

From: Simon Davis

Sent: 16 December 2022 13:55

To: [REDACTED]

Subject: ADC App ref BN/26/22/PL - Habitat Regs Screening

Dear Sir/Madam,

We did not consult you on this application. However, Arun DC understand that we need to consider the need for Habitat Regulations Assessment for all developments within the 12km consultation zone of the Singleton and Cocking Tunnels Special Area of Conservation (SAC) located within the South Downs National Park. This application concerns a new dwelling within this zone. I have screened this proposal and based on the information provided by the applicant and our ecologist have assessed it as not requiring appropriate assessment and having no likely significant effects on/no adverse effect on integrity of the Singleton & Cocking Tunnels SAC.

In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), I am writing to you to request your consultation advice on our assessment. I would be grateful if you could provide a response within 10 working (but allowing for Christmas – by the 9th January 2023) or otherwise please indicate if you require a longer period.

Kind Regards

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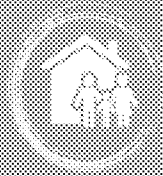
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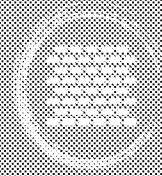
Improving the
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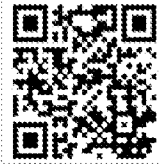
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right homes in
the right places



Supporting our
environment
to support us



Fulfilling Arun's
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Habitats Regulations Assessment (HRA)

Screening and Appropriate Assessment Statement

Singleton & Cocking Tunnels SAC

Direct impacts, impacts to roosts, foraging habitat and flightlines

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the Applicant to provide the Competent Authority with the information that they require for this purpose.

As part of its duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), Arun District Council has produced this document to provide screening, and where necessary appropriate assessment, of the development proposal below.

Details of the proposed development

Details of the proposed development	
Planning Application Number	BN/26/22/PL
Overview of the planning application	Construction of 1 No. two storey detached dwelling house on existing paddock.
Has information been submitted by the applicant which informs this HRA? Please list all relevant submitted documents	Yes: Ecological Appraisal (09/03/22) by the Ecology Co-op
Is the planning application directly connected with or necessary to the management of the designated site? If yes, please summarise details provided by the applicant.	No

Stage 1: Screening – the ‘Likely Significant Effects test’.

Screening under Regulation 63(1)(a) of the Habitats Regulations – Could there be likely significant effects, alone or in combination with other plans or projects? The assessment must exclude the consideration of mitigation measures following the ‘Sweetman II’¹ judgement.

Note that the Sussex Bat Protocol 6.5km and 12km zones have been specifically set in order to capture ‘in combination’ effects that would arise from a small number of developments delivered over a wide area. As such, provided these zones are used a separate explicit ‘in combination’ assessment may not be needed.

Screening Assessment

Bats are protected species and a key reason for designation (designated feature) of the Singleton and Cocking Tunnels international site in Sussex. In addition to the SAC containing critically important maternity roosting or hibernation sites, due to the highly mobile nature of bats, it is inevitable that the area of habitat crucial to the maintenance of their populations extends beyond the physical limits of the internationally designated site for which they are an interest feature. This is recognised through the Habitats Regulations Assessment (HRA) for the South Downs Local Plan (SDLP) and the emerging ‘Sussex Bat Special Areas of Conservation (SAC’s) – Planning and Landscape Scale Enhancement Protocol’. This habitat is integral to supporting bats for which the SAC is designated and is often referred to as ‘functionally linked’ or ‘supporting habitat’. Such functionally linked habitat includes foraging areas, supporting roost sites, and flight lines/commuting routes for dispersal, and connecting roosts and foraging areas.

The following information about the bat species is extracted from the HRA of the South Downs Local Plan (SDLP) and the published Conservation Objectives Supplementary Advice²:

Barbastelle bat *Barbastellus barbastellus*: Barbastelle bats are thought to generally forage along linear features in pastoral landscapes including deciduous woodland, wet meadows, and waterbodies. Barbastelles appear to select cracks and crevices in wood for breeding, mostly in old or damaged trees, but cracks and crevices in the timbers of old buildings may also be used. Maternity colonies may move between suitable crevices within a small area, such as a piece of woodland or a complex of buildings. Caves and underground structures may be used for hibernation. The species is very sensitive to disturbance, together with the loss of roost-sites and food resources.

Bechstein’s bat *Myotis bechsteinii*: The species is closely associated with mature deciduous woodland and appears to select old woodpecker holes or rot holes in trees for breeding. It also occurs in coniferous woodland in some areas. Maternity colonies may move between suitable crevices within a small area, such as a piece of woodland. It is believed to hibernate in hollow trees and sometimes in underground localities. Foraging is typically in and around woodland.

The SDLP and its HRA take a precautionary approach and identify two zones, a 6.5km zone and a 12km zone.

- Within the 6.5km zone all impacts to bats should be considered. These include direct loss to the SAC itself and direct impacts on the SAC itself. It also includes loss or impacts on functionally linked habitat including roosts, greenfield sites, mature vegetation

¹ The Court of Justice of the European Union (CJEU) judgement in the case of ‘People over Wind and Peter Sweetman v Coillte Teoranta’ (Sweetman II) determined that mitigation (i.e., measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on European sites) should not be taken into account when forming a view on likely significant effects (i.e., at the screening stage). Mitigation should instead only be considered at the appropriate assessment stage. Appropriate Assessment is not a technical term: it simply means ‘an assessment that is appropriate’ for the plan or project in question’. As such the law purposely does not prescribe what it should consist of or how it should be presented.

² Natural England (2019) Conservation Objectives and Supplementary Advice for The Singleton & Cocking Tunnels SAC <http://publications.naturalengland.org.uk/publication/6518329883754496>

including woodland and hedgerows and riverine environments suitable for foraging areas and flight lines. In addition to direct loss, impacts may arise from disturbance, lighting, or sound/vibration for example during construction. No part of this zone affects the Arun District area.

- Within the 12km zone significant impacts or severance to flight lines should be considered. This includes physical severance of flight lines and severance via impacts such as disturbance which would effectively render it severed if no longer suitable for use by bats, for example, due to lighting impacts. Linear features connected to the wider landscape including mature vegetative features such as woodlands, hedgerows, riverine and wetland habitat should be considered.

(a) The development proposals are within the following zone as set out in South Downs Local Plan Policy SD10:

- **12km zone for the Singleton & Cocking Tunnels SAC** - designated for its hibernating populations of barbastelle bat and Bechstein's bats within the former railway tunnels.

(b) Within the 12km zone: Will there be potentially significant impacts or severance to flight lines of the relevant Sussex Bat SAC(s)? No

Commentary: *(describe impact)*

Whilst the submitted Ecological Appraisal does not identify that the site is within this 12km buffer zone, it states no impacts upon designated sites are anticipated and in relation to bats "There are no habitats contained within the site that can be utilised by bats. The bordering hedgerows provide low value foraging habitat but connectivity to other features across the landscape is poor."

The council's ecologist has reviewed local bat records under our agreement with Sussex Biodiversity Record Centre and have identified a Barbastelle bat record approximately one kilometre northwest of the site. However, aerial photography concurs with the conclusion that connectivity from the site to the wider landscape is poor. The document identifies a nearby offsite building which has some lifting weatherboarding, and therefore some bat roost potential but this is a local impact and mitigation can be applied such as controlling external lighting.

Our ecologist continues that "The scale of the development is such that no severance or significant impacts on Barbastelle bats are predicted as set out in the as shown in the Sussex Bat SAC Planning and Landscape scale Enhancement Protocol. We therefore recommend that LPA can record a conclusion of no likely significant effect on the Sussex Bat SAC in its HRA screening report."

If yes to both questions proceed to screening conclusion where it can be concluded that there will be likely significant effects.

If no to the above, it can be concluded that there will not be likely significant effects.

Screening Conclusion

(Delete answers yes or no as appropriate.)

(c) Could the development proposal lead to likely significant effects, alone or in combination with other plans or projects?

No – potential impacts upon the SAC and its qualifying features can be screened out; hence, there is no requirement to undertake an Appropriate Assessment.

(If yes, continue to Stage 2. If no, proceed to Overall Conclusion)

Conclusion

Overall conclusion

Based on the assessment above, it can be concluded that **there are no likely significant effects on / no adverse effect on integrity of the Singleton & Cocking Tunnels SAC.**

Notwithstanding, the following conditions are proposed in respect of local wildlife habitat and biodiversity net gain:

(4) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (The Ecology Co-Op, March 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, s40 of the NERC Act 2006 (Priority habitats & species) and policy ENV DM5 of the Arun Local Plan.

(5) A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority prior to any development above damp-proof course (DPC) level. 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) persons responsible for implementing the enhancement measures;*
- e) 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) and in accordance with Arun Local Plan policy ENV DM5.

(8) Prior to the occupation of the dwelling, 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 plans 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: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SPI, QE DM2 & ENV DM5 of the Arun Local Plan.

Appendix

Summary of Relevant European Site

Singleton & Cocking Tunnels Special Area of Conservation	
Reasons for designation	Habitats Directive Annex II Species: – Hibernating barbastelle bat <i>Barbastella barbastellus</i> – Hibernating Bechstein's bat <i>Myotis bechsteinii</i>
Sensitivities, vulnerabilities, and pressures	– Loss of connectivity of landscape features to allow foraging and commuting within and to supporting habitat – Disturbance – Impacts on humidity of barbastelle roosts
Conservation Objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: – The extent and distribution of the habitats of qualifying species – The structure and function of the habitats of qualifying species – The supporting processes on which the habitats of qualifying species rely – The populations of qualifying species, and, – The distribution of qualifying species within the site.