

Ecology response

Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF
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From: Jonathan Best <Jonathan.Best@arun.gov.uk>
Sent: 21 November 2024 11:36
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Cc: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: BN/128/24/RES Additional Ecology comments

Eastmere Stables Eastergate Lane Eastergate PO20 3SJ.

I have reviewed the updated details relating to BNG.
There is a requirement to demonstrate at least 10% BNG set out in condition 8 of BN/99/22/OUT.

Condition 8 of BN/99/22/OUT states

- No construction above ground level shall take place until a Biodiversity Enhancement Strategy (BES) has been submitted to and approved in writing by the Local Planning Authority.

The approved BES shall be implemented prior to occupation and thereafter maintained in accordance with the approved details.

The BES shall include, but is not restricted to: -

- purpose and conservation objectives for the proposed enhancement measures including, but not limited by, those set out in the Ecological Impact Assessment by Lizard dated 12/01/2022
- detailed designs to achieve stated objectives;
- locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant);
- hard and soft landscaping details, notwithstanding those approved under the reserved matters; and
- details to demonstrate that the proposed development would achieve at least 10% net gain in biodiversity.

The updated BNG Assessment dated November 2024 makes the following points.

- *The current proposed plan results in a 10.56% net gain in habitat units. This is more than the 10% target of biodiversity net gain but does not pass trading rules.*
- *The current proposed plan results in a 69.30% net loss in hedgerow units. This is less than the 10% target of biodiversity net gain.*

If the landscaping plans are not altered or if the above alterations still do not deliver a 10% net gain, the deficit will need to be delivered in a suitable offsite location i.e. biodiversity offsetting.

According to the Defra Statutory Biodiversity Metric there is a unit deficit of 0.07 hedgerow units and 0.05 habitat units and this will need to be provided to offset the loss in biodiversity and achieve a 10% biodiversity net gain.

The mechanism for securing this off-setting will need to be proposed to, and confirmed by the LPA e.g., purchasing conservation credits through a registered provider, habitat creation directly through the client owned or LPA offered land or a financial contribution towards another provider such as a local nature reserve or park. As well as the creation of new habitats, this should also secure the management of the proposed habitats to help achieve the desired condition for at least 30 years. This would be linked to the application through a planning obligation Section.

In order to achieve the required minimum 10% net gain in biodiversity as a result of the proposed development, the provision of additional or alternative landscaping could be explored and the proposed plans amended accordingly to either achieve a 10% net gain on site or to reduce off-site compensation requirements that may be required to achieve a 10% net gain. However, the site is not subject to biodiversity net gain legislation as the development application was submitted prior to the 2nd April 2024 when BNG became mandatory for developments of 9 dwellings or less.

Condition 8 does not state whether this BNG has to be delivered onsite or offsite.

It is correct that this application is not subjected to mandatory BNG under the Environment Act 2021, but the requirement to achieve at least 10% BNG is conditioned as part of the Appeal Decision APP/C3810/W/22/3312864 dated 13 June 2023.

As there is a shortfall of the BNG units and the applicant has not demonstrated 10% net gain I advise that the applicant should provide details of how they will deliver the BNG requirement set out in condition 8 prior to approval of the reserved matters.

Regards,

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