

Date: 15 February 2008
 Our ref: SU90GEN
 Your ref:BE/1/08/



Mr K Wheway
planning.responses@arun.gov.uk

Phoenix House
 33 North Street
 Lewes
 East Sussex
 BN7 2PH

Dear Mr Wheway

T 01273 476595
 F 01273 407930

Proposal: Outline application for mixed use employment (Class B1 high quality business park comprising up to 19,500 SQM gross floorspace) and retail (Class A1 grocery store up to 4,459 SQM net sales area) together with parking, new highway & associated servicing, infrastructure & landscaping. Location: Land at Oldlands Farm Shripney Road Bognor Regis.

Thank you for your email dated 15 January 2008 consulting Natural England on the above planning application. Based upon the information supplied as part of the planning application and having considered the limited nature conservation information we have relating to this land, Natural England has the following comments to make at present with regards to this application

The proposed development is approximately 2.3km from Felpham Site of Special Scientific Interest (SSSI) and 2.8km from Bognor Reef SSSI. It is also 7.0km from Pagham Harbour Special Protection Area (SPA), RAMSAR site and Pagham Harbour SSSI.

Natural England is of the opinion that this development is unlikely to have a significant impact on these designated sites and therefore our comments will relate to the sustainability of the development and its impact on protected habitats and species.

The Ecological Assessment supporting this application provides basic information regarding ecology and nature conservation for this site and assesses the development area as having a low to intermediate ecological value. Natural England generally supports the mitigation proposals outlined in the Ecological Assessment but would like the following comments to be taken into account when determining the application.

Biodiversity enhancements

This application has many opportunities to incorporate features into the design which are beneficial to wildlife. Natural England supports the recommendations as presented on page 88 (6.92) of the Environmental Statement, concerning habitat enhancements including the installation of bird and bat boxes. Consideration should also be given to incorporating structural enhancements such as Green Walls and Green Roofs as part of building design.

Protected Species

No evidence of protected species was found during the site survey. However, it is possible that protected species may be using the site to be developed. As such, if the Council is aware of the presence, or representations from other parties, highlight the possible presence on the site of a protected or Biodiversity Action Plan species, the council should request additional survey information from the applicant before determining the application. Paragraph 98 of ODPM Circular 06/2005¹ states that 'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.' Paragraph 99 also states 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

¹ Office of the Deputy Prime Minister Circular 06/2005 *Government circular: Biodiversity and geological conservation- statutory obligations and their impact with the planning system.*

established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'

Additionally, Paragraph 16 of Planning Policy Statement 9² states 'Local authorities should take measures to protect the habitats of these species [species of principal importance for the conservation of biodiversity] from further decline through policies in local development documents. Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.'

- Although no evidence of bat activity was found during the survey, linear features such as the interconnecting ditches, hedgerows and scrub surrounding the site provide valuable foraging habitat for bats, birds and other wildlife. Existing hedgerows should be retained and where appropriate enhanced, using a variety of native species to maximise biodiversity potential and increase connectivity to surrounding countryside. Any necessary clearance of existing scrub/hedgerows should be done outside of the bird nesting season which is between March and the end of July.

For further advice on Ecological Networks contact Sussex Wildlife Trust. www.sussexwt.org.uk Tel: 01273 492630.

Lighting

- Natural England supports the mitigation measures outlined on pages 86 and 87 to minimize light pollution throughout the site. Lighting along foraging corridors should be avoided during construction and operational stages of the development to avoid disturbance to commuting bats.

Sustainability

- Natural England supports the use of Sustainable Urban Drainage Systems (for example balancing ponds, reed beds and porous paving) in developments such as this. The planning authority should consult The Environment Agency for all hydrological and water quality issues affecting this site.

These measures should be secured from the applicant should the Council be minded to grant permission. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Natural England has no objections to this proposal provided that the recommended mitigation measures outlined in the Environmental Statement are incorporated within the development and the above points are taken into account.

We would be happy to comment further should the need arise. In the meantime, if you have queries regarding any of the above, please do not hesitate to contact me.

Yours sincerely _____

Elaine Webster
Government Team
Tel: 01273 407931

² Office of the Deputy Prime Minister 2005 *Planning Policy Statement 9: Biodiversity and geological conservation*.