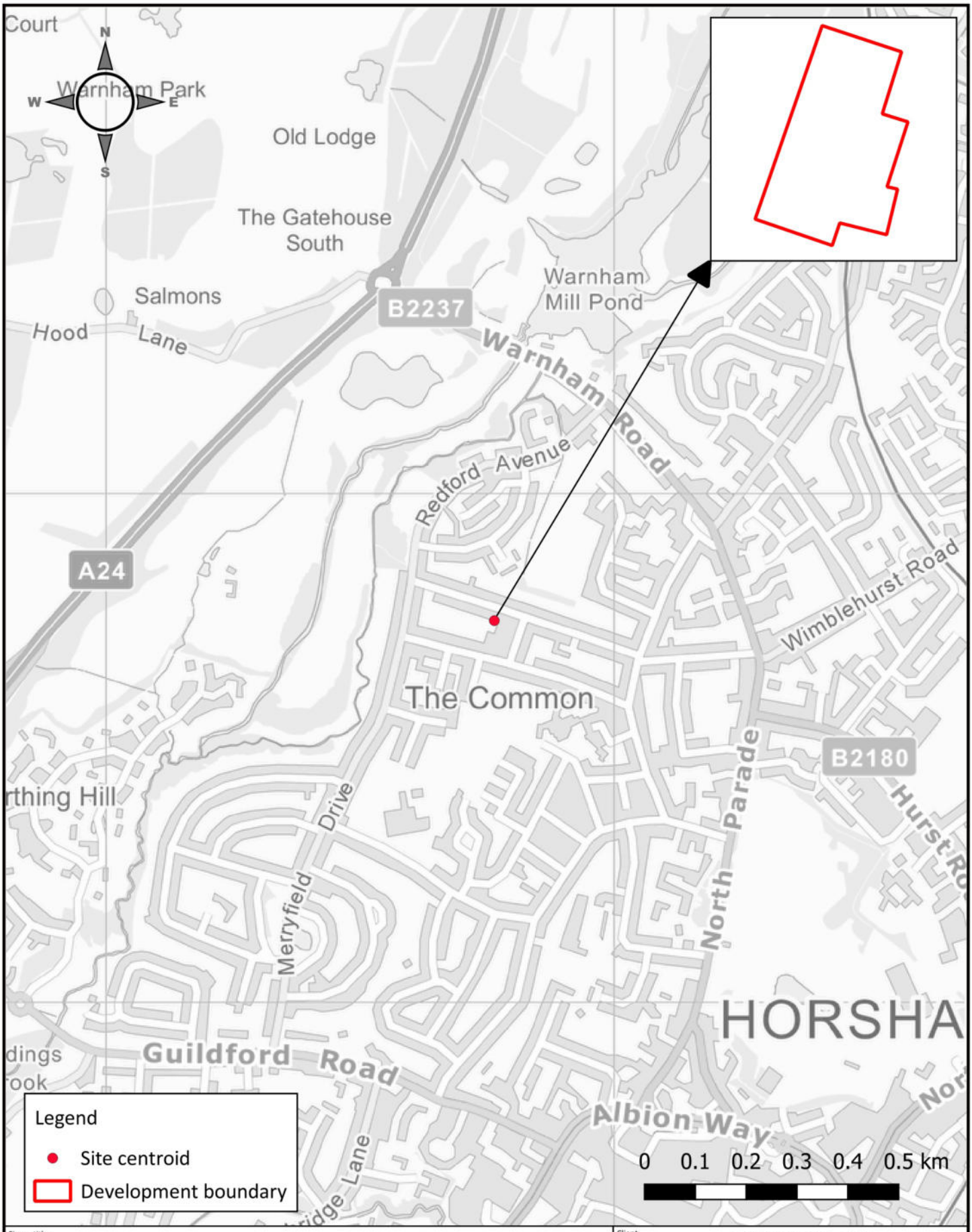

Figure title: Site Location		Client: D-LCL-001-001-001 Mr & Mrs Clarkson
Site location: The Maples, Spencers Place, Horsham, West Sussex, RH12 2EZ		
Figure number: 1	Date drawn: 16/05/2025	Scale at A4: 1:10000
Revision: 1	Cartographer: Amy Oldham	Approver: Hannah Baker

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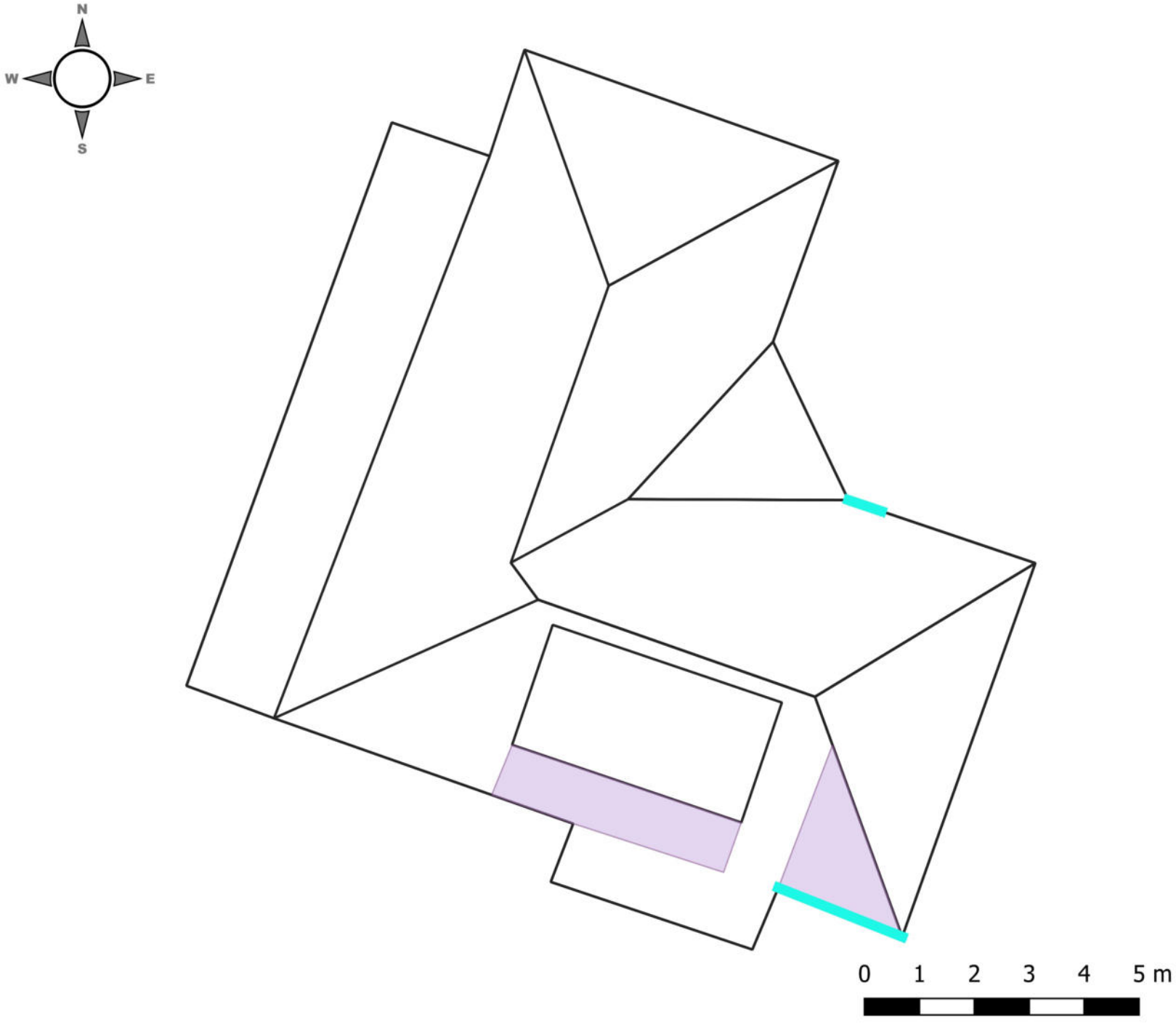

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Legend

- Building layout
- Potential roosting features and access/ egress points
- Gaps under end roof tiles
- Gaps under roof tiles

Figure Title: Bat Emergence Survey Results		
Client/ Project Reference: Mr & Mrs Clarkson D-LCL-001-001-001		
Figure number: 2	Revision: 1	Scale at A4: 1:100
Cartographer: AO	Date drawn: 19/05/2025	Approver: HB

Figure 1. Displaying the infra-red camera field of view from surveyor location 1 at the darkest point of the survey.



Figure 2. Displaying the infra-red camera field of view from surveyor location 2 at the darkest point of the survey.



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Site Location: The Maples, Spencers Place, Horsham, West Sussex, RH12 2EZ			Client: D-LCL-001-001-001
Figure Title: Infra-red Camera Field of View Photographs.			Client name: Mr & Mrs Clarkson
Figure no: 3	Revision no: 1	Scale: n/a	arun ecology
Cartographer: AO	Date Drawn 16/05/2025	Reviewed by: HB	enquiries@arunecology.com www.arunecology.com

1. Summary and Recommendations

Proposals	• Mr & Mrs Clarkson are proposing a development (grid reference: TQ 16768 31753) at The Maples, Spencers Place, Horsham, West Sussex, RH12 2EZ. • The applicant seeks planning permission for proposals including the demolition of an existing dwelling and the construction of a new dwelling.
Surveys	• An updated bat Preliminary Roost Assessment (PRA) was conducted that included an external inspection of building B1 to confirm the location of bat potential roosting features on building B1 and inform bat emergence surveys. • One bat emergence survey was undertaken on building B1 on 13th May 2025. The bat emergence survey was completed in suitable weather conditions with no survey limitations.
Impact assessment	• No bats were recorded emerging or re-entering building B1 during the bat emergence survey. As such, bats are considered likely absent from this building at the time of the bat emergence survey. • Based on the results of the bat emergence survey the development is reasonably unlikely to result in harm to individual bats or have any adverse impacts on bat roosts. Therefore, the development will be able to proceed lawfully and there should be no objection for reasons relating to bats. • In-line with national and local policy, the development will be required to incorporate ecological enhancements into the design.
Recommendations	**The recommendations below represent a summary only. The full recommendations of this report are outlined in section 6 of this report.** **Mitigation** • It is not foreseen that bats or their roosts will be adversely impacted by the development, however, in the unlikely event a bat is discovered during the works, all works should stop, and an ecologist consulted. In such an instance a bat mitigation licence could be required to ensure the development proceeds lawfully. **Survey Validity** • If sufficient time should pass (i.e. more than one bat survey season) the bat emergence survey may need to be updated to ensure bats are still likely absent from building B1.

2. Introduction

2.1 Development Background

2.1.1 Mr & Mrs Clarkson are proposing a development (grid reference: TQ 16768 31753) at The Maples, Spencers Place, Horsham, West Sussex, RH12 2EZ (see Figure 1). The Maples property is hereafter referred to as 'the site' and Mr & Mrs Clarkson as the 'applicant'.

2.1.2 The site is situated within the Horsham District of West Sussex and the relevant local planning authority is Horsham District Council (HDC).

2.2 Development Proposals

2.2.1 The applicant seeks planning permission for the following development proposals:

- Demolition of an existing dwelling; and
- Construction of a new dwelling.

2.2.2 The proposal above is hereafter referred to as 'the development' in this report.

2.2.3 The local planning authority for the site's location is Horsham District Council (HDC). The applicant has informed Arun Ecology Ltd that they intend to submit the planning application to HDC for the development.

2.3 Ecology Background

2.3.1 A Preliminary Ecological Appraisal was undertaken by Phlorum Limited at the site in June 2024 (Phlorum Limited, 2024) that also included a bat Preliminary Roost Assessment (PRA). The main findings and recommendations relevant to this report included:

- Building B1 was classified as having low suitability to support roosting bats;
- Buildings B2, B3, B4 and B5 were classified as having negligible suitability to support roosting bats; and
- One bat emergence survey was recommended for building B1 to determine the presence/ likely absence of bats.

2.4 Brief and Objectives

2.4.1 Arun Ecology Ltd were commissioned by the applicant to undertake one bat emergence survey on building B1. The key objectives of the bat emergence survey, as per BCT Good Practice Guidelines for Ecologists (Collins, 2023) are to:

- Determine the presence or probable absence of bats;
- Characterise any bat roost types recorded and the number of bats using the roost; and
- Collect information on any bat roosts recorded in order to inform any bat mitigation licencing requirements.

2.4.2 The brief was to:

- Undertake a proportionate number of bat emergence surveys in line with the suitability classification assigned to them during the bat PRA in line with the Bat Conservation Trust Good Practice Guidelines (Collins, 2023); and
- Provide a technical report supported by digitised mapping. The report will present the methods and results (including any limitations) of the bat emergence surveys. The report will also include a discussion of the legislation and planning policy issues, and our recommendations.

3. Method

3.1 General Approach

3.1.1 The bat survey was carried out in accordance with the Bat Conservation Trust Good Practice Guidelines for Ecologists (Collins, 2023).

3.1.2 The number and timing of the bat emergence survey visits were determined by the roost suitability classification assigned to building B1 during the bat PRA conducted by Phlorum Limited (Phlorum Limited, 2024).

3.2 Preliminary Roost Assessment - Field Survey

3.2.1 A ground level inspection of the exterior of building B1 was undertaken with the aid of torchlight and binoculars to search for bat PRFs that might provide suitable crevices or access/egress points to voids or cavities for roosting bats.

3.3 Bat Emergence Surveys

Recording Bats

3.3.1 The bat emergence surveys commenced 15 minutes before the time of local sunset (source www.sunrisesunsetmap.com) and continued for 1.5 hours after sunset.

3.3.2 Surveyors were positioned around the exterior of the building to observe all potential access/egress points and bat PRFs that were recorded in the bat PRA (see Figure 2).

3.3.3 The surveyors were aided by ultrasonic bat detectors (Elekon Batlogger M) to audibly record any bat echolocation calls from bats that emerged from or re-entered the building.

3.3.4 During the bat emergence surveys two infra-red video cameras (model: Canon XA 40) were used. The cameras were used in infrared mode by the surveyors with a 7-inch monitor to act both as a visual aid when watching bat PRFs as light levels dropped and to record the survey and any bats that emerged or re-entered the building. All infra-red cameras were accompanied by two Nightfox 850 nm infra-red torches to illuminate the area of the building in front of the surveyor location with infrared light (see Figure 3).

3.3.5 Only bats that emerged or re-entered the building were recorded (in handwritten notes) by surveyors during the bat emergence survey to ensure concentration was retained on the bat PRFs at all times by surveyors.

Data Analysis

3.3.6 If bats were recorded emerging or re-entering the building, associated bat calls were subject to analysis using the Elekon Bat Explorer software. These were identified to species level (where possible) or genus level, using British Bat Calls: A Guide to Species Identification, Russ J. M, 2012.

3.3.7 Infra-red camera footage collected by surveyors for each survey visit was analysed (watched) using the VLC media player software.

3.4 Survey Dates and Conditions

3.4.1 Information about the bat survey including the date and the weather conditions at the time of the survey are outlined below in Table 1.

Table 1 – Bat Emergence Survey Information.

Visit	Survey type	Date	Survey timings		Temperature (°C)		Rain	Wind (Beaufort Scale)
			Start	Finish	Start	Finish		
Building B1								
n/a	External Inspection	13/05/2025	19:30	20:00	17	17	No	2
1	Emergence survey	13/05/2025	20:25	22:10	17	15	No	2

3.4.2 Temperature was measured by the lead surveyor in degrees Celsius using the inbuilt meter within the Batlogger M detectors. Wind levels were also recorded, using the Beaufort scale.

3.4.3 For the bat emergence survey, an overall assessment of the suitability of the weather conditions was made against those outlined in BCT Good Practice Guidelines for Ecologists (Collins, 2023), which state:

'The aim should be to carry out surveys in conditions that are close to optimal (sunset temperature 10°C or above, no rain or strong wind)'.

3.4.4 The bat emergence survey was undertaken (as outlined in Table 3) in suitable conditions in-line with the above statement.

3.5 Surveyors

Bat Emergence Survey

3.5.1 A summary of the survey team for the bat emergence survey is outlined below in Table 2.

Table 2 – Bat Emergence Survey Surveyor Details.

Surveyor name	Job title and credentials	Surveys completed
Amy Oldham	• BSc (Hons) - Assistant Ecologist	• External Inspection • Bat emergence survey - visit 1 (lead surveyor).
Robin Bassett	• Ecologist	• Bat emergence survey - visit 1.

3.6 Limitations

3.6.1 No limitations were recorded as part of the bat emergence survey.

4. Results

4.1 Bat Preliminary Roost Assessment

4.1.1 No evidence of bats was recorded during the external inspection of building B1 at the time of the bat PRA.

4.1.2 The location of all bat PRFs recorded during the bat PRA are displayed in Figure 2.

4.2 Bat Emergence Surveys

4.2.1 The results of the bat emergence survey undertaken at building B1 are summarised below in Table 3 and shown in Figure 2, with photographs provided in Figure 3.

Table 3 – Summary of the bat emergence survey results from building B1.

Survey visit	Surveyor location	Infra-red camera used (✓ = yes)	Surveyor records
Building B1			
Visit 1 Date: 13/05/2025 Start time: 20:25 Sunset time: 20:40 End time: 22:10	SL01	✓	No bats were recorded emerging/ re-entering building B1.
	SL02	✓	No bats were recorded emerging/ re-entering building B1.

4.2.2 No roosting bats were recorded emerging / re-entering building B1 during the bat emergence survey.

5. Legislation and Planning Policy Evaluation

5.1 Background

5.1.1 The purpose of this section is to evaluate the legislation and planning policy that we know are relevant to the development, based upon the results of the bat surveys undertaken to date for building B1. This section does not include legislation or policy that would require further actions to determine if it is relevant to the development (such as further bat surveys or mitigation).

5.2 Bats

5.2.1 As set out in Appendix I, all bats and their roosts are protected, and the following legislation and planning policy could be relevant to the development based on the results of the bat surveys:

- Conservation of Habitats and Species Regulation 2017;
- Wildlife & Countryside Act, 1981 (as amended);
- Natural Environment & Rural Communities Act, 2006;
- Countryside Right of Ways Act, 2000;
- National Planning Policy Framework, 2024; and
- Horsham District Council Local Plan 2015.

5.2.2 In addition to the above government circular 06/2005 is also relevant to the development, as outlined in Appendix I.

Building B1

5.2.3 No bats were recorded emerging / re-entering building B1 during the bat emergence survey, and as such bats are considered to be likely absent from building B1. Therefore, the development will be compliant with the legislation and planning policy relevant to bats as:

- The development is reasonably unlikely to result in the damage or destruction of a bat roost (resting and breeding places); and
- The development is reasonably unlikely to result in harm (including killing, injuring or disturbance) to individual bats.

5.2.4 Recommendations are outlined in section 6.2 to ensure the development continues to be compliant with the legislation and planning policy outlining the protection of bats.

5.3 Ecological Enhancement

5.3.1 In line with the NPPF (2024) all developments should incorporate ecological enhancements for the benefits of biodiversity into the design. Enhancements should be separate to any compensation or mitigation that might be required for bats or other protected species.

5.3.2 The proposed ecological enhancements outlined within the PEA report (see Phlorum Limited, 2024) are proportionate to the size and scale of the development. As such, no further ecological enhancements are outlined within this report.

6. Requirements and Recommendations

6.1 Background

6.1.1 This section is based upon the results of all bat surveys undertaken to date and includes recommendations following the mitigation hierarchy (avoidance, mitigation, and compensation; BSI, 2013) on how the development can proceed lawfully with respect to bats.

6.2 Mitigation

6.2.1 To ensure the development remains compliant with the legislation and planning policy relevant to bats, the following recommendations should be followed:

- It is not foreseen that bats or their roosts will be impacted as a result of the development. However, in the unlikely event that a bat is encountered during the construction phase of the development, works should stop, and an ecologist consulted. In such an event, a bat mitigation licence could be required from Natural England before the development is able to proceed again lawfully; and

- Bat survey data used to inform planning applications is typically valid for 12 – 18 months. As such, if sufficient time should pass before the development commences the bat surveys may need to be repeated or validated.

8. Conclusion

8.1.1 Bats are considered to be likely absent from building B1 at the time of the bat emergence survey and as such the development is reasonably unlikely to result in harm to individual bats or adversely impact bat roosts. Therefore, the development will be compliant with the legislation and planning policy outlining the protection of bats.

8.1.2 The recommendations outlined in this report for bats will ensure that the development remains compliant with the legislation and planning policy outlining the protection of bats.

9. Bibliography

9.1.1 Phlorum Limited (2024) Preliminary Ecological Appraisal Report Land - The Maples, Spencers Place.

9.1.2 BSI Group (2013), BS42020 – a code of practice for biodiversity in planning and development. The British Standards Institution. (Online) Available at http://www.bsigroup.com/LocalFiles/enGB/biodviersty. Accessed April 2022.

9.1.3 CIEEM (2022) Code of conduct. Chartered Institute of Ecology and Environmental Management, Winchester.

9.1.4 Collins, J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN – 13 978-1-872745- 96-1.

9.1.5 Russ, J. (2012) British Bat Calls: A Guide to Species Identification. Pelagic Publishing, Exeter.

Appendix I – Legislation & Planning Policy

9.2 Background

9.2.1 This section provides a summary of the legislation and planning policy that could be relevant to the development. Where possible we have limited this section to the areas relevant to this report. This means the legislation and planning policy outlined below is not included in its entirety.

9.2.2 This section does not constitute legal advice, and only represents the interpretation and professional judgement of the ecologists named in this report, on the legislation and planning policy considered relevant to the development.

9.3 Conservation of Habitat and Species Regulations, 2017

9.3.1 The Conservation of Habitats and Species Regulations, 2017 transposes the EC Habitats Directive and some elements of the EC Bird Directive into national law in England and Wales. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The directive lays down rules for the protection, management and exploitation of such habitats and species.

Protected Species

9.3.2 The regulations include provisions that prohibit certain actions from the protection of species listed under Annex II of the Habitat Directive. It is a criminal offence for a person to 'intentionally or recklessly' take the following action:

- Deliberately capture, injure or kill any wild animal of a European Protected Species (EPS);
- Deliberately disturb wild animals of any such species in such a way as to be likely to affect significantly the local distribution or abundance of the species to which they are likely to belong;
- Keep transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of an EPS, or any part of or anything derived from such an animal or plant.

9.3.3 The disturbance of such animals includes in particular; any disturbance that is likely to impact their ability;

- To survive, to breed or reproduce, or to rear or nurture their young;

- In case of animals of a hibernating or migratory species, to hibernate or migrate; or
- To affect significantly the local distribution or abundance of the species to which they belong.

Protected Sites

9.3.4 The Conservation of Habitats and Species Regulations, 2017 puts an obligation on the appointed appropriate authority for England & Wales to establish priorities for a network of nationally important sites.

9.3.5 The aforementioned sites, often referred to as European protected sites are formed of two types of sites, Special Protection Areas (sites specifically designated for birds) and Special Areas of Conservation (specifically designated for fauna and flora). The objective is for all species and habitats covered by these sites to contribute towards the maintenance and restoration of their favourable conservation status.

9.3.6 Designation can include but is not limited to the following reasons:

- A natural habitat type specified in Annex I of the Habitat Directive;
- A species specified in Annex II of the Habitats Directive;
- For the coherence of the national network of protected sites; and
- For threats of degradation or destruction to which the sites are exposed.

9.4 The Wildlife and Countryside Act, 1981 (as amended)

9.4.1 The Wildlife and Countryside Act, 1981 (as amended) primarily transposes the UK Governments obligations under the Bird Directive and Bern Convention into law. The act outlines provisions for the protection of nationally important sites for nature conservation and provides protection at different levels for certain animals and plants, including certain prohibitions.

Protection of Animals

9.4.2 Part 1 – Section 9 of the act includes certain prohibitions for the protection of certain animals named in schedule 5. In summary offences include:

- If any person intentionally or recklessly kills, injures or takes any wild animal included in schedule 5;

- If any person has in his possession or control any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal;
- If any person intentionally or recklessly damages or destroys, or obstructs access to, any structure or place which any wild animal included in schedule 5 uses for shelter or protection; or
- Disturb any such animal while it is occupying a structure or place which it uses for that purpose; and
- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal, or publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.

9.5 Countryside Right of Ways Act, 2000 (CRoW, 2000)

9.5.1 The Countryside Right of Ways Act, 2000 (CRoW Act, 2000) makes provisions for public access, amends the law for public rights of ways and amends existing law on nature conservation and the protection of wildlife as well as makes further provisions for Areas of Outstanding Natural Beauty.

Wildlife Legislation

9.5.2 Part III of the CRoW Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.

9.5.3 Schedule 9 of the CRoW Act, 2000 increases powers for the protection and management of SSSI. There are increased powers for appropriate authorities to secure management agreements for SSSI. A duty is placed on public bodies to have regard for the continued conservation and enhancement of SSSI. Furthermore, there are increased penalties for the prosecution of wildlife crime, including for third parties that damage SSSI.

9.5.4 Schedule 12 of the CRoW Act, 2000 makes certain offences under the provision of the Wildlife and Countryside Act, 1981 arrestable. Greater powers are given to police and appointed wildlife inspectors under the CRoW Act, 2000 and enables heavier penalties for the prosecution of wildlife crime.

9.6 Natural Environment & Rural Communities Act, 2006

9.6.1 The Natural Environment and Rural Communities Act (NERC), 2006 is primarily intended to implement key aspects of the governments rural strategy published in

July 2004. It also addresses a wider range of issues relating broadly to the natural environment.

Section 40

9.6.2 Section 40 of the NERC Act, 2006, places a duty on any public authority and statutory undertaker to have due regard for the conservation and enhancement of biodiversity when delivering their functions, extending the provisions outlined under section 74 of the CRoW Act, 2000.

9.6.3 The policy goes on to state that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population of that habitat.

Section 41

9.6.4 Section 41 of the NERC Act, 2006 requires the secretary of state in consultation with Natural England to outline Species of Principle Importance (SPI) and Habitats of Principle Importance (HPI) that in their opinion are important for the conservation of biodiversity.

9.6.5 The secretary of state is required to:

- Take such steps as appear to the secretary of state to be reasonably practicable to further the conservation of the living organisms and types of habitats included in any list published under this section; or
- Promote the taking by other of such steps.

9.6.6 The NERC Act, 2006 also provides some amendments to the Wildlife & Countryside Act, 1981 (as amended) and includes provisions for enforcement powers and the protection of SSSI.

9.7 National Planning Policy Framework (2024)

9.7.1 The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2024) sets out the Governments planning policies for England and how these should be applied. It provides a framework which locally prepared plans for housing and other developments can be produced.

9.7.2 The NPPF supplements Government Circular: Biodiversity and Geological Conservation 06/2005 (Office of the Deputy Prime Minister, 2005).

9.7.3 Paragraph 187 states: Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

9.7.4 e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

9.7.5 f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

9.7.6 Paragraph 188 states: Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework and take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

9.7.7 Paragraph 189 states that: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these

designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

9.7.8 Paragraph 190 states that: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

9.7.9 Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 189), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and Biodiversity

9.7.10 Paragraph 192 states that: To protect and enhance biodiversity and geodiversity, plans should:

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

9.7.11 When determining planning applications, local planning authorities should apply the following principles:

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists; and

- d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

9.7.12 The following should be given the same protection as habitats sites:

- a) Potential Special Protection Areas and possible Special Areas of Conservation;

- b) Listed or proposed Ramsar sites; and

- c) Sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

9.7.13 The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

9.8 Biodiversity and Geological Conservation Circular 06/2005

9.8.1 Biodiversity and geological conservation circular 06/2005 provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the NPPF,

2023 and the Planning Practice Guidance. Broadly the guidance covers designated sites, the conservation of habitats and species, including outside of designated sites, protected species by law and the duties and powers used by planning authorities.

9.8.2 Paragraph 82 of the guidance states that 'in determining the application for development that is covered by up-to-date standing advice, a planning authority must take into account this standing advice'.

Protected Species and Planning

9.8.3 Paragraph 98 of the guidance states 'the presence of a protected species is a material planning consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'.

9.8.4 Paragraph 98 also states that 'they (the planning authority) should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species.

9.8.5 Paragraph 99 of the guidance goes on to state: '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'. Paragraph 99 also states that 'this is justified only, where there is a reasonable likelihood of the species being present and affected by the development.'

9.9 Horsham District Council Adopted Local Plan (2015)

Local Plan

9.9.1 Policy 25 sets out Horsham District Councils (HDCs) commitment to protecting the Natural Environment and Landscape Character. Policy 25 states:-

9.9.2 The Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:

1. Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.

2. Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.

3. Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.

4. Conserve and where possible enhance the setting of the South Downs National Park.

9.9.3 Policy 31 sets out Horsham District Councils (HDCs) commitment to protecting biodiversity in the district. Policy 31 states:

9.9.4 1) Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.

9.9.5 2) Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

9.9.6 3) Where felling of protected trees is necessary, replacement planting with a suitable species will be required.

9.9.7 4. a) Particular consideration will be given to the hierarchy of sites and habitats in the district as follows:

- i. Special Protection Area (SPA) and Special Areas of Conservation (SAC)
- ii. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); and
- iii. Sites of Nature Conservation Importance (SNCIs), Local Nature Reserves (LNRs) and any areas of Ancient woodland, local geodiversity or other irreplaceable habitats not already identified in I & II above.

9.9.8 b) Where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that:

- The reason for the development clearly outweighs the need to protect the value of the site; and,
- ii. That appropriate mitigation and compensation measures are provided.

9.9.9 5. Any development with the potential to impact Arun Valley SPA or the Mens SAC will be subject to a HRA to determine the need for an Appropriate Assessment. In addition,

development will be required to be in accordance with the necessary mitigation measures for development set out in the HRA of this plan.

9.10 Bibliography – Appendix II

9.10.1 Countryside Right of Ways Act, 2000 (C37) (Online) London, The Statutory Office. Available at http://www.legislation.go.uk.

9.10.2 Ministry of Housing, Communities & Local Government (2024) National Planning Policy Framework. (Online) Ministry of housing and Local Government, Fry Building, 2 Marsham Street, London, SW1P 4DF.

9.10.3 Natural Environment & Rural Communities Act, 2006. (Online) Available at http://legislation.gov.uk.

9.10.4 HDC (2015) Horsham District Council Local Plan, 2015.

9.10.5 ODPM Circular 06/2005. Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (2005). Norwich: HMSO. Available at http://www.go.uk/goverment/publications/biodiversity-and-geological-conservation-circular-06-2005.

9.10.6 The Conservation of Habitat & Species Regulation (2017) (Online). London: The Statutory Office. Available from http://legislation.gov.uk.

9.10.7 Wildlife and Countryside Act, 1981 (As amended) (Online). Available at htttp://www.legislation.go.uk.