



Habitat Regulation Assessment (HRA)

Screening and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the Applicant to provide the Competent Authority with the information that they require for this purpose.

As part of its duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), Arun District Council has produced this document to provide screening, and where necessary appropriate assessment, of the development proposal below.

Details of proposed development

Application ref:	AL/31/22/PL
Application address:	Ryefields Farmhouse Oak Tree Lane Woodgate PO20 3GU
Application description:	Demolition of existing building and erection of 4 no. houses with associated access, landscaping, parking and associated works. This site falls within Strategic Site SD5, CIL Zone 1 (zero rated).
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)
Relevant Documents submitted by applicant:	Shadow Appropriate Assessment 24th September 2021 (LLD2289, Rev 00)
Planning Officer:	Jessica Riches

Introduction

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)).

Singleton and Cocking Tunnels SAC

The Singleton and Cocking Tunnels, a former railway tunnel, is a SSSI and a SAC, and is designated for its preservation of bat species. Bats are a legally protected species and a key reason for designation (designated feature) of the Singleton and Cocking Tunnels international site in Sussex. In addition to the SAC containing critically important maternity roosting or hibernation sites, due to the highly mobile nature of bats, it is inevitable that the area of habitat crucial to the maintenance of their populations extends beyond the physical limits of the internationally designated site for which they are an interest feature.

This is recognised through the Habitats Regulations Assessment (HRA) for the South Downs Local Plan (SDLP) and the emerging 'Sussex Bat Special Areas of Conservation (SAC's) – Planning and Landscape Scale Enhancement Protocol'. This habitat is integral to supporting bats for which the SAC is designated and is often referred to as 'functionally linked' or 'supporting habitat'. Such functionally linked habitat includes foraging areas, supporting roost sites, and flight lines/commuting routes for dispersal, and connecting roosts and foraging areas.

The following information about the bat species is extracted from the HRA of the South Downs Local Plan (SDLP) and the published Conservation Objectives Supplementary Advice¹:

Barbastelle bat *Barbastellus barbastellus*: Barbastelle bats are thought to generally forage along linear features in pastoral landscapes including deciduous woodland, wet meadows and waterbodies. Barbastelles appear to select cracks and crevices in wood for breeding, mostly in old or damaged trees, but cracks and crevices in the timbers of old buildings may also be used. Maternity colonies may move between suitable crevices within a small area, such as a piece of woodland or a complex of buildings. Caves and underground structures may be used for hibernation. The species is very sensitive to disturbance, together with the loss of roost-sites and food resources.

¹ Natural England (2019) Conservation Objectives and Supplementary Advice for The Singleton & Cocking Tunnels SAC
<http://publications.naturalengland.org.uk/publication/6518329883754496>

Bechstein's bat *Myotis bechsteinii*: The species is closely associated with mature deciduous woodland and appears to select old woodpecker holes or rot holes in trees for breeding. It also occurs in coniferous woodland in some areas. Maternity colonies may move between suitable crevices within a small area, such as a piece of woodland. It is believed to hibernate in hollow trees and sometimes in underground localities. Foraging is typically in and around woodland.

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.

The SDLP and its HRA take a precautionary approach and identify two zones, a 6.5km zone and a 12km zone.

- Within the 6.5km zone all impacts to bats should be considered. These include direct loss to the SAC itself and direct impacts on the SAC itself. It also includes loss or impacts on functionally linked habitat including roosts, greenfield sites, mature vegetation including woodland and hedgerows and riverine environments suitable for foraging areas and flight lines. In addition to direct loss, impacts may arise from disturbance, lighting, or sound/vibration for example during construction. No part of this zone affects the Arun District area.
- Within the 12km zone significant impacts or severance to flight lines should be considered. This includes physical severance of flight lines and severance via impacts such as disturbance which would effectively render it severed if no longer suitable for use by bats, for example, due to lighting impacts. Linear features connected to the wider landscape including mature vegetative features such as woodlands, hedgerows, riverine and wetland habitat should be considered.

Stage 1: Screening

Stage 1: Screening – the ‘Likely Significant Effects test’.

Screening under Regulation 63(1)(a) of the Habitats Regulations – Could there be likely significant effects, alone or in combination with other plans or projects? The assessment must exclude the consideration of mitigation measures following the ‘Sweetman II’² judgement.

² The Court of Justice of the European Union (CJEU) judgement in the case of ‘People over Wind and Peter Sweetman v Coillte Teoranta’ (Sweetman II) determined that mitigation (i.e., measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on European sites) should not be taken into account when forming a view on likely significant effects (i.e. at the screening stage). Mitigation should instead only be considered at the appropriate assessment stage. Appropriate Assessment is not a technical term: it simply means ‘an assessment that is appropriate’ for the plan or project in question’. As such the law purposely does not prescribe what it should consist of or how it should be presented.

Note that the Sussex Bat Protocol 6.5km and 12km zones have been specifically set in order to capture 'in combination' effects that would arise from a small number of developments delivered over a wide area. As such, provided these zones are used a separate explicit 'in combination' assessment may not be needed.

Screening Assessment

(a) Is the development within the Sussex Bat Protocol zones, as identified in the South Downs National Park Local Plan Policy SD10?

- Yes, the development is located within the 12km zone for the Singleton & Cocking Tunnels SAC

(b) Will there be potentially significant impacts or severance to flight lines of the relevant Sussex Bat SAC(s)?

- i. Yes

Commentary:

Bats have been recorded within 2km of the site. The current site has been considered within the Ecological Impact Assessment Report Rev 01 as being of "Site Value" for bats. Whilst no trees were identified as having roosts, the sites boundary vegetation was considered likely to be used by bats for foraging and commuting.

Without mitigation, the proposal has the capacity to disturb foraging and commuting bats due to:

- Direct loss of habitat/interference with flight paths
- Light/noise pollution during construction
- Light pollution during operational phase
- Cumulative impacts in association with adjoining development

Screening Conclusion

(c) Could the development proposal lead to likely significant effects, alone or in combination with other plans or projects?

Yes – Based on the assessment above likely significant effects on The Singleton & Cocking Tunnels SAC cannot be ruled out.

(If yes, continue to Stage 2. If no, proceed to Overall Conclusion)

Stage 2: Appropriate Assessment

Stage 2: Appropriate Assessment – the ‘Integrity Test’

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made as to whether there could be ‘adverse effects on the integrity of the relevant European site(s), alone or in combination with other plans or projects. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.

Appropriate Assessment

(a) Has sufficient survey and assessment work been undertaken and submitted to inform this Appropriate Assessment?

Yes – A shadow Habitat Regulation Assessment has been undertaken which shows that the site is of site value to bats.

(b) The following impact(s) are identified via the screening and subsequent survey, and are assessed below: *(here, please outline the potential impacts and the avoidance and mitigation measures, considering to what extent they address the impacts, considering the conservation objectives, stating how they will be secured, and citing relevant information to support your assessment plus any comment on its adequacy, and reference to any particular relevant requirements such as those in Neighbourhood Plans or their supporting HRA's)*

Construction Disturbance

It is possible that lighting, noise and general disturbance from the construction process could result in some in direct disturbance to foraging and commuting bats.

Therefore, construction timing will be restricted to hours which do not impact typical flight and feeding times (i.e. dusk and dawn) and will be secured via planning condition.

In addition, the Ecology officer has requested a further construction and environmental management plan which will control construction lighting on boundary vegetation and seek measures to minimise disturbance to bats.

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.

Habitat Alteration

The application proposes to fell trees to accommodate the proposed dwellings and access. These comprise 2x category B trees (*Acer Pseudoplatanus*) and 4x category C trees. In addition, loss of some species poor amenity grass will be lost to make way for the development.

The trees within the site and along site boundaries have been assessed by the applicant for their suitability to support roosting bats but none of these contained potential bat

roosting features. In addition, the amenity grass was considered to be of little value to bat feeding habitat.

It is considered that the loss of some amenity grassland, and small number of trees will not adversely affect the habitat requirements of bat species and therefore, the habitat alteration is unlikely to significantly impact the Singleton and Cocking Tunnels SAC.

Bat Flight lines

The site provides boundary vegetation which could be used for commuting bats for adjoining sites. The number of trees removed has been reduced significantly throughout the application process, and the site proposes to maintain the majority of the linear features and include further tree planting to enhance the boundary treatments.

Therefore, there would not be any significantly adverse 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. However, this will be temporary in nature and due the afore mentioned construction hours condition, will not take place during hours of darkness. 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.

Light Pollution

Certain bat species are noted for avoiding artificially lit areas and the introduction of development with windows 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. In addition, high light intensity and light with an upward glare could also disrupt opportunistic flight paths across the site.

A condition will be imposed to control external lighting across the site, to ensure that it is bat friendly (e.g. downward facing, timers, caps, Kelvin temperature)

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

LIKELY 'IN COMBINATION' EFFECTS

The proposal forms part of the Barnham/Eastergate/Westergate Allocation (BEW), a large, allocated area of 3000 proposed dwellings which has not yet commenced. Included within

this is AL/107/21/PL: Demolition of the Woodgate Centre buildings (including 3 No. residential dwellings) & the construction of 180 No. residential dwellings which is under consideration currently.

As such, in combination with other existing or planned developments the proposed development, the site is likely to have a moderate adverse impact on the Singleton and Cocking Tunnels SAC.

(c) Have the impacts identified been sufficiently addressed by avoidance and mitigation measures outlined? Yes

Natural England comments submitted on the development proposals:

Appropriate Assessment Conclusion

(d) Will there be adverse effects on the integrity of the Singleton & Cocking Tunnels SAC, alone or in combination with other plans or projects, arising from this development proposal?

No – There will not be significant adverse effects on the integrity and function of the **Singleton & Cocking Tunnels SAC** due to provision of suitable avoidance and mitigation measures outlined above.

MITIGATION AND ENHANCEMENTS

Impact	Condition / Mitigation
Construction Disturbance (Noise, Vibration, Dust, and Lighting)	No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working

	an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods. Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan <i>and in accordance with the conclusions of the Appropriate Assessment.</i> “Prior to the commencement of the development, including any works of demolition, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters: · the method of access and routing of vehicles during construction, · the parking of vehicles by site operatives and visitors, · the loading and unloading of plant, materials and waste, · the storage of plant and materials used in construction of the development, · the erection and maintenance of security hoarding, · the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), · details of public engagement both prior to and during construction works · details of mitigation measures for lights, dust and noise to reduce any impacts on wildlife as outlined in the Ecological Impact Assessment Report Rev 01, reference LLD2289-ECO-REP-001-), By Lizard Reason: In the interests of highway safety, amenity, <i>to ensure that the integrity of the SAC is retained in accordance with the conclusions of the Appropriate Assessment.</i>”
Impact to path flight lines (i.e. Removal of existing trees)	Prior to the commencement of the development, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees , plants or sedum roof which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of amenity and the environment in accordance with policy D DM1, ENV DM4, ENV DM5 of the Arun Local Plan.
Potential removal of bat habitat	Prior to the occupation of any dwelling, the ecological enhancements (except for planting – refer to separate condition) within the Sustainability & Biodiversity Enhancement Plan 1324 DP311 REV 03 will be provided for that dwelling. All bat and bird boxes shall be installed in line with best practice for the type of box delivered.

	Reason: <i>In order to ensure that the proposals meets Policies ENV SP1, ENV DM1 of the Arun Local Plan.</i>
Light Pollution	<i>Prior to occupation of the first dwelling, details of all external lighting, including domestic and security lighting, shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how lighting accords with the "Institute of lighting professionals: Guidance Note 08/18 for Bats and artificial lighting in the UK". The approved details shall be installed prior to completion of the development and shall remain in perpetuity.</i> <i>Reason: In order to ensure that the integrity of the SAC is retained in accordance with the conclusions of the Appropriate Assessment, and Policies ENV SP1, ENV DM1of the Arun Local Plan.</i>