

Habitat Regulation Assessment (HRA) Appropriate Assessment Statement

APPLICATION DETAILS

Application ref:	AL/40/21/PL
Application address:	Land adjacent to Byfields, Nyton Road
Application description:	Construction of 1 No. 3 bed dwelling
Status of Application:	Undecided
Proximity to SPA/SAC/Ramsar:	Within the 12km consultation zone for the Singleton & Cocking Tunnels Special Area of Conservation (SAC)
Planning Officer:	Maria Tomalova

INTRODUCTION

The site is within the 12km ‘consultation zone’ for the Singleton and Cocking Tunnels SAC. 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 REGULATION 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 EFFECTS

Construction Disturbance

As construction works will take place during daylight hours and the use of artificial light will be minimised, it is considered unlikely 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 light and noise will not occur. Impacts associated with light and noise can therefore be scoped out of the HRA.

Habitat Alteration

A Preliminary Ecological Appraisal was submitted with this planning application to determine the ecological constraints on the site. The Preliminary Ecological Appraisal confirmed the proposed development would result in the loss of ruderal, grassland and broadleaved seminatural woodland. And it is recommended that this habitat is retained given its moderate-high ecological value.

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

Air Pollution

It is considered that dust arising from construction works could affect nearby habitat. However, this would be temporary in nature and would 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.

Increased Activity

There are no known non-statutory conservation sites 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 would 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.

As the resulting grassland would be private lawns and small areas of landscaping, it is not considered that bat species would be reliant on the resulting development site as foraging habitat. Therefore, it is considered unlikely that light spill from windows would significantly alter their foraging and commuting behaviour. However, 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. Within an Appendix 2 principles and design considerations have been stressed especially with respect to lightning.

It is therefore considered the development would likely result in a minor significant impact to the commuting routes of local bats, therefore, also a likely minor significant impact to the Singleton and Cocking Tunnels SAC.

Summary of Likely Significant 'Alone' Effects

It is concluded that a minor significant adverse effect exists associated with the proposals in isolation.

LIKELY 'IN COMBINATION' EFFECTS

With regards to Singleton and Cocking Tunnels SAC, the 'alone' effects have been classified as a minor significant effect in HRA terms upon the integrity of the SAC. The site lies in a residential area (proposed dwelling would constitute an infill between two existing residential properties) therefore the proposed development is likely to have a moderate adverse impact on the Singleton and Cocking Tunnels SAC.

MITIGATION AND ENHANCEMENTS

The applicant put forward the following mitigations/enhancements within the Phase 2 Ecology Survey submitted with this application.

- As part of mitigation measure for bats a sensitive lighting scheme will be employed across the site. This will include a no-light-zone along the northern and western boundaries, thereby reducing illumination along the woodland edge.
- Incorporating integral bat roosting opportunities into new buildings will be necessary to provide a net gain in roosting opportunities for bats.

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:

- Would 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, would not lead to the deterioration of the structure or function of the natural habitats associated with Singleton and Cocking Tunnels SAC.
- Would 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, would not negatively impact upon the populations of qualifying species within Singleton and Cocking Tunnels SAC.
- Providing that the mitigation measures outlined above are followed would not negatively impact upon the distribution of bats associated with the Singleton and Cocking Tunnels SAC.

This Appropriate Assessment concludes that there would be **no adverse impact on the integrity** of the Singleton and Cocking Tunnels SAC or the bat species associated with the site and functionally linked habitats.