

From: Wintle 1, Richard [REDACTED]
Sent: 22 June 2021 12:37
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: Consultation Response - BE/82/21/PL - 240-242 Chichester Road, Bersted, PO21 5BA

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

For the attention of Ms Maria Tomalova

Please find Natural England's response in relation to the above mentioned consultation below.

Dear Ms Tomalova,

Our Ref: 355782

Your Ref: BE/82/21/PL

Thank you for contacting Natural England regarding the above development.

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

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).

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the [European Site's](#) conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent [People Over Wind](#) Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when

determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Yours sincerely,

Paul Scott
Operations Delivery
Consultations Team
Natural England
County Hall
Spetchley Road
Worcester
WR5 2NP

www.gov.uk/natural-england



Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

During the current coronavirus lockdown situation, Natural England staff are primarily working remotely to provide our services and support our customers and stakeholders. Please continue to send any documents by email or contact us by phone to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

Stay alert, control the virus, save lives.

From: planning.responses@arun.gov.uk <planning.responses@arun.gov.uk>
Sent: 02 June 2021 08:34
To: SM-NE-Consultations (NE) [REDACTED]
Subject: Planning Consultation on: BE/82/21/PL

To: **Natural England**

NOTIFICATION FROM ARUN DISTRICT COUNCIL

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015 - Articles 16 & 18 Consultation before the grant of permission

Planning Permission

Application No: BE/82/21/PL
Registered: 1st June 2021
Site Address: 240-242 Chichester Road Bersted PO21 5BA
Grid Reference: 492407 100607
Description of Works: 1 No. 2-bed & 2 No. 1-bed flats above shop premises to rear of Truevision.
This site is in CIL Zone 4 (Zero Rated) as flats.

The Council have received the above application.

[Click here to view the application details](#)

Should you have any comments to make, these should be sent by replying to this email by 1st July 2021 .
You can also monitor the progress of this application through the Council web site:

www.arun.gov.uk/planning.

Please be aware that any comments you may make will be available on our website so please do not insert personal details or signatures on your reply.

Should the application go to appeal the Planning Inspectorate will publish any comments made to the Council on their website: <https://www.planningportal.co.uk/info/200207/appeals> but they will protect personal details.

In the absence of a reply within the period stated, I shall assume that you have no observations to make

Yours sincerely

Maria Tomalova

Planning Officer- Arun District Council

Telephone: 01903 737510

Email: maria.tomalova@arun.gov.uk

<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

This message has been sent using TLS 1.2 This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.