22 October 2024

Hannah Darley
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 Hannah

Application: **DC/24/0498**
Location: **Keepers Cottages Coolham Road Coolham Horsham RH13 8GP**
Proposal: **Demolition of existing 2No cottages and erection of 1No dwelling with associated landscaping and car parking**

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) 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 Bat Emergence Activity Survey (Phlorum Limited, September 2024) and Preliminary Ecological Appraisal V2 (Phlorum Limited, September 2024), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation. Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house.

We are not satisfied that there is sufficient ecological information available for determination of this application as we note that the Bat Emergence Activity Survey (Phlorum Limited, September 2024) identified a feeding roost or a possible day or night roost for Soprano Pipistrelle in the roof space of Building B1 (residential building) during emergence surveys in June, July and September 2024. Therefore either a European Protected Species Mitigation Licence (EPSML) or a Bat Mitigation Class licence will be required to implement the development if consented.

If the applicant intends to apply for an EPSML, details of the mitigation measures must be submitted to the LPA prior to determination. If the applicant intends to use a registered bat consultant under a Bat Mitigation Class Licence, the outline mitigation to be included in the method statement will be required prior to determination and, post consent, evidence of the site registration under a Bat Mitigation Class Licence for Bats will need to be submitted to the LPA. For both types of licence, details of the mitigation measures to be included in the method statement under the licence are needed prior to determination so that the LPA has certainty of likely impacts on protected species.

Although the applicant's ecologist has provided details of compensation measures to support the bat licence, we still need submission of *outline* mitigation measures likely to be included in the licence method statement. This includes measures such as a toolbox talk, undertaking the work under the supervision of a licensed ecologist with an endoscope, erecting a bat box prior to work commencing and the measures to be taken if a bat is found.

The mitigation measures to support a lawful decision need to be submitted to the LPA, according to Government Standing Advice.

In addition, we highlight Building B2 (small outbuilding) was categorised in the Preliminary Ecological Appraisal V2 (Phlorum Limited, September 2024) as having low potential to support roosting bats. However, the results of the surveys in June, July and September 2024 for this building do not appear to be presented in the Bat Emergence Activity Survey (Phlorum Limited, September 2024). We request that the applicant provides clarification as to the results of the bat surveys for this building.

We note that there is habitat on site suitable for supporting Hazel Dormouse, there are records for this species within 2km of the site and areas of Priority deciduous woodland habitat adjacent to the site. We therefore request justification as to the approach taken not to undertake surveys for this European Protected Species and the measures that will be taken to protect Hazel Dormouse on site.

To fully assess the impacts of the proposal the LPA needs additional ecological information for the site, particularly for bats which are European Protected Species.

The outline mitigation measures for bats, clarification of bats in relation to Building B2 and justification for the approach taken with regard to Hazel Dormouse are required prior to determination because paragraph 99 of the 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 look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Additional information
We understand from the Preliminary Ecological Appraisal V2 (Phlorum Limited, September 2024) that all trees with potential to support roosting bats are to be retained. We therefore agree that no further surveys for bats in trees are required.

We note that Barn Owls were observed emerging from the roof structure of Building B1 during the July and September 2024 surveys (Bat Emergence Activity Survey (Phlorum Limited, September 2024). Barn Owl is included in Schedule 1 of the Wildlife & Countryside Act 1981 which affords them protection against disturbance whilst nesting in addition to the basic level of protection afforded to most wild birds. We therefore support the installation of barn owl boxes and the measures shown in Sections 4.5 – 4.18 (Bat Emergence Activity Survey (Phlorum Limited, September 2024). This should be secured by a condition of any consent.

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 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 for discharge prior to slab level.

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.

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.