

6 October 2021

Barnham and Eastergate Parish Council response to planning application AL/113/21

At a meeting of Barnham and Eastergate Parish Council's Planning & Environment Committee held on 21st September 2021 the Committee resolved to submit an objection to Planning application AL/113/21 – and at Bayards, Level Mare Lane, Eastergate:

Although the proposed development lies within the Parish of Aldingbourne it abuts the boundary with Barnham and Eastergate Parish Council and the proposed main access route for the development will come through the 42-home development currently approved, and progressing, on Land West of Fontwell Avenue (BN/50/20).

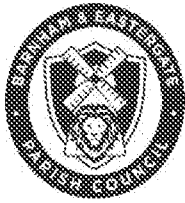
The Committee's objection in general is that the development is not included in Aldingbourne's recently made Neighbourhood Plan; is outside the Built-up Area boundary; is adjacent to a SNCI (Site of Nature Conservation Interest) in Fontwell Racecourse; will have a significant and unacceptable impact on the traffic levels already using Fontwell Avenue, a road not able to cope with the current traffic flows let alone the additional traffic flows that will be generated by the already approved development sites along its route; and is not required to meet ADC's housing allocation as they have more than a 3 year housing land supply and recent changes to the NPPF state that if more than a 3 year land supply can be evidenced then the Neighbourhood Plan's status overrides all other Plans.

The Committee also objects in relation to the following policies in the current made and emerging Barnham & Eastergate Neighbourhood Plan:

ES10 – Trees and hedgerows – the application proposes removal of hedgerows which we deem unacceptable. It is noted that trees will be retained.

GA1/GA2/GA3 – All relate to connectivity with the villages and as the access from the site, as already stated, will be in Barnham and Eastergate Parish, the Council would wish to see proper connections and improvements to the existing footway and access routes to the village being improved by any proposed development. This application does not reference any such improvements or future investment to make those improvements.

The Committee has also seen the review of the Ecological Impact Assessment undertaken by Aldingbourne Parish Council and fully supports their view that more survey work is needed for both reptiles and bats before this application is considered for decision. The Committee also supports the view expressed in the review document in relation to Net Biodiversity Gain. (A copy of the review document is attached)



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Parish Clerk: Mrs Alison Crabb [REDACTED]
[REDACTED]

Ecological Impact Assessment (EclA)- General

Section 3.1.1 of the EclA states

“Due to the poor-quality habitats on site and immediately adjacent a full protected species search from SxBRC was not considered proportionate to the predicted impacts of the scheme.”

This does not conform to Section 1.14 of the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment (2018), which advocates acquiring this information to enable determination of the predicted impacts. Furthermore, it is necessary for the EclA to consider the “in combination effects” of other development projects when predicting the ecological baseline conditions (see 3.7 of the Guidelines for Ecological Impact Assessment (2018)).

Section 1.4 of the EclA describes the site area to be 2.1 Ha. However, Section 1.4 of the Bat Survey Report refers to the site as 1.5 Ha.

Reptiles

The reptile survey effort has been conducted mostly during July, contrary to Government guidance <https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>, which states that survey during July to August and November to February should be avoided. Furthermore, Par. 3.4.1 of the EclA refers to using 35 refugia, but only indicates 30 refugia on Figure 002. The placement of the refugia shown in Fig. 002 suggests a greater emphasis was given to north-facing (shaded) parts of the site, which is not the best habitat location to find basking reptiles. No references for reptile survey methodology or best practice have been cited or included within the References section of the EclA report, contrary to CIEEMs Guidelines for Ecological Report Writing(Second Edition) (2017) <https://cieem.net/resource/guidelines-for-ecological-report-writing/>.

Bats

Bat Surveys comprised two transect surveys on four occasions and four deployments of one static recorder at three separate locations. Surveys for this site should accord with the criteria given in Table 4.1 on page 35 of Collins J (ed): *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd ed.) The Bat Conservation Trust (2016) <https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-3rd-edition>, as stated in Section 3.3.3 of the EclA Report. This defines the commuting and foraging habitat for bats at the site to be of ‘Moderate’ suitability – this is born out in Section 1.11 and 1.15 of the Habitats Regulation Assessment. However, this has not been stated in the EclA. The required survey effort for bat activity surveys and static monitoring surveys is presented in Table 8.3 on page 58 of Collins 2016, which for ‘Moderate’ suitability recommends one transect survey per month from April to October and for static monitoring, two locations per transect for 5 consecutive nights per month from April to October. If surveys depart from the recommended best practice methods, this must be justified within the EclA.

The Bat Report mentions static bat monitor recordings made at the site for 28 nights during 2020. Section 3.1.6 refers the reader to 3 deployment location for these,

which it states are plotted on “Figure 01.” However, the deployment locations of the static bat monitor do not appear on Figure 001. Data was recorded for *Myotis* species of bat during static and transect surveys at the site, which also appears to have been omitted from Figure 001.

The Section 1.3 of the EcIA states that

“Bat Activity Surveys were undertaken on the adjacent site (permitted under BN/50/20/PL), which shares the treeline forming the main feature of interest to bats, and this data was also incorporated into this assessment.”

There is no data evidence within the EcIA report to support this statement, which has also been cited in Section 1.19 of the Habitats Regulation Assessment.

Section 5.5.1 of the EcIA report fails to interpret the potential impacts of lighting on bats within the site – this is especially important when considering Barbastelle, Bechstein’s and other *Myotis* species of bat. The latter were recorded within the site, Barbastelle and Bechstein’s are present nearby in Slindon Woods and Barbastelle previously recorded using the nearby biodiversity corridor along the northern section of Level Mare Lane and Northfields Lane. **Policies EH1, and particularly EH1 (iv), and EH2 of the ANDP apply and explanatory note EH1.3 2019 needs to be understood.**

In summary, the view of the Parish Council is that more survey work is needed for both reptiles and bats before any Planning Application could be considered.

The Parish Council understands that raw data is the property of the commissioning party and is not usually made publicly available. It should not normally be shared without appropriate expert interpretation. However, where survey results have been used or cited within an assessment report for a planning application (or screening option appraisal), it should be available to scrutiny. We would request that the District council confirms that this will be made available.

The Parish Council has previously stated that Arun District Council should have access to adequate professional ecology advice. The Parish Council does not believe that the service level agreement with Chichester District Council to provide ecological advice is adequate and strongly recommends that Arun appoint their own Ecologist or commission adequate ecological advice if they intend to meet their Biodiversity statements and obligations

The Parish Council would expect calculations for Biodiversity Net Gain to be included in the report rather than as a separate document. In addition, the CIEEM Guidelines *Biodiversity Net Gain: Good Practice Principles for Development, A Practical Guide* – Make clear the importance of stakeholder engagement. It also states under - What looks good:

“Engage a range of stakeholder to gather their input including testing the feasibility of Biodiversity Net Gain design and identify local and strategic Biodiversity priorities to contribute towards and also address their concerns.”

This stakeholder involvement has clearly not occurred and there is a lack of scrutiny which is an important part of this process. The Parish Council view is that statements regarding Net Biodiversity Gain on the site are unsupported and cannot be based on a simple algorithm which does not take account of the whole spectrum of biodiversity.

In summary we the Parish Council think that the statements on Biodiversity Net Gain are incorrect.