1st April 2025

Shazia Penne
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

By email only

Contains sensitive information

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/25/0239**
Location: **Pennthorpe School Church Street Rudgwick West Sussex RH12 3HJ**
Proposal: **Retention of earth bank adjacent to all-weather sports pitch (Retrospective)**

Dear Shazia

Thank you for consulting Place Services on the above retrospective application.

a) No ecological harm/No objection	
b) Requires further information	
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	Yes
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 Preliminary Ecological Appraisal (Phlorum Limited, September 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats,

and identification of appropriate mitigation measures. Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house.

We note from the Preliminary Ecological Appraisal (Phlorum Limited, September 2024) that bat surveys would have been recommended prior to works with a precautionary approach to site clearance. The site clearance was undertaken under granted application DC/19/2573 in August 2020.

The site lies 8.5 km northeast of The Mens Special Area of Conservation (SAC) and 11.2km northeast of Ebernoe Common SAC. It therefore falls within the 12 km wider conservation area for the SACs (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol), for which one of the qualifying features for the SAC is Barbastelle bats, but there are no records of this species within 2km of the site (Sussex Biodiversity Records Centre (SxBRC) - accessed under licence).

One European Protected Species Mitigation Licence was granted for Common Pipistrelle 980m to the northeast of the site in 2017 (MAGIC maps). There are approximately 24 records of bats within 2 km of the site, including Bechstein's, Noctule/Serotine, Brown Long-eared, Soprano Pipistrelle, Common Pipistrelle and Whiskered/Brandts (SxBRC accessed under licence).

We understand from the Preliminary Ecological Appraisal (Phlorum Limited, September 2024) that the site originally comprised hardstanding, modified grassland, lowland mixed deciduous woodland, species rich native hedgerow and freshwater. It appears that the plans to replace an existing tennis court with an all-weather sports pitch did not create any impact on the hedgerows and no artificial lights were introduced. We further understand that trees were removed from the mixed deciduous woodland and spoil was deposited on the bund to the east of the site adjacent to the underground drainage ditch.

We support the compensatory planting, which has already taken place, of 620 whips, including Alder, Elder, Hornbeam and Hawthorn, in the lowland mixed deciduous woodland to the east of the site (Preliminary Ecological Appraisal (Phlorum Limited, September 2024)). The further compensatory planting of five native species trees with a minimum girth size of 10-12cm should be secured by a condition of any consent and implemented in full.

[redacted]

We are satisfied that there is sufficient ecological information available for determination of this retrospective application, excluding Great Crested Newt. We have been instructed to leave comments on this European Protected Species to the NatureSpacePartnership.

With appropriate biodiversity compensation and enhancement measures secured, the development can be made acceptable. We highlkgh that no artificial lighting is a requirement of the LPA's bat HRA Appropriate Asessment (April 2025).

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.

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 Preliminary Ecological Appraisal (Phlorum Limited, September 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

   This will 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. **WITHIN THREE MONTHS OF CONSENT: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY**
   "Within three months of consent, a Biodiversity Compensation and Enhancement Strategy for protected and Priority or threatened species, to include requirements of the LPA's Bat HRA Appropriate Assessment (April 2025), prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

   The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:
   a) *Purpose and conservation objectives for the proposed compensation and enhancement measures;*
   b) *detailed designs or product descriptions to achieve stated objectives;*
   c) *locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
   d) *persons responsible for implementing the compensation and enhancement measures; and*
   e) *details of initial aftercare and long-term maintenance (where relevant).*

   The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Please contact us with any queries.

Yours sincerely

Sue Hooton CEnv MCIEEM 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.