

From: Simon Davis

Sent: 12 August 2021 17:34

Subject: Arun DC Application BN/62/21/PL - Appropriate Assessment

Dear Sir/Madam,

I note that we did not issue you with a planning consultation on this application. However, Arun DC 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.

I have therefore undertaken to provide an Appropriate Assessment concerning the proposed new doctors surgery development and its impact on the SAC. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), I am writing to you to request your consultation advice on this Assessment.

I would be grateful if you could provide a response within 10 days or otherwise indicate if you require a longer period. If you require a formal consultation in order to respond on this matter, please advise and I'll issue one.

Should you wish to view the application files then you can use our website here:

<https://www.arun.gov.uk/planning-application-search>.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place

T: 01903 737874

E: simon.davis@arun.gov.uk



Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

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Habitat Regulation Assessment (HRA) Appropriate Assessment Statement

APPLICATION DETAILS

Application ref:	BN/62/21/PL
Application address:	Land at The Croft Surgery, Barnham Road, PO20 3RP
Application description:	New Medical centre with pharmacy retail unit & other ancillary uses together with access onto Barnham Road, associated car parking and other hard and soft landscaping works.
Status of Application:	Undecided
Proximity to SPA/SAC/Ramsar.	Is within the 12km consultation zone for the Singleton & Cocking Tunnels Special Area of Conservation (SAC)
Planning Officer:	Simon Davis

INTRODUCTION

The site is within the 12km 'consultation zone' for the Singleton and Cocking Tunnels SAC. The SAC is designated for the populations of barbastelle and Bechstein's bats it supports. The conservation objectives for the SAC are to maintain or restore:

- 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.

HABITAT REGULATIONS ASSESSMENT PROCESS

The competent authority (in this case Arun District Council) must be satisfied that based upon the best available scientific information and in light of any suitable mitigation measures, the proposed scheme will result in no significant adverse effects upon the integrity of the European site through appropriate measures being established, either alone or in combination with other plans or projects in the area.

Where a loss of site integrity cannot be ruled out (i.e., a 'significant impact' is likely to occur), the proposals may only be authorised under very exceptional circumstances (such as overriding public interest and with no viable alternative, as detailed in full under Article 6(4)).

The recent (2017) CJEU judgement 'People Over Wind and Sweetman vs. Coillte Teoranta (C-323/17)' has changed the way in which Competent Authorities must address the HRA process. Any measures that are incorporated into a project specifically to address impacts to international sites can no longer be considered to avoid or reduce (mitigate) a likely significant effect, unless the avoidance effects of a particular feature of the development are essential for the delivery of that project

regardless of any effect that feature may have in avoiding or mitigating impacts to the International site.

LIKELY 'ALONE' EFFECTS

Construction Disturbance

It is possible that lighting used during construction and new external lighting installed as part of the scheme may illuminate boundary vegetation and cause disturbance to foraging and commuting bats including barbastelle and Bechstein's bat, if present. To mitigate this, the following condition is proposed:

No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

On this basis, it is considered unlikely that the works will result in direct disturbance to local foraging and commuting bats. Therefore, direct disturbance of bats using the site for foraging and commuting via construction light and noise will not occur.

Impacts associated with construction light and noise can therefore be scoped out of the HRA.

Habitat Alteration

The habitats on the site comprise scattered trees, scattered scrub, semi-improved Grassland (covering the majority of the site), hedgerows with immature & mature trees and hardstanding. The habitats of greatest ecological value within the context of the site are the scattered scrub and the hedgerow with trees that forms the eastern site boundary as these features connect the site to habitats in the wider area forming a habitat corridor.

The proposal will see the development of the site with a new surgery building, car parking and other surface development. However, the hedge to the eastern boundary and its associated trees is proposed to be retained and enhanced (this enhancement will be secured through conditions). In addition, the application proposes additional hedging to the other site boundaries as well as 40 specimen trees and other landscaping. Conditions are proposed to ensure that new soft landscaping is attractive to bat species.

It is considered that the loss of the grassland, scrub and two small on-site scattered trees will not adversely affect the habitat requirements of bat species and therefore, the habitat alteration is **unlikely to significantly impact the Singleton and Cocking Tunnels SAC**.

Bat Flight lines

The trees within the site and along site boundaries have been assessed by the applicant for their suitability to support roosting bats but none of these contained potential bat roosting features such as rot holes, callous rolls, or woodpecker holes therefore the trees were assessed as having negligible suitability for supporting roosting bats.

The site provides suitability for commuting bats in the form of the eastern boundary hedgerow with trees which is well-connected to habitats in the wider area. In particular, the on-site habitats are linked to a network of hedgerows and treelines within open green space to the east and bounding fields in the wider area. Bats may utilise these features to commute to foraging areas further afield such as Slindon Wood some 1.6 kilometres north. However, as the hedgerow along the eastern site boundary is being retained (and will also be enhanced), there will be no severance of flight lines possible used by bat species designated under the Singleton and Cocking Tunnels SAC.

Therefore, there would be no impacts upon bats and their flight lines as a result of the proposal.

Air Pollution

It is considered that dust arising from construction works could affect nearby habitat such as existing retained hedgerows and the small open field to the north. However, this will be temporary in nature and due the afore mentioned construction hours condition, will not take place during hours of darkness. It is considered that dust-related impacts, should they occur, are **unlikely to result in any significant adverse effects upon the Singleton and Cocking Tunnels SAC.**

Increased Activity

There are no known statutory sites designated on ecological grounds within 1km of the Site therefore no potential for impacts from increased visitor numbers. A non-statutory Local Wildlife Site (Fontwell Park Racecourse) is present 700m to the north of the site, but this is a private site and is already visited due to it being the site of a racecourse. In addition, Singleton and Cocking Tunnels SAC does not permit public access and will not be impacted by increased visitor pressure. **It is therefore considered highly unlikely the development will result in a significant increase in visitor pressure to the Singleton and Cocking Tunnels SAC.**

Light Pollution

Certain Bat species are noted for avoiding artificially lit areas and the introduction of the new surgery building will likely result in some level of increase in artificial light spill into immediately surrounding habitats, whether this is through indoor lighting or the installation of external security lighting.

Inconsiderate placement of external lighting, particularly if directed towards suitable boundary features, could result in a disruption to bat commuting routes which, in turn, could have a minor impact on the favourable conservation status of the local

populations. In addition, high light intensity and light with an upward glare could also disrupt opportunistic flight paths across the site.

A condition will be imposed to control lighting across the site, ensure that it is bat friendly and prevent any external lighting from illuminating the eastern hedgerow.

It is not therefore considered that the development will result in a significant adverse impact to the commuting routes of local bats by reason of light.

Summary of Likely Significant 'Alone' Effects

It is concluded that the development will not result in any significant adverse effects on populations of barbastelle and Bechstein's bats.

LIKELY 'IN COMBINATION' EFFECTS

The site lies in an edge of settlement location. To the west and south are existing residential properties forming part of a wider estate. To the north lies further open scrub land which has the benefit of an extant but unimplemented permission for a recreational use in association with the surgery (essentially a fit trail). To the east, lies land, which was formerly part of a fruit farm, is a Neighbourhood Plan residential allocation and had the benefit of a permission for 60 new homes (but this has recently lapsed).

There have been some new development in recent years on land in the local area most notably 68 homes at Nyton Nursery (ref AL/3/19/PL) which is about 180m to the west. In addition, the site is only 125m from part of the strategic "Barnham, Eastergate, Westergate" (BEW) allocation which is to provide at least 2,300 dwellings over the plan period, and up to 3,000 in total (a further 700 beyond 2031).

These existing/planned developments when considered together likely result in a significant reduction of bat foraging habitat overall (notwithstanding any enhancements or retention of habitats) and a likely net increase in ambient light levels. As such, in combination with other existing or planned developments the proposed development is **likely to have a moderate adverse impact on the Singleton and Cocking Tunnels SAC.**

MITIGATION AND ENHANCEMENTS

It is proposed to impose the following conditions which relate to wildlife protection, mitigation, and enhancement:

The development hereby approved shall be implemented in accordance with the precautionary approach, mitigation measures and other enhancements as set out in the approved Preliminary Ecological Appraisal, May 2021 plus those items listed below. These measures shall be implemented in full and permanently adhered to throughout the development to the satisfaction of the Local Planning Authority.

- The site must be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats.

- Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs so these piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

- Any trenches, pits or holes should be covered overnight, or a means of escape made available, and any hazardous chemicals need to be suitably stored away so animals cannot access them.

Reason: To mitigate harm during construction to bats, birds, badgers & small mammals, reptiles, and other wildlife species in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan.

No development shall commence until a mitigation method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows are to be protected during construction. There must be a 5m buffer zone in place secured by fencing around the retained hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection measures.

Reason: Bats and dormice use hedgerows for foraging, habitat and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including full details (in plan and list form) of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development.

The proposed landscape scheme will need to maximise the biodiversity of the site with the inclusion of habitat enhancements benefiting foraging & commuting bats including the inclusion of new areas of woodland or scrub planting; the use of a range of native tree/shrub species, the filling in of any gaps in existing hedgerows using native hedge species, establishment of new native hedgerows along the boundaries to increase commuting potential into the wider landscape native species and the retention of a variety of habitats. In addition, grassland areas should be managed to benefit reptiles, wildflower meadow planting should be used and any trees that are lost should be replaced on a 2:1 basis.

The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of

similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

No development above damp-proof course (DPC) level shall take place unless and until a biodiversity enhancement plan has been submitted for approval in writing by the Local Planning Authority. The plan shall be based on the measures identified in the approved Preliminary Ecological Appraisal, May 2021 and also include the following specific requirements:

- the placement of at least 1 bat brick and at least 1 bird box. The bat brick shall be situated facing south/south westerly and positioned 3-5m above ground and the bird box should face towards existing foraging habitat such as trees/hedges.
- the placement of at least 2 hedgehog nesting boxes within the natural parts of the site to provide future nesting areas for hedgehogs.
- placement of log piles on the site.
- the use of fencing (where required to external boundaries) that allows for through movement by badgers and hedgehogs.

There may be some crossover between these requirements and those of the landscaping plan and so it would be acceptable to combine the two together into one drawing together with the necessary supporting details. The approved details shall be implemented in full and permanently retained thereafter.

Reason: To mitigate harm to bats, birds, badgers & small mammals, reptiles, and other wildlife species in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular, there should be no external lighting that illuminates the eastern hedgerow. The lighting approved shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2, T SP1 & ENV DM5 of the Arun Local Plan.

CONCLUSION

It is considered that the proposed development:

- Will not significantly negatively impact upon the extent and distribution of the habitats utilised by bats associated with Singleton and Cocking Tunnels SAC.

- Providing that the mitigation measures outlined above are followed, will not lead to the deterioration of the structure or function of the natural habitats associated with the Singleton and Cocking Tunnels SAC.
- Will not have any residual negative impacts upon the supporting processes on which bats associated with Singleton and Cocking Tunnels SAC rely.
- Providing that the mitigation measures outlined above are followed, will not negatively impact upon the populations of qualifying species within Singleton and Cocking Tunnels SAC.
- Providing that the mitigation measures outlined above are followed will not negatively impact upon the distribution of bats associated with the Singleton and Cocking Tunnels SAC.

This Appropriate Assessment concludes that there will be **no likely significant adverse effects** upon the Singleton and Cocking Tunnels SAC, or the bat species associated with the site and functionally linked habitats.