

7th October 2022

Maria Tomalova
Arun District Council
Arun Civic Centre
1 Maltravers Road
Littlehampton
BN17 5LF

By email only

Thank you for requesting advice on this application 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/65/22/PL

Location: Barnham and Eastergate: Land at rear of Cedar End Eastergate Lane Eastergate PO20 3SJ

Proposal: Sever land and erection of 1 No bungalow with new vehicular access (resubmission of BN/14/22/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwelling.

Dear Maria,

Thank you for consulting Place Services on the above application.

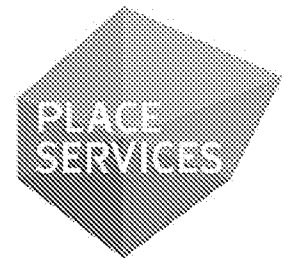
Holding objection due to insufficient ecological information on designated sites (SAC) and European Protected Species (bats and Hazel Dormouse).

Summary

We have reviewed the Preliminary Ecological Appraisal (Greenspace Ecological Solutions, January 2022), Consultation Response (Chichester District Council (CDC), 2nd March 2022) and DEFRA's geographic information tool MAGIC relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable. Additional information on Singleton and Cocking Tunnels Special Area of Conservation (SAC) and bats needs to be provided prior to determination.

The site is located approximately 11 kilometres from the Singleton and Cocking Tunnels Special Area of Conservation (SAC) which is inside the 12 kilometre buffer zone as shown in the Sussex Bat SAC Planning and Landscape scale Enhancement Protocol. The Preliminary Ecological Appraisal (Greenspace Ecological



Solutions, January 2022) has not acknowledged that the site is within this buffer zone and so has not assessed the likely impacts on the designated site sufficiently. Furthermore, the reviewed report has identified that one of the onsite buildings has bat roost potential and states *“one bat dusk emergence or pre-dawn re-entry survey will be required for B2.”*

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats (European Protected Species). These surveys are required prior to determination because Government Standing Advice indicates that you should *“Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”*.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

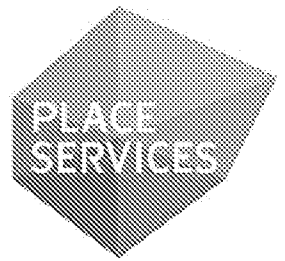
Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage (based on the judgement in the Hack Green Group (Appellant) v Cheshire East Council [2006] - APP/R0660/W/15/3131662). Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

The consultation response from CDC (2nd March 2022) states the following in relation to Dormice:

“The hedgerows on site are used by dormice for commuting and foraging and will need to be retained and enhanced. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. If any works need to take place within these areas, further survey work for dormice is required. The applicant should confirm that no works will be taking place within 5m of the hedgerows onsite and a condition should be used to ensure this takes place.”

We are in agreement with the above recommendations relating to appropriate Dormice mitigation and enhancement measures and recommend this guidance is followed. The LPA therefore needs confirmation that the above measures have been embedded into the development to avoid impacts on Dormice.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.



We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision.

Please contact me 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.