27 June 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/24/0497**
Location: **Moatfield Farm Kings Lane Cowfold West Sussex RH13 8BD**
Proposal: **Conversion of 2no agricultural buildings to form 2no dwellings.**

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) and protected and Priority species and habitats.	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 supplied by the applicant, but unfortunately there is an absence of ecological information included with the application to help assess the potential use of the site by bats. As the application includes the conversion of agricultural buildings and there is a tree immediately adjacent to the north end of the northern building to be converted at Park Farm, and a hedgerow forms the boundary to the west of the buildings (Google maps Cowfold 27/06/2024), we recommend that a Preliminary Roost Assessment (PRA) of the building and a Ground Level Tree Assessment (GLTA) for bats, in line with 4th Edition Good Practice Guidelines, should be undertaken by a suitably qualified ecologist and the results provided to the LPA. This should include any mitigation measures to support a lawful decision, in accordance with Government Standing Advice.

There are approximately 16 records for bats within 2km of the site, including Brown Long-eared, Soprano and Common Pipistrelles and Serotine (Sussex Biodiversity Records Centre – accessed under licence). In addition, European Protected Species Mitigation Licences were granted for Common Pipistrelle approximately 1.3km to the northeast of the site in 2017 and approximately 1.5km to the southeast of the site in 2010 (MAGIC maps).

We understand that this application is a re-submission of application number DC/21/0699 which was granted permission on 13th July 2021 (Cover Letter RH/LET/P1882 (ECE Planning, March 2024)). However, we do not believe a bat survey was not submitted for that application. 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 may be present and affected by the development, given that agricultural buildings are being converted and there is a tree on site. This request for information is justified, and therefore reasonable, as protected species are a material consideration for planning.

It is therefore reasonable for a suitably qualified ecologist to check for any potential roost features (PRFs) in the two buildings, and in any trees to be removed, and to prepare a Preliminary Roost Assessment as well as assessing if any features used by foraging bats will be impacted. This assessment 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 mitigition and compensation required to avoid an offence.

As the hedgerow on the western boundary may be affected by this application, we also recommend that the site should also be assessed by a suitably qualified ecologist for impacts to protected and Priority species and habitats with identification of proportionate mitigation. A Preliminary Ecological Assessment report with the results of the PRA and GLTA to inform the need for any mitigation and compensation should then be submitted to the LPA prior to determination.

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, and protected and Priority species and habitats.

The results of these assessments 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 the PEA report provides details of proportionate protected species biodiversity enhancements, such as integrated bat and bird boxes, as required to comply with Paragraph 180d of the National Planning Policy Framework (December 2023) in order to deliver biodiversity net gain. We note that this minor application is not subject to mandatory biodiversity net gains as it was validated before 2nd April 2024.

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. However, as there is a pond immediately to the south of the red line boundary of the site (Site Location Plan, Drawing No. 268/PL/001 (Sandy Rendel Architects Limited, January 2022)), we recommend that the NatureSpace Partnership is consulted on this application.

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

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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.