

From: Simon Davis

Sent: 12 January 2021 18:11

Subject: ADC App ref AL/79/20/OUT - Appropriate Assessment (Your Ref 332305)

Dear Sir/Madam,

I have reviewed your consultation response dated 11/11/20 and note that this does not set out any need for a Habitat Regulations Assessment. However, we have recently been speaking with the South Downs National Park Authority and it is our understanding that we need to be considering this for all developments within the 12km consultation zone of the Singleton and Cocking Tunnels Special Area of Conservation (SAC).

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.

Please provide a response within 10 days or otherwise indicate if you require a longer period.

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

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Habitat Regulation Assessment (HRA) Appropriate Assessment Statement

APPLICATION DETAILS

Application ref:	AL/79/20/OUT
Application address:	Land to West of Hook Lane, Aldingbourne
Application description:	Outline planning application with some matters reserved (Layout, Scale, Appearance and Landscaping are to be determined as reserved matters) for the construction of 10 No. dwellings & the creation of a new vehicular & pedestrian access on to Hook Lane
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. The site itself is 11.1km from the 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 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

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

The proposal will result in the development of existing managed grassland, the loss of 1 young Sycamore tree and some loss of existing hedge along the eastern boundary of the site to facilitate the access works. The western scrub hedgerow around the reservoir (which connects with the mature hedgerow field boundaries) will not be affected.

The applicants Preliminary Ecological Appraisal (PEA) dated July 2020 advises that the Sycamore tree which is to be lost is too young to allow for the roosting of bats. The PEA does not comment specifically on the hedgerow along the site frontage which is to be punctured in two places to create access points. However, it is noted that although there are several instances of hedging to fronts of properties to the north & south of the site (on the western side of Hook Lane), this is not continuous as it is already broken in several places for existing accesses.

In addition, it should be noted that the timber fence that forms the northern boundary of the site presents a break in connectivity of the east and west boundary hedges compared to the previous conifer hedge that was removed by the adjoining developer.

Other potential roosting sites are identified by the PEA in the local area including in respect of buildings on the adjacent Nursery site however these are unaffected.

Although the managed grassland 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 small loss of managed grassland 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 such as existing retained hedgerows and the adjacent fields to the west. 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 surface water to the watercourse to the west of the site. This watercourse is designated by the Aldingbourne Neighbourhood Development Plan as a biodiversity corridor. Whilst it is considered that controls will be in place in respect of the surface water drainage scheme to 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 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 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.

As the resulting grassland will be private lawns and 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. 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.

It is therefore considered the development will 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 which has seen significant new development in recent years on green field land most notably the following:

- 79 dwellings now built (80m to the east/northeast).
- 14 dwellings in the process of being built on the site immediately adjoining to the North.
- 9 dwellings recently approved on land behind Springfield approx. 60m to the east.

These developments 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 development 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:

- Any construction lighting or security lighting on the new buildings, will not be directed at boundary vegetation.
- Any necessary security lighting will be put on short timers and be sensitive to large moving objects only.
- Other lighting around the site will be kept to the minimal feasible level and be directed downward and shielded to minimise light spillage.
- Hoods, cowls and directional lighting will be used to avoid light directed at the sky or towards boundary vegetation or ditches.
- Lighting timers will be limited, to provide dark periods
- Low pressure sodium security lights with glass glazing will be used as they produce the least amount of UV light and the brightness of bulbs will be kept as low as possible.
- Existing boundary hedges will be enhanced with new planting.
- New hedgerows will be planted along the northern and southern boundaries to provide ecological connectivity with the east and west boundaries.
- Planting of new flowering and seed-bearing native trees and shrubs.
- Bat boxes will be incorporated into the buildings.

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.