12 June 2024

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.

Dear Steve,

Application: **DC/23/2108**
Location: **Whitebreads Farm Stane Street Slinfold West Sussex RH13 0RE**
Proposal: **Change of use of Unit 1 from Use Class E (formerly Class B1) to caravan and motorhome showroom and office (Use Class Sui Generis); Change of use of Unit 2 from Use Class B8 to caravan and motorhome repairs (Use Class B2); and use of adjacent hardstanding for the display and storage of caravans and motorhomes and erection of fencing to enclose the site (Part Retrospective)**

Thank you for re-consulting Place Services on the above part retrospective 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 Assessement	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 Ecological Impact Assessment and Enhancement Plan (AEWC Ltd, May 2024) and Ecological Impact Assessment and Enhancement Plan (AEWC Ltd, May 2023) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We note that the updated Ecological Impact Assessment and Enhancement Plan (AEWC Ltd, May 2024) now covers 0.8ha and includes the entire red line boundary area.

We also note that Buildings A and B (both of which are barns) and the single tree on site have negligible bat roost potential (Sections 5.25, 5.28 and 5.29 of the Ecological Impact Assessment and Enhancement Plan (AEWC Ltd, May 2024)). We therefore agree that no further surveys for bats are required for buildings or for trees.

The site lies approximately 8km northeast of The Mens Special Area of Conservation (SAC) and is therefore within the 12km Wider Conservation Area (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). 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 20 records of bats within 2km of the site, including Brown Long-eared and Pipistrelle species. One European Protected Species Mitigation Licence (EPSML) has been granted in 2017 for a Brown long-eared bat roost 1.4km to the northeast of the site (MAGIC maps). The site lies 12.3km from Ebernoe Common SAC and is therefore outside the 12km Wider Conservation Area; and lies approximately 13km northeast of Arun Valley SAC, SPA and Ramsar.

The site comprises artificial unvegetated, unsealed surface, developed land; sealed surface, mixed scrub, ruderal/ephemeral vegetation, lines of trees, and one small urban tree (Ecological Impact Assessment and Enhancement Plan (AEWC Ltd, May 2024)). There is a line of mature Oak in the northeast corner of the site and a line of trees, including Hornbeam and Hawthorn, in the southeast of the site. However, we note that the site originally contained a mosaic of hedgerows, mixed scrub and neutral grassland, which was cleared without consent between 2020 – 2021. The proposals include planting 210m of new mixed native hedgerow, on part of the northern and western boundaries and the whole of the eastern boundary which will include three Oak trees (Ecological Impact Assessment and Enhancement Plan (AEWC Ltd, May 2024). In addition, areas of meadow grassland will be created using appropriate wildflower seed mix and will be managed appropriately.

If lighting is required and, as Barbastelle bats may use this habitat, we recommend that a Wildlife Sensitive Lighting Strategy is implemented for this application, 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 Ecological Impact Assessment and Enhancement Plan (AEWC Ltd, May 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 (including two bat boxes, four bird boxes and a hibernaculum), which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should 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. We note that this minor application is not subject to the Biodiversity net gains statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 as the application was validated prior to 2nd April 2024.

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.

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 Ecological Impact Assessment and Enhancement Plan (AEWC Ltd, May 2024)), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may 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 WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT**

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment and Enhancement Plan (AEWC Ltd, May 2024), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species and allow the LPA to discharge its duties under the 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).

Please contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)
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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.