29th April 2025

Halima Chowdhury
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/25/0336**
Location: **Land To The South of Horsham Road Five Oaks West Sussex**
Proposal: **Creation of a new Farm access to serve land to the east of Horsham Road, Five Oaks**

Dear Halima,

Thank you for consulting Place Services on the above application.

a) No ecological harm/No objection	
b) Requires further information on European Protected Species (bats)	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	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 Protected Species Walkover Survey (AEWC, Nov 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats, and identification of appropriate mitigation measures.

We are not satisfied that there is sufficient ecological information on bats available for determination of this application.

European Protected Species - bats

The site lies approximately 6.7km northeast of The Mens Special Area of Conservation (SAC) and is therefore within the 12km Wider Conservation Area for this Habitats site (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). One of the qualifying features for the SACs is Barbastelle bats and in the Wider Conservation Area significant impacts or severance to flightlines for this species must be considered (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol). The site also lies approximately 11.7km east of Ebernoe Common SAC and therefore lies within the Wider Conservation Area for this SAC. The LPA will therefore need further assessment to inform its project level HRA to assess the likely effects from this development on the bats of the Sussex bat SACs.

We therefore request further assessment of the impacts on Barbastelle and Bechstein's bats from the loss of species rich hedgerow to create a new highways access as it may act as functionally-linked land. We note that some mitigation planting is indicatively shown either side of the proposed new driveway and highlight that this information will need to be considered at stage 2 HRA Appropriate Assessment and formal consultation with Natural England.

The additional information for bats 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.

This further information is therefore required to provide the LPA with certainty of impacts on legally protected species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended).

Additional information
We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented 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 Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

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.

Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection and inform the LPA's project level HRA screening report.

Please contact us with any queries.

Yours sincerely

Sue Hooton CEnv MCIEEM BSc (Hons)
Principal 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.