9th December 2024

Bethan Tinning
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/24/1506**
Location: **Nutbourne Place Farm Nutbourne Lane Nutbourne West Sussex RH20 2HF**
Proposal: **Replacement of existing nursery building (with planning approval for conversion to a dwelling and staff restroom) with an energy efficient dwelling and associated staff facilities, ground mounted solar panels, upgrading of glasshouses to make them water and energy efficient and biodiversity enhancements.**

Dear Bethan

Thank you for re-consulting Place Services on the above 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 Assessment	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 unless they can demonstrate water neutrality.

Summary

We have reviewed the Response to Ecological Comments (South Downs Ecology, November 2024) and Ecological Impact Assessment Version 5 (South Downs Ecology, August 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats, and identification of proportionate mitigation. Please note that comments on mandatory Biodiversity Net Gain are provided by Horsham District Council in-house.

We note that, following a single bat emergence survey in August 2023 on Building B1 (tearoom), the Ecological Impact Assessment Version 5 (South Downs Ecology, August 2024) concludes that there are no bat roosts in the building. In addition, we note from the Response to Ecological Comments (South Downs Ecology, November 2024) that none of the trees onsite are proposed for removal as the existing access is being used. We therefore agree that no further surveys for roosting bats are needed for buildings or for trees.

The site lies approximately 5.6km southeast of The Mens Special Area of Conservation (SAC) and is therefore within the 6.5km Key Conservation Area (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The qualifying feature for the SAC is Barbastelle bats and a European Protected Species Mitigation Licence (EPSML) was granted in 2019 for Barbastelle bat, Brown Long-eared bat, Common Pipistrelle and Soprano Pipistrelle bat approximately 890m east of the site. There are no other records for this species within 2km of the site (Sussex Biodiversity Records Centre (SxBIS) - accessed under licence and MAGIC maps). The site also lies 11.0km from Ebernoe Common SAC and therefore within the 12km Wider Conservation Area for this SAC. The site also lies 1.7km northeast of the Arun Valley SAC, SPA and Ramsar site.

An additional EPSML was granted in 2010 for Common and Soprano Pipistrelle approximately 940m east of the site (MAGIC maps). There are over 40 records for bats within 2km of the site, including Common and Soprano Pipistrelle, Natterer's, Brown Long-eared, Serotine and Noctule bat (Sussex Biodiversity Records Centre – accessed under licence).

We understand from the submitted documents that the site comprises grass, decking and garden areas. There is a line of poplar trees on the western boundary, the majority of which we understand are outside the red line boundary with the remaining trees being retained, and there are no hedgerows on site. Therefore, there will be no severance to the flight lines of foraging or commuting bats from the SAC and habitat connectivity within the site will be maintained.

We therefore believe there will therefore be no Adverse Effect on Integrity of the bat SAC. We advise the LPA to prepare a project level HRA Screening Report to record its decision and retain on file.

We welcome the clarification in the Dormouse Response to Ecological Comments (South Downs Ecology, November 2024) that no scrub is being removed and that the site is unlikely to support Hazel Dormouse. We therefore agree that no further information is required with regard to Hazel Dormouse.

As reptiles, such as Adder, and common amphibians may be present on site and impacted by the works, we recommend the implementation of a Precautionary Method Statement for mobile protected species. This should be secured by a condition of any consent.

We are now satisfied that there is sufficient ecological information available for determination. 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.

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

The mitigation and enhancement measures identified in the Ecological Impact Assessment Version 5 (South Downs Ecology, August 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.

If external lighting is required, we support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment Version 5 (South Downs Ecology, August 2024) 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 Guidance Note: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 support the proposed reasonable biodiversity enhancements for protected and Priority species, 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 enhancement measures should be outlined within a Biodiversity Enhancement Layout and secured by a condition of any consent for discharge prior to slab level.

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 enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Version 5 (South Downs Ecology, August 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 COMMENCEMENT: PRECAUTIONARY METHOD STATEMENT FOR MOBILE PROTECTED SPECIES**
   "A Precautionary Method Statement for mobile protected species shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to mobile protected species, including reptiles and common amphibians, during the construction phase.

   The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

   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).

3. **PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT LAYOUT**
   "A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment Version 5 (South Downs Ecology, August 2024) relating, 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:

4. **PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**
   "A lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) 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) and Policy 31 of the Horsham Development Framework.

Please contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)
Ecological Consultant
Place Services at Essex County Council
placeservicesecology@essex.gov.uk

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.