



29th April 2022

Steve Davies
Arun District Council

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.

Dear Steve

Application: BR/267/21/PL
Location: Former Westside Supplies Unit West of 17 to 18 Durban Road Bognor Regis PO22 9QT
Proposal: Development of a new build four storey block of flats for 24 units (13 No 1 bed and 11 No 2 bed). This application is in CIL Zone 4 (Zero Rated) as flats.

Thank you for consulting Place Services on the above application.

Recommended Refusal	
No ecological objections	
Recommended Approval subject to attached conditions	Yes
Recommended Discharge of condition	
Recommend Approval subject to Natural England's agreement with the conclusion of the Appropriate Assessment	

Summary

We have reviewed the comments of the Council's ecology adviser (Chichester DC, December 2021) regarding tree protection for bats and in response, the further tree inspection for bats letter (Encon Associates Ltd, 23 March 2022) relating to the likely impacts of development on bats (European Protected Species) and the identification of proportionate mitigation.

We understand that three White Willow trees to the north of the site lie outside the red line boundary and these were not inspected for any bat roost features for the Preliminary Ecological Appraisal (Encon Associates Ltd, October 2021) as they were to be retained and not affected by the proposal. However as these trees may now need to be felled or trimmed to facilitate the development, we welcome that a ground level Preliminary Roost Assessment for bats has been undertaken in accordance with good practice guidelines (Collins, 2016). We note that no evidence of current bat use was found in a woodpecker hole although an active birds nest was confirmed. As the trees are outside the development



boundary, we would welcome confirmation of how the mitigation for bats and nesting birds as proposed in the further tree inspection for bats letter (Encon Associates Ltd, 23 March 2022) can be secured by the LPA as we do not consider that a condition would be enforceable.

Subject to securing the additional mitigation for any works to the Willow trees offsite, we are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We support the mitigation measures identified in the Ecological Appraisal (Encon Associates Ltd, October 2021) and the comments of the Council's ecology adviser (December 2021) relating to hedgehogs (Priority species) and recommend that these should be secured by a condition of any consent and implemented in full.

This is necessary to conserve and enhance protected and Priority species. This includes the preparation of a Construction Environmental Management Plan Biodiversity to set out precautionary measures to prevent any impact to the protected and Priority species identified as likely to be present on the site and including a precautionary method statement to prevent any impacts to reptiles and hedgehogs, to be secured by a condition of any consent.

We support the reasonable ecological enhancement measures outlined in section 5.4 of the Ecological Appraisal (Encon Associates Ltd, October 2021) which aim to deliver net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The finalised biodiversity enhancement measures should be detailed within a Biodiversity Enhancement Layout to show locations of integrated features on the architect's plans and planting on a revised landscaping scheme A5014 Drawing No 03 (Encon Associates Ltd, 14.9.21) to include planting to benefit pollinators and native species be secured by condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Encon Associates Ltd, October 2021) and comments of the Council's ecology adviser (December 2021), as already submitted 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 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy ENV DM5 of Arun Local Plan and the NPPF.

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*
- i) Containment, control and removal of any Invasive non-native species present on site*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve 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) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy ENV DM5 of Arun Local Plan and the NPPF.

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout for protected and Priority species as recommended in section 5.4 of the Ecological Appraisal (Encon Associates Ltd, October 2021) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout 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) *timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- e) *persons responsible for implementing the enhancement measures;*
- f) *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 and s40 of the NERC Act 2006 (Priority habitats & species) in line with Policy ENV DM5 of Arun Local Plan and the NPPF.

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"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 contour plans, Isolux drawings 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: To 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) and s40 of the NERC Act 2006 (Priority habitats & species) in line with Policy ENV DM5 of Arun Local Plan and the NPPF.

Please contact me with any queries.

Yours sincerely

Sue Hooton CEnv MCIEEM BSc (Hons)

Principal Ecological Consultant

Place Services at Essex County Council

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.