26 April 2024

Tamara Dale
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 Tamara

Application: DC/24/0491
Location: 2 Castle Lodge Broadwater Lane Copsale Horsham West Sussex RH13 6QJ
Proposal: Change of use of existing ancillary garage and summerhouse to independent self-contained C3 residential accommodation.

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) 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 documents submitted by the applicant, but unfortunately there is an absence of ecological information included with the application to help assess the potential use of the ancillary garage and summerhouse by bats.

All bat species are designated and protected as European Protected Species, protected under the Conservation of Habitats and Species Regulations 2017 (as amended). This means that it is an offence to deliberately kill, injure, disturb or capture bats and to damage or destroy bat breeding sites and resting places (including access points even when bats are not present). It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly disturb bats while they occupy a structure or place used for shelter or protection or to obstruct their access. This is considered a reasonable request as bats are likely to be present, given the potential suitability of the barn for bats and the large number of surrounding trees, and they would be affected by the development. This request for information is justified, and therefore reasonable, as protected species are a material consideration for planning.

There are approximately 13 records for bats within 2km of the site, including Brown Long-eared, Common Pipistrelle, Soprano Pipistrelle and Natterer's (Sussex Biodiversity Information Service – accessed under licence).

It is therefore reasonable for a suitably qualified ecologist to check for any potential roost features (PRFs) in the structures and prepare a Preliminary Roost Assessment. This can be undertaken at any time of the year and the results need to be submitted to the LPA together with full details of any mitigation and compensation required to avoid an offence.

The results of the above surveys 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.

We also recommend that reasonable biodiversity enhancements should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023). These would be secured by a condition of any consent.

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
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.