

27th January 2023

Maria Tomalova
Arun District Council
Arun Civic Centre
1 Maltravers Road
Littlehampton
BN17 5LF

By email only

Thank you for requesting advice on this 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: BE/40/22/PL
Location: Bersted: Former Bartons Infant School Romney Broadwalk Bersted PO22 9BH
Proposal: Demolition of former school building and erection of 21 No. new dwellings and associated car parking, cycle parking and landscaping. This site is in CIL Zone 4 (Zero Rated).

Dear Maria,

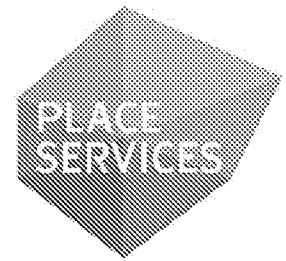
Thank you for consulting Place Services on the above application.

Refusal due to insufficient ecological information on European Protected Species (Bat and Otter) and Protected species (Water Vole).

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:

- Illustrative Masterplan (HED, October 2021);
- Boundary and Fencing Plan (HED, January 2022);
- Tree Removal and Proposed Tree Plan (HED, January 2022);
- Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, March 2022);
- Biodiversity Net Gain Report (Ecology & Habitat Management Ltd, March 2022);
- Landscape Management Plan (March 2022);
- Existing Site Plan (Allies and Morrisons LLP, March 2022);
- Bat Survey Report (Ecology & Habitat Management Ltd, May 2022);
- Consultation Response (Natural England, ref: 390282, 10th May 2022).



We are not satisfied that there is sufficient ecological information available for determination of this application.

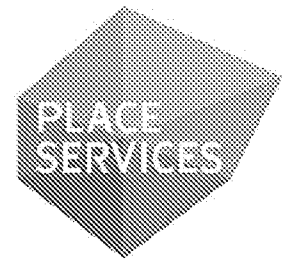
The site backs on to a ditch, which is adjacent to and connects to Aldingbourne Rife stream. There are nearby records of Water Vole approximately 140 metres north east, within Aldingbourne Rife from 2018. The Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, March 2022) states with regard to Water Voles and Otters in section 3.2 *"Aquatic habitats were assessed for their potential to support aquatic mammals such as Otter or Water Vole. Signs including; foot prints, droppings and evidence of feeding where searched for"*. The document has included detail relating to pollution prevention mitigation methods in relation to the nearby stream. however, no further mention of Water Voles or Otters has been provided within the submitted document. The Boundary and Fencing Plan (HED, January 2022) and the Illustrative Masterplan (HED, October 2021) show fencing along the north east boundary and a proposed access gate which allows access to the ditch and stream. Therefore, we recommend further clarity is provided relating to the potential impacts the proposed development could have upon Water Voles and Otters prior to determination.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for Otter (European Protected Species) and Water Vole (protected species). These surveys are required prior to determination because Government Standing Advice indicates that you should *"Survey for Otter if the development will affect habitats near a water body directly or through environmental effects, such as creating noise or light"* and *"Survey for Water Vole if distribution and historical records suggest water voles may be present and if the habitat is suitable for water voles"*.

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."*

If additional impacts to protected species are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination, unless an exceptional circumstance is demonstrated (as defined by BS42020). This is necessary as the Government Circular 06/2005 identifies 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. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.

Therefore, this further information is required to provide the LPA with certainty of impacts on protected and priority species and enable it to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006.



Additionally, section 3.3.3 of the Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, March 2022) states there are a number of trees with low bat roost potential on site and refers to the tree descriptions in section 3.1.4 which relates to the target notes T1 – T6. The Tree Removal and Proposed Tree Plan (HED, January 2022) appears to show all trees labelled on the map within the ecology report as T1 – T6 as being removed. The Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, March 2022) states *“If the mature trees with a low roost potential are required to be removed then this should be soft felled; felled in sections and lowered to the ground. With the cut sections left in situ overnight”*. Without an emergence survey or an aerial inspection by a licenced bat ecologist to fully rule out the potential presence of bats roosting within these trees with low roost potential, we are not satisfied that the recommended mitigation measures are proportionate to prevent injury and or death to bats. We recommend further detail regarding the proposed soft felling is provided, this should include photos of the features with bat roost potential, which could form part of a Construction Environmental Management Plan (CEMP): Biodiversity, to be implemented. This could be provided as prior to determination or could be conditioned should the LPA be minded to grant permission.

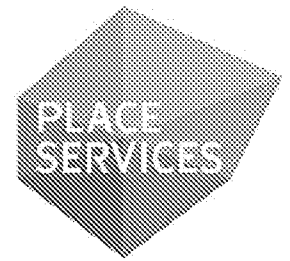
The site is just over 5 kilometres from Pagham Harbour SPA, Ramsar and SSSI, and the site is within the Impact Risk Zone (MAGIC) for Bognor Reef SSSI and Felpham SSSI. The Consultation Response (Natural England, ref: 390282, 10th May 2022) from Natural England states in regard to recreational impact upon European designated sites *“Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s)”*.

Therefore, as the development will result in an increase in overnight accommodation, it will trigger the need for a financial contribution for the delivery of mitigation measures for additional recreational impacts on Pagham Harbour SPA, in combination with other plans and projects. This is predicted by the adopted Arun SAMM Scheme (Strategic Access Management and Monitoring of the sites, also known as the Bird Aware Scheme) and the LPA is advised to secure this financial contribution by a legal agreement and record this mitigation in its project level HRA Appropriate Assessment.

The submitted Biodiversity Net Gain Report (Ecology & Habitat Management Ltd, March 2022) has calculated a net gain in both habitat (+11.48%) and hedgerow (+14.65) units. However, the document states in order to achieve a net gain in hedgerow units, off-site compensation will be required. Detail will need to be provided outlining how the applicant proposes to secure this off-site compensation and the location will need to be provided. Off-site compensation ideally should be as close to the on-site lost habitat as possible. This is required to ensure the estimated Biodiversity Net Gain is achievable, to secure net gains for biodiversity, as outlined under Paragraph 174d and 180d of the National Planning Policy Framework 2021. The developer should discuss options with the LPA to determine if they are satisfied with this option and to discuss means of securing sufficient compensation outside of the applicant’s control via the provision of a legal agreement.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our refusal.

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.