

Date: 30 June 2021
Our ref: 349844
Your ref: BN/135/20/PL



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BY EMAIL ONLY

Dear James Cross

Planning consultation: Habitats Regulations Assessment & Appropriate Assessment -
Construction of 30 dwellings, new access, public open space, landscaping & associated works
Location: Boweries, Barnham Road, Eastergate, West Sussex PO20 3RT

Thank you for your consultation on the above dated 14 April 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Singleton and Cocking Tunnels Special Area of Conservation (SAC) <https://designatedsites.naturalengland.org.uk/>
- damage or destroy the interest features for which Singleton and Cocking Tunnels Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Buffers to protect habitat features during the construction phase of the proposal.
- Directional lighting and Natural England's suggestions of directing light away from flight lines and foraging habitat.

We recommend that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

We advise that further information quantifying the specific impacts resulting from this proposal is provided and used to inform specific and appropriate mitigation measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Habitat Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required

Further Information Required

Natural England note that the ecology report concludes that the proposal could result in the direct loss of habitat which supports Singleton and Cocking Tunnels SAC.

Linear habitats such as hedgerows and lines of trees are used as flight lines and are key commuting routes to foraging areas for bats, and bats are designated features of the SAC. It is explained in Table 4.3.1 of the HRA to '*Ensure any loss of hedgerows within development is replaced or results in replacement placing with appropriate replacement habitats in application determination*'. We suggest that information to confirm what habitat features will be lost is provided to quantify the impact. When the impact has been quantified we advise this detail is used to inform specific, appropriate mitigation measures.

Natural England support the measures suggested to protect existing habitat features from damage, specifically the installation of secure buffers around such features during the construction phase. To prevent ambiguity in what measures need to be secured, we advise that it is specified which features will be protected by buffers.

In section *Direct Loss of Habitat* of the Screening Assessment, it is explained that there will be a loss of foraging habitat, however this impact has not been addressed or scoped out. We advise that the assessment addresses this impact or information is provided to scope it from the assessment.

We support the inclusion of measures to mitigate impacts from lighting to bats such as utilisation of directional lighting and bat-compatible technology. Further suggestions are available in the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol. We suggest the lighting scheme directs light away from flight lines and feeding areas.

The possibility of impacts resulting from construction is acknowledged in the HRA, however, we note that impacts such as noise and lighting have not been considered. We advise that the possible impacts resulting from construction are quantified and appropriate mitigation is proposed.

Additional Advice

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281(6) of the Wildlife and Countryside Act 1981 (as

amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on
[REDACTED] Should the proposal change, please consult us again.

Yours sincerely

Perdeep Maan
Sussex and Kent