29th December 2024

Bethan Tinning
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.

Application: **DC/24/0672**
Location: **Oakwood Farm Five Oaks Road Slinfold Horsham West Sussex RH13 0QW**
Proposal: **Erection of an agricultural storage building.**

Dear Bethan,

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)	
c) Recommend grant permission subject to conditions	Yes
d) Recommend refusal	
e) Subject to Natural England's formal comments on the conclusion of the Water Neutrality Appropriate Assessment	Yes
f) Subject to Natural England's formal comments on the conclusion of the Bat Appropriate Assessment (screening only)	No
g) 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.

Summary
We have reviewed the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd, July 2024), Ecological Constraints & Biodiversity Net Gain Assessment (Deepdene Ecology Ltd,

July 2024) and the Planning Statement (White & Sons, April 2024) supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species, and identification of proportionate mitigation. Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house.

We highlight that the site lies approximately 10.4km from The Mens Special Area of Conservation (SAC) for which one of the qualifying features is Barbastelle bats. The site therefore lies within the 12km Wider Conservation Area for the SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol and may be within the range of foraging areas required by the bats. This is the full extent of the range of foraging areas required by the bats and any significant impacts or severance to flightlines need to be considered.

We note that the site is bare ground used for storage of woodchip and the adjacent tree belt will be protected from construction impacts. The Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd, July 2024) considers the site is not suitable for foraging bats. As no treelines or hedgerows will be affected by the proposal, we advise that the LPA can record a decision of no Likely Significant Effect on the Sussex bat SACs in its project level HRA report.

We are still satisfied that there is sufficient ecological information available for determination. 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.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd, July 2024), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**
   "All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd, July 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

   This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

   Reason*:* To conserve protected and Priority 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 s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

2. **PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT LAYOUT**
   "A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd, July 2024), shall be submitted to and approved in writing by the local planning authority.

   The content of the Biodiversity Enhancement Layout shall include the following:
   a) detailed designs or product descriptions for biodiversity enhancements; and
   b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

   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 paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

Please contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)
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.