

28th 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 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: M/16/22/PL
Location: Middleton: Land South of Grevatts Lane/A259 Climping
Proposal: Laying out of an 18 hole 72 par golf course, a 9 hole golf course, practice greens and a driving range including a buggy compound; the formation of a new access onto the A259; construction of a club house with associated golf club facilities; the construction of a maintenance building and external area of hardstanding; the laying of parking, new roads and paths; new landscape planting; surface water drainage basins and water storage reservoirs; and other earth works and infrastructure. This application also lies within the parishes of Climping and Yapton, is a Departure from the Development Plan and affects a Public Right of Way. This application is subject to an Environmental Statement.

Dear David,

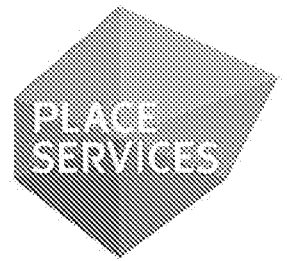
Thank you for consulting Place Services on the above outline application.

No objection subject to securing ecological mitigation and biodiversity enhancements

Summary

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

- Lighting Statement (RIDGE, January 2022);
- Illustrative Masterplan (European Golf Design, February 2022);
- Proposed Site Plan (European Golf Design, February 2022);



- Biodiversity Net Gain Report (FPCR, February 2022);
- Consultation Response (Chichester District Council (CDC), 2nd March 2022);
- Letter Response (LRM Planning Limited, ref: KC/20.211, 11th April 2022);
- Ecological Assessment – Site B (FPCR, August 2022);
- Appendix D: Badger Survey Report (FPCR, August 2022);
- Appendix E: Bat Report (FPCR, August 2022);
- Appendix F: Breeding Bird Survey Results (FPCR, August 2022);
- Appendix G: Winter Bird Survey Results (FPCR, August 2022);
- Appendix H: Great Crested Newt eDNA Survey Results (FPCR, August 2022).

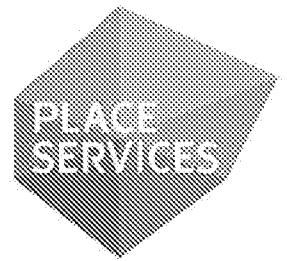
We are satisfied that there is sufficient ecological information available for determination of this application and recommend that details of mitigation & enhancement measures for Priority farmland birds, are secured by a condition of any consent to make this proposal acceptable.

There is insufficient information available to identify the likely impacts upon Priority Farmland birds, particularly Skylark (*Alauda arvensis*) which nest in arable fields and the breeding bird survey identified breeding ground Skylarks on site. Although mitigation during construction and new foraging opportunities have been recommended in the Ecological Assessment (FPCR, August 2022), mitigation for the loss of nesting habitat for ground-nesting birds has not been considered. With the reviewed document stating *“The existing arable habitats provide some breeding and/or foraging habitat for skylark, linnet, yellowhammer and meadow pipit. The proposals will see all the arable habitats removed and their loss will not be compensated for, however the number of such species were low and due to the context of the local landscape such species are not solely reliant on the habitats within the Site.”* Government [Standing Advice for wild birds](#) indicates that *“There should be a suitable amount of replacement habitat to compensate for the displacement”*. The surrounding habitats have not been surveyed and so it is not possible to say if the identified species are not reliant on the site’s habitats. The open habitats that are provided as part of the proposals are not equivalent to what will be lost.

As a result of breeding Skylarks having been identified on site, with no compensation proposed, Appendix F: Breeding Bird Survey Results (FPCR, August 2022), a bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Skylark are mitigated and compensated for. Any territories that are unable to be mitigated for on site should be compensated for offsite e.g. by the use of spring-sown regimes, retention of winter stubble, provision of set-aside or provision of Skylark plots in nearby arable crops (the amount of land which should accommodate the required number of displaced Skylark territories can be calculated using Harry Fox’s example, as provided in InPractice Magazine, **117** 47-51 (September 2022)). However, if suitable land is not available in the applicant’s control to be secured by a condition of any consent for a Farmland Bird Mitigation Strategy, then the compensation measures may be required to be secured via a legal agreement.

The mitigation measures identified in the Ecological Assessment – Site B (FPCR, August 2022) and the relevant appendices, 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, Badgers, breeding birds, riparian mammals and reptiles.

1 Fox, H. (September 2022). Blithe Spirit: Are Skylarks Being Overlooked in Impact Assessment?. In Practice. 117, pp.47-51



The document states that a Construction Ecological Management Plan: Biodiversity (CEMP: Biodiversity) and a Landscape and Ecological Management Plan (LEMP) will be produced, outlining specific mitigation and enhancement measures recommended within the Ecological Assessment – Site B (FPCR, August 2022). The LEMP and CEMP: Biodiversity should be secured by a condition of any consent and implemented in full.

The bat surveys 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. We have reviewed the Lighting Statement (RIDGE, January 2022), which states lighting will be restricted to the developed areas, around the clubhouse and does not include the provision of external lights which allow upward light spill. We are satisfied that the plans show no light spill on to areas where Barbastelle Bats were recorded. If the plans do include the illumination of the wider golf course, then the lighting details will need to 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 boxes, 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.

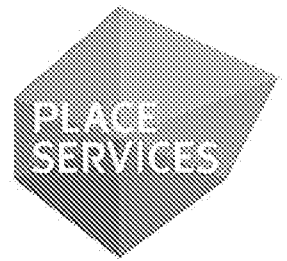
We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment – Site B (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. PRIOR TO COMMENCEMENT OF ANY PHASE: FARMLAND BIRD MITIGATION STRATEGY

"A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This may include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement.

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure(s)*
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';*
- c) locations of the compensation measures by appropriate maps and/or plans;*
- d) persons responsible for implementing the compensation measure.*

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years."

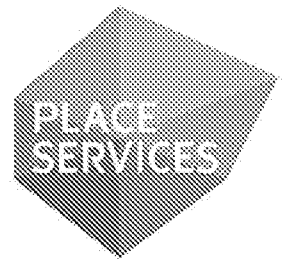
Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species)

3. 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).

4. PRIOR TO ANY WORKS 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) persons responsible for implementing the enhancement measures;*
- e) 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).

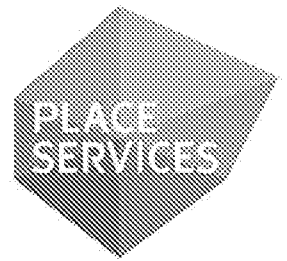
5. PRIOR TO BENEFICIAL USE: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior beneficial use of the development [or specified phase of 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)

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.