



Date: 13 May 2025

Our ref: 03796

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

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/23/0406
Location: Land To The West of Ashington C of E School Park Lane Ashington West Sussex
Proposal: Change of use of land from agricultural to mixed agricultural, day nursery and forest school (Use Class E(f)). Retention of existing field shelters. Construction of education/nursery building, polytunnels and woodwork shelter. Alterations to existing access and extensive hard and soft landscaping

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

No ecological objection	☐
Recommend approval subject to attached conditions	☒
Further information required/Temporary holding objection	☐
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Water Neutrality Appropriate Assessment	☒

Subject to Natural England's formal comments on the conclusion of the LPA's bat Appropriate Assessment	☒
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Summary

We have now reviewed the further ecological Technical Note 01 (Aspect Ecology, March 2025) and revised Landscape Masterplan Rev P03 (Allen Pyke, March 2025) relating to the likely impacts of the revised development on European Protected Species (bats and Dormouse) and identification of appropriate mitigation measures.

We are now satisfied that there is sufficient ecological information particularly for designated sites and protected species, available to support determination of this application.

We have also reviewed other documents including Lighting Strategy Rev.R0 (MMA Lighting Consultancy Ltd, March 2023) and the Design and Access Statement (Feb 2023). We note the submission of a Shadow HRA including an Appropriate Assessment (Aspect Ecology, Feb 2023) relating to water neutrality only and leave Natural England to comment on the LPA's project level water neutrality HRA Appropriate Assessment.

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.

Amended scheme

We note that the revised Landscape Masterplan Rev P03 (Allen Pyke, March 2025) shows that the broad areas of built development and open space remain the same as housing mix within the built development areas. We welcome the change that trees 65 and 66 in the north-western part of the site are now shown to be fully retained, such that all trees with bat roosting potential are now retained under the proposals. Otherwise, we accept that changes to the scheme are not likely to result in any additional effects on ecology, such that the previous assessment set out within the February 2023 Ecological Appraisal and June 2024 Ecological Addendum remains valid.

We note in the Ecological Appraisal (Aspect Ecology, Feb 2023) that a 15m buffer will be required for compartment C2 with ancient woodland indicator species and the small area of Priority Habitat 'Deciduous Woodland' (compartment 1b) will be retained in full and protected. We fully support the recommendation for future management of this compartment to be based on minimal intervention with control of public access for safety reasons as well as protecting ground flora and potential bat roosts in trees.

Bats

We also welcome that the site was revisited in August 2024 to carry out an updated Ground Level Tree Assessment of trees 65 and 66 supporting bat roosting potential (as set out Aspect Ecology's September 2024 response) which are now fully retained within an open space area under the development layout. We are satisfied that these trees would not be subject to any direct effects, whilst indirect effects such as lightspill can be controlled by a final sensitive lighting strategy to be secured by planning condition (following mitigation measure MM6 set out within the Ecological Appraisal). To protect the retained woodland, trees & hedgerows,

particularly from the multi use games area, we recommend that a final version of the Lighting Strategy is secured by a condition of any consent.

We agree that specific climbing or emergence surveys of these trees for bats are not now required (in accordance with Figure 6.1 of the BCT survey guidelines).

Although a specific inspection of buildings was not undertaken during this visit, buildings B1 and B2 were viewed and no changes to the condition or structure of these buildings was noted. Accordingly, given the nature of construction of these buildings, we note that the conclusions of the previous assessment are considered to remain valid.

We highlight that the site lies approximately 11.4km from The Mens Special Area of Conservation (SAC) for which one of the qualifying features is Barbastelle bats. 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. This is the full extent of the range of foraging areas required by the bats and any significant impacts or severance to flightlines need to be considered. We advise that the LPA will need to update the previous project level HRA (Place Services, May 2023) to assess the likely effects from this development on the bats of the Sussex bat SAC and formally consult Natural England on its conclusion.

Dormouse

As a competent authority, the Local Planning 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, as 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. We note that the February 2023 Ecological Appraisal provides an assessment of Dormouse, detailing survey work undertaken which confirmed presence of this species on site, whilst an overview of licensing requirements and consideration of the three derogation tests is set out under MM9-MM11 at Section 7. This sets out the planning need, consideration of alternatives and proposes safeguards and replacement habitat to maintain favourable conservation status as required to meet the 3 tests at planning stage. We highlight that, depending on the time of year for vegetation clearance, details of mitigation measures will be required by Natural England and we recommend that a copy of the Dormouse licence is secured by a condition of any consent with a prior to commencement trigger. This is in line with BS42020:2013 paragraph 9.3.3: *“If the competent authority is satisfied that the three derogation tests from “strict protection” under the Habitats Directive (see Commentary on 9.3) are met, it should impose a planning condition preventing the development from proceeding without first receiving a copy of the EPS licence”*. This will allow the LPA to demonstrate its duty under s17 of the Crime and Disorder Act 1998 to prevent wildlife crime.

The mitigation and compensation measures identified in the Ecological Appraisal (Aspect Ecology, Feb 2023) and updated by Technical Note 01 (Aspect Ecology, March 2025) should be secured by a condition of any consent and implemented in full. We recommend that a method statement for control of likely presence of invasive New Zealand Pygmyweed in Pond P1 as recommended at MM14 is included in the CEMP: Biodiversity to avoid spread of this plant around the site, as it can survive in a terrestrial form. This is necessary to conserve and

enhance protected and Priority species particularly those recorded in the locality and control invasive species

Great crested newt

As requested by the LPA, we also reviewed the information submitted relating to Great Crested newt (GCN). As per our email comments (6 August 2024), we advised that the Habitat Suitability Index (HSI) for GCN (Ecological Appraisal Table 5.6) is not a survey method as set out in Government Standing Advice for GCN. However the PEA confirms that detailed presence/likely absence surveys were undertaken in 2022 (this data is within Natural England “4 seasons” lifespan as stated in [Government Standing Advice](#)).

We are satisfied that the GCN survey effort meets the requirements and agree that a high coverage of survey effort has been possible to enable an accurate assessment of the likely absence of GCN from the site. We note that 2 offsite ponds were not surveyed due to access restrictions although the majority of ponds in and around the site have been subject to full presence/absence surveys. As a GCN licence is not necessary, there is no reason for NatureSpace to be contacted by the applicant. on its sufficiency to support a lawful decision.

However, as mobile species are likely to be present in the locality, we support the implementation of the Precautionary Method Statement for mobile protected species, including Hedgehog (which is a Priority and threatened species) in Sections 7.1.11 and 7.1.21 of the Ecological Appraisal (Aspect Ecology, Feb 2023). This should be secured by a condition of any consent.

We also support the proposed reasonable biodiversity enhancements EE1-EE8 for protected, Priority and threatened species, which have been recommended in the Ecology Appraisal (Aspect Ecology, Feb 2023) 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. These should include integrated bird and bat boxes as well as habitat creation and long-term management of the retained woodland within a Landscape and Ecology Management Plan (LEMP) to also be secured by a condition of any consent.

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 compensation measures and/or works shall be carried out in accordance with the details contained in section 7 of the Ecological Appraisal

(Aspect Ecology, Feb 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 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 District Planning Framework.

2. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF HAZEL DORMOUSE: SUBMISSION OF A COPY OF THE EPS LICENCE FOR HAZEL DORMOUSE

"Any works which will impact the breeding / resting place of Hazel Dormouse, 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) 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 LPA 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.

3. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of precautionary method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) Containment, control and removal of any invasive non-native species present on site in particular New Zealand Pygmyweed in Pond P1*
- f) The times during construction when specialist ecologists need to be present on site to oversee works.*
- g) Responsible persons and lines of communication.*

- h) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- i) *Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve 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).

4. **PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of EE1 – E8 in section 7 of the Ecological Appraisal (Aspect Ecology, Feb 2023), 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 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, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

5. **PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to any occupation of the development.

The content of the LEMP shall include the following:

- a) *Description and evaluation of features to be managed including retained reptile habitat, woodland areas & hedgerows.*
- b) *Ecological trends and constraints on site that might influence management.*
- c) *Aims and objectives of management.*
- d) *Appropriate management options for achieving aims and objectives.*

- e) *Prescriptions for management actions.*
- f) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) *Details of the body or organisation responsible for implementation of the plan.*
- h) *Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

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)

6. **PRIOR TO OCCUPATION: FINAL WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

"Prior to any occupation, a final "lighting design strategy for biodiversity" based on applying recommendation MM6 of the Ecological Appraisal (Aspect Ecology, Feb 2023) and in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) *identify those areas/features on site that are particularly sensitive for bats and dormouse and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) *show how and where external lighting will be installed (through 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 the above species using their territory or having access to their breeding sites and resting places.*

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 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.