

From: [REDACTED], East Wantley Barn, Northlands Lane, Storrington. RH20 3EZ

FAO Matthew Porter, HDC Planning

Objection to DC/26/0972 and DISC/26/0255

I object to DC/26/0972 (Appearance, Landscaping, Layout and Scale) and DISC/26/0255 (Biodiversity Enhancement Strategy) on the grounds of environmental law and NPPF non-compliance.

No pre-commencement condition for bat protection

The DC/24/2006 Habitat Regulations Assessment presented detailed requirements to mitigate the impact of the development on Barbastelle Bats – one of the UK's rarest bats.. **However, the Decision Notice does not contain a specific bats pre-commencement condition.** It does for reptiles and dormice.

The design of the development and the biodiversity enhancement strategy does not appear to have addressed any of the specific mitigation requirements set out in the HRA or provide evidence to demonstrate that these requirements have been met. As a result, the application does not to meet the legal requirements set out in the *Conservation of Habitats and Species Regulations 2017 (CHSR 2017)*. **The application should therefore be refused.**

The following evidence focuses on non-compliance with HRA and NPPF, relating to the design near the Eastern Boundary, but there may well be other non-compliances.

Breach of Habitat Regulation Assessment (HRA) Conditions

The current proposals violate the statutory parameters of the Council's Habitats Regulations Assessment (HRA). As a matter of law, the Council cannot discharge condition **DISC/26/0255** or approve layout **DC/26/0972** while these conflicts remain, as doing so would breach *CHSR 2017*.

Unlawful Breach of the HRA "No Severance" and Habitat Retention Baseline

The HRA explicitly screened out an Adverse Effect on the Integrity of the West Wantley Barbastelle bat colony based on a binding legal prerequisite submitted as part of DC/24/2006: *"It is our understanding that no trees have been removed as part of this development and there will be no severance to the flight lines of foraging or commuting bats or removal of habitat within the site."* [1]

The Design and Access Statement (DAS) and layout plans directly breach this baseline. The DAS explicitly states in the design evolution section:

Eastern Edge: **The development required a future access route to the adjacent field**, in addition to accommodating an existing badger set, which necessitated a 30m offset."

A vehicular road stub is incorporated in the design to allow for this.

- **The Legal Conflict:** Constructing a vehicular road at a future time through the eastern boundary forces the physical removal and structural puncture of a species-rich hedgerow and mature tree line.
- **The Impact:** For cover-reliant, low-flying Barbastelle bats, this constitutes a definitive **severance event** of a primary commuting corridor. Because the layout explicitly introduces a requirement for habitat removal and flight line severance, the underlying legal mechanism allowing the HRA to screen out significant adverse effects is invalidated.

The issue is compounded by failure of the 0-Lux Dark Corridor Mandate

The HRA's avoidance measures depend on maintaining a strict **Wildlife-Sensitive Lighting Strategy**. This mandate applies legally to *all* key green infrastructures and foraging zones connecting the West Wantley site to the wider network, including the entire eastern boundary line and the conifer plantation/scrub blocks on the eastern side.

The submitted design is legally flawed because:

- the design has a number of houses facing East-West (33-40) adjacent to the eastern boundary, with no boundary treatment to screen the boundary from the domestic lighting.

- The road through the development is predominantly East-West, without any treatment to prevent vehicle lights from illuminating the eastern boundary.
- The eastern boundary is hedgerow, interspersed with mature trees, leaving a number of significant screening gaps, especially above head height. During autumn, winter, and early spring leaf-fall, the visual and physical density of this boundary drops significantly. Internal residential light, street lighting, and dynamic vehicle headlights from the south-east corner of the development will spill directly through the bare vegetation illuminating the vegetation and trees in the adjacent field.
- **The HRA Violation:** This light spill means the eastern boundary will fail to maintain the 0-lux dark corridor threshold. This light pollution will disrupt the bats' emergence behaviour and fragment their commuting network, directly failing the HRA's mitigation test.

The applicant has failed to comply with Condition 17 and 25 of the outline planning permission

As highlighted above the DC/24/2006 Decision Notice has no explicit pre-commencement condition relating to the bat-related mitigations highlighted in the HRA. However, condition 17 and 25 provide 'backstop' cover for that omission. Nevertheless, the Council has a legal duty to ensure that a comprehensive mitigation scheme for Barbastelle bats be approved prior to commencement. Otherwise it will fail to meet its obligations under CHSR 2017.

The council's legal duties with respect to the HRA.

I would like to remind the council of their strict legal duties. Under UK case law (reinforced by the landmark Supreme Court ruling *C G Fry & Son v MHCLG*), HRA requirements legally apply to the discharge of conditions stage. The council has a strict statutory duty as a "competent authority" to ensure absolute ecological certainty before signing off.

The bio-diversity enhancement plan contains no specific measures to protect and enhance the habitats of Barbastelle Bats – one of the UK's rarest bats.

The proposed biodiversity enhancement plan appears to be entirely generic. The HRA highlights the specific measures which need to be taken, in line with Bat Conservation Trust guidance, to protect and enhance Barbastelle bat habitats and dark foraging corridors.

Compounding light impacts affect designated heritage assets and an intrinsically dark wider landscape.

The eastern boundary is a hedgerow interspersed with mature trees – see the photo below taken from the adjacent field.. It will not provide contiguous, year-round screening. The current design will result in domestic and vehicle lights from the houses in the SE corner of the development being visible over a wide area to the North-East and East, especially after leaf-fall.

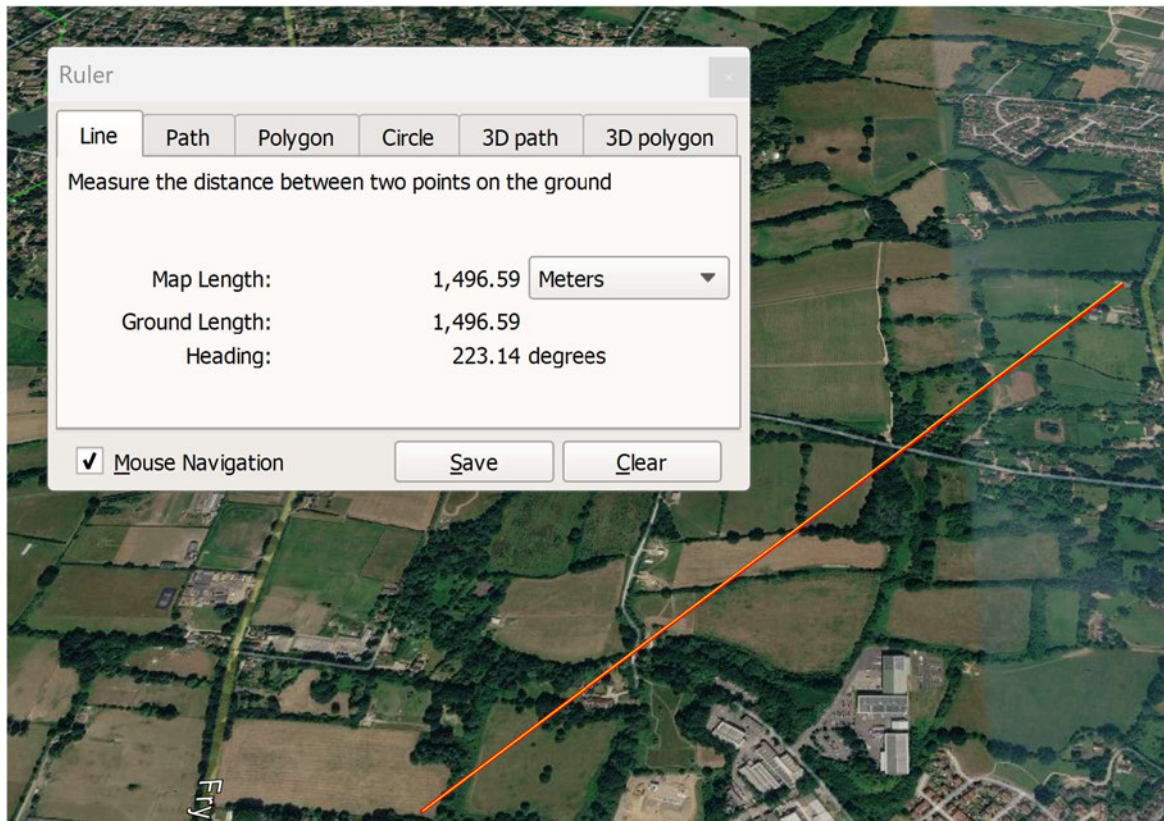


The design and access statement highlights the presence of Grade II Listed East Wantley Farmhouse and Barn approximately 250m away to the NE of this corner of the development. These heritage assets currently enjoy an ‘intrinsically dark landscape’ with only 4 lights visible across the wider 360 degree landscape. This is demonstrated by the photo taken from East Wantley Barn in the winter. Only 1 light is visible (extreme left) across the southern view towards Melton Drive, with the Orion constellation clearly seen.



.NPPF Aug 2026 defines intrinsically dark landscapes as being “entirely, or largely, uninterrupted by artificial light”. The design fails to consider the harm on East Wantley’s setting and its place within an intrinsically dark landscape. Lights from the 2 storey houses (33-40) and vehicles using the access road will become visible from East Wantley – especially once leaf fall has occurred. This appears to be a non-compliance with NPPF Aug 26 P3(2)e which aims to “Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes ... and nature.”

Close inspection of the sight lines highlights that these lights will also be visible from the outskirts of Thakeham some 1500m to the NE at one end of the elevated ridge footpath which runs east-west, some 1km north of the development. The lights will also be visible along considerable stretches of this footpath. T



If light pollution from the south-east corner will be visible from distant elevated footpaths and neighbouring historic properties, it highlights that light spill will radiating outward into the wider valley environment. This confirms that the developer has failed to achieve the strict **local containment of light** required under a legally compliant Wildlife-Sensitive Lighting Strategy. The Council is asked to ensure that lighting, including domestic and vehicle lights conforms to this strategy and the following NPPF Aug 26 requirements:

- P3(1) — assess the effects, including cumulative and off-site effects;
- P3(2)(b) — avoid unacceptable artificial-light pollution on or beyond the site;
- P3(2)(e) — specifically limit adverse effects on local amenity, intrinsically dark landscapes and nature.

The impact on me

Barbastelle bats are one of the UK's rarest species and rightly protected.. It is a testament to the intrinsically dark landscape between West and East Wantley which has existed for many hundreds of years that these bats, which are highly sensitive to light disturbance, are living here. The application fails to put in place the specific mitigation measures which are legally required or have sufficient regard for the setting of East Wantley's heritage assets. Preservation of such intrinsically dark spaces is rightly protected under the NPPF. Compliance in this rural landscape should be given significant weight.

Conclusion and Statutory Remedy Required

Under UK planning law, where a development plan conflicts with the findings of a statutory Habitats Regulations Assessment, the HRA parameters must take legal precedence.

The Council should therefore introduce a bat-related pre-commencement condition to ensure compliance with CHSR 2017. The current application should be withdrawn or refused.

To prevent a clear legal challenge under the Habitats Regulations, the Council must refuse to discharge these conditions until the developer has complied with the bat mitigations required in the HRA. Specific measures include::

1. **Deleting the vehicular "future access" stub entirely** from all layout, circulation, and engineering plans.
2. **Re-designing the eastern buffer** as a dedicated, non-vehicular, unlit, dark green infrastructure zone managed exclusively for biodiversity under the LEMP.
3. **Mandating and maintaining a legally binding evergreen structural planting scheme** (using dense native species like Holly, Yew, and Ivy understories) along the entire eastern edge to guarantee 365-day physical light containment.
4. **Requiring a Winter Light Simulation Plot** to model a "worst-case scenario" (zero leaf cover) to legally prove that 0-lux containment is achieved along the entirety of the eastern and northern foraging perimeters.
5. **The design needs to have regard for the setting of East Wantley's heritage assets and the intrinsically dark section of the valley it sits within.**

Yours sincerely,

