



ARUN DISTRICT COUNCIL

HABITATS REGULATIONS ASSESSMENT APPROPRIATE ASSESSMENT

LPA Ref: AL/107/21/PL

Demolition of the Woodgate Centre buildings (including 3 no. residential dwellings) & the construction of 180 no. residential dwellings with the creation of new vehicular access with footways and cycleways, ancillary road infrastructure, emergency access arrangements, associated parking, public open space, including children's play space, landscape planting, surface water attenuation & drainage & other associated infrastructure. This site is in CIL Zone H SP2, BEW Strategic Site and is not CIL Liable.

Woodgate Centre
Oak Tree Lane
Woodgate
PO20 3GU

October 2021

1.0 Habitats Regulations Assessment Process

1.1 Legislation

- 1.1.1 The primary legislative protection covering International Sites originates from the European Directive 92/43/EEC (the 'Habitats Directive'), which is transposed into UK legislation by the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') with the key sections of relevance to projects appearing from Regulations 63 onwards. Regulation 63 states:

“(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –

- (a) Is likely to have a significant effect on a European site [International Site] or a European off-shore marine site (either alone or in combination with other plans or projects), and*
- (b) Is not directly connected with or necessary to the management of that site,*

Must make an appropriate assessment of the implications of the plan or project for that site in view of the site's conservation objectives.

- (2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.”*

1.2 National and Local Planning Policy

- 1.2.1 Section 15 of the National Planning Policy Framework (NPPF) (2021) relates to conserving and enhancing the natural environment. Paragraphs 174 – 177 are of particular relevance to International Sites (Ramsars/SPAs and SACs) and have been taken into account in the preparation of this Appropriate Assessment.

- 1.2.2 Arun Local Plan (2018) policies ENV SP1, ENV DM1, ENV DM2, ENV DM3 and ENV DM5 relate to the protection and enhancement of the environment, including designated sites.

- 1.2.3 Paragraph 17.1.6 of the Arun Local Plan makes clear that SACs are areas which provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity. The only SAC in Arun District is Arun Valley.

- 1.2.4 Paragraph 17.1.8 of the Arun Local Plan highlights that SACs are afforded similar protection as if they are legally designated. Natural England will be consulted on any planning application in or adjacent to a European Site, or any such candidate site. It is therefore a requirement that all proposals that might adversely affect the special interest of a European Site be given special scrutiny.

- 1.2.5 Paragraph 17.1.16 of the Arun Local Plan emphasises that the impacts of development on European sites outside the District of Arun but within neighbouring planning authority areas must also be considered. This includes the Singleton and Cocking Tunnels SAC.

1.3 Guidance

1.3.1 Guidance published by the European Commission entitled 'Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites' (2001) advises on carrying out the stepwise approach to HRA required by Article 6 of the Habitats Directive. This requires that the following stages are undertaken in sequence:

1. *Screening the need for an Appropriate Assessment;*
2. *The Appropriate Assessment;*
3. *The Assessment of Alternative Solutions; and*
4. *Assessment where no alternative solutions exist and where adverse impacts remain (also known as the test for "Imperative Reasons of Overriding Public Interest" or IROPI)*

1.4 Relevant Case Law

Case C-127/02 of the European Court of Justice (ECJ) – The "Waddenzee" Case

1.4.1 The ECJ Waddenzee Case clarifies several important points in relation to the correct interpretation of Article 6(3) of the Habitats Directive in particular. This clarification has been helpfully set out in Government Circular 06/05 "Biodiversity and Geological Conservation".

1.4.2 One of the key messages from the ECJ was that, where a plan or project has the potential to affect a Natura 2000 site, an "Appropriate Assessment" is necessary:

"... if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either alone or in combination with other plans and projects"

(Paragraph 13 of Circular 06/05
or paragraph 44 of the Waddenzee Judgement)

1.4.3 The ECJ expanded upon this by saying that:

"... where such a plan or project has an effect on that site but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned"

(Paragraph 47 of the Waddenzee Judgement)

1.4.4 Further to the above the ECJ clarified that, once an Appropriate Assessment has been triggered, except in the circumstances outlined in Article 6(4) of the Directive, a plan or project can only be authorised where it will not have an adverse effect on the integrity of the Natura 2000 site, and that:

"That is the case where no reasonable scientific doubt remains as to the absence of such effects".

(Paragraph 21 of Circular 06/05
or paragraph 59 of the Waddenzee Judgement)

The "Dilly Lane" and "People over Wind" Judgements

1.4.5 The High Court, in the judgement of J Sullivan in Hart DC v Secretary of State for Communities and Local Government (2008), has for some time formed the basis of established HRA Practice, insofar as it has determined the approach to the Screening and Appropriate Assessment stages of the HRA process.

- 1.4.6 Up until recently the established approach derived from the Dilly Lane Case meant that where impact avoidance and mitigation measures were put forward as integral parts of a plan or project, and where the competent authority was also satisfied that those measures would be effective, deliverable and could be secured, then there was no need for an Appropriate Assessment to be carried out.
- 1.4.7 This was because in such circumstances it was considered that the information pertaining to the efficacy of those impact avoidance and mitigation measures represented the 'objective information' referred to by the European Court of Justice (ECJ) in the Waddenzee case (above).
- 1.4.8 More recently however, in case C-323/17 of the ECJ (referred to as "People over Wind"), the ECJ concluded that it was not appropriate to take account of "... *measures intended to avoid or reduce the harmful effects of the plan or project...*" at the Screening stage of the HRA process. Although there appear to be some inconsistencies between this judgement and previous ECJ case law, until such time as the ECJ may provide further clarification, it will be necessary to consider the efficacy of impact avoidance and mitigation measures such as SAMM through the medium of Appropriate Assessment in order to ensure compliance with the findings of the judgement.

The "Grace and Sweetman" Case

- 1.4.9 The above approach was confirmed in the July 2018 Grace and Sweetman case (C-164/17). In this case the ECJ ruled that a project resulting in the loss of land within a European site which could support the qualifying feature(s) cannot be mitigated by measures designed to improve the capacity of other areas of the European site to support those feature(s). Such a project must therefore fail the appropriate assessment test at Article 6(3) of the Council Directive 92/43/EEC of the 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. If the project must proceed for imperative reasons of overriding public interest, such measures may be required to compensate for the loss of the area within the European Site, as per Article 6(4).

1.5 Screening Likely Significant Effects

- 1.5.1 The purpose of the initial screening stage is to determine whether the proposals will give rise to a 'likely significant effect' (LSE). If a LSE can be ruled out, the proposals are deemed to pass the screening stage. However, if a LSE is identified, or uncertain, the competent authority must proceed to the next stage and carry out an Appropriate Assessment of the proposals, in light of the conservation objectives of the International Site in question.

1.6 The Appropriate Assessment Stage

- 1.6.1 The purpose of the Appropriate Assessment (AA) is to further analyse likely significant effects identified during the screening stage, as well as any effects which were uncertain or not well understood and take these forward for assessment in accordance with the precautionary principle. The AA evaluates the implications of the plan or project, either alone or in combination with other plans and projects, in light of the conservation objectives of the affected International Site. It also assesses the effectiveness of measures intended to avoid or reduce the harmful impacts of the plan or project and concludes on the overall likely significant effect and whether it would significantly adversely affect the integrity of the International site in question.

- 1.6.2 The AA stage includes a test of whether the plan or project proposals will result in significant adverse effects on site integrity, in combination with other plans or projects.

1.7 In Combination Effects

- 1.7.1 Other plans or projects being prepared or implemented in the area may have the potential to cause negative effects on the integrity of International Sites. These effects may act in combination with the effects of this application, potentially leading to a likely insignificant effect becoming significant. It is therefore important to consider whether this application could contribute to effects generated by other plans and projects.

2.0 Assessing the Current Application

2.1 Consultation with Natural England

- 2.1.1 Natural England (NE), the Government's statutory adviser on nature conservation in England, has been consulted on the proposals. The Courts have determined on several occasions that the view of NE as the statutory nature conservation advisory should be given 'great weight' unless a 'cogent explanation' is given for not doing so.

2.2 Consultation with the Council's Ecology Officer

- 2.2.1 The comments received from the Council's Ecology Officer on 10 September 2021 did not provide any comment in respect of impacts upon European and Internationally Designated Sites.
- 2.2.2 Notwithstanding this, the applicant's submitted document confirms that the site falls within the relevant catchments for both the Singleton and Cocking Tunnels SAC and the Duncton to Bignor Escarpment SAC.

2.3 Submitted Ecological Information

- 2.3.1 The applicants have submitted a supporting information within their application submission documents. In summary, the Reports identifies that the following points of note which are relevant to the Singleton & Cocking Tunnels SAC:

The Singleton and Cocking Tunnels SAC lies 11.9 kilometers north-west of the site and is designated for supporting barbastelle and Bechstein's bat. The site lies within the 12-kilometre buffer of the SAC as identified within the South Downs National Park Local Plan (2014-33) – Policy SD10. It is possible that these bat species may utilise the site for foraging and commuting.

Habitats including hedgerows, scrub and mature trees on site and along the site boundaries are suitable for supporting foraging and commuting bats. The site is situated in a semi-rural setting and is surrounded by well-connected suitable foraging and commuting habitat in the wider area in the form of mature hedgerows, woodland and watercourses. The site is assessed as being of moderate suitability to support foraging and commuting bats.

The surveys recorded a total of six species of bat: noctule, common pipistrelle, soprano pipistrelle, Myotis species, serotine and long-eared bat. A single soprano pipistrelle was recorded re-entering B3 during the survey carried out on the 29th August

2017. No bats were recorded emerging from/re-entering any of the other buildings during the surveys.

The majority of the registrations were of common pipistrelle and soprano pipistrelle across all surveys. A total of six registrations were recorded of serotine, five of noctule, four of Myotis species and two of long-eared bat. Updating emergence/re-entry surveys on all eight previously surveyed buildings are due to be updated during the 2021 survey season.

Table 11: Number of Registrations and Proportion of Bat Activity from Each Species

Species	No. Registrations	% Registrations
Common Pipistrelle	21169	87.75%
Soprano Pipistrelle	2180	9.04%
Serotine	231	0.96%
Noctule	178	0.74%
Myotis species	142	0.59%
Long-eared Bat	106	0.44%
Nathusius' Pipistrelle	96	0.40%
Barbastelle	23	0.10%
Grand Total	24125	100.00%

Given the extent of highly suitable foraging and commuting habitat in the wider area including mature hedgerows and watercourses, the site itself is assessed as being of site value to foraging and commuting bats. However, the Lidsey Rife located immediately to the east of the site boundary is assessed as being of local value to commuting bats. This linear feature connects the site to further likely commuting routes including the railway line to the north, as well as foraging areas including field margins and hedgerows.

The Annexe II species barbastelle was recorded at the site. Although this is a rarer species, only 22 registrations of barbastelle were recorded (0.1% of all registrations at the site) which may be attributable to a low number of bats. As such, the habitat on site is also assessed as being of local value to barbastelle. So far, the findings of the 2021 surveys do not alter the assessment of the site value to foraging and commuting bats compared to the 2017/2018 survey findings.

3.0 Screening of Likely Significant Effects

3.1 Introduction

3.1.1 This section sets out Stage 1 of the HRA – Screening. It describes the application site and development proposals, and explores the potential impacts generated by the development that could give rise to a likely significant effect (LSE) on the Singleton and Cocking Tunnels SAC and Duncton and Bignor Escarpment SAC.

3.2 Description of the Application Site

3.2.1 The site lies to the east of the village of Woodgate, to the south of the railway line and to the east of the Lidsey Road (A29).

- 3.2.2 The site falls from the entrance to the site on the western side to its boundary with the Lidsey Rife.
- 3.2.3 The site is accessed via Woodgate Road, which provides access to the Woodgate Centre from the A29. The Woodgate Centre accommodates a series of small businesses, a house, a horse stables and a series of paddocks.
- 3.2.4 To the south of the site is the Willows Caravan Park, to the west of the site are a series of residential properties that either back onto the site or have a side facing the site.
- 3.2.5 The site is in a predominantly residential location that is well located in terms of access to a range of local facilities and amenities. These include a primary school, local shops and community centre all within walking and cycling distance of the site.
- 3.2.6 Vehicular access to the site is proposed directly from the existing Woodgate Road, that connects to the A29, with emergency vehicles access via Oak Tree Lane.
- 3.2.7 The site is in reasonable walking distance of a good range of existing local services and facilities, with good access to public transport. In time, with the delivery of the strategic allocation, the site will become integrated into a wider range of services and facilities, with enhanced footpath and cycle connections, enabling better access to Barnham Station.

3.3 Description of Development

- 3.3.1 Pye Homes have applied for full planning permission for the construction of 180 dwellings. The description of development is as follows:

Demolition of the Woodgate Centre buildings (including 3 no. residential dwellings) & the construction of 180 No. residential dwellings with the creation of new vehicular access with footways and cycleways, ancillary road infrastructure, emergency access arrangements, associated parking, public open space, including children's play space, landscape planting, surface water attenuation & drainage & other associated infrastructure. This site is in CIL Zone H SP2, BEW Strategic Site and is not CIL Liable.

- 3.3.2 The proposal is not directly connected with or necessary to the management of the Singleton and Cocking Tunnels SAC, nor the Duncton to Bignor Escarpment SAC, and as such must be subject to HRA.

3.4 Potential for Likely Significant Effects on the Singleton and Cocking Tunnels SAC

Location of Site in Relation to the Designated Habitat Sites:

- 3.4.1 The application site falls within 11.9km at its nearest point to the 12km buffer zone of the Singleton and Cocking Tunnels Special Area of Conservation (SAC).
- 3.4.2 The SAC includes hibernation habitat for barbastelle and Bechstein bats and relies upon suitable commuting and foraging habitat for the site that lies within, or in close proximity of the site, to maintain the integrity of the site and safeguard the SAC against disturbance.
- 3.4.3 Development within the identified buffer zones have the potential to severe existing commuting and foraging routes through a variety of factors, including but not limited to,

lighting, foraging habitats and noise and vibrations during construction and operational phases of any development.

Disturbance

- 3.4.4 The Habitats Regulations Assessment undertaken at the Screening Stage for the Arun District Local Plan (March 2013) screened out likely significant effects on the Singleton and Cocking Tunnels SAC. However, following the judgements detailed above, the HRA undertaken for the Local Plan at screening stage cannot be relied upon as conclusive; with a further Appropriate Assessment required to be undertaken at the point of decision.
- 3.4.5 Development proposals on greenfield sites that support or are in close proximity to suitable commuting and foraging habitat (including mature vegetative linear features such as woodlands, hedgerows, riverine and wetland habitats) within the identified 12km buffer zone, should have due regard to the possibility that barbastelle and Bechstein Bats will be utilising the site.
- 3.4.6 Development proposals are required to incorporate necessary surveys and ensure that key features (foraging habitat and commuting routes) are retained.
- 3.4.7 The identified 12km buffer zone comprises the *Wider Conservation Area* where significant impacts or severance of flight lines are to be considered.

Direct Loss of Habitat

- 3.4.3 The submitted Ecology Report and Survey concludes that there will be a loss of habitats which are used for commuting and foraging bats. Whilst the Ecology Surveys have confirmed the limited presence of any Barbastelle or Bechstein species of bats on the site, it does acknowledge that the site provides habitat for commuting and foraging for bats.
- 3.4.4 The location of the site, falling within the 12km buffer, provides an indication that the site could be used by the above species of bats that roost in the Singleton and Cocking Tunnels SAC.
- 3.4.4 Having reviewed the site in person and based on the submitted Ecological Survey, it can be reasonably concluded that the site does support habitats for foraging bats and their associated flight lines. This could therefore implicate on the Barbastelle and Bechstein species of bats, deriving from the Singleton and Cocking Tunnels SAC.
- 3.4.5 It is therefore concluded that the redevelopment of this site could result in direct loss of supporting habitats that are functionally linked to the Singleton and Cocking Tunnels SAC and that a LSE and adverse effect on the integrity of the European protected site, in this respect, can be screened in at this stage.

3.5 Singleton & Cocking Tunnels SAC Screening Conclusion

- 3.5.1 The ECJ (People over Wind) ruling means that impact avoidance and mitigation measures should now be considered at the Appropriate Assessment stage. It is no longer possible to rule out LSE at screening stage where such measures are relied upon. Instead, taking the assessment through to the Appropriate Assessment stage is necessary to explore whether any contribution toward an adverse effect on the integrity of the site can rule out a LSE.

- 3.5.2 In summary, it is considered that recreational disturbance impacts arising from an increase population from the proposed development of 180 dwellings could result in the potential for a LSE on the Singleton and Cocking Tunnels SAC, both alone, and in combination with other plans and projects within the area. This is considered in detail in the Appropriate Assessment later in this report.

3.6 Potential for Likely Significant Effects on the Duncton to Bignor Escarpment SAC

Location of Site in Relation to the Designated Habitat Sites:

- 3.6.1 The application site falls within the buffer zone of the Duncton to Bignor Escarpment Special Area of Conservation (SAC).
- 3.6.2 The SAC is approximately 214.47 ha in size and is situated within both the South Downs National Character Area (NCA Profile 125) and National Park.
- 3.6.3 The SAC is an example of mature beech *Fagus sylvatica* woodland located on a steep scarp face of the South Downs. The site has developed over chalk which is overlain in places by a clay-with-flints capping. The resulting soil conditions have produced beech dominated mosaic with: ash *Fraxinus excelsior* woodland, scrub and chalk grassland.
- 3.6.4 The high habitat quality present at Duncton to Bignor Escarpment has allowed many rare plants to flourish such as white helleborine *Cephalanthera damasonium*, yellow bird's nest *Monotropa hypopitys*, and limestone fern *Gymnocarpium robertium*.
- 3.6.5 The scrubby woodland is also home to the largest British colony of the rare snail *Helicodonta obvolute*, and a notable assemblage of rare moth species, many of which are dependent on the scrubby woodland at Duncton Down.
- 3.6.6 Development within the vicinity has the potential to disturb the sensitive ecological ecosystem which these existing rare plants rely upon to flourish through a variety of factors, including but not limited to, air quality through operational phases of the development.

Disturbance

- 3.6.4 The Habitats Regulations Assessment undertaken at the Screening Stage for the Arun District Local Plan (March 2013) screened out likely significant effects on the Duncton to Bignor Escarpment SAC. However, following the judgements detailed above, the HRA undertaken for the Local Plan at screening stage cannot be relied upon as conclusive; with a further Appropriate Assessment required to be undertaken at the point of decision.
- 3.6.5 Development proposals which result in change in air quality have the potential to impact upon the ecological values, and subsequent efficiency of the ecosystems, upon which these rare plant species rely on to survive. Exceedance of critical values for air pollutants may modify the chemical status of its substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of sensitive typical species associated with it.
- 3.6.6 Critical Loads and levels are recognised thresholds below which such harmful effects on sensitive UK habitats will not occur to a significant level, according to current levels of scientific understanding.

- 3.6.7 There are critical levels for ammonia (NH₃), oxides of nitrogen (NO_x) and sulphur dioxide (SO₂), and critical loads for nutrient nitrogen deposition and acid deposition. There are currently no critical loads or levels for other pollutants such as Halogens, Heavy Metals, POPs, VOCs or Dusts. These should be considered as appropriate on a case-by-case basis.
- 3.6.8 Ground level ozone is regionally important as a toxic air pollutant but flux-based critical levels for the protection of semi-natural habitats are still under development.
- 3.6.9 It is recognised that achieving this target may be subject to the development, availability and effectiveness of abatement technology and measures to tackle diffuse air pollution, within realistic timescales.
- 3.6.10 The development of this site would therefore result in the indirect impacts on supporting habitats that are linked to the Dunton to Bignor Escarpment SAC and that LSE and adverse effects on the integrity of the European protected site, in this respect, can be screened in at this stage.

Direct Loss of Habitat

- 3.6.10 The development of this site would not result in direct loss of supporting habitats that are either directly or functionally linked to the Dunton to Bignor Escarpment SAC and that LSE and adverse effect on the integrity of the European protected site, in this respect, can be screened out at this stage.

3.7 Singleton & Cocking Tunnels SAC Screening Conclusion

- 3.7.1 The ECJ (People over Wind) ruling means that impact avoidance and mitigation measures should now be considered at the Appropriate Assessment stage. It is no longer possible to rule out a LSE at screening stage where such measures are relied upon. Instead, taking the assessment through to the Appropriate Assessment stage is necessary to explore whether any contribution toward an adverse effect on the integrity of the site can rule out a LSE.
- 3.7.2 In summary, it is considered that vehicular traffic deriving from an increase in vehicular usage from the proposed development of up to 180 dwellings could result in the potential for a LSE of 180 dwellings could result in the potential for a LSE on both the Singleton and Cocking Tunnels SAC and the Dunton to Bignor Escarpment SAC, both alone, and in combination with other plans and projects within the area. This is considered in detail in the Appropriate Assessment later in this report.

4.0 Appropriate Assessment

4.1 Qualifying Features

- 4.1.1 The Species Present as a Qualifying Feature of the Singleton and Cocking Tunnels Special Area of Conservation (SAC), but not primary reason for site selection are identified as:

1308	Barbastelle <i>Barbastella barastellus</i>
1323	Bechstein's Bat <i>Myotis Bechsteinii</i>

4.1.2 The Qualifying Feature of the Duncton to Bignor Escarpment Special Area of Conservation (SAC), but not primary reason for site selection is identified as:

H9130: Asperulo-Fagetum beech forests; Beech forests on neutral to rich soils

4.2 Conservation Objectives

4.2.1 The Conservation Objectives for the Singleton and Cocking Tunnels SAC relevant to this development proposal are identified as¹:

- *Maintain the presence of hibernating barbastelle at the site*
- *Maintain the distribution and continuity of the feature and its supporting habitat, including where applicable its component vegetation types and associated transitional vegetation types, across the site*
- *Restore the presence, structure and quality of any linear landscape features which function as flightlines*
- *Maintain the properties of the underlying soil types, including structure, bulk density, total carbon, pH, soil nutrient status and fungal: bacterial ratio, within typical values for the supporting habitat*
- *Restore any core areas of feeding habitat outside of the SAC boundary that are critical to Barbastelles during their hibernation period*
- *Restore the management measures (either within and/or outside the site boundary as appropriate) which are necessary to Restore the structure, functions and supporting processes associated with the feature and/or its supporting habitats*

4.2.2 The species of bats, which the Singleton and Cocking Tunnels SAC supports, are susceptible to disturbance on land within their identified buffer zones. Therefore, it is necessary to consider means by which the in-combination disturbance of bats with the Singleton and Cocking Tunnels SAC can be mitigated.

4.2.3 The Conservation Objectives for the Duncton to Bignor Escarpment SAC relevant to this development proposal comprise maintaining or restoring²:

- *The extent and distribution of qualifying natural habitats*
- *The structure and function (including typical species) of qualifying natural habitats; and*
- *The supporting processes on which the qualifying natural habitats rely*

4.2.4 The natural habitats and species for which the site has been designated and supports are susceptible to disturbance. Therefore, it is necessary to consider means by which the in-combination disturbance of the Duncton to Bignor Escarpment SAC can be mitigated.

¹ [European Site Conservation Objectives for Singleton and Cocking Tunnels SAC - UK0030337 \(naturalengland.org.uk\)](https://naturalengland.org.uk/european-site-conservation-objectives-for-singleton-and-cocking-tunnels-sac-uk0030337)

² [European Site Conservation Objectives for Duncton to Bignor Escarpment SAC - UK0030138 \(naturalengland.org.uk\)](https://naturalengland.org.uk/european-site-conservation-objectives-for-ducton-to-bignor-escarpment-sac-uk0030138)

4.3 Appropriate Assessment Matrix (Stage 1)

4.3.1 Identification of potential effects, on qualifying features, conservation objectives and any relevant mitigation measures are detailed below.

Singleton & Cocking Tunnels SAC

Potential Effect	Site Conservation Objective(s)	Qualifying Features	Potential for Impact (Direct/Indirect/Cumulative)	Relevant Mitigation Measures (proposed by applicant and/or LPA)
1. <u>Construction phase</u> impacts from harm occurring to trees/vegetation that supports foraging and commuting for bats.	Support foraging and commuting opportunities and retain flight lines.	Hedgerows, existing vegetation and tree lining.	Direct impacts.	Secure buffer zones around hedgerows and tree planting via imposition and discharge of conditions.
2. <u>Construction phase</u> impacts from construction activities occurring in the vicinity preventing access for foraging and commuting bats.	Support foraging and commuting opportunities and retain flight lines.	Hedgerows, existing vegetation and tree lining.	Indirect impacts.	Secure buffer zones around hedgerows and tree planting via imposition and discharge of conditions.
3. <u>Construction & Operational phase</u> impacts from loss of existing hedgerow along boundaries.	Support foraging and commuting opportunities and retain flight lines.	Hedgerows, existing vegetation and tree lining.	Direct impacts.	Ensure any loss of hedgerows within development is replaced or results in replacement placing with appropriate replacement habitats in app determination.
4. <u>Operational phase</u> impacts from lighting impacting upon commuting and foraging routes for bats.	Support foraging and commuting opportunities and retain flight lines.	Hedgerows, existing vegetation and tree lining.	Direct impacts.	Secure lighting scheme via imposition and discharge of conditions to ensure lighting is downward and utilise bat-compatible technology.
6. <u>Operational phase</u> impacts from built development preventing physical access to foraging vegetation.	Support foraging and commuting opportunities and retain flight lines.	Hedgerows, existing vegetation and tree lining.	Indirect impacts.	Ensure layout of application is appropriate to allow for physical access to foraging and commuting bats in determination of app.

Duncton to Bignor Escarpment SAC

Potential Effect	Site Conservation Objective(s)	Qualifying Features	Potential for Impact (Direct/Indirect/Cumulative)	Relevant Mitigation Measures (proposed by applicant and/or LPA)
1. <u>Construction phase</u> impacts from	Structure and function of	Beech forests on neutral to	Indirect impacts.	Ensure construction traffic is routed away

emissions from construction vehicles.	qualifying natural habitats	rich soils.		from vicinity of SAC to reduce potential for air quality degradation through Construction Management Plan.
1. <u>Operational phase</u> impacts from user vehicles frequenting the area and degrading air quality	Structure and function of qualifying natural habitats	Beech forests on neutral to rich soils	Indirect impacts	Ensure other alternative/sustainable modes of transport can be utilised and encouraged for day to day trips.

4.4 **Appropriate Assessment Matrix (Stage 2) – Scale & Seriousness of Potential Effects**

4.4.1 Those effects that are identified in the table above as having a potential impact on the site's conservation objectives for the qualifying species are taken forward to a second stage of assessment. This stage assesses the scale and seriousness of the potential effects, including their:

- Magnitude
- Duration
- Reversibility
- Likelihood of occurrence
- How the impact may change over time

4.4.2 These assessment criteria are taken from the DEFRA document *The Habitats and Wild Birds Directives in England and its Seas – Core Guidance for Developers, Regulators & Land/Marine Managers* (2012) (Draft for Public Consultation).

4.4.3 This stage includes consideration of the mitigation measures that form part of the application. This is presented in the following table:

Singleton & Cocking Tunnels SAC

Effect	Magnitude	Duration	Reversibility	Likelihood of Occurrence	Changes over Time
1. <u>Construction phase</u> impacts from harm occurring to trees/vegetation that supports foraging and commuting for bats.	Direct impacts expected without mitigation in place.	Long term duration owing to permanent loss of habitat.	Yes in short term with introduction of replacement planting. No in long term if replacement planting were not undertaken imminently.	Potential impact; however, mitigation measures (conditions for CMP) proposed to avoid/reduce impacts.	Impact could occur when the development is being constructed. Mitigation measures (CMP) proposed to reduce/avoid impacts.
2. <u>Construction phase</u> impacts from construction activities occurring in the vicinity preventing	Indirect impacts expected without mitigation in place.	Long term duration owing to permanent loss of habitat.	Yes in short term; however, no controls over duration of build out period and physical barriers to foraging habitats.	Potential impact; however, mitigation measures (conditions for buffer zones and CMP) proposed to avoid/reduce	Impact could occur when the development is being constructed. Mitigation measures (buffer zones and CMP) proposed to reduce/avoid impacts.

access for foraging and commuting bats.				impacts.	
3. <u>Construction & Operational phase</u> impacts from loss of existing hedgerow along boundaries.	Direct impacts expected without mitigation in place.	Long term duration owing to permanent loss of habitat.	Yes, in short term; however, no controls over duration of build out period and physical barriers to foraging habitats.	Potential impact; however, mitigation measures (landscaping plan and replacement planting) proposed to avoid/reduce impacts.	Impacts could occur throughout the operational phases of the development. Mitigation measures (landscaping plans and replacement planting) proposed to avoid/reduce impacts.
4. <u>Operational phase</u> impacts from lighting impacting upon commuting and foraging routes for bats.	Direct impacts expected without mitigation in place.	Long term duration owing to permanent loss of habitat.	Yes, in short and long term unless mitigation measures are put in place.	Potential impact; however, mitigation measures (conditions for lighting plan) proposed to avoid/reduce impacts.	Impact could occur when the development is operational. Mitigation measures (conditions for lighting plan) proposed to reduce/avoid impacts.
5. <u>Operational phase</u> impacts from built development preventing physical access to foraging vegetation.	Indirect impacts expected without mitigation in place.	Long terms duration owing to permanent loss of access to habitat.	Yes, long term unless mitigation measures are put in place.	Potential impact; however, mitigation measures (assessment of application keeping buffer zones clear) proposed to avoid/reduce impacts.	Impact could occur when the development is operational. Mitigation measures (conditions for lighting plan) proposed to reduce/avoid impacts.

Duncton to Bignor Escarpment SAC

Effect	Magnitude	Duration	Reversibility	Likelihood of Occurrence	Changes over Time
1. <u>Construction phase</u> impacts from emissions from construction vehicles.	Indirect impacts expected without mitigation in place.	Long term duration owing to permanent loss of habitat structure.	Yes, long term unless mitigation measures are put in place.	Potential impact; however, mitigation measures (Construction Management Plan) proposed to avoid/reduce impacts.	Impact could occur when the development is being constructed. Mitigation measures (Construction Management Plan) proposed to reduce/avoid impacts.

2. <u>Operational phase</u> impacts from user vehicles frequenting the area and degrading air quality	Indirect impacts expected without mitigation in place.	Long term duration owing to permanent loss of habitat structure.	Yes, long term unless mitigation measures are put in place.	Potential impact; however, mitigation measures (Travel Plan) proposed to avoid/reduced impacts.	Impact could occur when the development is operational. Mitigation measures (Travel Plan) proposed to reduce/avoid impacts.
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5.0 Conclusion

- 5.1 A number of potential Likely Significant Effects have been identified at Screening Stage for this planning application. An Appropriate Assessment has been undertaken to assess these Likely Significant Effects, their potential magnitude, duration, reversibility, likelihood, changes and potential mitigation measures.
- 5.2 The proposed mitigation measures (to include a Construction & Environmental Management Plan, Landscaping and Planting Plan, Lighting Scheme and Travel Plan – to be secured via condition) are considered by Arun District Council to result in the avoidance and mitigation of likely significant effects on the integrity of the Singleton and Cocking Tunnels SAC and the Duncton to Bignor Escarpment SAC, alone, or when taken in-combination with other plans and projects.
- 5.3 Natural England is to be consulted on the conclusion of this Appropriate Assessment and the application determined accordingly.