19 February 2024

Kate Turner
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 Kate

Application: **DC/24/0068**
Location: **The Spinney Pulborough RH20 2AP**
Proposal: **Demolition of 11No. existing garages and erection of 2No. two storey dwellings with associated external works and landscaping.**

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)	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) Subject to Natural England's formal comments on the conclusion of the Bat Appropriate Assessment	
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 unless they can demonstrate water neutrality.

Summary
We have reviewed the Ecological Assessment (The Ecology Co-op, May 2022), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application as we note that the Ecological Assessment (The Ecology Co-op, May 2022) is over 18 months old. According to the Chartered Institute for Ecology and Environmental Management (CIEEM) Advice Note 'On the Lifespan of Ecological Reports and Surveys' (April 2019), reports between 18 months and three years old are unlikely to still be valid and a professional ecologist will need to undertake a site visit and may also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report. Some or all of the other ecological surveys may need to be updated.

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 as the Ecological Assessment (The Ecology Co-op, May 2022) concluded that the building has 'low' potential to support bats. This request for information is justified, and therefore reasonable, as protected species are a material consideration for planning.

In addition, the site lies approximately 4.3km southeast of The Mens Special Area of Conservation (SAC) and approximately 10.0km southeast of the Ebernoe Common SAC for which the qualifying feature is Barbastelle bats. The site lies within the 6km Key Conservation Area for The Mens SAC and within the 12km Wider Conservation Area for Ebernoe Common SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol and therefore is within the range of foraging areas required by these bats.

It is therefore reasonable for a suitably qualified ecologist to check for any potential roost features (PRFs) and prepare a Preliminary Roost Assessment as well as assessing if any features used by foraging bats will be impacted. This assessment should be undertaken in line with 4th Ed. Bat Surveys for Professional Ecologists Good Practice Guidelines (Collins ed., 2023). This 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 mitigation and compensation required to avoid an offence.

The results of the above surveys for bats 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 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

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.