



26th October 2022

Katie Sharp
Arun District Council
Arun Civic Centre
1 Maltravers Road
Littlehampton
BN17 5LF

By email only

Thank you for requesting advice on this outline 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.

Application: A/270/21/OUT
Location: Angmering: Land off Arundel Road Angmering
Proposal: Hybrid application comprising: a) Demolition of existing buildings; b) Full planning application for the development of 160 No. dwellings with open space, landscaping and sustainable drainage systems (SuDS), and two vehicular access points from Arundel Road; c) Outline application with all matters reserved except for up to 1,393 square metres of Class E floor-space with associated parking provision and 2.1 hectares of sports pitch land. This site is a Departure from the Development Plan

Dear Katie,

Thank you for consulting Place Services on the above application.

Refusal due to insufficient ecological information on European Protected Species (bats).

Summary

We have reviewed the following documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation:

- Phase 2 Survey Reports (RPS, March 2022);
- Phase 2 Survey Reports (RPS, December 2021);
- Ecological Mitigation and Enhancement Strategy (RPS, December 2021);
- Chichester District Council (CDC) Consultation Response (15th February 2022).

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results for bats are required to inform mitigation and



any need for compensation measures. As stated within the Phase 2 Survey Reports (RPS, December 2021) and the consultation response (CDC, 15th February 2022) *"Buildings B1, B2 and B14 were not accessible or available for updated bat surveys this season and will need a pre-works assessment to confirm the potential for roosting bats. If any evidence of bats is found, then further emergence surveys will be required prior to the commencement of any works including demolition. Should evidence of bats be recorded within these buildings, it may alter the requirements for the low impact class licence"*. As stated in the updated Phase 2 Survey Reports (RPS, March 2022) building B1, which has high bat roost potential was not surveyed, stating *"Building B1 requires three emergence/ re-entry surveys when access is available to update survey data from 2018"*. The plans indicate that building B1 will be demolished and so the need for further surveys to ascertain likely presence is necessary prior to determination.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should *"Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby"*.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage (based on the judgement in the Hack Green Group (Appellant) v Cheshire East Council [2006] - APP/R0660/W/15/3131662). Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

In relation to precautionary working methods for reptiles, section 5.2.3 in the Phase 2 Survey Reports (RPS, March 2022) states the following *"Any cutting of suitable grassland vegetation on site will take place during the reptile hibernation period (November-February inclusive) so that when reptiles emerge in the spring, they will move out of the area to more suitable habitat. Cuttings will not be left on site and removed before the start of the reptile active period in March"*. This advice does not follow good practice and could injure and or kill reptiles. However, the mitigation recommendations within the Ecological Mitigation and Enhancement Strategy (RPS, December 2021) are correct, stating *"Vegetation clearance will be carried out under an ecological watching brief and during warm, dry weather conditions to ensure reptiles have the best chance of dispersing away from harm."* The Phase 2 report should reflect the advice provided within the Ecological Mitigation and Enhancement Strategy (RPS, December 2021).



This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact me with any queries.

Yours sincerely

Hayley Dean MSc BSc (Hons)

A current Qualifying member of CIEEM

Ecological Consultant

placeservicesecology@essex.gov.uk

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.