



3rd May 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/70/22/OUT
Location: 26 Burnham Avenue Bognor Regis PO21 2JU
Proposal: Outline application with all matters reserved for up to 10 No. new dwellings with associated services, landscaping, car parking & amenity (resubmission following BR/129/21/OUT).

Thank you for consulting Place Services on the above outline 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	Yes

No objection subject to securing

- a) a proportionate financial contribution towards strategic mitigation for predicted recreational impacts on Pagham Harbour SPA and Ramsar and**
- b) biodiversity mitigation and enhancement measures**

Summary

We have reviewed the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (ArbTech, March 2021) and Bat Emergence and Re-entry Surveys (ArbTech, August 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures. We note Natural England's consultation response (ref.380059 dated 28 April 2022) requiring a project level Appropriate Assessment (AA) as the development is residential and predicted to result in increased recreational disturbance to coastal Habitats sites. This triggers the need for mitigation which can be secured for delivery under the agreed

strategic approach to access management at Pagham Harbour as detailed in Arun Local Plan policy ENV DM2.

We are satisfied that there is sufficient ecological information available for determination.

We note that the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (ArbTech, March 2021) does not include a data search from Sussex Biodiversity Records Centre and therefore fails to consider the predicted impacts from residential development in Zone B on Pagham Harbour Special Protection Area and Ramsar site. However, we also note that a proportionate financial contribution is required towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and Ramsar site to be secured by a s106 legal agreement to avoid Adverse Effect on Integrity of coastal Habitats sites and this recorded in the project level AA. This is necessary for the proposal to be in accordance with Arun Local Plan policies ENV DM1 and ENV DM2 and meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

We note that bat surveys which have been undertaken in line with good practice guidelines, have demonstrated a likely absence of bat roosts in the building to be demolished. However, the bat emergence surveys recorded moderate bat activity on the site so securing mitigation for foraging bats is considered reasonable to avoid impacts on these European Protected Species.

This provides certainty for the LPA of the likely impacts on designated sites, 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.

In addition, we support the mitigation measures identified in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (ArbTech, March 2021) and Bat Emergence and Re-entry Surveys (ArbTech, August 2021) relating to bats to include a low impact lighting scheme, nesting birds when demolishing the existing building and precautionary measures during construction phase for hedgehogs (Priority species).

We recommend that a Construction Environmental Management Plan Biodiversity is secured which details 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 nesting birds and hedgehogs. We also recommend a condition for a wildlife sensitive lighting scheme for the occupation phase of the development. We therefore expect these details to be submitted for discharge of conditions concurrent with the Reserved Matters stage and implemented in full. This is necessary to conserve and enhance protected and Priority species.

We support the reasonable ecological enhancement measures outlined in Table 7 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (ArbTech, March 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 bat boxes and a minimum of six pairs of swift nest boxes on the architect's plans, hedgehog friendly fencing and bat friendly planting to include day and night flowering species to be shown on the landscaping scheme to provide benefit pollinators and bats 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 Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (ArbTech, March 2021) and Bat Emergence and Re-entry Surveys (ArbTech, August 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. CONCURRENT WITH RESERVED MATTERS 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 Biodiversity 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. CONCURRENT WITH RESERVED MATTERS PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the as recommended in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (ArbTech, March 2021) and Bat Emergence and Re-entry Surveys (ArbTech, August 2021), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features 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. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity as recommended in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (ArbTech, March 2021) and Bat Emergence and Re-entry Surveys (ArbTech, August 2021) 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.