

Please upload email and attachment as Application Correspondence "Appropriate Assessment and Request to Natural England"

From: Simon Davis

Sent: 24 June 2021 18:08

Subject: Arun DC Application AL/20/21/PL - Appropriate Assessment

Dear Sir/Madam,

I note that we did not issue you with a planning consultation on this application. However, it is our understanding that Arun DC need to consider the need for Habitat Regulations Assessment for all developments within the 12km consultation zone of the Singleton and Cocking Tunnels Special Area of Conservation (SAC) located within the South Downs National Park.

I have therefore undertaken to provide an Appropriate Assessment concerning this site/development and its impact on the SAC. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), I am writing to you to request your consultation advice on this Assessment.

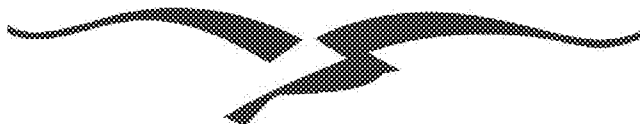
I would be grateful if you could provide a response within 10 days or otherwise indicate if you require a longer period. If you require a formal consultation in order to respond on this matter, please advise and I'll issue one.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place

T: 01903 737874

E: simon.davis@arun.gov.uk



Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF

www.arun.gov.uk

To register to receive notification of planning applications in your area please go to

www.arun.gov.uk/planning

Arun is a CIL Charging Authority, for more information go to www.arun.gov.uk/cil

Sign up to our newsletter [here](#)



Habitat Regulation Assessment (HRA) Appropriate Assessment Statement

APPLICATION DETAILS

Application ref:	AL/20/21/PL
Application address:	Land at Wings Nursery, Lidsey Road, Woodgate, PO20 3SU
Application description:	Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL).
Status of Application:	Undecided
Proximity to SPA/SAC/Ramsar.	Is within the 12km consultation zone for the Singleton & Cocking Tunnels Special Area of Conservation (SAC)
Planning Officer:	Simon Davis

INTRODUCTION

The site is within the 12km 'consultation zone' for the Singleton and Cocking Tunnels SAC albeit that it is only 100m from the edge of this zone. The SAC is designated for the populations of barbastelle and Bechstein's bats it supports. The conservation objectives for the SAC are to maintain or restore:

- The extent and distribution of the habitats of qualifying species
- The structure and function of the habitats of qualifying species
- The supporting processes on which the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

HABITAT REGULATIONS ASSESSMENT PROCESS

The competent authority (in this case Arun District Council) must be satisfied that based upon the best available scientific information and in light of any suitable mitigation measures, the proposed scheme will result in no significant adverse effects upon the integrity of the European site through appropriate measures being established, either alone or in combination with other plans or projects in the area.

Where a loss of site integrity cannot be ruled out (i.e. a 'significant impact' is likely to occur), the proposals may only be authorised under very exceptional circumstances (such as overriding public interest and with no viable alternative, as detailed in full under Article 6(4)).

The recent (2017) CJEU judgement 'People Over Wind and Sweetman vs. Coillte Teoranta (C-323/17)' has changed the way in which Competent Authorities must address the HRA process. Any measures that are incorporated into a project

specifically to address impacts to international sites can no longer be considered to avoid or reduce (mitigate) a likely significant effect, unless the avoidance effects of a particular feature of the development are essential for the delivery of that project regardless of any effect that feature may have in avoiding or mitigating impacts to the International site.

LIKELY 'ALONE' EFFECTS

Construction Disturbance

A condition will be imposed to only allow construction works between the hours of 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays. In addition, there will be conditions to prevent working taking place during hours of darkness (i.e., in the winter when it is dark before 6pm) and to control construction stage lighting. On this basis, it is considered unlikely that the works will result in direct disturbance to local foraging and commuting bats. Therefore, direct disturbance of bats using the site for foraging and commuting via construction light and noise will not occur. **Impacts associated with construction light and noise can therefore be scoped out of the HRA.**

Habitat Alteration

The proposal will result in the development of existing semi-improved grassland, amenity grassland, scrub & areas of tall ruderal vegetation plus the loss of some small trees along the site frontage adjacent to the A29. The vast majority of the site is considered to be species poor semi-improved grassland with clumps of tall ruderal vegetation.

The northern, eastern, and southern boundaries are not affected, and development will also be set in from the vast majority of these boundaries. There is no loss of existing hedgerow which will also be enhanced with new native species.

The applicants Bat Survey Report dated July 2020 advises that two existing buildings marked for demolition (a house and attached garage) have the potential to support roosting bats and are used as an occasional roost for a low number of bats within the *Pipistrellus* genus. In addition, one Oak tree within the site of the existing buildings (but on the frontage adjacent to the A29) is moderately suitable to support roosting bats however this tree is being retained.

Although much of the site is considered to be species-poor, the loss of this habitat to make way for the development will result in a small reduction in bat foraging habitat across the application area. However, it is considered that the loss of this grassland is **unlikely to significantly impact Singleton and Cocking Tunnels SAC.**

Bat Flight lines

The applicant has reviewed the consultancy report "Barbastelle Bats in the South Downs National Park" as undertaken on behalf of the South Downs National Park Authority. This presents data obtained from radio tracking bats in and around Slindon and Goodwood areas, and covers the area around the proposed

development site. There are no known flight lines in the vicinity of the site, with the nearest recorded barbastelle being over 600m away from the site. The applicants Bat Survey Report dated July 2020 noted common bat species foraging around the Site. However, there was no evidence of barbastelle bat. **Therefore, there would be no additional impacts upon bats and their flight lines as a result of the proposal.**

Air Pollution

It is considered that dust arising from construction works could affect nearby habitat such as existing retained hedgerows and the small open field to the north. However, this will be temporary in nature and will not take place during night hours. It is considered that dust-related impacts, should they occur, are **unlikely to result in any significant adverse effects upon the Singleton and Cocking Tunnels SAC.**

Water Pollution

The application proposes to discharge attenuated surface water to the watercourse running along the eastern boundary between the site and the road. Whilst controls will be put in place in respect of the surface water drainage scheme to limit discharge and also prevent pollutants discharging into the watercourse, the potential for **increased nutrient levels or chemical pollution cannot be ruled out but is otherwise not considered to result in any significant adverse impacts upon the integrity of Singleton and Cocking Tunnels SAC.**

Increased Activity

There are no known statutory or non-statutory sites designated on ecological grounds within 2km of the Site therefore no potential for impacts from increased visitor numbers. In addition, Singleton and Cocking Tunnels SAC does not permit public access and will not be impacted by increased visitor pressure. **It is therefore considered highly unlikely the development will result in a significant increase in visitor pressure to the Singleton and Cocking Tunnels SAC.**

Light Pollution

Certain Bat species are noted for avoiding artificially lit areas and the introduction of new dwellings will likely result in some level of increase in artificial light spill into immediately surrounding habitats, whether this is through indoor lighting or the installation of external security lighting.

Inconsiderate placement of external lighting, particularly if directed towards suitable boundary features, could result in a disruption to bat commuting routes which, in turn, could have a minor impact on the favourable conservation status of the local populations. In addition, high light intensity and light with an upward glare could also disrupt opportunistic flight paths across the site.

As the resulting site will consist of areas of public open space, private lawns, and other small areas of landscaping, it is not considered that bat species will be reliant on the resulting development site as foraging habitat. Therefore, it is considered

unlikely that light spill from windows will significantly alter their foraging and commuting behaviour.

A condition will be imposed to control lighting at the site and in addition, it is noted that the scheme proposes to leave wildlife corridors along the western and southern boundaries and that these will be dark areas.

It is not therefore considered that the development will result in a significant adverse impact to the commuting routes of local bats by reason of light.

Summary of Likely Significant 'Alone' Effects

It is concluded that the development will not result in any significant adverse effects on populations of barbastelle and Bechstein's bats.

LIKELY 'IN COMBINATION' EFFECTS

The site lies in a predominantly built-up area with nursery buildings to the west & north, existing dwellings to the south and the A29 and houses beyond to the east. There have been some new development in recent years on green field land in the local area most notably the following:

- 79 dwellings now built on Hook Lane (340m to the north).
- 38 dwellings benefitting from outline approval on land to the immediate southeast (on the opposite side of the A29).

In addition, the site is only 340 from the edge of the strategic "Barnham, Eastergate, Westergate" (BEW) allocation which is to provide at least 2,300 dwellings over the plan period, and up to 3,000 in total (a further 700 beyond 2031).

These existing/planned developments when considered together likely result in a significant reduction of bat foraging habitat and a likely net increase in ambient light levels. As such, in combination with other existing or planned developments the proposed development is **likely to have a moderate adverse impact on the Singleton and Cocking Tunnels SAC.**

MITIGATION AND ENHANCEMENTS

The applicant has put forward the following mitigations/enhancements within their PEA Report:

- Boundary hedgerows will be retained and re-enforced as a result of the proposal
- New native tree planting including field maple, cherry, silver birch and rowan
- A sensitive lighting scheme around the new development
- Provision of two dedicated wildlife areas within the site. These will be sown with a species rich, native grassland mix and ecologically connected through the existing boundary habitats within the site
- Provision of bat boxes in retained trees.

Planning conditions will be imposed on any future planning permission to ensure these mitigation and enhancement measures are secured.

CONCLUSION

It has been demonstrated that the scheme:

- Will not significantly negatively impact upon the extent and distribution of the habitats utilised by bats associated with Singleton and Cocking Tunnels SAC.
- Providing that the mitigation measures outlined above are followed, will not lead to the deterioration of the structure or function of the natural habitats associated with Singleton and Cocking Tunnels SAC.
- Will not have any residual negative impacts upon the supporting processes on which bats associated with Singleton and Cocking Tunnels SAC rely.
- Providing that the mitigation measures outlined above are followed, will not negatively impact upon the populations of qualifying species within Singleton and Cocking Tunnels SAC.
- Providing that the mitigation measures outlined above are followed will not negatively impact upon the distribution of bats associated with the Singleton and Cocking Tunnels SAC.

This Appropriate Assessment concludes that there 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.