

18th October 2022

David Easton
Arun District Council
Arun Civic Centre
1 Maltravers Road
Littlehampton
BN17 5LF

By email only

Thank you for requesting advice on this outline 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: FP/274/21/OUT

Location: Felpham: Bognor Regis Golf Club Downview Road Felpham PO22 8JD

Proposal: Outline planning application with all matters reserved, except means of access, for the erection of up to 480 new homes (C3), the formation of a new means of access onto Golf Links Road, together with the creation of new surface water drainage, new landscaping and habitat creation, ground works and other infrastructure and the retention and re-purposing of the retained club house (F2). This site also lies within the parish of Yapton, affects a Public Right of Way and is a Departure from the Development Plan. This application is subject to an Environmental Statement.

Dear David,

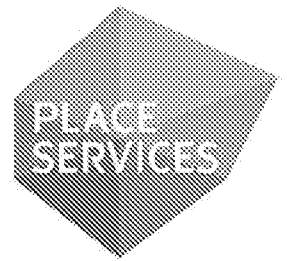
Thank you for consulting Place Services on the above outline application.

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the following documents relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures:

- Designated Site Plan (FPCR, November 2021);
- Waterbody Location Plan (FPCR, December 2021);
- Masterplan (Urban Wilderness, December 2021);
- Land Use Parameters Plan Rev C (Urban Wilderness, December 2021);
- Green and Blue Infrastructure Rev B (Urban Wilderness, December 2021);
- Illustrative Masterplan Rev B (Urban Wilderness, December 2021);
- Species Consultation Plan (FPCR, November 2021);



- Phase 1 Habitat Plan (FPCR, December 2021);
- Phase One Report (FPCR, December 2021);
- Breeding Bird Report (FPCR, November 2021);
- Riparian Mammal Survey Report (FPCR, December 2021);
- Great Crested Newt Survey (FPCR, December 2021);
- Hazel Dormouse Surveys (FPCR, December 2021);
- Reptile Report (FPCR, December 2021);
- Bat Report (FPCR, December 2021);
- Consultation Response (Chichester District Council (CDC), 2nd March 2022);
- Natural England Consultation Response (ref: 385069, 7th March 2022);
- Appendix 8.3 Bat Report (FPCR, August 2022);
- Appendix 8.4 Breeding Bird Report (FPCR, August 2022);
- Appendix 8.5 Great Crested Newt Surveys (FPCR, August 2022);
- Appendix 8.6 Hazel Dormouse Report (FPCR, August 2022);
- Appendix 8.8 Riparian Mammal Survey Report (FPCR, August 2022);
- Water Vole Survey Rebuttal Letter (FPCR, ref: 7338/Site A/Rebuttal EA, 16th August 2022);
- Addendum Letter (FPCR, ref: 7228, 16th August 2022);
- Letter Response (LRM Planning Limited, ref: KC/20.211, 18th August 2022).

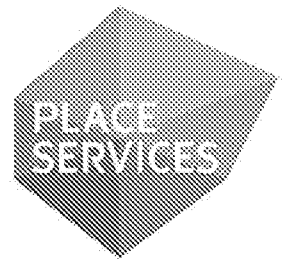
We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the latest versions of the Phase One Report, Bat Report, Breeding Bird Report, Riparian Mammal Survey Report, Reptile Report and Addendum Letter (ref: 7228) as outlined above should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats and breeding birds.

The Water Vole Survey Rebuttal Letter (FPCR, ref: 7338/Site A/Rebuttal EA, 16th August 2022) states that a Construction Ecological Management Plan: Biodiversity (CEMP: Biodiversity) and a Landscape and Ecological Management Plan (LEMP) will be produced, outlining Water Vole mitigation and enhancement measures. The LEMP and CEMP should also include details outlined within the Appendix 8.3 Bat Report (FPCR, August 2022), Appendix 8.4 Breeding Bird Report (FPCR, August 2022) and Reptile Report (FPCR, December 2021) and should be secured by a condition of any consent and implemented in full.

Appendix 8.3 Bat Report (FPCR, August 2022) recorded Barbastelle Bat (*Barbastella barbastellus*) multiple times during static detector surveys and transect surveys. Although the site lies outside the 12km wider conservation area for the Sussex bat SACs, this species is listed on Appendix II of the Bonn and Bern Conventions international agreements to which the UK is a signatory and mitigation measures are needed as these are a particularly light sensitive bat species. Furthermore, an existing bat box which is to be retained on site has been used by roosting Common Pipistrelles bats. Therefore,



as recommended within Appendix 8.3 Bat Report (FPCR, August 2022) lighting details should be outlined within a wildlife sensitive lighting plan to be secured by a condition of any consent.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. It is recommended that this could also include provision of integrated bat boxes, bat boxes on trees, integrated bird boxes, bird boxes on trees (of varying sizes), Hedgehog highways, reptile/amphibian refuges, insect hotels and native planting.

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

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED: ECOLOGICAL APPRAISAL RECOMMENDATIONS

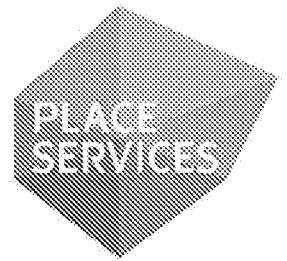
"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase 1 Habitat Plan (FPCR, December 2021), Reptile Report (FPCR, December 2021), Appendix 8.3 Bat Report (FPCR, August 2022), Appendix 8.4 Breeding Bird Report (FPCR, August 2022) and Appendix 8.8 Riparian Mammal Survey Report (FPCR, August 2022) as already submitted with the planning application 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).

2. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT OF ANY PHASE: 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).

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO SLAB LEVEL OF ANY PHASE: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

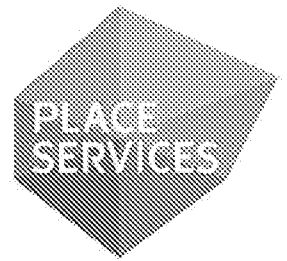
The content of the Biodiversity Enhancement Strategy shall include the following:

- 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 the s40 of the NERC Act 2006 (Priority habitats & species).

4. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION OF ANY PHASE: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN



“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

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)

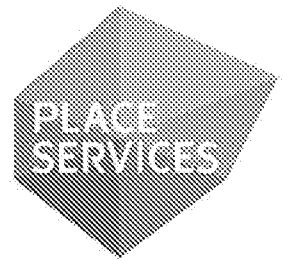
5. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“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)

Please contact us 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.