

7th March 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 re-consulting Place Services on the above application.

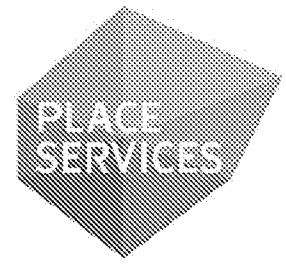
No objection subject to securing

- a) a proportionate financial contribution towards Arun SAMM;**
- b) biodiversity mitigation and enhancement measures.**

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);
- 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);



- Revised Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, February 2023).

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

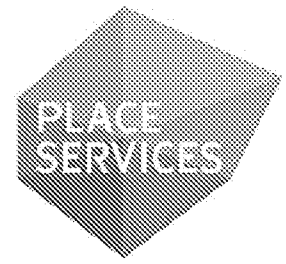
The site is just over 5 kilometres from Pagham Harbour SPA, Ramsar and SSSI, and the site is within the Impact Risk Zone (MAGIC) for Bognor Reef SSSI and Felpham SSSI. The Consultation Response (Natural England, ref: 390282, 10th May 2022) from Natural England states in regard to recreational impact 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 Revised Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, February 2023) has now included additional detail relating to Water Voles and Otters. The updated document has acknowledged there is potential for the Aldingbourne Riffle to the east of the site to support water voles. However, the document has concluded that the likelihood of aquatic mammals such as water vole and otter being present on site is considered to be negligible. We are now satisfied that both Water Voles and Otters have been sufficiently considered. The outlined pollution prevention mitigation methods in relation to the nearby stream should be detailed within a Construction Environmental Management Plan (CEMP): Biodiversity and secured by a condition of any consent.

As stated in our previous response, 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 and details regarding the need for a suitably licenced ecologist inspecting the features prior to felling. This should be detailed within a CEMP: Biodiversity and secured by a condition of any consent.

Additionally, due to the site being located adjacent to the Aldingbourne Riffle and having habitat suitable for use by commuting and foraging bats, we recommend details relating to external artificial lighting is detailed within a wildlife sensitive lighting scheme and secured by a condition of any consent. Any lighting



should avoid spilling on to boundary features, which could impact light sensitive species using these dark corridors.

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 Revised Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, February 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, reptiles, Hedgehogs and breeding birds.

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 recommend any onsite/ offsite habitat creation/ enhancements are detailed within a Landscape and Ecological Management Plan (LEMP) and secured by a condition of any consent.

We also support the proposed bespoke biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The bespoke biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. It is recommended that this could also include provision of integrated bat and bird boxes, native species rich hedgerow planting, Hedgehog friendly fencing and Hedgehog houses, as well as any other suitable bespoke biodiversity enhancements.

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

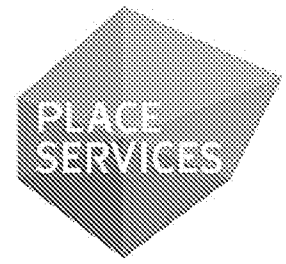
Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

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 Revised Preliminary Ecological Appraisal (Ecology & Habitat



Management Ltd, February 2023) 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: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

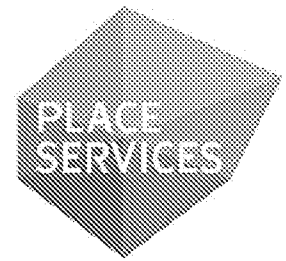
Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

1. PRIOR TO COMMENCEMENT: 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 commencement of the development [or specified phase of 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)

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

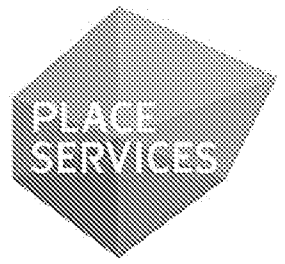
- a) *Purpose and conservation objectives for the proposed enhancement measures;*
- b) *detailed designs or product descriptions to achieve stated objectives;*
- c) *locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) *persons responsible for implementing the enhancement measures; and*
- e) *details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 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.