



26th August 2022

David Easton
Arun District Council
Arun Civic Centre
1 Maltravers Road
Littlehampton
BN17 5LF

By email only

Thank you for requesting advice on this discharge of condition 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: BN/11/22/OUT

Location: Barnham & Eastergate: Barnham, Eastergate, Westergate BEW Parcel SC1 Barnham

Proposal: Outline application with all matters reserved (except for the A29 Realignment) for the demolition of existing structures and mixed use development to provide up to 1,250 residential dwellings (Use Class C3), Care Home/Senior Living Accommodation (Use Class C2/C3), flexible retail and community floorspace (Use Classes E/F2/Sui Generis), a Primary School plus open space, landscaping, drainage and all other associated ancillary works; and realignment of the A29 and early connection to existing A29 including construction of a new road carriageway, junctions and associated infrastructure. This application also lies within the parish of Aldingbourne, affects the setting of listed buildings, affects the character & appearance of the Eastergate Church Lane Conservation Area and affects a Public Right of Way. This application is the subject of an Environmental Statement.

Dear David,

Thank you for consulting Place Services on the above outline application.

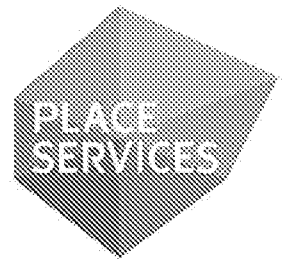
Recommended Refusal	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Recommended Discharge of condition	

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

We have reviewed the following documents

- Environmental Statement, Chapter F (Ecology Solutions Ltd, January 2022);



- Natural England Consultation (ref: 384252, 14th January 2022);
- Lighting Assessment (Pell Frischmann, January 2022).

relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

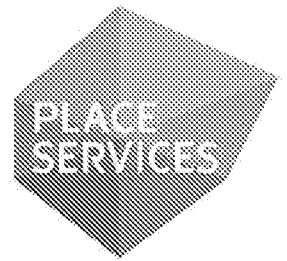
We note Natural England's consultation response (ref: 384252, 14th March 2022) which states they have no objection *"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection"*. However, Natural England have set out advice relating to other natural environment issues: safeguarding soil resources. Natural England have advised, *"that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled."* We recommend the advice provided by Natural England is implemented.

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

We note that the bat surveys carried out on building 'B1', which was found to have moderate bat roost potential, recorded no bats entering or emerging from the building (Environment Statement: Chapter F, Ecology Solutions Ltd, January 2022). The bat surveys were carried out between June and July 2020. In line with good practice guidelines, the surveys have demonstrated a likely absence of bat roosts in the building to be demolished. The reviewed document recommends the following *"Nevertheless, given that bats are highly mobile animals, care will be taken during the demolition of the building B1 (particularly the roof areas), with contractors made aware of the potential presence of bats. Should any bats be encountered during the demolition, all work on the building would be suspended until such time as a licence has been obtained from Natural England to permit the works to continue. Such an eventuality would necessitate the production of a comprehensive method statement and mitigation strategy to be submitted to Natural England, which would advise on the suitability of the mitigation proposed"*. The survey results are valid for another three years (July 2025), due to the bat surveys being conducted in July 2020. We recommend the bat surveys on building B1 be repeated should the demolition not be carried out within the time limit; this should be secured by a condition of any consent. Furthermore, we recommend that the proposed precautionary methods of work, as advised in the reviewed document, are overseen by a licenced bat ecologist and the details of the proposed works, including timings of works are to be secured by a condition of any consent for a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity).

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.

In addition, we support the mitigation measures identified in the Environment Statement: Chapter F, (Ecology Solutions Ltd, January 2022) relating to reptile translocation, nesting birds and precautionary measures for Badgers, Barn Owl, bats, Water Voles and pollution. As recommended within the Environment Statement: Chapter F, (Ecology Solutions Ltd, January 2022) the following documents



should be produced and secured by a condition of any consent for a CEMP: Biodiversity and Landscape and Ecological Management Plan (LEMP).

We have reviewed the Lighting Assessment (Pell Frischmann, January 2022), this document relates only to the realignment of the southern section of the A29 on land south of Barnham Road. A wildlife sensitive lighting scheme will need to be produced for the entire site. We recommend a condition for a wildlife sensitive lighting scheme for the occupation phase of the development. We therefore expect these details to be submitted for discharge of conditions concurrent with the Reserved Matters stage and implemented in full. This is necessary to conserve and enhance protected and Priority species.

We support the reasonable ecological enhancement measures outlined in the Environment Statement: Chapter F, (Ecology Solutions Ltd, January 2022) which aim to deliver net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). However, we recommend that the proposed enhancement measures include integrated bat boxes within the development. Integrated bat boxes provide a permanent enhancement to the development for bats, this should be incorporated alongside the recommendations which include bat boxes on trees, Barn Owl boxes, nesting bird boxes, reptile hibernacula, Hedgehog friendly fencing, pond creation and habitat enhancements. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. The biodiversity measures should also be detailed within a Biodiversity Enhancement Layout for each phase of Reserved Matters applications to show locations of all 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.

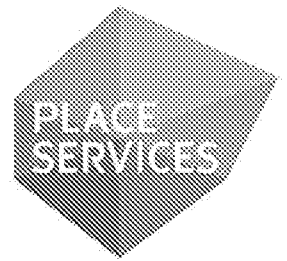
We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. CONCURRENT WITH EACH PHASE OF RESERVED MATTERS ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL ASSESSMENT RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Environment Statement: Chapter F, Ecology Solutions Ltd, January 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. CONCURRENT WITH EACH PHASE OF RESERVED MATTERS: 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.*
- i) Containment, control and removal of any Invasive non-native species present on site*

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"

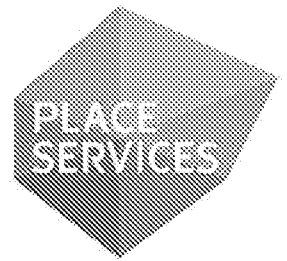
Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. CONCURRENT WITH EACH PHASE OF RESERVED MATTERS PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species 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 to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- e) persons responsible for implementing the enhancement measures;*



f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and 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 s40 of the NERC Act 2006 (Priority habitats & species).

4. CONCURRENT WITH EACH PHASE OF RESERVED MATTERS: 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)

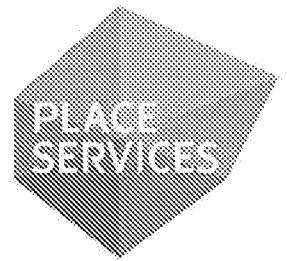
5. CONCURRENT WITH EACH PHASE OF RESERVED MATTERS: PRIOR TO OCCUPATION LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

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

6. CONCURRENT WITH EACH PHASE OF RESERVED MATTERS: TIME LIMIT ON DEVELOPMENT BEFORE FURTHER SURVEYS ARE REQUIRED

"If the application BN/11/22/OUT hereby approved does not commence within three years from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of bats, specifically in relation to building B1, which has moderate bat roost potential and*
- ii. identify any likely new ecological impacts that might arise from any changes.*

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the proposed development known as BEW Parcel SC1.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable."

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.

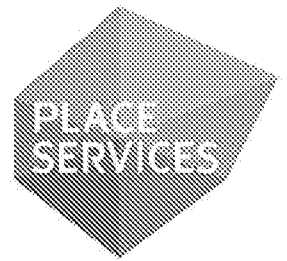
Yours sincerely,

Hayley Dean MSc BSc (Hons)

A current Qualifying member of CIEEM
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.