



Parish Office: C/o Aldingbourne Community Sports Centre, Olivers Meadow, Westergate, PO20 3YA



Mr S Davis
Principle Planning Officer
Directorate of Place
Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

20 January 2022

Dear Simon

Thank you for advising us that the Application Ref. AL/113/21/OUT for Land at Bayards, Level Mare Lane, Eastergate will be heard at your planning meeting on 2 February 2022, we have just received notification of the date (21st January 2022) but would like to submit the following information.

We note that Natural England have just updated the advice for local planning authorities on protected species and development and we would especially like to draw your attention to Section 2. 'Assess the information provided with the planning application,' where it states that "You can refuse planning permission if surveys:

- are carried out at the wrong time of year
- are not up to date
- do not follow standard survey guidelines without appropriate justification
- do not provide enough evidence to assess the likely negative effects on protected species

The Parish Council requests that Arun now review the ecological advice received as we believe that more survey work is needed for both reptiles and bats along with reviewing the HRA Statement and to do so along with NE as false or inadequate HRA would place NE and ADC outside of the law, as they will be failing in their duty to the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations')

The Parish Council notes the response you have received from Chichester District Council's Environment Officer. However, whilst raising some issues this does not follow them through adequately in respect of required mitigation measures or the need for further information.

We draw your attention to the following documents, which can be found appended to this application on the ADC planning portal

- 20/10/21 Chichester District Council Ecology Consultation Response
- 29/10/21 Appropriate Assessment and Request to Natural England
- 15/09/21 Information to Inform a Habitats Regulation Assessment (27/08/21)
- 15/09/21 Ecological Impact Assessment 13/09/21

The HRA has concluded that there're will be *"no likely significant adverse effects upon the Singleton and Cocking Tunnels SAC or the bat species associated with the site and functionally linked habitats."*

It is our opinion, following discussion with our own councillor who is a professional landscape architect and ecologist, that the HRA screening assessment has NOT adequately considered the impacts of the project in respect to disturbance to bats from lighting and loss of habitat connectivity, nor in respect to the linear commuting habitat for bats within the site, which is *"functionally linked habitat"* to the Singleton and Cocking Tunnels SAC. This assessment has relied upon suppositions based upon inadequate ecological evidence and the use of circular referencing.

Below is a summary of our observations concerning the ecological evidence submitted for this site. As you know we have been involved in undertaking a number of bat surveys on the wildlife corridors in this area and we have concerns regarding this site, which hosts important linear connectivity features for bats (including Barbastelle) commuting between the coastal plain and the SDNP.

EclA – General

Section 3.1.1 of the EclA states that *"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

The Section 1.3 of the EclA 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.”*

Bat Surveys only appear to have been conducted for the neighbouring site and not for the application site. These were carried out in 2020 and 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>, (incorrectly presented 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.

Section 5.5.1 of the EclA report fails to adequately interpret the potential impacts of lighting upon bats within the site – this is especially important when considering Barbastelle, Bechstein’s and other *Myotis* species of bat which are known to have been recorded within the site.

In our view considerably more information is required to understand the onsite and in combination effect of the proposed development with respect to how bats that are using the application site and to properly consider the potential impacts from lighting and habitat loss upon a bat flight corridor that is known to be locally important and functionally-linked habitat for the Singleton and Cocking Tunnels SAC.

Please note that our focus here is centred on the lack of adequate robust survey data, failure to follow established best practice guidance and lack of adequate detail within the EclA. It is clear that so far this has not been acknowledged and that the HRA Statement has relied heavily on the 'assumptions' given within the EclA. Therefore, the HRA is also fundamentally incorrect!

Satellite imagery from Google Maps shows that the western and eastern boundaries of the site are wooded.

There is no evidence available to indicate that bat surveys have been undertaken on the western side of the site or within the site itself. According to the EclA, those surveys that were undertaken were not informed by an adequate desk study, and did not follow established best practice guidance. In 2015 radio-tagged Barbastelle bats were recorded commuting along a north-south corridor, approximately 800m to the west of the site ([Whitby and Shereston, 2015](#)). The very limited bat survey data offered with this application, appears to be only for the adjacent neighbouring site to the east, which was obtained in 2020 and where the EclA does acknowledge that Barbastelle were also recorded on the adjacent site at this time. The HRA states that "the qualifying features of the SAC have not been recorded within the site itself, the potential for adverse impact, as a result of the habitat loss is considered to be very low and as such, unlikely to significantly impact Singleton and Cocking Tunnels SAC." However, no bat surveys appear to have been carried out within the site to support this conclusion. Furthermore, it is inappropriate for the HRA to conclude that "...removal, or damage of this habitat, and increased local disturbance might remove a flightline to the extreme end of the bats range" as there is existing evidence available (Whitby and Shereston, 2015) that contradict this. This species of bat is very rare and is (as has already been stated) a qualifying feature of the Singleton and Cocking SAC.

I would be grateful if you would confirm receipt of this correspondence which is also being copied to

Cllrs Isabel Thurston and Chris Hughes
Ms Pollitt at Chichester District Council
Mr Thomas Scott-Heagarty Natural England
Mr Ben Rainbow Assistant County Ecologist County Council

Yours sincerely

Cllr Michael Warden
Chairman - Aldingbourne Parish Council