Place Services
Essex County Council
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Date: 23 November 2026
Our ref: 24421

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Horsham District Council
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By email only: planning@horsham.gov.uk

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.

Application: DC/26/0933
Location: Land Between Muntham Drive and Smugglers' Lane Chapel Road Barns Green West Sussex
Proposal: Erection of 31 dwellings with access from Chapel Road including roads, parking and open space.

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

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection on: • **European Protected Species (bats)**	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have now reviewed the Ecological Impact Assessment Report (HCUK Group, October 2026) and the Preliminary Ecological Assessment Report (HCUK Group, June 2026), relating to the likely impacts of development on designated sites, protected and Priority species and habitats and the identification of proportionate mitigation. Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house.

We are still not satisfied that there is sufficient ecological information available to support determination of this application. The reasons for this are outlined below:

European Protected Species (bats)

Regarding our previous concerns relating to uncertainty of impacts upon potential bat roost features on trees, the submitted EcIA has reassessed their Ground Level Tree Assessment results, with several FAR (Further Assessment Required) trees now downgraded to no bat roost potential.

However, our previous concern which stated "*we understand from the Tree Protection Plan Drawing Number SJA TPP 25558-041a (SJA Arboricultural Planning Consultants, May 2026) that Tree 10 (English Oak) will be pruned. As this appears to be tree T2 in the Preliminary Ecological Assessment Report (HCUK Group, June 2026), which requires further assessment (FAR)"* This matter does not appear to have been addressed, and we have noted an additional discrepancy regarding Tree T1. This is detail below:

- T1: Section 4.72 of the EcIA lists trees which will be impacted by the proposals, including T1. T1 is described as a Small-leafed Lime, assessed as PRF-I (suitability for individual roosting bats). However, this contradicts Appendix 1: Figures, Figure 07 Revision 1, Drawn 7th July 2025, – Bat Ground Level Tree Assessment which lists the tree as PRF-M. Figure 07 Revision 2, Drawn 2nd October 2026, – Bat Ground Level Tree Assessment, has Tree T1 as PRF-I, clarity is needed regarding this discrepancy and if the tree was downgraded from PRF-M to PRF-I, justification for this needs to be provided. If the tree is found to be PRF-M (suitability for multiple roosting bats, including maternity roost), then the results of further emergence or climbing surveys are required prior to determination.
- T2: The above references tree T2 is no longer included within the EcIA. It is shown still on the Appendix 1: Figures, Figure 07 Revision 1, Drawn 7th July 2025 as a tree assessed as FAR, however, it is not included on Figure 07 Revision 2, Drawn 2nd October 2026, – Bat Ground Level Tree Assessment or in the main text. In the context of the Tree Protection Plan Drawing Number SJA TPP 25558-041a (SJA Arboricultural Planning Consultants, May 2026) this tree now appears to be called T12 within the EcIA, which is described within Section 4.73 as PRF-M and will not be subject to direct impacts from the Proposed Development. It is our understanding this assessment is incorrect, as there is no information

provided stating the recommended pruning works will not be undertaken. The tree should either be subject to further surveys to ascertain whether there are roosting bats, or a mitigation strategy should be provided detailing the locations of the potential roost features and how they will be retained and protected during the pruning works.

The information on impacts to bats will be required prior to determination.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly bats, which are all European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should survey for bats if any of the following criteria apply:

- *distribution and historical records suggest bats may be present – you can search the National Biodiversity Network Atlas by species and location*
- *the development site includes or is close to any built structures, on or underground, that provide commuting, foraging or roosting opportunities for bats*
- *the development site includes or is close to trees, shrubs, rock formations, quarries, natural cliff faces or water bodies that provide commuting, foraging or roosting opportunities for bats*
- *the development proposal includes lighting of buildings or green spaces close to habitats that bats tend to use*

The results of these surveys 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 therefore required to provide the LPA with certainty of likely 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.

Furthermore, 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 including the Favourable Conservation Status licensing test and must not leave this until the licence application stage. 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.

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

Additional comments

We note from the Preliminary Ecological Assessment Report (HCUK Group, June 2026) that the stable buildings on site have negligible bat roost potential. Therefore, we agree that no further surveys for bats and buildings are required.

The site lies approximately 8.7km east of The Mens Special Area of Conservation (SAC) (MAGIC maps) and is therefore within the 12.0km Wider Conservation Area for this SAC. within which significant impacts or severance to flightlines must be considered. This is because the Wider Conservation Area is the full extent of the range of foraging areas required by Barbastelle bats, which are the qualifying feature of the SAC. There is one record for this species approximately 1.5km north of the site, recorded in 2014 (Sussex Biodiversity Record Centre (SxBRC) – accessed under licence). There are approximately 101 records of bats within 2km of the site, including Serotine, Common Pipistrelle, Brown-long Eared and Natterers bat (SxBRC). Two European Protected Species Mitigation Licences have been granted within 2km of the site: a) at 220m to the south for Brown Long-eared bat and Common Pipistrelle in 2015; and b) at 1.1km to the northeast for Brown Long-eared bat and Common Pipistrelle in 2015 (MAGIC maps). We highlight that the LPA will need to prepare a project level HRA Appropriate Assessment to consider mitigation measures needed to avoid adverse effects on the integrity of The Mens SAC to inform its decision.

The site also lies approximately 13.9km east of Ebernoe Common Special Area of Conservation (SAC) and therefore lies outside the 12.0km Wider Conservation Area for this SAC. The site lies approximately 11.2km northeast of Arun Valley SAC, SPA and Ramsar site.

We support the implementation of a non-licensed Precautionary Method Statement for Hazel Dormouse as recommended in Section 4.79 and Precautionary Method Statements for reptiles, common amphibians and mobile protected and Priority species (including Hedgehog, which is a threatened and Priority species) as recommended in Section 5.4 of the Preliminary Ecological Assessment Report (HCUK Group, June 2026). These need to be secured by a condition of any consent and implemented in full.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Assessment Report (HCUK Group, June 2026)) 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 also support the recommendation that a Construction Environmental Management Plan: Biodiversity is prepared for this application.

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified by a suitably qualified ecologist and implemented to secure net gains for biodiversity, as outlined in the National Planning Policy Framework (August 2026) National Policy N2 1(f). The reasonable biodiversity enhancement measures need to be outlined within a separate Biodiversity Enhancement Strategy and 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.

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.

Please do not hesitate to contact us if you have any queries in relation to this advice.

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Senior 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.

We are unable to respond directly to applicants/agents or other interested parties. Any additional information, queries or comments on this advice that the applicant/agent or other interested parties may have, must be directed to the Planning Officer at the relevant LPA, who will seek further advice from us where appropriate.

Place Services have a policy relating to the use of AI. Unless otherwise stipulated, any AI use will be limited to basic proof-reading, grammar, and spelling correction. This response has been reviewed by the author(s). If you have any queries, please contact us for information about our AI guidance.