

Introduction

New World Payphones (NWP Street Ltd) has an electronic communications network in many urban centres across the United Kingdom. As part of the development programme, installation of a new communication kiosk has been proposed to ensure a base level coverage of telecommunication is provided across the country. The dual application of full planning permission and advertisement consent is submitted under the regulations of Town and Country Planning Act 1990 and Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Due to the location of this application, the full assessment has to be considered in accordance with numerous requirements, including a Biodiversity Enhancement Statement.

Overview of New World Payphones

New World Payphones Ltd (NWP Street Ltd) is modernising its telephone kiosk estate across the UK. The traditional kiosk is in need of updating to reflect the modern society that we live in. NWP recognise the existing kiosks have historic problems including lack of access for wheelchair users, problems with calling cards, and often attract the use of anti-social behaviour.

NWP have chosen a new modern design, reflecting the instantly recognisable telephone kiosk heritage, ensuring it provides open access for all. It is a robust construction made of stainless steel which will aid reduction of vandalism and assist with ease of maintenance. As a responsible telephone operator NWP will also operate a high standard of cleaning on the new estate.

The kiosks will now be a multi-communication hub for the future. Telephony is still a key provision; it is an important lifeline for many people even with the proliferation of mobile phone use. Our kiosks are regularly used to report emergencies and are used by the vulnerable: 999, 111, Childline, Samaritans and Shelter are all examples of where service provision remains vital, along with the normal use of the general public.

The kiosk will also offer the additional benefit of touchscreen information to assist users with wayfinding / mapping information. The telephone itself will allow for cash, debit & credit card and contactless payments. To provide additional connectivity, small cell access nodes will be available in kiosks where they are able to be housed. Other location-based information may be included including NFC and Bluetooth, with ability to modernise provisions with the most up to date generation technology as it progresses.

Traditionally vinyl advertising has adorned one side of the kiosk glazing. This will be removed, and the new kiosk design will integrate a digital screen to the reverse of the structure, smartening its image. The overall area of the advertising is in line with existing size, the screen is however smaller than other advertising formats currently found on street furniture.

NWP have also partnered with Trees for Cities as part of our environmental commitment. When removing a kiosk, we will offer the opportunity to replace a location with a suitable tree or provide a tree for planting in different location in discussion with the authority.

Overview of NWP Kiosk

The proposed NWP kiosk is ergonomic, well-designed and strongly built with specially designed components and durable and easily cleaned surfaces. The kiosks are therefore long lasting and suitable for being situated within urban environments where these standards are usually higher due to increased usage and demand. To support this, every two weeks the kiosks are washed and maintained, at no cost to the council, to ensure the accessibility and presentation are maintained for the lifetime of the unit.

National Planning Policy

Within the National Planning Policy Framework (NPPF), Paragraphs 7 onwards clearly states the requirements of the planning system to support sustainable development. Part of paragraph 8 directly states *“an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”* (Para 8) which applies to all forms of development. Further, within paragraph 187, the NPPF states *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate" (Para 157).

Guidance: Biodiversity Enhancement Statement

The guidance for Biodiversity Net Gain has been prepared by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government, first published in February 2024 and updated in May 2024. This guidance advises how to take account of and address the effects associated with development on biodiversity in the planning process.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Some elements can be included within the Biodiversity Net Gain, which can include:

in full - for enhancing actions, such as green infrastructure (a developer can satisfy all their BNG requirements through the works, receiving 110% of their biodiversity units through them)

in part - for mitigation and compensation actions, such as nutrient mitigation (at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation) (Guidance – Department for Environment, Food & Rural Affairs, 2023).

According to National Guidance, the biodiversity net gain regulations most directly relevant to planning are:

The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024

The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 which set out the modifications for irreplaceable habitat.

Due to the size of the proposed development, the proposal falls into Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024. The de minimis regulation is summarised by the PPG as *“The de minimis exemption only applies to development if the following two conditions are met:*

the development must not impact on any onsite priority habitat; and

if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow)” (Para 004, PPG).

Therefore, the proposed communication kiosk would not require a full biodiversity net gain assessment. Notwithstanding the above, many of the themes and requirements from national guidance are continued through to local policy, which are to be included within the Biodiversity Enhancement Statement.

Local Planning Policy

Within Arun Local Plan, guidance has been prepared within Local Plan Policy ENV DM5. The Policy states *“Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement”* (Policy ENV DM5).

Further, the local validation requirements set out a requirement for each application to include a Biodiversity Enhancement Statement. The local validation list states *“All applications require a statement in accordance with Local Plan Policy ENV DM5 and any applicable neighbourhood plan policies. As a minimum, the statement should state how you have sought to protect and improve the existing on-site natural environment”* (Local Requirements, Point 8). The prepared statement is appropriate to the scale of the development, and include in a clearly headed format –

- 1. An existing habitat conditions assessment (to include an annotated map of the habitats assessed).*
- 2. Details showing how the development has avoided and minimised the impact to biodiversity.*
- 3. The approach taken to enhancing biodiversity on site.*

4. *Details of proposed off-site biodiversity enhancements (if applicable).*
5. *Information to demonstrate the site suitability to support the proposed habitat creation (e.g. soil nutrient and condition surveys if proposing wildflower meadow).*
6. *A draft biodiversity gain plan (to include an annotated map showing indicative areas or proposed habitat enhancement/creation).*
7. *For section 73 applications, a statement confirming whether the changes affect the biodiversity post development value. If they do, you will need to provide the information as detailed above.*
8. *A draft habitat management and monitoring plan that sets out the proposals for long term maintenance.*

The assessment has regard to further policy from Natural England, Environment Agency, Natural Environment and Rural Communities, Defra and the Forestry Commission.

Biodiversity Enhancement Assessment

As previously identified, a Biodiversity Enhancement Assessment is required for any development within Arun District Council. The assessment is proportionate to the proposed effect development.

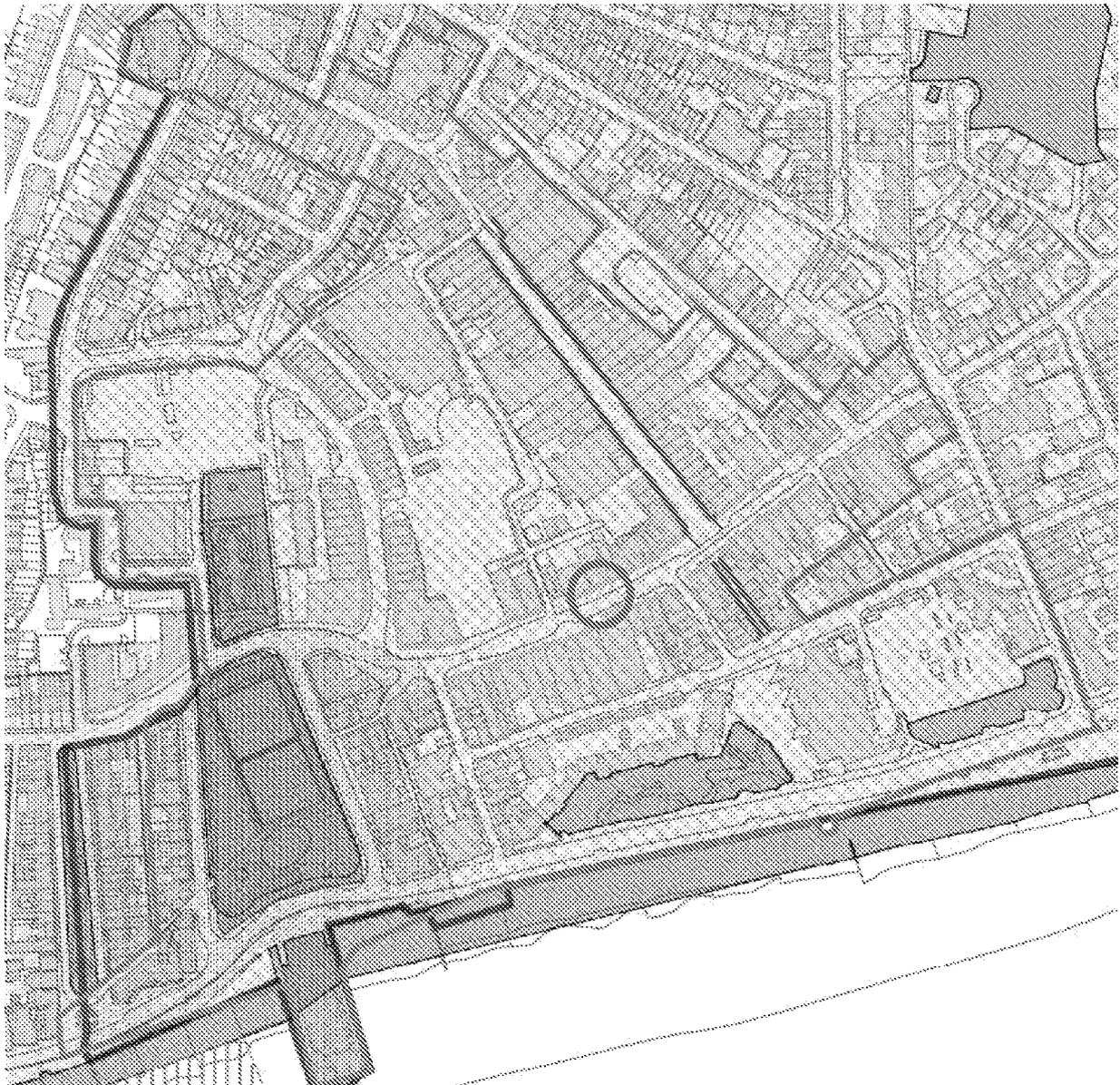
In summary:

- the footprint of the proposed communication kiosk footprint is just 0.42 sq.m
- the application includes a multi-functional communication kiosk with integrated advertisement display and defibrillator
- through the applicant's partnership with Trees for Cities, a tree will be planted for every digital consent
- the identified area is an open pavement space within an urban environment, along High Street in Bognor Regis
- the site does not fall within an area of SIINC, SNINC, SNCL, BOA, Local Nature Reserve or Marine Conservation Zone
- the communication kiosk's effect on biodiversity will be minimal

Biodiversity Enhancement Assessment – Validation Requirement

1. An existing habitat conditions assessment (to include an annotated map of the habitats assessed).

According to the Arun Local Plan Policy Map 3 (West), the application site (blue circle) falls within an Economic Growth and Town Centre area, in front of a secondary retail environment.



Extract – Local Plan Policy Map 3 (West) - Update September 2018 V1

2. Details showing how the development has avoided and minimised the impact to biodiversity.

Due to the location within a town centre area, on an open area of pavement, the effect of the proposed kiosk on biodiversity will be minimal. The development will not require any trees to be removed nor other green urban areas shall be effected. Through the addition of suitable conditions, the kiosk will reflect the existing urban environment. The display shall operate in line with Institute of Lighting Professionals guidance and shall be turned off at night to reduce any urban lighting during hours of darkness.

3. The approach taken to enhancing biodiversity on site.

Through the applicant's partnership with Trees for Cities, once consent is approved, the applicant will work with the Council to find a suitable location of a tree to be planted. This can be near the proposed site or elsewhere within the Council.

4. Details of proposed off-site biodiversity enhancements (if applicable).

As above, the applicant will work with the charity Trees for Cities and the appropriate Council department to plant a tree within the Council.

5. Information to demonstrate the site suitability to support the proposed habitat creation (e.g. soil nutrient and condition surveys if proposing wildflower meadow).

The location is an existing open pavement within Town Centre and secondary retail environment. The existing character shall be reflected within the proposal with no existing habitat, for example wildflower meadows, being affected. Conditions have been suggested to ensure the operation of the communication kiosk reflects the local environment.

6. A draft biodiversity gain plan (to include an annotated map showing indicative areas or proposed habitat enhancement/creation).

The application, once approved, shall include the planting of a tree in partnership with Trees for Cities, in a location approved by the local Council. This will provide a necessary benefit to the local area. Currently, a location cannot be identified on a plan as consent will be required. Notwithstanding the above, the proposed kiosk falls within an urban environment and shall sit within an open pavement space and not affect any existing green landscape.

7. For section 73 applications, a statement confirming whether the changes affect the biodiversity post development value. If they do, you will need to provide the information as detailed above.

Not applicable for this application.

8. A draft habitat management and monitoring plan that sets out the proposals for long term maintenance.

A Management Plan is included for every application to ensure the maintenance of the site is kept to a high standard and any issues are responded to in a timely manner. Due to the minimal effect on biodiversity, the applicant will be able to ensure the development will remain within the urban environment. The applicant will ensure the tree for each consent shall be planted, in accordance with Trees for Cities and local Council advice. Through effective consultation, the new tree can be monitored and maintained in an agreed upon management plan.

Further Information

Plans and specifications for the various new Communication Kiosks are provided separately as part of the application document. If you have any questions regarding the communication kiosk, please contact me on the application details.