18 April 2024

Kate Turner
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 Kate

Application: **DC/24/0068**
Location: **The Spinney Pulborough RH20 2AP**
Proposal: **Demolition of 11No. existing garages and erection of 2No. two storey dwellings with associated external works and landscaping.**

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

a) No ecological harm/No objection	
b) Requires further information on European Protected Species (bats in trees)	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) Subject to Natural England's formal comments on the conclusion of the Bat Appropriate Assessment	
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 unless they can demonstrate water neutrality.

Summary
We have reviewed the Update Letter (The Ecology Co-op, March 2024) and Ecological Assessment (The Ecology Co-op, May 2022), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We are still not satisfied that there is sufficient ecological information available for determination of this application. This is because it is not currently known if the plans involve the removal of any of the mature trees (Ecological Assessment (The Ecology Co-op, May 2022)). We highlight that if any trees are to be affected by the proposed works, then these trees must be subject to preliminary roost assessment for bats prior to determination and the results submitted to the LPA, including any mitigation measures to support a lawful decision, according to Government Standing Advice. The trees must be assessed in accordance with the 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023) to establish whether Potential Roost Features (PRFs) for individual (PRF-Is) or multiple (PRF-Ms) bats are present.

As stated in our response dated 27th September 2023, the site lies approximately 4.3km southeast of The Mens Special Area of Conservation (SAC) and approximately 10.0km southeast of the Ebernoe Common SAC for which the qualifying feature is Barbastelle bats. The site lies within the 6km Key Conservation Area for The Mens SAC and within the 12km Wider Conservation Area for Ebernoe Common SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol and therefore is within the range of foraging areas required by these bats. We note from the Ecological Assessment (The Ecology Co-op, May 2022) that Barbastelle bat has been recorded within 1km of the site, with most of the records from a key hibernacula site outside of Pulborough. 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.

We request clarification of whether any trees will be felled during the development. This information is 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 required to provide the LPA with certainty of 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.

We note from the Ecological Assessment (The Ecology Co-op, May 2022) that the garages on site provide low bat roost potential. We are aware that the 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023) Section 5.2.44 states that *"If the structure has been classified as having low suitability for bats, an ecologist should make a professional judgement on how to proceed based on all the evidence available".* Based on our professional judgement, we consider that further surveys would be unlikely to alter the mitigation and

compensation measures recommended and so we are willing to support the approach taken to maintain favourable conservation status of the local bat populations. We accept that the only potential roost feature for bats is in the second garage block, where two small gaps provide a small crevice space (Ecological Assessment (The Ecology Co-op, May 2022)).

We therefore support the recommended avoidance and mitigation measures for roosting bats in in the garages as stated in the Ecological Assessment (The Ecology Co-op, May 2022), which includes inspection of the garages by a bat licenced ecologist using an endoscope prior to demolition. We note that the Ecological Assessment (The Ecology Co-op, May 2022) recommends only one bat box to be installed in the new development as compensation for the lost potential bat roost feature in the garage. However, we recommend that an integrated bat roost box should be installed in both of the new dwellings as compensation. We recommend the use of 1WI Schwegler Summer and Winter Bat Box (or similar) and these should be sited on the east and west faces of the dwellings at a height of at least 3m.

We look forward to working with the LPA and the applicant to receive the additional information on potential bat roosting in trees which is 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.