27 June 2024

Steve Astles
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

By email only

Thank you for requesting advice on this discharge of condition 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 Steve

Application: **DISC/24/0138**
Location: **Woolmers Brighton Road Mannings Heath West Sussex RH13 6HZ**
Proposal: **Approval of details reserved by conditions 3,4 and 5 to approved application DC/23/2289**

Thank you for consulting Place Services on the above discharge of condition application.

a) No ecological harm/No objection	
b) Requires further information	
c) Recommend grant permission subject to conditions	
d) Recommend refusal	
e) Discharge of Condition 3	Yes
f) Discharge of Conditions 4 and 5	No

Condition 3: Recommend discharge
Pre-Commencement Condition: Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) *evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or*
c) *a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.*

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998

Condition 4: Further information required
Pre-Commencement (Slab Level) Condition: A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Emergence and Re-entry Surveys (Arbtech, August 2023) and Preliminary Ecological Appraisal (Arbtech, April 2023) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority Habitats & Species).

Condition 5: Further information required
Pre-Occupation Condition: A lighting design scheme for biodiversity based on GN: 08/23 shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

Comments
Condition 3
We have reviewed Natural England Licence Reference 2024-68253-EPS-MIT issued 09/05/2024, valid from 09/05/2024 and Mitigation and Compensation Plan (Arbtech Consulting Ltd.) which have been submitted in order to discharge Condition 3.

We are satisfied that the submitted information includes the detail required by this condition.

Condition 4
No information has been submitted in support of discharge of this condition. A Biodiversity Enhancement Layout should be submitted with details of the enhancements indicated in the Preliminary Ecological Appraisal (Arbtech, April 2023). This includes examples such as new log piles and compost heaps, bat boxes (other than the compensation measures required for the European Protected Species Mitigation Licence), bird boxes, areas of long meadow grass, a wildlife pond and Hedgehog houses.

Condition 5
No information has been submitted in support of discharge of this condition. A low impact lighting strategy was recommended in the Bat Emergence and Re-entry Surveys (Arbtech, August 2023) and details should be submitted to the LPA in order to discharge the condition.

Recommendations
Subject to implementation in full of the submitted details, we recommend discharge of Condition 3.

We are unable to recommend the discharge of conditions 4 and 5 until the additional information outlined above has been provided.

Please contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)
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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.