Place Services
Essex County Council
County Hall, Chelmsford
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www.placeservices.co.uk

Date: 12 December 2025 Our ref: 12151

Matthew Porter
Horsham District Council
Parkside
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By email only: Planning Department, planning@horsham.gov.uk

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/25/0542
Location: Buck Barn Services Worthing Road Horsham West Grinstead
Proposal: Removal of drive-through element to existing restaurant and petrol filling station and development of the site to provide a drive-through restaurant, petrol filling station shop, drive-through coffee pod and car wash together with the reconfiguration of car parking and circulation routes, including a revised access slip road from the A24 (northbound) and associated landscaping and ancillary works

Dear Matthew,

Thank you for further re-consulting Place Services on the above application.

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required on protected species (reptiles)	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

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 Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025), Bat Activity Survey (PJC Consultancy Ltd., March 2025), Dormouse Presence/Absence Survey Report (PJC Consultancy Ltd., October 2024), Reptile Presence/Absence Survey Report (PJC Consultancy Ltd., October 2024) and Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2023) relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of appropriate mitigation measures. Please note that comments on mandatory biodiversity net gain are provided by Horsham District Council in-house.

We are still not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on reptiles is provided prior to determination. The reasons for this are outlined below:

Protected species - reptiles
We note that the Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025) recommends that reptile surveys should be undertaken. However, from the Reptile Presence/Absence Survey Report (PJC Consultancy Ltd., October 2024) these appear to have already been carried out. We understand that the site supports a good population of breeding Slow Worm and therefore, we support the implementation of a reptile mitigation strategy, which includes the off-site translocation of reptiles (Section 5.1.15 Reptile Presence/Absence Survey Report (PJC Consultancy Ltd., October 2024)).

As translocation of reptiles to an off-site receptor site is required, we highlight that Government Standing Advice says:
If translocating reptiles, the proposal needs a receptor site:

- *close to the development site, and within the same LPA if possible*
- *that is at least the same size as the habitat that will be lost, and larger if the lost habitat is of high quality*
- *that will serve the same function as the habitat to be lost, for example it has hibernation features*
- *with similar habitat to the area that will be lost, including water bodies*
- *that does not currently support the same species, but can be improved to make it suitable*
- *that will be safe from future development and managed in the long term*

This means that the receptor site must be identified and assessed to ensure it meets these requirements and it has sufficient carrying capacity for the translocated reptile populations. We recommend that the assessment is submitted to the LPA prior to determination.

The identification and assessment of the reptile translocation site is required prior to determination 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.

See Appeal Decisions Ref: APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

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 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 determination 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).

Additional Comments

Bats

We note from the Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025) that buildings B1 (McDonald's restaurant building), B2 (petrol station canopy) and B3 (disused car wash canopy) all have negligible bat roost potential.

We also note from the from the Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025) that tree T1 (Norway maple) has Potential Roost Features for Individual bats (PRFs-I) (low potential). We therefore highlight that appropriate compensation will be required in advance of works to avoid loss of roost resource (Reason and Wray (2023) *UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.1.* Chartered Institute of Ecology and Environmental Management). We also highlight that the works need to be undertaken under a non-licensed Precautionary Working Method Statement for bats. This should include inspection of the affected tree by endoscope on the day and felling under the supervision of a licensed bat ecologist, as required in Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023).

We also note from the Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025) that trees T2 (Sessile Oak), T3 (mature Pear) and T4 (mature Pear) have PRF-Is, but all of these trees are to be retained.

We note that the Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025) recommends that bat activity surveys should be undertaken. However, it appears from the Bat Activity Survey (PJC Consultancy Ltd., March 2025) that these were carried out between April and October 2024, including walked transect surveys and static detector surveys. We support the recommendations in Sections 4.1.10 to 4.1.16 of the Bat Activity Survey (PJC Consultancy Ltd., March 2025), which comprise the following:

- Incorporation of a buffer zone within a distance of at least 3m from the retained hedgerows.
- Installation of Heras exclusion fencing to protect the buffer zones and then upgraded post construction to a non-permeable fence with sound boarding.
- Planting of treelines and hedgerows to maintain the commuting and foraging bat routes.
- Planting of trees and hedgerows within the wider ownership of Knepp Castle Estate to compensate for the loss of woodland.
- Appropriate planting for foraging and commuting bats as stated in Section 4.1.14 of the Bat Activity Survey (PJC Consultancy Ltd., March 2025).
- Implementation of a wildlife sensitive lighting scheme.
- Ecological enhancements for bats as stated in Section 4.1.16 of the Bat Activity Survey (PJC Consultancy Ltd., March 2025).

We therefore agree that no further surveys for bats are required.

Hazel Dormouse

We note that the Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025) recommends that Hazel Dormouse surveys should be undertaken. However, from the Dormouse Presence/Absence Survey Report (PJC Consultancy Ltd., October 2024) these appear to have carried out between April and November 2024. We agree that, as Hazel Dormouse has been confirmed to be present on site, a European Protected Species Mitigation licence will be required. We support the outline measures to support the licence application in Section 5.2 of the Dormouse Presence/Absence Survey Report (PJC Consultancy Ltd., October 2024).

Protected Species

We support the implementation of a Precautionary Method Statement for mobile protected and Priority species (including Hedgehog which is a Priority and threatened species) in Sections 5.3.55 and 5.3.65 of the Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025). This needs to be secured by a condition of any consent and implemented in full.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025)) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended in the Preliminary Ecological Appraisal (PJC Consultancy Ltd., October 2025) and Bat Activity Survey (PJC Consultancy Ltd., March 2025), 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 Layout and should be secured by a condition of any consent.

Please note that 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.

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 contact us with any queries.

Yours sincerely

Hayley Dean MCIEEM MSc BSc (Hons)
Senior 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.