



29th April 2022

Steve Davies
Arun District Council

By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Arun District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Dear Steve

Application: AL/34/22/PL
Location: Land At Wings Nursery Lidsey Road Woodgate PO20 3SU
Proposal: Variation of conditions imposed under AL/20/21/PL relating to conditions 2-plans condition (three bungalows changed to two storey houses, other elevation detail changes and highway drawings amended to reflect layout changes) and 5-hours of demolition/construction (to make it so that the additional bat working restrictions do not apply outside of bat hibernation times) .

Thank you for consulting Place Services on the above s73 application. Our comments relate only to Condition 5.

Recommended Refusal	
Further Information Required to support HRA Appropriate Assessment	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	
Recommend Approval subject to Natural England's agreement with the conclusion of the LPA's updated Appropriate Assessment	

Summary

We have reviewed Natural England's consultation comments ref 388825 dated 12th April 2022 as well as the Decision notice for AL/20/21/PL and v2 of the Appropriate Assessment prepared by the LPA in relation to the development which required mitigation to avoid Adverse Effect on Integrity (AEI) of Singleton and Cocking Tunnels SAC as agreed with Natural England.

We note that this s73 application relates to varying condition 5 (hours of working for demolition/construction) to make it so that the additional bat working restrictions do not apply outside of bat hibernation times.



Condition 5 secured mitigation measures for bats and requires:

“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.”

We have reviewed the comments from the applicant’s ecologist (Derek Finnie Associates, July 2021 and December 2021) regarding draft condition 5 (hours of working) which related specifically to avoiding work taking place an hour before, during and an hour after sunset and sunrise – *between March and October when bats are generally active* – to ensure there is no AEOI. We note that this seasonal detail was removed from the final text for v2 Appropriate Assessment based on Natural England’s request for condition 5 to be sufficiently precautionary to take into account recent mild winters and associated continued bat activity.

We note that Natural England’s consultation comments ref 388825 dated 12th April 2022 state that there is insufficient information to provide advice on reducing the seasonal restriction on working hours as this would require lighting during the construction period which is controlled via condition 14 (CEMP).

However, Barbastelle, a the qualifying features of Singleton and Cocking Tunnels SAC have not been recorded on or near the development site and given that condition 14 is not included in this s73 application, we would support this amended detail of the consented development to assess *if the variation will still avoid AEOI of the SAC*, and protected species outside the protected site, in an updated Appropriate Assessment.

Recommendation

We recommend that the applicant’s supports discussion between the Council’s ecology adviser and their ecologist to agree additional information required to ensure that it is beyond scientific doubt that variation to condition 5 will avoid AEOI and that the LPA can provide an updated AA to Natural England for comments.

Please contact me with any queries.

Yours sincerely

Sue Hooton CEnv MCIEEM BSc (Hons)

Principal Ecological Consultant

Place Services at Essex County Council

Place Services provide ecological advice on behalf of Arun District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.