

19th January 2023

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

By email only

Thank you for requesting advice on this reserved matters 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/48/22/RES
Location: Angmering: Land off Arundel Road Angmering BN16 4ET
Proposal: Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 156 No dwellings. This application is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as new dwellings.

Dear Katie,

Thank you for consulting Place Services on the above reserved matters application.

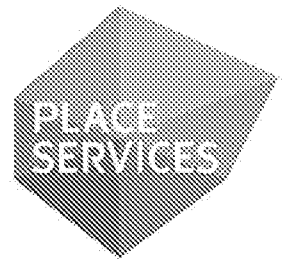
No objection subject to securing biodiversity mitigation and enhancement measures

Summary

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

- Outline Decision Notice;
- Landscape Strategy (RPS, November 2021);
- Phase 2 Survey Report (RPS, August 2022);
- Ecological Mitigation and Enhancement Strategy (RPS, August 2022);
- Ecological Mitigation and Enhancement Plan (RPS, August 2022).

We are satisfied that there is sufficient ecological information available for determination of this application.



The ecological assessments carried out at outline stage identified the presence of Dormice, roosting bats, reptiles and Badgers. The Phase 2 Survey Report (RPS, August 2022) carried out further surveys and found the buildings proposed to be demolished no longer contains roosting bats and so works can proceed without the need for a European Protected Species (EPS) Mitigation Licence for bats. However, the demolition works will need to be overseen by a suitably qualified, bat licenced ecologist. Dormice were found to still be present onsite during updated surveys. Therefore, an EPS Mitigation Licence for dormice is still required. A copy of the licence should be submitted to the LPA and secured by a condition of any consent.

An Ecological Mitigation and Enhancement Strategy (RPS, August 2022) and an Ecological Mitigation and Enhancement Plan (RPS, August 2022) have been submitted to satisfy Condition 23 of the outline consent although this is not part of this application.

Condition 23 states:

“Prior to the commencement of construction and demolition works a Schedule of Works shall be submitted to the Local Planning Authority for approval and will be based on the recommendations within the supporting Ecological Mitigation and Enhancement Strategy. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

The Schedule of Works shall include but not be restricted to:

Timings for clearance of trees or scrub to avoid impacts on breeding birds;

Grassland areas managed to benefit reptiles;

Details of compensatory and additional tree planting;

Details of compensatory boundary habitat planting and wildflower meadow planting;

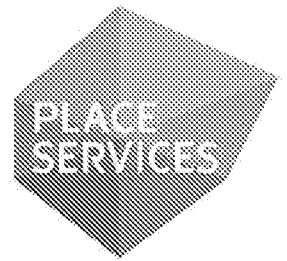
Details and locations of bat, bird, dormouse and invertebrate boxes, and log piles provided on the site;

Measures to minimise the disturbance of badgers including details of a 20 metre buffer to the badger sett;

Post development habitat management and dormouse population monitoring will include maintaining hedgerows and planting for the foreseeable future. Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.”

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

With regard to the reptile population present on site, we are satisfied with the proposed precautionary mitigation measures. We would like to highlight section 5.2.3 of the Phase 2 Survey Report (RPS, August 2022) describes precautionary methods of work for reptiles. However, the measures described within that document are inappropriate and should not be followed. The measures outlined within the Ecological Mitigation and Enhancement Strategy (RPS, August 2022) are correct and should be implemented. Ensuring that works are carried out when reptiles are active and not when they are over wintering.



We are satisfied that the mitigation measures outlined within the Ecological Mitigation and Enhancement Strategy (RPS, August 2022) to safeguard Dormice, bats, reptiles and Badgers are appropriate and should be implemented in full. The document includes the need to plant a 5 metre green buffer strip, to protect the boundary features, as stated in the document, these mitigation features should be further protected from light spill. We recommend this is detailed within a wildlife sensitive lighting plan and is secured by a condition of any consent.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Mitigation and Enhancement Strategy (RPS, August 2022) should be secured by a condition of any consent and implemented in full as part of the Schedule of Works required by Condition 23 which has yet to be discharged. This is necessary to conserve and enhance protected species particularly bats, Hazel Dormice, Great Crested Newts, Badgers, Hedgehogs and breeding birds.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021), as outlined within the Ecological Mitigation and Enhancement Strategy (RPS, August 2022).

We note the document states the enhancement locations, as shown on the Ecological Mitigation and Enhancement Plan (RPS, August 2022) are indicative and detailed locations and specifications will be provided within a Landscape and Ecology Management Plan (LEMP). The document states the LEMP will also include details relating to the long term management of habitats and further landscaping details. We recommend the LEMP is secured by a condition of any consent for this reserved matters application.

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

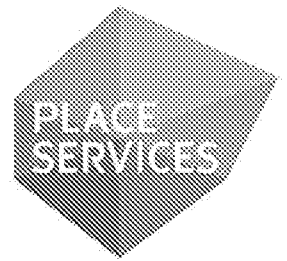
Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Mitigation and Enhancement Strategy (RPS, August 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.



This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT ACTION REQUIRED: SUBMISSION OF A COPY OF THE EPS LICENCE FOR HAZEL DORMICE

"Any works which will impact the breeding / resting place of Hazel Dormice, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."*

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

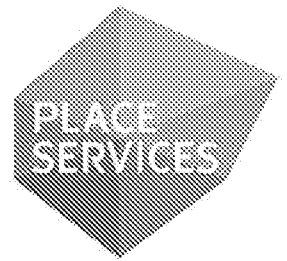
3. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."



Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

Please contact us with any queries.

Yours sincerely,

Hayley Dean ACIEEM MSc BSc (Hons)
Ecological Consultant



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.