



16 July 2024

Nicola Pettifer
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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 Nicola,

Application: DC/23/0406
Location: Land To The West of Ashington C of E School Park Lane Ashington West Sussex
Proposal: Demolition of existing buildings and erection of 180 dwellings, all-weather sport pitch, sports pavilion and allotments; with associated access, landscaping, open space and infrastructure (amended plans)

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 and Hazel Dormouse)	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.



Summary

Further to our previous comments (May 2023), we have reviewed the Ecological Addendum Technical Note 01 (Aspect Ecology, June 2024) and the unredacted copy of the Ecological Appraisal (Aspect Ecology, Feb 2023) supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species, and identification of proportionate mitigation, and mandatory Biodiversity net gain.

We are not satisfied that there is sufficient ecological information available for determination of the revised scheme.

This is because the Ecological Addendum Technical Note 01 (Aspect Ecology, June 2024) identifies that additional vegetation will be removed to accommodate a Multi-Use Games Area and a full sized football pitch. This includes the removal of an area of scrub in the north-west of the site and the felling of two Oak trees in the centre of the site.

As a European Protected Species Mitigation Licence (EPSML) for Hazel Dormouse will be required for this application, we highlight that the applicant should assess any additional impacts to this species in order to provide appropriate outline mitigation measures so that an application for an EPSML can be submitted to Natural England. This information should be submitted to the LPA prior to determination, including any mitigation measures to support a lawful decision, according to [Government Standing Advice](#).

The Local Planning Authority, as a competent 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 (See judgement in the Hack Green Group (Appellant) v Cheshire East Council - APP/R0660/W/15/3131662). Therefore, if 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.

In addition, we highlight that the additional trees to be removed must be subject to Ground Level Tree Assessment (GLTA) in accordance with 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023). This is to establish whether Potential Roost Features (PRFs) for individual (PRF-Is) or multiple (PRF-Ms) bats are present. If only PRF-Is are present, then no surveys are needed, but appropriate compensation would be required in advance of works to avoid loss of roost resource (*UK Bat Mitigation Guidelines*. Chartered Institute of Ecology and Environmental Management (Reason and Wray (2023))). In addition, any trees which have PRF-Is must be felled under the supervision of a licensed bat ecologist under a non-licensed Precautionary Working Method Statement for bats (Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)). The GLTA must be undertaken 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 additional assessment for Hazel Dormouse and the Ground level Tree Assessment for bats are 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.

In addition, 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. The LPA may need to amend the previous project level HRA (May 2023) to assess the likely effects from this development on the bats of the Sussex bat SAC.

Please note 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](#).

Additional Information

We accept that this major application is not subject to mandatory [Biodiversity Net Gain](#) as the application was validated prior to 12th February 2024.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

Please contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)

Ecological Consultant

Place Services at Essex County Council

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.