



Date: 30 June 2026
Our ref: 18056

Jason Hawkes
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Horsham
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By email only: planning@horsham.gov.uk

Thank you for requesting advice on this reserved matter 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.

Application: DC/26/0731
Location: Land Parcel at 520241 133665 Wimland Road Faygate West Sussex
Proposal: Application for approval of Reserved Matters pursuant to Condition 5 of Outline Planning Permission reference DC/16/1677 for the construction of a primary road through Sub Phase 2C, footpaths and cycleways, foul and surface water drainage including SuDS basins, landscaping, and associated infrastructure.

Thank you for consulting Place Services on the above reserved matters application.

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection on: • European Protected Species (Hazel Dormouse and bat) • Protected species (reptiles) • Priority species (breeding birds and invertebrates)	☒
Recommend Refusal	☐

Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐
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Please refer to Horsham District Councils advice regarding Water Neutrality requirements following [Natural England's Withdrawal Statement \(31st October 2025\)](#).

Summary

We have reviewed the following documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation:

- Ecology Mitigation and Management Plan (CSA, April 2026)
- General Arrangement Plans (Glanville, January 2026)
- (RMA 3) Phase 2 Road – Landscape and Ecological Management Plan (David Jarvis Associates, March 2026)

Please note that comments on Biodiversity Net Gain are provided by Horsham District Council in-house. Additionally, regarding Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the [NatureSpace Partnership](#).

We are not satisfied that there is sufficient ecological information available for approval of this reserved matters application. The reasons for this are outlined below:

European Protected Species: (Hazel Dormouse and Bats), Protected species (reptiles) and Priority species (breeding birds and Invertebrates)

We note this reserved matter application is to be considered concurrent with Condition 5 which states *"Pre-Commencement Condition: Details relating to the layout, scale, appearance, means of access (save for the accesses approved pursuant to Condition 1) and landscaping associated therewith (hereafter called the Reserved Matters) for each Area of the site as shown on the Reserved Matters Area Plan approved pursuant to condition 7 of this permission shall be submitted to and approved by the Local Planning Authority before development of that Reserved Matters Area is commenced. Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990."*

It is our professional opinion that Condition 14 must also be considered concurrent with this application to ensure to proposed layout will not negatively impact protected and Priority species and habitats. Condition 14, which relates to the Ecology Mitigation and Management Plan (EMMP) states *"Pre-Commencement Condition: Prior to the submission of an Ecological Mitigation and Management Plan (EMMP) with an application seeking approval of Reserved Matters pursuant to the planning permission, up to date ecological surveys shall be carried out to provide up to date information regarding the potential of the area covered by the Reserved Matters application to support protected and notable species"*

and inform the future design of measures that will be required to avoid, mitigate or compensate for impacts and to inform the Ecological Mitigation and Management Plan for that Reserved Matters application. These surveys shall be completed by suitably qualified ecologist(s), recognised by a relevant professional body such as CIEEM, and in accordance with current survey guidelines. The scope of these surveys shall be agreed in advance with the LPA, and may include advanced surveys for rare bat species. The surveys shall be completed in accordance with the agreed scope prior to the submission of the EMMP for that Reserved Matters area and the results and associated reports appended to the Ecological Mitigation and Management Plan for that Reserved Matters area. Reason: As this matter is fundamental to safeguard and enhance the ecology and biodiversity of the area in accordance with Policy SD6 and Policy 31 of the Horsham District Planning Framework (2015), the Wildlife and Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 (as amended), [REDACTED] NERC Act 2006 and the NPPF.”

The submitted Ecology Mitigation and Management Plan (CSA, April 2026) states following ecological surveys are underway during 2026 and the results are required to inform the mitigation/ compensation measures:

- Hazel Dormouse – Habitat Quality Assessment, to inform whether further surveys are required to inform if the existing licence present in a different phase requires modification or if a Non-Licensed Method Statement would be appropriate. The section does pass through areas of existing hedgerow and woodland; thus, the results are required.
- Bats – Results of a Ground Level Tree Assessment (GLTA), to inform whether trees proposed for removal require suitable mitigation/ compensation strategies, possibly needing to be informed by further surveys.
- Reptiles – It is our understanding that the site was subject to reptile surveys in 2022 by a different consultant and no reptiles were identified. The EMMP has recommended updated reptile surveys. As such, if considered necessary, as has been recommended the results are required prior to approval.
- Breeding birds – The EMMP states updated breeding bird surveys are underway. The results of these surveys are required.
- Invertebrates - The EMMP states invertebrate surveys are required due to the presence of notable species, which are not listed. The results of these surveys are required.

The EMMP recommends other ongoing surveys, which would form part of the long-term monitoring.

To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats and Hazel Dormouse, European Protected Species. These surveys are required prior to approval because Government Standing Advice indicates that

you should “Survey for Hazel Dormouse if the development proposal will affect an area of woodland (including deciduous, conifer or mixed woodland), hedgerow or scrub” and “Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”. Regarding protected species (reptiles), Government Standing Advice indicates that you should survey for “reptiles if the development proposal is likely to lead to harm to individual reptiles or their habitats” Survey for invertebrates if “distribution and historical records suggest protected invertebrates may be present” and Survey for wild birds “if development proposal affects any natural habitats utilised by birds”

The results of these surveys are required prior to approval because paragraph 99 of the 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 therefore required to provide the LPA with certainty of likely 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.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions including the Favourable Conservation Status licensing test and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to approval to allow certainty to the LPA that a licence will likely be granted.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please do not hesitate to contact us if you have any queries in relation to this advice.

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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.

We are unable to respond directly to applicants/agents or other interested parties.

Any additional information, queries or comments on this advice that the applicant/agent or other interested parties may have, must be directed to the Planning Officer at the relevant LPA, who will seek further advice from us where appropriate.

