



SUSSEX ORNITHOLOGICAL SOCIETY

Registered charity 256936

www.sos.org.uk

3 Greenwood Drive
Angmering
West Sussex
BN16 4JW

6th March 2024

By e-mail only to

Planning@Adur-Worthing.gov.uk

For the attention of Mr David Easton

Dear Sir,

Land East of Westergate planning application AL/11/24/OUT

I am writing on behalf of the Sussex Ornithological Society (SOS) to **OBJECT** to the planning application for 1) Outline permission for 400 No dwellings and associated works and 2) Full planning permission for alterations to site access off Westergate Street and through Pine Close and east-west link road including a bridge over the Lidsey Rife.

The SOS is the county bird society, with more than 2,000 members. Our aims are to record and study wild birds in the county, to assist in the conservation of birds and to engage, inspire and educate people to enjoy, appreciate and understand birds and their habitats. We have a large database of bird records, which are shared with the Sussex Biological Record Centre (SxBRC) and with other interested bodies.

We wish to express concern that any development should be contemplated in this sensitive location. It is acknowledged that the site lies within Strategic Site SD5 of the Arun local plan but we are particularly concerned at the lack of clarity as to how the Biodiversity Net Gain provisions of the Schedule 14 of the Environment Act 2021 will be delivered at this location.

Firstly, with regard to the Bird Survey to which the application site was subjected according to The Ecology Appendix 7 to the Environmental Statement produced by Ecosupport Ltd. Section 41 of the Natural Environment and Rural Communities Act (2006) states that you must have regard for the conservation of Section 41 species as part of your planning decision also see - (Natural England 'Guidance Wild birds: advice for making planning decisions', published 14 January 2022). Natural England and Defra 'Guidance Protected Species and Development: advice for local planning authorities' (last updated 25 Oct 2023) states, in respect of birds, under the heading When to Survey:

Birds (Breeding): March to August;

Birds (Winter behaviour): October to March;

Birds (Migration): March to May, August to November.

states that The Breeding Birds' survey expedited for the applicant was undertaken during March, April, May and June (one day in each month), but contrary to Natural England and Defra Guidance (as referenced above) not from July to February.

Consequently, contrary to Natural England 'Guidance Wild birds: advice for making planning decisions', how the application could/would affect birds outside the months subject to survey and therefore wintering birds, including red and amber listed bird species of Conservation Concern, as well as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006) cannot be considered by the council's decision takers.

To enable the Council to have regard for the conservation of Section 41 species as part of their planning decision, a full on-site bird survey, including wintering birds, is required.

The Ecology Appendix 7 to the Environmental Statement produced by Ecosupport Ltd demonstrates clearly that the area supports significant numbers of vulnerable bird species including – Lesser Spotted Woodpecker, Yellowhammer, Greenfinch and House Sparrow – all Red listed species (of high conservation concern) referenced in Birds of Conservation concern, as well as Song Thrush, Whitethroat, Dunnock and Wren – Amber listed species.

Again, Section 41 of the Natural Environment and Rural Communities Act (2006) states that you must have regard for the conservation of Section 41 species as part of your planning decision' (Natural England 'Guidance Wild birds: advice for making planning decisions', published 14 January 2022).

Unfortunately the report goes on to make light of the impact, both during the construction phase and as a long term consequence of the creation of this large area of human disturbance in an otherwise particularly rural enclave in this part of the District, a fast disappearing environmental feature both in the District and the county. Hedgerows are listed as a habitat of Principal Importance for biodiversity conservation under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The suggestion that "some lengths of hedgerow" will be lost is, to say the least, disingenuous. There are currently over 2 kilometres of undisturbed hedgerow included in the site. All of which, not destroyed by the developers and their contractors, will be impacted by the increase in Human disturbance, the noise and light pollution associated with such an adjacent housing development and the increased presence of pollution including uncontrolled cats. Impacted to the extent that Yellowhammer, Song Thrush and Whitethroat are most unlikely to continue nesting or feeding in these hedgerows. The Lesser Spotted Woodpeckers - an

extremely rare species in the county, Greenfinches and Mistle Thrushes are unlikely to occur once the woodland and its adjacent hedgerows are completely surrounded and impacted by the presence of the housing development.

The Lidsey Rife which will be at the Eastern Boundary of this development is referred to as a Biodiversity Opportunity Area (BOA) – ENV DM3 – in the Arun District Local Plan. The presence of this planned development and its polluting impacts upon those parts of Lidsey Rife adjacent to it would almost certainly damage the value of this waterway as a BOA.

Although Biodiversity Net Gain (BNG) is touched upon towards the end of the Annex - clause 8.1.8 - the “stand-alone BNG report” referenced does not appear to have been submitted.

We assert that without the opportunity to consider the proposals offered in such a report there is no way that this application should be allowed to proceed any further.

Yours sincerely

A solid black rectangular box used to redact the signature of T.G. Allen.

T.G.Allen
The Conservation Team
Sussex Ornithological Society

From: Nicola Oktay on behalf of Planning.Responses
Sent: 25 March 2024 09:34
To: Planning Scanning
Subject: FW: planning application AL/11/24/OUT
Attachments: objection to Adur District planning application at Westergate Feb 2024.docx

REP

Nikki Oktay
Planning Receptionist, Planning Department

T: 01903 737965
E: Nicola.Oktay@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF
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From: Nicola Oktay <Nicola.Oktay@arun.gov.uk> **On Behalf Of** Planning
Sent: Thursday, March 21, 2024 10:43 AM
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: planning application AL/11/24/OUT

Nikki Oktay
Planning Receptionist, Planning Department

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From: Terry Allen <[REDACTED]>
Sent: Wednesday, March 20, 2024 4:49 PM
To: Planning <Planning@arun.gov.uk>
Subject: Fwd: planning application AL/11/24/OUT

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Apologies
Miss-addressed to wrong District planning dept

Very sorry

Terry Allen

----- Forwarded message -----

From: Terry Allen <[REDACTED]>
Date: Wed, 20 Mar 2024, 13:12
Subject: Fwd: planning application AL/11/24/OUT
To: <Planning@arun.gov.uk>

----- Forwarded message -----

From: Terry Allen <[REDACTED]>
Date: Wed, 20 Mar 2024, 12:35
Subject: planning application AL/11/24/OUT
To: [REDACTED]
Cc: Anthony Holden <[REDACTED]>, Patricia Wilder <[REDACTED]>, Warren Long <[REDACTED]>, susan kerry bedell <[REDACTED]>

For the attention of Mr David Easton

Dear Mr Easton

Please find attached an Objection on behalf of the Sussex Ornithological Society to planning application AL/11/24/OUT.

Yours Sincerely

TG Allen

Conservation Team

Sussex Ornithological Society